

EDITORIALS.

THE PROFLIGATE'S END.

THE telegraph announces the hanging of John P. Phair on the 10th inst., at Windsor, Vermont, for the murder of Mrs. Ann E. Frieze. This case presents some peculiar features. On the 9th of June, 1874, Mrs. Frieze, a woman of bad character, was found in her house, in Rutland, with her throat cut. The house was on fire, and it was supposed that the murderer had committed arson in order to cover up the greater crime.

John P. Phair, who was known to be a frequent visitor to the murdered woman, was arrested on suspicion, as he had been seen at her house a day or two before the murder, and at the trial pretty strong circumstantial evidence was produced against him. Some of Mrs. Frieze's property was pledged at a pawnbroker's, and Phair was sworn to as the man who pawned it. Phair had two trials, resulting in his conviction and sentence to be hung last spring. He wrote a dying speech, which he furnished to some of the newspapers. The Boston *Globe* printed the declaration on the morning of the day on which the execution was to take place at noon. In the statement, Phair denied the crime, declared he was in Providence at the time it occurred, spoke of circumstances that transpired there, described the houses he visited and the persons he saw. Unfortunately for him, improvements in the town had caused the removal of the buildings described, and rendered the discovery of the persons who could perhaps have corroborated his story, impossible.

But a commercial traveler named Marshall D. Downing, while reading the "dying speech," remembered conversing with a man on the train coming from Providence, on the very day of the murder, who made use of the same expressions as referred to in the declaration. He became convinced that Phair was the man, and was therefore innocent. After a great deal of difficulty, a telegram was forwarded to the Governor of Vermont, who was from home, and a respite was obtained just in the very nick of time.

Owing to some technicalities of the law, Phair's case could not be re-investigated until new legislation was enacted. The needed law was passed last November, and a hearing for a new trial was had. The *alibi* was fully tested.

The deposition of Marshall D. Downing, dealer in "novelties," in Boston, set forth that he saw the account in the *Globe* on the morning of the day fixed for Phair's execution. On reading the narrative, he remembered that he had met a man on the train from Providence who gave the same account of himself as Phair had done in this statement. He recalled that this man had said to him that he was from Rutland, that he had worked in a machine shop there, and had gone to Providence in search of work. Turning his memorandum back, he further found that he (Downing) had made his trip to and from Providence on the very day mentioned by Phair and on the train. Mr. Downing's description of the man whom he saw on the train and with whom he conversed was a pretty good description of Phair himself. He did not remember having read anything about the Phair case until the morning when he saw the statement in the *Globe*. His testimony he declared to be wholly unsolicited, and given without previous consultation with any person connected with the *Globe* or with any other person whatever. In his ride from Providence he endeavored to induce Phair to take an agency, on commission, to sell his (Downing's) goods, but unsuccessfully.

M. C. Perry, the attorney for John P. Phair, made affidavit that Phair, after his arrest, gave a full statement to him of all that he did from the time he left Rutland until his return; that, coming from Providence to Boston, he met a man on the train, who sat in the same seat, and was very talkative.

This man said he came originally from Vermont, and that his business was that of a dealer in novelties and toys. He had no acquaintance with Downing. This statement from Phair, thus describing Downing's business as narrated by himself, was regarded as most important corroborating the theory that he (Phair) met Downing on the train.

Colonel Charles H. Taylor, the manager of the Boston *Globe*, made affidavit corroborating Downing's testimony. He declared that Phair's statement was brought to the office by E. C. Carrigan, who offered it for publication on the condition that it should not be printed until the morning after the execution. The reason why the statement was published on the morning of Friday, the day of execution, was given: Phair consenting to this because the *Globe* that morning would not reach Vermont until 2 o'clock. After the statement was published the matter was dismissed from mind, and the witness was attending to business of various kinds, when about 11 o'clock he met a man very much excited, who said his name was M. D. Downing, whom he did not know. Downing told witness his story, and finally, at his advice, Downing went to the telegraph office and sent a message to Governor Fairbanks, of Vermont.

Several witnesses from Providence, R. I., gave testimony corroborating statements made by Phair as to the place where he stopped in that city, and circumstances connected with his visit. Other new evidence was presented tending to raise doubt in regard to his guilt, and held to be sufficiently important to entitle the prisoner to a new trial. Several other affidavits were presented, of minor importance, tending to substantiate the points previously made by the defence.

After argument—the State being represented by ex-Governor Stewart and State's Attorney Lawrence and E. J. Ormsbee, and the petitioner by Colonel Veazie, E. B. Eddy and S. J. McCall, the Court immediately took the case under advisement and decided to deny the petition.

Yesterday the prisoner suffered the full penalty of the law, after all the changing prospects, the hopes and fears, the sudden salvation from the hangman's grasp and the incarceration in prison and suspense for nearly five years. Guilty or not guilty of the greater crime, John P. Phair consorted with a corrupt and impure woman, and this led to his downfall. His case should prove a warning to young men when tempted to acts of folly and sin. He followed the "strange woman," and found, as Solomon of old declared, that "her house was the way to hell, going down to the chambers of death."

NEW LAND DISTRICT.

FROM the following it will be seen that a new land district has been established, which will be a great convenience to the people of Southern Idaho. The location of the office at Oxford is eminently proper, as that is near the centre of Oneida County, in the heart of its most populous portion, and but a short distance from the Utah and Northern Railroad. Oxford is quite likely to be the county seat of Oneida, for Malad City is far too much on one side of the county, and quite difficult of access to the people in the northern and eastern parts. Either a new county will have to be organized or the county seat will have to be changed. The location of the land office at Oxford will give new importance to the place, as it will bring in a large number of visitors from the mining districts of Salmon River, and the agricultural regions in its own vicinity. The selection is a good one.

By Act of Congress approved February 4, 1879, it is provided that all that portion of the Territory of Idaho described and bounded as follows, namely: Commencing at the southeastern corner of said Territory; thence running west on the line between said Territory and the Territory of Utah to the line between ranges numbered twenty-three and twenty-four east, Boise meridian; thence north to the southern boundary of Lemhi county; thence west to the western line of said Lemhi county; thence

north on said western line of said county to the line between the Territories of Idaho and Montana; thence easterly on said territorial line to the eastern boundary of the Territory of Idaho; thence south on the line of the eastern boundary of Idaho Territory, to the place of beginning, shall constitute a separate land district, to be called the Oneida Land District, the office of which shall be located at Oxford, in Oneida county.

Section 3 of the act provides, that all persons in said district who, prior to the opening of said Oneida land office, shall have filed their declaratory statements or applications for pre-emption, homestead or other land rights in any land office in said Territory of Idaho, shall hereafter make proofs and entries at said Oneida land office; and all unfinished business in any other land office relating to lands in said Oneida land district, shall be transferred to the land office to said district, when notified by the officers of the opening thereof.

The Register and Receiver of the district will give notice by publication of the date when their office will be opened for the transaction of business.

Given under my hand at the City of Washington, this twelfth day of March, A. D. 1879.

By the President:

J. A. WILLIAMSON,
Commissioner General Land Office.

"CHRISTIAN RECONSTRUCTION."

A PERSON by the name of McNiece, who claims and uses the title of "Rev.," has been lecturing in this city on the subject of "Christian Reconstruction in Utah." He has delivered two discourses, taking for his text the following remarks made by Nehemiah when giving an account of his labors in rebuilding Jerusalem:

"But it came to pass when Sanballat heard that we build the wall, he was wroth and took great indignation, and mocked the Jews. And he spake before his brethren and the army of Samaria, and said, What do these feeble Jews? Will they fortify themselves? Will they sacrifice? Will they make an end in a day? Will they revive the stones out of the heaps of rubbish which are burned? Now, Tobiah, the Ammonite, was by him, and he said, Even that which they build, it a fox go up, he shall even break down their stone wall."—Nehemiah iv. 1 and 3 verses.

The lecturer made this the foundation for a violent attack upon the people of Utah and their religious system. He was singularly unfortunate in his choice of a text. The parallel is entirely against his position. He comes here to break down that which the Latter-day Saints have built up; to destroy what they have created. The religious and social system established here is the original form of the Territory. He and his "Christian" confederates come not as restorers, but as destructionists. The "Mormons" represent the builders, they are engaged in re-establishing the ancient order, they are re-constructing the primitive Christian church, and McNiece stands for the fox whom the Presbyterian Tobiah has sent up to break down our stone wall. But he is not the first of his genus who has found that the wall of "Mormonism" is impregnable; others have learned that it is impervious to scratching and undermining, and that those who run their heads against it only accomplish their own destruction.

The lecturer says:

"History seems to show that no reform, however important and worthy, was ever inaugurated without arousing intense opposition, and it is quite natural that it should. For reform means both revolution and restriction, and hence comes in contact with two powerful classes: First, the unprogressive, moss-covered conservatives, who never learn anything, and who are always sighing for the good old days of their great-grandfathers; and secondly, the natural enemies of all truth and righteousness, especially the avaricious ones, who are anxious to have old abuses undisturbed in order that they may have opportunity to make merchandise of wrong."

Exactly. History has repeated

itself in our times and in our case. The reforms which we are introducing into the world have indeed aroused "intense opposition," and, among none of the "enemies of truth and righteousness," to greater vindictiveness and more murderous hostility than the class which is represented by such persons as McNiece, who fear the disturbance of the "old abuses" existing in their sectarian societies, and of their settled opportunities for making merchandise of the souls of men.

This man comes here as a hireling, with a settled stipend, to work in the interest of our "avaricious enemies," and the discourses to which we have alluded have been delivered for outside effect. The impressions intended to be made are for people at a distance, that they may be induced to bestow money upon him and his associates laboring, as he would have them believe, in the midst of danger, barbarism and bondage. That persons of his class have the hardihood and impudence to stand up in Salt Lake City and make assertions like the following, in a place where everybody knows that his statements are utterly untrue, is evidence at once of their shameless mendacity and of the toleration and patience of the people whom they vilify and abuse. Says he:

"As things now are, three-fourths of the people in Utah dare not think, speak and act for themselves from fear of a priesthood as bigoted, despotic and cruel as that which once ground unfortunate Scotland beneath its oppressive heel, and found ecclesiastical diversion in roasting alleged heretics in the fires of Smithfield. * * *

So far is this priestly despotism carried that in most of the towns in this Territory, the people dare not go out on the Sabbath, in the day time, to hear the Bible expounded and the gospel of Christ preached. They dare not go out until the shadows of nightfall, so that they may be better protected from priestly espionage."

We are not surprised when we read of such falsehoods being told from the pulpit and the platform in the East, the field from which such persons as the lecturer draw their support and supplies. We are accustomed to such reports, as they form the dust which they throw in the eyes of people abroad while they wheedle the cash out of their pockets. But a man who can publicly assert such things here, where even those who, because of their hatred to our cause will applaud him, know as well as we do that there is not a syllable of truth in either paragraph, must have the most profound contempt for facts as well as consequences.

The people who have come to this Territory from various portions of the Old World and the New in obedience to their religious convictions, have escaped from just such thralldom and bondage as he falsely states exist in our settlements. When "Mormonism," as it is called, was presented to them, persons of his class, after failing by misrepresentation and sophistry to refute its truths and blind them to its merits, undertook to coerce them by the exercise of priestly authority, and by attempting to deprive numbers of them of their daily subsistence. How many of the Latter-day Saints have been turned away from their employment at the suggestion or importunities of Christian preachers, who have prevailed upon farmers, mill-owners, factory proprietors and others, not to have a "Mormon" upon their premises? Christian priests have aroused popular prejudice and invoked oppression and tyranny wherever they could against the "Mormons," who dared to differ from them on religious matters, and who, instead of being ignorant of orthodox Christianity, as McNiece intimates, were able to confound the divines of the day, with the simple principles of the "Mormon" gospel supported by quotations from the Holy Scriptures. Who provoked and incited the mobs that drove the Saints from their homes in various counties of Missouri, burned their property, shot down their stock, and killed men, women and children? Christian priests; Presbyterians, Methodists, Baptists, &c.

The Latter-day Saints left their native lands, among other reasons, that they might come to a country where they could be free to practise their religion unmolested by such persons as this mendacious lecturer. And there are no people on the face

of God's earth who are freer to obey or disobey, to receive or reject, to worship or not worship as they may themselves, elect than the people whom he declares are in bondage. Not only are the "Mormons" at perfect liberty in these matters, but even their maligners and bitter assailants are entirely unrestricted in their religious and civil rights. They are free to lie, as is proven by the lecture from which we have quoted. They are free to publish their libels and defamatory harangues. They are free to build their churches and school-houses, and have received pecuniary assistance so to do from some of the very men whom they now assail with their falsehood. They are free to ridicule and hurl opprobrious epithets at things which the great majority of the people here regard as sacred and divine. But they cannot control and manage us nor our affairs. They cannot put their hands into our pockets. They cannot lay hold upon our municipal, county and territorial treasures. They cannot turn the people to their support. They cannot raise up mobs to drive us again from our homes. They cannot force us, as in times past, away from the polls at elections. They cannot, though they have tried with all their might, bring down the arm of the civil government in vengeance upon our heads. That day has gone by. So far as this Territory is concerned we have the balance of power, and by God's help we mean to retain it. But we will not use it for their injury. Lie as they may, scatter their libels abroad as they may; blaspheme against our holy and cherished institutions as they may; God forbid that we should ever act towards them as they have towards us. We claim perfect religious liberty for ourselves, we will never deny it to others. But for all that, we look upon the miserable hirelings who, in spite and anger, fulminate their "Christian" diatribes against our leaders and our institutions, with the utmost loathing and contempt and will warn the people against them as wolves in sheep's clothing, or as "foxes" who seek to "break down our stone wall" or cunningly climb over to ensnare the lambs of the flock. We shall have more to say about the lectures on "Christian Reconstruction."

THE GRAND JURY ADDRESS.

WE publish, in this issue, an address by the grand jury recently dismissed by Judge Schaeffer on the strength of a press report that his successor had been nominated by the President. The nominee has not yet been confirmed by the Senate, and at present it looks very doubtful whether the appointment will be sustained. This places the Judge in a very peculiar position and gives his enemies just grounds for censure and ridicule.

The grand jury enlarge upon a variety of subjects in their address, undertake to instruct legislators as well as municipal and county officials, enter into dissertations on the scientific treatment of the insane, the management of what they call the "hoodlum element," the punishment and reformation of tramps, and a variety of other subjects. Grand juries, latterly, seem to imagine themselves possessed of extraordinary power and privileges, and each body, copying the style of its predecessor, branches out into the treatment of questions entirely foreign to the duties assigned to them by the law.

The Poland bill imposed upon them the duty of inquiring into the condition and management of public prisons, and the wilful, corrupt misconduct in office of public officers of every description within the district, and also gave them free access to the public records. But this does not make it necessary for them to write essays upon various topics, nor open the way for them to ventilate their private views upon public matters.

The address we publish, however, is not an official document, as it was not reported to the Court. It is only a newspaper article and, therefore, entitled to little more consideration than a letter from a number of private citizens. We notice one point in it that ought to be noted; that is, that former grand juries, while anxious to make out