

The Deseret Weekly.

PUBLISHED BY

THE DESERET NEWS COMPANY.

SALT LAKE CITY, UTAH.

SUBSCRIPTION PRICE:

Per Year, of Fifty-two Numbers, . . . \$2.50.

Per Volume, of Twenty-six Numbers, . . . 1.50.
IN ADVANCE.

CHARLES W. PENROSE, . . . EDITOR.

Saturday, . . . February 23, 1889.

A CONSISTENT STAND.

THE argument made Feb. 12 by United States District Attorney Hobson, of Colorado, in behalf of the Government, before the Supreme Court of the Territory, in the Church case, created a profound sensation. To those who are in favor of consistency and fair dealing it must have afforded much satisfaction. Perhaps this gratification would be derived more from the prevailing sentiment than the matter of the speech, although both were decidedly good.

The idea which permeated his enunciations indicated that the government did not view with favor the taking, by doubtful legislative process, "a large amount of property from a church." This is made perfectly clear when it is considered that Mr. Hobson not only represented the department of justice of the government, but set forth its views, his statement on the subject being to that effect. Expressed in so many words, the government says, through Mr. Hobson, "We do not propose to allow, so far as we are concerned, any pronounced or ultra proceedings against the defendant until we know we are right. This government has not gone into the business of robbery, and does not propose to permit it so far as it can be prevented."

This is in harmony with the genius of the compromise that was made, that the whole subject might be brought at the earliest practicable date before the Supreme Court of the United States—that it might be decided by that tribunal whether any part of the operation against the property of the defendant is legal. The spirit indicated by the department is beyond question. As we have before stated, there should be, pending the final adjudication of the matter, practically a cessation of hostilities against those whose property has been taken under a law which invades a natural and consequently constitutional right—a right that never was conferred, neither can it be, because it is in-

herent. That right is that no citizen, or class of people, shall be deprived of property except by due process of law, by the operation of legal enactments which bear equally upon all classes of citizens, without distinction.

Judging from the whole tenor of Mr. Hobson's argument, it would appear to be seriously doubted that the Supreme Court of the United States will sustain a law of the nature of the one which is directly aimed at one class of citizens, and therefore belongs to the department of class legislation. Enactments of that kind cannot be permitted to remain upon the statute books of our nation without endangering the very existence of our institutions. When the rights of one portion of the citizens are ruthlessly threatened by one-sided legislation, the rights of the whole are thereby jeopardized, the general safety of the people being imperilled.

There is one point that should be specially remembered by those who are clamoring for the seizure of every scrap and particle of property alleged to belong to the defendant. While they are laying "the flattering unction to their souls" that they are simply robbing the "Mormon" people because they appear to be helpless, it may transpire before this affair is done with that they have placed themselves in the role of despoilers of the national treasury. While they may anticipate perpetrating a wrong of that kind against an unpopular people, they may discover that they have reckoned without their host if they fall into the hands of the government.

This point is plainly set forth by the injunction pronounced by Mr. Hobson regarding the care that should be exhibited in holding sacred the body of the fund in the hands of the receiver, and meeting contingent expenses with the proceeds arising from its being in his possession.

We have already shown the necessity for this, and manifested the fact beyond the possibility of successful contradiction that encroachments upon the property are without the authority of law or of right. Hence we have taken exceptions to the action of the Supreme Court of this Territory in setting apart or appropriating from that fund \$500 for the payment of witnesses called together to give testimony in the unseemly side-show scramble that has been inaugurated in connection with this case by those who have evinced a disposition which indi-

cates that if they had the opportunity of doing so they would make the spoliation of this people complete, even if it should reduce them to penury.

We repeat what we have heretofore stated in this particular, that such a disposition to grab and despoil has never been associated with or displayed in any legal proceedings in any civilized country under heaven in modern times, and all those who have taken part in it as against those whom they esteemed defenseless, will in consequence carry upon them the brand of everlasting shame and disgrace. It is a species of dishonesty and tyranny that is utterly without excuse. It evinces this fact—that if these characters should obtain the consummation of their desires, by having the reins of local government fully in their grasp, they would bring about a condition of things in this Territory that no people having a spark of independence of character in them would endure for any length of time. They would become the victims of wrong, of tyranny, and of oppression the like of which would have no parallel in the history of this country; and nothing that even the colonists had to undergo under the reign of a British monarch, and against which the fathers of our nation arose in revolution, would equal it. This people, it will yet be discovered, are too brave, independent, and determined ever to submit to such a condition of things. Those who would inaugurate it imagine probably that as they have done in the past so they could in the future, to a more aggravated extent, carry on their villainy with impunity under an incubus of falsehood, with which they have covered the country, against an innocent people, and caused them to be unpopular.

As sure as the principle of justice is eternal and finally claims its own, although at times slow in its operations, it will overtake tyrants, oppressors and thieves, and they will be relegated to the sphere to which by their groveling and detestable instincts they properly belong. These are the individuals against whom the majority of the people of Utah have strong reasons to complain; and, in their behalf, we propose to vindicate truth and justice, and to protest against wrong, oppression and dishonesty, so long as we can lift a voice or wield a pen.

Contend against no church, save it be the church of the devil.—Doc. & Cov.