

EDITORIALS.

THE GRAND JURY MATTER.

To again refer to the high-handed and unprecedented action of Judge Zane in peremptorily dismissing three of the grand jury and substituting others to his liking, will not, we trust, be looked upon as harping or stirring up a settled issue. The importance of the subject, its far-reaching possibilities, and the fact that no steps have been taken to test the matter in the courts, cause it to be not merely a proper subject for discussion, but make it imperative with the press as the people's arbiter to thoroughly ventilate the transaction, that whatever is evil in itself or its consequences may be understood and to some extent guarded against. The fact that after the grand jury has been reconstructed upon a basis satisfactory to the Judge and his associates of the prosecution, the indictments sought were still not found, makes no difference except to the persons against whom the departure was immediately aimed; there is a principle at stake, a question to be settled—the question and principle being whether or not the citizen is completely at the mercy of the judiciary, with no restraint of law and no protection in practice, the exact position in which he would be placed if the action of the Third District Judge on the occasion referred to is good law and sound policy.

It will not do to treat the subject in the light of immediate results; it is not what is accomplished but what may be under such a system that constitutes the gravity of the situation. It at once passed outside the pale of secrecy and became the property of the public, that two or three men whose sentences were about to expire, and who expected their release from the penitentiary, were the objective point of the proceeding, the determination being to hold them by means of new indictments for the same offense then nearly expiated, so that the punishment might have been made continuous, or nearly so; but there were enough of the members of the grand jury to constitute a respectable opposition to a scheme so revolutionary and subversive, and to compass the object sought, these recalcitrants must go; the assistant prosecuting attorney could not dismiss them, but his chief of staff could and would if appealed to, and this the former officer must in the very nature of things have known perfectly well beforehand—not, perhaps, by any promise made in so many words or at all, but by a comparison of what had been done with what remained to be done. At all events, as the sequel shows, he proceeded upon sure ground, for his complaint against the three obstructionists was no sooner made than acted upon, and the panel were summoned to the presence without delay. A brief "examination" was engaged in, and at its conclusion his honor said to the trio as plainly as other words could be made to say it—"Gentlemen, you are not wanted. The prosecutor in these cases wanted to keep some men in the penitentiary who would soon be at liberty, and you refused to aid and abet him, by not voting for re-indictment, although I instructed you plainly enough that you could do so. You have no right to construe the law, and your refusal to find the desired indictments shows that you persist in doing it. The will of the District Attorney when endorsed by this Court is all you require for any purpose, and when you refuse to abrogate your independence as grand jurors of this District at their behest—which you do when you ignore a request made by either of them—you show that you are unfit to sit on any jury. You can go." And they went.

Then again came Mr. McKay, who has the advantage of holding two positions—one enabling him to bind over to the grand jury, and the other permitting him to appear before that body and instruct them to indict persons so held—with an array of authorities ponderous as to bulk and full of what he most needs generally, but singularly and particularly inapplicable to the matter in hand; he wanted the gap made in the ranks of the inquisitors filled by means of the favorite and convenient open venire, and must have bored even the Court when he proceeded to read section after section of his "law" to show how justifiable such a proceeding would be; he would have got just what he asked for without the citations at all before Judge Zane, and before any other judge they would not have advanced the points sought by McKay, for they were no more applicable than the Songs of Solomon would have been, not reaching, let alone covering, the question presented. They mainly went to show that when a jury panel was to be filled and the regular lists were exhausted, the open venire plan could be resorted to for that purpose. There was not a line, not a word, about a grand jury, nor a syllable in justification of such a scheme as its dismemberment, reconstruction and discipline—but the order was issued without hesitation and made returnable without delay. Three "suitable persons" were selected and immediately installed as *de facto* grand jurors, and it was then a justifiable supposition that the machinery would work smoothly and grind out its

regular grist of indictments; but, strange as it may appear, the engineers of the concern were again doomed to disappointment; the substituted pieces didn't fit, and the mechanism is more completely out of gear than previously. "What will they do about it now?" is the question; what new expedient, or what new application of an old expedient, can be utilized to help them out of the dilemma? Having gone so far in the direction of reducing the grand jurors to the position of automatons in the hands of the prosecution, what is there to prevent a complete job being made of it? Why not disband them in toto, and obtain a full and completely new panel by means of another draft on the rabble?—and if these would not do as they were bidden, "ship" them also and try it again, and so on till a lot were herded in who might not have sense enough to know whether they were officers of the Third Judicial District, as powerful and independent within their sphere as is the Judge himself within his, or whether they are so many creatures having the outward form and semblance of men, but dependent entirely upon other sources for brains. When the District Attorney can get such a panel as that, we guarantee him in advance satisfactory work at all reasonable hours, with friction of whatever nature reduced to the least possible quantity, and never an occasion for telling them in mournful accents that they "have done very wrong."

Certainly, if the Third District Court, or any court, has the inherent power to revise and rearrange a grand jury for refusal to indict, or for that matter at all, it can go as far as what is suggested above. But the possession of that right has not been made sufficiently apparent. It looks, in fact, very much like disregarding inherent or legal rights, and resorting to expedient methods of accomplishing desired ends; and if judges and other officers are not restrained by what is found on record or do not act upon some great and immediate public necessity, how are we to know where liberty leaves off and tyranny begins? One wrong paves the way for another; one stone taken from the temple of justice unsettles the whole structure.

But, in affirmative opposition to Judge Zane's attitude on the question discussed, there is an abundance of law, written and unwritten. We need not refer to the sanctity and ceremony with which such potent factors in a commonwealth as the grand jury were surrounded in the early days, and how the superstitious reverence of semi-civilized times has slowly faded away with the approach of a fuller enlightenment, supplanting devotion with respect and fear with a proper regard. The Saxons, with whom the system is supposed to have originated, selected a few able men with great care and invested them with all the authority and dignity such a place was susceptible of; as time advanced and men became better informed, the crude practices of the Saxons were set aside and the idea itself preserved for embodiment into a system, which has been improved from time to time, but not so changed as to take from public inquisitors one jot or tittle of their dignity and power. There is not a civilized and enlightened nation on the globe, not a State in the Union, that does not uphold and protect this condition of things. And then, coming down to our own Territory and referring to the enactments in that regard by the supreme law-making power—Congress—we find, after prescribing how, when and by whom the grand jury shall be drawn, that it reads:—"And the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term in all cases." The fact that the Supreme Court has justified Judge Zane in resorting to an open venire to fill a jury when the regular list is exhausted, cannot be construed as an authorization to fill a panel which has previously been depleted by himself, more particularly when it is expressly provided that they are to be the grand jury for the term and in all cases whatsoever. Then what right had another body to assume the functions invested by law exclusively in the original one? And what right had the Court to make up the second jury when the statute requires him to recognize the first in every instance for the whole of the term? Certainly either the law itself or he who sits in judgment in the Third District Court is wrong; and it is safer, better and wiser to conclude that it is not the former.

[COMMUNICATED.]

ANTI-"MORMON" ARGUMENTS.

WHEN the Latter-day Saints are requested by the anti-"Mormon" press, to pause and consider as to their course, in the retention of plural marriage as a doctrine and practice, the arguments advanced as reasons why this principle should be abandoned, are of such a character, that they almost invariably appeal to some weakness of humanity rather than to man's higher and nobler instincts.

The most powerful of these arguments, if such they may be termed, is that which works upon the fears of individuals. The determination of the Government to "put down polygamy" is pointed to as a very strong reason. The influence of

"55,000,000 of people" is held up as an exceedingly terrorizing cause for the desertion of a cardinal doctrine of our faith. The will of the majority is cited to prove that the faith of the minority is wrong. The "squeezing" process in the courts is referred to as an almost invincible argument why our religion should be surrendered piecemeal. And the flat "polygamy much," echoed by nearly every petty politician, is held to be as sacred as though uttered from Sinai itself. Force and not reason seems to be the lever that is expected to move the hearts of the "Mormon" people. Crushing is substituted for conversion by the persecutive apostles of modern "civilization."

How, in the light of religious history, sensible and educated men can so far forget themselves as to suppose that a people who have already sacrificed so much for their religion, can be cowed in any material degree by threats of evident punishment, we are at a loss to discern. Long before the principle of plural marriage was publicly preached, or even generally known in the Church, the Latter-day Saints suffered mobbing, martyrdoms and spoliation. Imprisonment was one of the mildest forms of persecution inflicted. Men were at times kept in dungeons many months in succession waiting for trial on trumped up charges, and weak women wandered through trackless forests, for that faith "which was once delivered to the Saints." Untimely graves mark the wanderings of this people, as they made their forced marches from the frontiers of American civilization, into the unknown wilderness. The same "arguments" were used then as now. Force, violence, persecution and death threatened but did not convince them. Grey-headed sires who had defended American rights and liberties, sank exhausted on their weary way. Delicate young children were buried by the roadside, and their sorrowing survivors, in gazing upon these solemn spectacles, read their own probable fate, unless the God in whom they trusted should make bare His arm in defense of innocence and integrity. Hundreds of miles were traversed in poverty, by a people who could have lived in luxury in their eastern homes, had they been willing to deny their God and forfeit their privileges in the Gospel. They might have renounced the principles entrusted to them, and been received among the vast throng that opposed their faith. But while this course doubtless seemed a secure and sensible one to the non-believer, it was regarded as the very lowest and most contemptible kind of treachery by those to whom the truth had been revealed from heaven. Their nobility consisted in suffering every indignity that the wicked could devise, rather than yield even a seeming acquiescence in such outrageous persecution. The principle of religious liberty has always been too precious to the Latter-day Saints, to admit of the slightest surrender of it, under any pretext whatever. And add to this the unmovable conviction that their religion is divine, it is not to be wondered at that such a people would cling to their belief and to God, knowing that He recognizes such sterling worth, and has always wrought out deliverance for His people when the divine object of any given trial has been obtained.

It must be plain to every thinking person, on calm reflection, that the weapons used from the beginning to overthrow the Church, have been the least calculated to effect its destruction. And this would be correct whether the religion of the Saints were true or false. Unkindness, oppression, unreasoning prejudice, and persecutive measures—all have a tendency to drive their victims, even when they are mere fanatics, into a united defense. It is natural for people to cling tenaciously to those ideas which are attacked by such means. A man who has the hatred of another simply because he holds to a belief that is, in his opinion, incontrovertible, is not likely to yield it up under the pressure of his hater's persecution. True, he may be slain in the conflict, but he dies honest in his belief, and he feels that his martyrdom will cement the cause for which he has heroically fallen.

While on the other hand, remove the pressure, let kindness and humanity prevail, let the cold winds of persecution cease, and the genial rays of a prosperous sun shine upon him, and he is apt to relax much of that firm grip on his religious faith, which adversity and opposition had only fixed and tightened. Hence, except in a few cases, the greatest apostasies have occurred in days of the Church's prosperity, and among those who were in prosperous circumstances.

It is quite possible however, we believe, that some who claim to be Saints are hypocrites at heart, and only await the convenient hour, to depart from their posts, and join the enemy. The Church has in all ages received some within its sacred portals, who were not worthy of the Gospel. And it is doubtless in order that the religious body may be purified of such, that circumstances are so moulded as to provide for their excommunication. We regret their folly for their own sakes, but at the same time we consider that the road of egress should always be kept open for the deserter. He is of no particular advantage to any party or cause. To use the expression of a certain patriotic writer "the deserter is like an empty scabbard, an encumbrance to whatever side he may be attached." When once the "sword of the Spirit" has been per-

manently withdrawn from a Latter-day Saint, his usefulness is comparatively at an end, and like a sheath after the weapon has been lost, is only fit to be cast away.

But to suppose for an instant, that the body of the Church, comprising as it does the most intelligent analytical believers in divine truth, who have faced the powerful religious foe, not only in this, but also in foreign lands, and whose faith is founded on direct and in many instances individual revelation—to suppose, we say, that they will surrender that faith under a pressure less than a sincere conviction of the heart, is to betray an utter ignorance of human nature, let alone of the history of universal Christian man.

We utter these thoughts without the slightest disposition to defy the powers that be. We realize that the force of this great Government has been invoked against an apparently defenseless people, who already suffered much, and are passing through trial every day. But as far as the great majority are concerned, it is only a trial of feeling, and not in any sense a trial of faith. It may be a cause of regret that the requirements of heaven have been distasteful to so many of our countrymen that they have seen fit to invoke suppressive legislation against our obedience thereto, but as Saint Peter told the Jewish Sanhedrim "We should obey God rather than man." And if this course brings us individual sorrow, or collective adversity, we can but look for protection and reward to that great and powerful God who has given us His eternal promise that "He will fight the battles of His people."

We are not here of our own accord. It is not our desire to seek out doctrines which are opposed by the many, on which to found our faith. But we are not responsible for what God has revealed, nor that it is repugnant to the age in which we live. And whatever may be the additional sorrows to which we must humbly submit, we can see but one duty plain before us, and that is to obey and inculcate the behests of the Almighty, as He shall give us strength and opportunity.

THE ALARM.

This is the title of a journal published in the interest of the working classes, hailing from Chicago. Its motto is—"Workingmen of all countries, unite." It has a decidedly communistic tone, and openly avows its object to be that of organizing all the laborers in this and other countries under the flag of the Internationals—a body having its nucleus in France, Belgium and Switzerland, but with radiating points everywhere, and but one degree removed from communism itself; indeed it has been claimed, and with good reason, that under different names they are the same thing. The manner in which such societies organize and carry on their work, together with anything they have so far accomplished, make the title of the paper to which we refer suggestive and appropriate, for banded organizations of that kind create more alarm than they do good. The absorbing grasp of capital and the greedy soul of the capitalist are themselves provocative of the alarm, but the history of the world has amply shown that nothing is to be gained by violence when the power combatted is plutocracy; it is too strongly entrenched behind the tolerance of ages, and too closely defended by the usage of every civilized nation, to admit of its being dislodged by anything short of anarchy, and for the workingmen to precipitate that condition of things would be to imitate Samson—remove the pillars and be buried in the ruins.

On Wednesday night, at an obscure point in this city, two representatives of the "I. W. A." (Independent Workmen's Association) held forth to a small audience in advocacy of their cause. The substance, a great deal of the text and all the points of the speaker's remarks have already been presented in the NEWS, to which report the reader is referred. It is a noteworthy fact that a great portion of the assemblage was composed of loafers and saloon hangers-on; some cheap claquers supplied the mechanical enthusiasm for the occasion, and there was no other kind to be seen, heard or felt. It would be unjust to say that no good points were made—it would be untrue, in fact; a sentence here and there arose above its surroundings and glittered like a will-o-the-wisp in a bog, but it was about as substantial so far as enlightenment or direction were concerned. It being shown that the poor were getting poorer and the rich richer every year, the subject was dropped and no legitimate remedy suggested; the wealthy lived in idleness, while the poor earned their bread by the sweat of their brow, and paid tribute to the lordly element besides—but how to remedy such a state of affairs is as much a mystery now as it was before the oratorical cadence was waited upon the chill evening air; the condition of the United States was a perpetual panic, but no temporary panacea appears; wages were low, employment in some instances hard to get, and armies of tramps swarmed over the land, but rhetoric here, as elsewhere, has signally fallen short of an improvement—and, altogether, it looks as if we would have to plod along under the systems in vogue for some time to come, undoubtedly so if

our sole dependence is placed upon agitators and alarmists. The only public object these gentry were ever known to accomplish was an outbreak, which generally proved a cup of chalice returned to their own lips and killed off a lot of them, leaving society more or less unsettled for a time, but gradually getting back into its former grooves and making the condition of those who provoked the outburst more miserable than before.

Order is heaven's first law, and to have order we must have government. The government may be bad, full of defects, swarming with vile men and honeycombed with fraud from centre to periphery; still it is better than none, infinitely better. The human animal, in the absence of moral and religious restraint, is uncontrollable and dangerous. Left to himself, with no organization, no political status, no religious restraints, no ruler and no law, he would soon sink beneath the beasts of the field, for his native intellect would be used to further the gratification of his purely animal appetite. There would be no schools, no churches, no newspapers, no enterprises, no anything that is now so desirable, because all thoughts, aims and ends would be based upon the enforced equalization of society, and the acquisition of that which gives bestial comfort at the expense of mental and moral cultivation.

"Down with the rich and up with the poor," is a war cry that is musical only to the most ignorant and therefore most dangerous classes of people, people who in the majority of cases are poor because they are lazy, dissipated, incompetent or unsound. Supposing the wealth of the world were distributed to-day, and no man had more means than any other of his fellows, what then? The toiler would cease to toil for a time, the laborer would not work, the mechanic would be idle, the artisan would produce nothing, the typographer would abandon his pursuit, the engineer's cab would be vacant, merchants would close their doors—and why? Because we would all be wealthy—at least, one as much so as any other, and wealth ever goes by comparison—and having no immediate occasion to work, we would be unable to employ workers, everybody we met being as independent as ourselves and as able to employ us as we them; that would be stagnation, the beginning of decay and the road to death. But it would not last long; before we were engulfed in inextricable ruin, some few would be found more reckless than some others, and with that inventive instinct possessed chiefly by the spendthrift, would find a means of reducing their capital in some way, some one else's increasing proportionately of course. Once unsettle the social equilibrium ever so little, and the first few drops from the pent-up flood have passed over the earthy dyke. It would soon go with a rush and a whirl, sweeping aside all obstacles and plunging irresistibly along. Then the rich would become richer and the poor poorer at a rate we have never dreamed of.

That there are serious defects in society as at present organized, no intelligent, candid person will deny; but the plan proposed by the desperate, vandal spirits who would level everything by the use of dynamite or other destructive agency is not the proper remedy. The evils that exist are the result of a departure from God's laws and the true remedy lies in a return to those laws. That humanity generally are going to adopt this remedy is not to be expected. The degeneracy of the age precludes such a possibility—only a few will do so. The alternative is a crisis such as the world has never seen, among the chief factors in producing which will be such secret organizations as have sprung up during recent years, which permeate every civilized nation, and which have their object the overthrow of human government.

The Latter-day Saints see very plainly and deplore the evils that exist in governments and in society, and offer to the world a remedy in the shape of the Gospel—the plan of government revealed by the Almighty. They are not in sympathy with any such remedies as proposed by Socialists, Nihilists, Anarchists or Internationalists. No Latter-day Saint can connect himself with them. They are the secret organizations to which allusion is made in the Book of Mormon, wherein it is said:

"And whatsoever nation shall uphold such secret combinations, to get power and gain, until they shall spread over the nation, behold, they shall be destroyed, for the Lord will not suffer that the blood of His Saints, which shall be shed by them, shall always cry unto Him from the ground for vengeance upon them, and yet He avenge them not;

"Wherefore, O ye Gentiles, it is wisdom in God that these things should be shown unto you, that thereby ye may repent of your sins, and suffer not that these murderous combinations shall get above you, which are built up to get power and gain, and the work, yea, even the work of destruction come upon you, yea, even the sword of the justice of the eternal God shall fall upon you, to your overthrow and destruction, if ye shall suffer these things to be;

Wherefore, the Lord commandeth you, when ye shall see these things come among you, that ye shall awake to a sense of your awful situation, because of this secret combination which shall be among you, or woe be unto it, because of the blood of them who have