EDITORIALS.

WHAT A SPECTACLE!

It is questionable whether any people on earth are as solicitous for the welfare of the poor as are the Latter-day Saints. By them the first Thursday of every month is set apart as a fast day, a portion of which is devoted to religious exercises. A feature connected with this sacrament is that the faithful contribute their fast offerings for the support of the poor and the needy.

For the same object means is obtained and expended by the Women's Relief Society, whose special function is to see that none shall go hungry or naked, nor shall they be without kind attention when they are sick.

By these beneficent methods the poor are assisted to the extent of about $50,000 annually. Besides this aid somewhere near the same amount is contributed from the general fund—likewise donated by the members of the Church—making the amount expended yearly for the direct assistance of the poor and needy, probably not less than $100,000.

This substantial help extended to the poor and indigent is in harmony with good government, whose high and sacred function is to sustain the weak and defend them against the encroachments of the strong. This is the very genius of American institutions. The Constitution of our common country was framed with that end in view, it being the bulwark of safety that defines with unmistakable distinctness the line of demarcation over which one man shall not be permitted to step in his treatment of his fellow citizen.

It is a law of humanity, universally acknowledged, that the crime of him who possesses himself of and appropriates to his own use, funds donated by the benevolent and sympathetic for the purpose of relieving the distress of the naked and hungry, is of the lowest type. He is not only a diverter from its godly channel of the benevolence of the philanthropic, but a robber of the widow, the orphan and of those who are surrounded by the raw and forbidding elements of poverty. Such a wretch would be selected as the meanest man among any people where he might reside, and the anathemas of all good people would follow him to the remotest corner of the earth. It would make no difference how he became possessed of the ill-gotten gain, whether by violence, embezzlement or by the mere possession of superior force, physical or otherwise.

By comparison it can be seen at a glance what a humiliating and repugnant spectacle anti-"Mormon" politicians have caused this great government to present. In point of fact it is made to say and insist that the contributions of benevolent persons shall not go to feed the hungry and clothe the naked, but shall, by an unheard-of process, which outrages every law of common honesty, common justice and common humanity, be wrested from its possessors and diverted from its original uses. If this government is to be transformed into a mammoth machine to confiscate the property of its citizens because it has the power so to do, and into an institution for the manufacture of poverty and distress, then surely we may sorrowfully exclaim: "How are the mighty fallen!"

THE QUEEN'S CUP.

The *America's* cup as it is termed was received from Queen Victoria over 36 years ago, and ever since efforts have been made by British boatmen to recapture it, with what success is known to the reader. But every reader does not know that the *America* did not receive the cup of the British yacht club that she went over to contest for, and that the original Queen's cup competed for is still in England. It occurred in this wise:

In 1851 the yacht *America* was built by James R. and George Steers for John C. Stephenson and several other gentlemen of New York for the express purpose of competing in British waters for the queen's cup in the annual regatta off the Island of Cowes. It arrived on the coast of England some time previous to the race and was boarded by a man representing himself as a French pilot, but in reality an Englishman who took this method of ascertaining her speed. Finding that she was a much faster vessel than those she was to meet in the regatta, he so reported and the consequence was that no one would enter against her and taking advantage of a technicality she was ruled out of the race, the reason given being that the by-laws of the yacht club required that any contesting boat should be the property of some one individual, whereas the *America* was owned by a company. It was a poor excuse, but it answered the purpose in preventing the *America* from walking away with the Queen's cup then in the club's possession.

This did not, however, deter the crew from running the *America* in the race, and she so completely distanced the whole British fleet that the event created a sensation. The Queen became so much interested in the matter that she made a personal visit to the victorious yacht and presented the men on board with a guinea each, and after giving them a cordial invitation to visit her at Osborne, took her leave. The next thing the Steers brothers heard from her was that she had given them another "Queen's cup," an exact duplicate of the one for which they had been forbidden to compete, and that is what is now known as the *America's* Cup.

AN UNCONSTITUTIONAL SECTION.

In March last a mule belonging to Nathan Sears kicked a blooded mare which was with foal, and was owned by Charles Gilmore, causing her to lose her colt. Gilmore sued Sears for $275 damages, and the case was on trial before Judge Zane yesterday. The defendant filed a demurrer to the complaint, based on the following section of what is commonly called the "estray law," chapter viii, Session Laws of 1886, page 8:

Sec. 17.—If the aggrieved person shall proceed by action against the owner or person in charge of trespassing animals, he shall get two disinterested persons of his precinct to appraise the damages and to give him a certificate thereof in writing under their hands, which certificate shall accompany the complaint as a part thereof, and under no circumstances shall he recover of the defendant in such action unless such appraisal and certificate shall be made within ten days after the time such trespass was committed, nor to a greater amount of damages than the amount named in such certificate."

The determination of the amount of the damages done by a trespassing animal is a judicial act; hence the two appraisers provided for in this section are constituted a court with power to make a decree, which, the section says, shall be final; that is, it provides that the judgment of the appraisers as to the amount of damage done, shall be the limit of the amount which plaintiff may recover in the event of an action at law.

Under the laws of Congress applicable to this Territory, the only courts that can have any existence within it are justices', U. S. commissioners' probate, district, and the Territorial Supreme. The Legislative Assembly of this Territory has no authority to vest judicial powers in any other officers or tribunals than these. This point is made clear in Judge Emerson's somewhat noted decision respecting the Water Commissioners, provided for by Territorial statute for the purpose of determining title to water. In that decision it is explained that judicial functions can only be exercised by the courts provided for by Congressional legislation.

The demurrer of the defense, based on the above section, was overruled, Judge Zane holding that provision of our estray law to be unconstitutional, for the reasons above indicated. When the principles underlying the question are considered, the soundness of the decision is apparent.

THE IMPULSIVE SOUTHRON.

Two great occasions animated the action and cheered the heart of the Southron yesterday—the laying of the corner stone of the monument to General Robert E. Lee, at Richmond, and the triumphal reception to ex-President Jefferson Davis at Macon, Georgia. It is a well known characteristic of the natives of that part of the country south of Mason and Dixon's line, that they are as communities more like families than any other class of people. To have been born and reared on southern soil is virtually to be related to everybody else of the same color, the degree of relationship corresponding with the nearness or remoteness of the event itself. Clannishness or division by any other lines than color have not, as a rule, been encouraged and consequently have not a strong footing there.

This state of homogeneity accounts for the impulsive manner in which the Southerners do things. With almost no assistance from the North, they undertook to teach the British a severe lesson for attempting a forced landing on their shores in 1812, and they did it thoroughly and effectually. When the first gun was fired at Sumter the echo reverberated throughout every nook and corner of the South like an alarum bell calling all to arms, and instantaneously what had been the shadowy line dividing Whigs and Democrats dissolved entirely and the two parties became one under the name of Confederate. In all the histories of the world's great battles, no more forcible example of united action and steady purpose is written than that of the revolters against the Union, standing shoulder to shoulder and enduring without complaint the hunger, privations, exposures, sickness and death of that long and dreary four years' struggle which culminated in their overthrow by the force of numerical, financial and geographical superiority, and doubtless divine Providence was against their cause. They forgot that the indissolubility of the Union was essential to the national life. But that strife, so far from disrupting the fraternity of the Southerners, evidently made it more ineradicable. The graves which covered the landscape far and near each contained a brother of the living, every monument that is erected to one of the fallen being a contribution from all who remain to perpetuate the sacred memory of all the dead.

This is why the laying of a corner-stone of a monument to General Lee is so great an event and draws such vast crowds to the capital of the Southern Confederacy. This is why Jefferson Davis is honored wherever he may go within the domain over which he once presided. The Southerners do not cherish resentments, harbor animosities, nor fan the embers of a decaying strife. The dead past is gone and they doubtless would not change the present aspect of affairs if it were in their power to do so. They are not, however, politic enough to say or try to make believe that affectionate regard for their old comrades-in-arms in the time of adversity, before and after, has waned or ever will while memory remains the warder of the brain or love the ruling passion of the heart. Nor are the concessions to the present state of things because of weakness or faltering, but because they are willing to depart from their errors and live in the light of the present rather than the darkness of the past.

THE ADMISSION OF UTAH.

The opinions of J. Randolph Tucker, late Congressman from Virginia and present legal defender of the condemned Anarchists, in reference to the Utah State question, have received some attention from the press. His attitude on anti-"Mormon" legislation last winter, and his legal attainments have occasioned this special notice from the papers. One thing conceded by Mr. Tucker is worthy of attention. It is that "to keep Utah in the territorial condition" is "contrary to our free institutions." He says: "To govern an unrepresented people permanently is worse than folly; it is an offense to the principles of Anglo-American liberty."

That is correct and indisputable. The course pursued in keeping Utah out of the Union after her repeated applications for admission as a State, and her provisions for a republican form of government, has been contrary to the principles on which the nation is founded. And the virtual serfdom in which she has been kept in consequence of the refusal of her overtures is an offense to the spirit of liberty. Utah is governed as a conquered province under a monarchy, not as a part of a free and popular republic.

It is admitted by Mr. Tucker and many other politicians — indeed by every American statesman—that Utah should be made a State. But the "polygamy" obstacle, magnified by her enemies beyond all reasonable proportions and used as a dreadful terror to inflame the prejudices of the American people, is declared to be the one great problem to be solved in the settlement of this important question. It is in vain that it has been shown to have no essential bearing upon this purely political issue. It has to be met in some way. How?

Mr. Tucker and the minority of the Utah Commission say, by an amendment to the Constitution of the United States forbidding polygamy in all the States and Territories, with power in Congress to enforce it by appropriate legislation. But that is an old proposal, rejected by the press and the country after much debate. Apart from other reasons that have been advanced against it, the question arises, why should an amendment to the Constitution be made, requiring the formalities of Congressional action, and then the action of every State in the Union before it would be valid, for the suppression or restriction of a practice not even claimed to be common in any of the present States? Why make all this pother and to do over a matter that belongs to but one section of the country and a small part of one small community? Does it not look like loading a cannon to kill a fly?

Congress, properly, has nothing whatever to do with the marriage question, in any shape or form. That belongs to the domestic institutions of the several States. There is too much extension, now, of the powers of the General Government at the expense of local authority. There needs to be, rather, a drift in the other direction. The balance of power, designed in the beginning of the nation, between the several States and the National Government, requires rectification instead of piling more weights on the Federal scale. We do not think the proposition will be viewed with much favor by sound and thoughtful Democrats.

What is the other alternative? It is the admission of Utah with a Constitution providing for the punishment of polygamy by the State. Mr. Tucker also admits this, but echoes the objection of many superficial thinkers on this subject, that once in the Union the State could change its Constitution as soon as its people should think proper. He seems to endorse the opinion that a State cannot pass an irrevocable provision, or one subject to the action of Congress, without rendering it a State on an unequal footing with the other States.

An examination of the enabling acts for the organization of a number of States now part of the Federal Union will dissipate this error. The very language used in quite a number of them is that certain provisions made conditional to their admission into the Union should be "irrevocable without the consent of Congress." We will quote from one or two. The Enabling Act for the State of Nebraska passed April 19, 1864, a year before the Constitutional Amendment prohibiting slavery was adopted, had this condition:

"*And provided further*: That said Constitution shall provide, by an article irrevocable without the consent of the Congress of the United States: First. That slavery or involuntary servitude, shall be forever prohibited in said State," etc.

At the organization of the State of Texas, among other guaranties required as conditions for its admission into the Union was the following, adopted by Congress March 1, 1845:

"New States of convenient size not exceeding four in number in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission into the Union may desire. And in such State or States as shall be formed out of said Territory north of said Missouri compromise line, slavery or involuntary servitude except for crime, shall be prohibited."

In addition to these special provisions, for the admission of States under different conditions, limiting some and not limiting others, the President of the United States was authorized to use his discretion as to making the compact embodied in the resolutions passed by Congress, or to negotiate directly with the people of Texas for their admission into the Union.

On the argument of Mr. Tucker and other objectors to Utah's special provisions, these States—Texas and Nebraska—were not admitted on an equal footing with the existing States; but neither Congress nor the country seemed to view the matter in that light. Special situations required special provisions, and the States mentioned accepted the conditions and entered the Union under the guaranties required.

But if it should still be argued that Congress has not the constitutional power to require special guaranties from Utah, differing from the conditions on which the existing States were admitted, that does not touch the impregnable position that the people of a new State have the right to provide in their Constitution for certain restrictions upon themselves as a guaranty of good faith, made necessary because of a general sentiment materialized into the form of a virtual requirement from the existing states.

The friends of the movement for the admission of Utah into the Union may congratulate themselves upon the fact that none of the objections that have been urged against it will stand the pressure of logic or precedent, of constitutional law or republican policy. The quibbles and quirks which are resorted to show the poverty of reasoning on the part of the opposition, and proclaim that the enemies to Utah's liberty are prompted by prejudice and passion, or influenced by motives of paltry self-interest.

AVOID USELESS DISCUSSIONS.

By a letter we have received we are informed of a dispute that has arisen in a class composed of Sunday school teachers in one of the more important of our southern settlements. It is a matter of regret that such controversies should exist. There is but little if any necessity for them, and there certainly is not for any bitterness of feeling on account of difference of opinion.

It will be discovered that nine out of ten polemic disputes are really not over a principle, but the mere meaning of a word, and are frequently inspired by the uncompromising disposition of one or other or perhaps both of the disputants. The matter now considered appears to be an illustration of the correctness of this view, and for this reason we mention it.

It appears that the question upon which the controversy arose was simply this: "Is there such a thing as a false faith?"

On one side it was strenuously maintained that there was, while on the other it was stoutly insisted there was not and could not be.

It ought to have been clear to both that in one sense there cannot be a false faith and in another that there is, according to the application given to the word. If the faith spoken of is the gift or power that exists in the human mind, and, according to the scriptures, also in the mind of Deity, then, in that sense, there can be no false faith. But when the word faith is applied to something else than that potent quality in intelligent beings there can be a false faith.

The word faith is used to define the thing upon which that gift or power is exercised, and in those matters it is not appropriate that the scope of a word shall be limited to suit the caprice or purpose of one who wishes to contract it for polemic purposes. Its common use must be admitted. To show that the word involved in the discussion referred to does apply to something besides the gift or power whose exercise has accomplished such wonderful works, we have but to refer to the fourth of Websters definitions, which is as follows:

"That which is believed on any subject, whether in science, politics or religion; especially a system of religious belief of any kind; as the Jewish or Mohammedan faith; and especially the system of truth taught by Christ; as, the Christian faith; also the creed or belief of a Christian society or church."

It would appear, in relation to the dispute in question, that someone must be quibbling over a word by being unwilling to give it its acknowledged scope and meaning, giving another of many illustrations of the fact that most if not all of the more or less heated debates that arise on subjects of the kind in point are merely technical. We advise the brethren everywhere to avoid a captious and contentious spirit.

MR. BROADHEAD.

The logical and unanswerable argument recently made by Hon. James O. Broadhead before the supreme bench of Utah in the suits brought against the Church by the Government, has in addition to his national reputation as a great lawyer, created a lively local interest in that gentleman. He was among the men eminent in the legal profession who, at Saratoga, New York, in the summer of 1878, organized the American Bar Association, which already numbers over seventy thousand members. Among the organizers of that important body were also such distinguished professionals as William M. Evarts, Benjamin H. Bristow and Philemon Bliss. Among its objects are the elevating and strengthening of the great and powerful profession of the law, and the unifying and simplifying of the laws of the United States. As already noted in these columns, Mr. Broadhead received the distinguished honor of being elected the first President of the Association. It must be conceded that for the time being, the gentleman who is the incumbent of so important a position may be justly considered the leader of the American bar.

We glean from the *Central Law Journal* some biographical particulars in relation to Colonel Broadhead. He was born in Albemarle County, Virginia, on May 29th, 1819. His father, Achilles Broadhead, was a substantial farmer, had been a captain in the war of 1812, and had for many years held the office of county surveyor. He has two brothers living, Garland C., the well known geologist, and William F., a well known lawyer of Missouri. At the age of 16 he entered the University, supporting himself wholly by his own efforts. At the close of this year he engaged as teacher of a private school near Baltimore. In 1837 he went to St. Charles County, Missouri, where his father had previously moved.

From 1838 to 1841 he was employed as tutor in the family of Hon. Edward Bates, then of St. Charles County, and while teaching there he also studied law under the instruction of Mr. Bates. In 1842, he was licensed to practice law by Judge Ezra Hunt, of Bowling Green, Pike County, Missouri; and, selecting that place as his home, he commenced the practice of his profession, practicing in the circuit which embraced the counties of St. Charles, Lincoln, Pike, Ralls, Montgomery and Warren. In 1845 he was selected a delegate to the State constitutional convention from the Second Senatorial District. In 1847 he was elected to the Legislature as a whig. From 1851 to 1855 was State Senator. While living in Pike County, he was married at the age of twenty-six. In 1859 he moved to St. Louis, and soon after formed a partnership in the practice of the law with Fidello C. Sharp, under the firm name of Sharp & Broadhead, which partnership continued until the death of Mr. Sharp in 1875.

He took an active part in saving Missouri to the Union. At the suggestion of Hon. Francis P. Blair, he was made a member of the "Committee of Safety," which was organized on February 1, 1861, for the purpose of resisting any overt acts of the Secessionists. This committee was composed of O. D. Filley, Samuel T. Glover, John How, J. J. Witzig and James O. Broadhead. He was a member of the Missouri State Convention of 1861, and chairman of the committee whose