

EDITORIALS.

JUGGERNAUT AND THE JUDGE.

His honor Judge McKean, in his recent charge to the Grand Jury, had the following paragraph—

"On the other side of the globe, in former times, the murderous car of Juggernaut was wont to roll over a road corduroyed with the prostrate bodies of Hindoo devotees. Quite recently the priests sought again to start it upon its bloody track. The authorities found means to prevent it; and now, almost while I address you, comes the intelligence, that 'The magistrate who has thus been the indirect means of preserving the lives of a number of his fellow creatures is covered with abuse and accused of conspiring to interfere with the religious observances of the people.'"

The Judge used the above illustration to sustain his position in attacking plural marriage. The illustration is far fetched and totally inapplicable.

The temple of Juggernaut or Juggernaut, or Jagatnatha ("the lord of the world") is at Juggernaut, in Cuttack district, Bengal Presidency, British India. The three principal objects of Hindoo adoration are Krishna, Siva, and Subhadra. Most Hindoo deities have temples dedicated to them. The principal deity is Krishna, the avatar or incarnation of Vishnu. These three deities are represented by three ugly idols. Each idol has a heavy chariot, a lofty platform on wheels. The chariot of Juggernaut or Krishna is the largest, being 43½ feet high, 34½ feet square, and is mounted on 16 wheels, 6½ feet in diameter. At the *Rah Jatra*, or great festival of Juggernaut, in March, the idols are taken on their chariots to visit their country house, a distance of a mile and a half from the temple. The chariots are drawn by long ropes held by men, women and children, while priests stand on the platform, singing and repeating obscene stories, accompanied with corresponding gestures. In former years fanatical devotees would throw themselves under the wheels of the chariot and be crushed to death, but lately, for a number of years, there have been no occurrences of the kind.

The Judge compares these idolatrous practices to the system of marriage practiced by the principal prophets and other men of God mentioned in the Bible and by the Latter-day Saints.

The Judge misrepresents the recent situation of affairs in relation to Juggernaut. Here is how the circumstances are related in the public papers—

"The Juggernaut pilgrims at Serampore are said to have manifested considerable dissatisfaction at the conduct of the Serampore municipal authorities in regard to the cars. The Commissioners declined to allow one of the cars, which was in a manifestly rotted condition, to be removed until it had been repaired. The priests set hundreds of men to work, and kept them at it incessantly for a day and a night. But the next morning the Magistrate was still dissatisfied with the condition of the car, and impounded the ropes to prevent any attempt at moving it. 'The result was,' says the *Patriot*, 'that for the first time within the memory of man the sacred car was not drawn on the day of the festival. But by the wise action of the authorities in preventing the removal of the car in its unsafe condition, there can be no doubt that many lives were saved. The Magistrate, who has thus been the indirect means of preserving the lives of a number of his fellow creatures, is covered with abuse, and accused of conspiring to interfere with religious observances of the people.'"

The magistrate simply exerted himself not to prevent the religious services of the people, but to prevent the removal of the car while in a dangerous condition for the journey. If the car had been sound, there would have been no magistrate hindrance offered to the customary observances. What he did was merely to prevent probable accident. How his course justifies Judge McKean in entreating on a cru-

sade against plural marriage we cannot divine, and we leave it to his judicial acumen for an explanation.

VILE SLANDER.

A CORRESPONDENT sends us a copy of a vile slander published in a disreputable journal of this city. We cannot notice false statements from such a notoriously untrustworthy and vicious source. Our correspondent says—

"It is the proper prerogative of the courts to determine whether a man is guilty or not guilty of crime. But the disreputable organ of the carpet-baggers rashly anticipates and undertakes to foretell the action of the court in cases not before it, and thus to excite prejudice against individuals who, the public is assured, are entirely innocent. The law holds even guilty men innocent until legally proved guilty."

"With the utterers of the above direct charge rests the burden of proof. I presume that no apologetical explanation of the utterance will be offered, as I do not think it would be possible for an acceptable apology to be made. The writer of the charge and the persons responsible for its original publication perhaps will be found some day when there are a judge and a jury in this judicial district whom the people will have confidence in as acting impartially in the true interests of law and justice."

EXCESSIVE BAIL.

IN the case of Thomas E. Ricks, indicted the other day on a charge of "lascivious cohabitation," Judge McKean required \$10,000 bail. Now everybody is well enough satisfied that there was no lascivious cohabitation in the case, but that the indictment was based upon a construction of the law that will not bear candid investigation, and that only by a swerving of the law entirely from its original and true spirit and intent could such an indictment be founded or sustained. Yet on such a baseless indictment the Judge fixed the bond at a figure that could not have been considered anything but excessive had the crime charged been *bona fide*, instead of merely an unreasonably constructive one.

There is an ancient document which should be held in the highest respect, a portion of which reads as follows—

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

This document does not seem to be held in very high estimation by some dignitaries to whom it should be a supreme rule for their guidance, for the same document says—

"This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

When a respectable citizen is held in bail of \$10,000 on a charge of constructive and not real lascivious cohabitation, the constitution of the United States forbidding excessive bail, how can the constitution and pursuant laws be the supreme law of the land, binding all the courts in the Union to act in accordance therewith?

This is not the first time the Judge has asked excessive bail, notwithstanding the constitutional provision to the contrary. Two or three years ago we believe his honor asked \$100,000 bail in a case of what everybody believed was a trumped up and persecutive charge of murder, and one of the counsel for the prosecution, perhaps to show the inconsistency of it, asked to have it put at half a million. Of course \$40,000,000 would have done as well—it would only have been excessive.

A PARTISAN COURT.

COURTS ought to be regarded with the highest respect by every citizen in the community, but in or-

der that this may be the case the courts must be conducted in a manner to deserve the respect of every citizen, they must be conducted in a manner that should leave in every honest mind, as a natural and legitimate result, the irresistible conviction that they are, in deed and in truth and beyond controversy, theatres of the unbiassed, impartial administration of constitutional law and also of even-handed justice. A court of this class is worthy of all respect and honor. It is the unfailing and invincible defender of the rights and privileges of the people. But in regard to courts which do not come up to nor approach this high and pure standard, but which show by their doings that they are eminently partial and unfair, that, which ought to be genuine respect and honor entertained towards them by the people, cannot, in the nature of things, do other than degenerate into at best a mere formal show of respect, without any reality whatever, and in many spirited and honorable minds into a feeling of involuntary disappointment and disgust.

Notwithstanding our natural proclivity to respect authorities, and our special desire to hold the judicial department of the government in all honor, yet, sorry we are that there is reason to say it, it has not infrequently been the case, as everybody knows, in this Territory that the courts have been anything but courts of justice, or even of constitutional and fairly construed law.

The court for this district is in session, and it is a legitimate object of public inquiry what is the character of the court and are its claims to the genuine respect of the community well founded? These are questions that force themselves upon the mind and we should really be very much pleased if they could be answered in a satisfactory manner, the latter question in the affirmative, unhesitatingly and emphatically. We greatly fear, however, that such is not the case, and we have strong reasons for that fear.

In the first place it is well known that the Judge is intensely partisan, also that the Grand Jury is intensely partisan, that it is likely that persistent efforts will be made to have petit juries intensely partisan, that the prosecuting attorney is intensely partisan, that the marshal is intensely partisan, that many if not most of the lawyers are intensely partisan, that this partisanship is all on one side, that that side is in opposition to the people at large, that it is in favor of exceedingly proscriptive laws against them, and that it is in favor of a very proscriptive construction of existing laws and rules of court procedure against them, solely and undeniably on account of the religious faith, institutions, and practices of the great majority of the people.

We believe that the vast majority, nine-tenths, of the people look at current judicial matters in this unfavorable light. Taking these things into consideration, then, how can any intelligent and candid man entertain towards the court that genuine respect in which it is most desirable courts should be held, and how can such a man have any confidence that impartiality of administration will be a distinguishing feature of the proceedings of the court in the session now inaugurated?

We ask these questions in justice to the people who may come before the court on some charge or other, and that the general public may have an idea of the real situation of judicial matters in this part of this great and glorious republic.

BRISK TIMES IN SAN FRANCISCO.—The following is from the *San Francisco Chronicle* of Oct. 6—

"The present prospect is that there will be a large Fall trade this year and a great revival of business activity. There is no better index of the business of this coast than the advertising columns of the *Chronicle*; and last Sunday's issue of the paper contained something over thirty-seven columns of business advertisements. At present there is every sign of business prosperity in San Francisco. In every part of the city and its outskirts buildings are going up. There is no unemployed labor. Every man able and willing to work can find

employment. The dry-goods business is more lively than it has been for years, and altogether the State and the city of San Francisco are more prosperous than at any previous stage of their history."

A GOOD BEGINNING.

IN the empanelling of the Grand Jury yesterday, there was another opportunity offered the opposition press of the Territory to show the cloven foot. The frank avowal of one of the gentlemen's opinion on capital punishment and polygamy have brought down upon him the bottled wrath of the Christian (!) junta. How any man, be he Saint or be he sinner, can possibly hold different views from those who fabricate public opinion to order in this Territory is to those gentlemen (!) incomprehensible. It is a noteworthy fact that whenever Judge Emerson asserts his prerogative to express a judicial opinion adverse to the wishes of the political ring of Utah he is held up to either ridicule or scorn—"honest J—C—" becomes the champion of American liberty because he echoes the sentiments that find a joyful response in the hearts of the bread and butter brigade and a gentleman is besmeared with the slime of insinuation because forsooth he thinks that the man who is married according to Bible principles is not a criminal *per se*. No man is safe from this assault of a hireling press that ventures, in or out of the Territory, to express an opinion or do an act without first obtaining a permit from the persons that represent the government here. The attorney who simply discharges a sworn duty to his clients is proclaimed a "Jack Mormon," and sought to be brow-beaten because of his assertion of the law as he finds it, and in short all classes are tabooed whenever they fail to join the chorus that makes the welkin ring against the *bona fide* citizens of this Territory. Such is the temper manifested daily by dignitaries judicial and non-judicial toward citizens of irreproachable character and against men who have committed the unpardonable sin of thinking loudly for themselves. But the end is not yet. The time was when to express an independent thought was esteemed an honor, when to hurl defiance in the teeth of tyrants, no matter in what shape they appeared upon the scene, was certain to secure the plaudits of the people and especially of those in power. But not so to-day in Utah—the veriest coward, if his ears are only attuned to the carpet-baggers' refrain, the daintiest scalawag who can swell by a single note, no matter how discordant, the battle cry against the "twin relic," is niched for admonition and monumented for fulsome praise. The episode yesterday, however, has a tendency to revive our hopes in the ultimate triumph of right, for it has been demonstrated that even a "chosen" one has been found who dares to assert his manhood in giving utterance to an opinion that should put to blush the whole set of political adventurers whose necessities have caused them to fasten themselves on the people of Utah for purposes only of advancing their personal ends.

"RECENT LITERATURE."

THERE are few things so distasteful to us as faultfinding. We prefer to commend our fellow man rather than censure him, and yet there are times when even silence may become almost criminal. Let it not for a moment be thought that our remarks are intended to be personal. That, we confess, we sometimes insist, would be unkind, but let it be understood that we are treating of things, not individuals, of the position and not the incumbent, of a weakness that is general and not of one that is peculiar to any one in Utah. The facility with which men's thoughts are printed and circulated in this age, especially if they pander to a morbid public sentiment on any given question serves as a stimulus to individuals of all classes, officials in all places, and clergymen of all denominations to parade the scintillations of their minds in conspicuous paragraphs in the newspapers and periodicals

of the day. These productions are frequently ornamented with sensational display head lines, and as often commended by an editorial "send off" to give them tone. Take for example the "Utah Problem." How many folios have not been written on this to many minds the all absorbing topic of the day. We have before us the most recent presentation of this all important question; to be sure it comes to us in a rather questionable shape, but still from one whose position entitles him to have his productions demand more than ordinary consideration. Viewed from a merely critical standpoint the composition is above the average—the subject is grappled with vigor, the treatment is comprehensive, and the summing up pathetic. As "a profound and elaborate exposition of federal and Territorial law" (!) it is entitled to the careful perusal of every student of the law and will strike the mind of the unlettered reader of current literature with that awe which is peculiar only to cloud-bursts, tornadoes and comets in the unexpected phenomena of the physical world. An oasis in the desert of the great Sahara would not be hailed with more delight by the exhausted traveller, after days of heat and hunger and nights of agony and despair, than this green spot in the vast desert of judicial literature. Is to the disciple of Blackstone a mighty mind has uttered its long pent-up thunder, a profound scholar has penetrated the hidden recesses of the history of Utah, and with complacent dignity has sent forth a judicial typhoon, scorching every thing noxious in its path, and clearing the atmosphere so that there is nothing to be heard except the peaceful hum of bees and songs of birds. Disdaining the beaten track this giant intellect has ploughed a new furrow for a highway, and, unwilling to descend to the dry details of legal disquisition, has feasted us with epicurean skill upon the daintiest dishes of historical rhetoric, by the side of which Gibbon's "Decline and Fall" dwindles into puny insignificance, and regales our palates with a dessert of judicial ejaculation that rivals the celebrated "chops and tomato sauce" of Pickwickian fame. The immediate effect of this magnetic effort upon the minds of those to whom it was directed is a mystery that will baffle speculation for ages, and only when time shall have told her gloomy pinions will it be fathomed by them "how one small head could carry all he knew."

The mountain has labored, it has brought forth a molehill, but as all men are born babes, let us hope that this bantling has an outcome that may vindicate its pedigree, and fill up the measure of the expectations of its distinguished progenitor. *Verbum sapiente satis.*

RAISING EXCITEMENTS.

THERE is a disposition manifest by some persons in this community to do their utmost to create excitement, and not only excitement but real trouble. There are individuals who would be glad to stir up the passions of men to a conflict between the people and the officers of the law, and every molehill of a circumstance that may transpire, be it ever so insignificant of itself, if it can be used for purposes of excitement, is seized upon with avidity, yea with gross greediness, and magnified to a mountain, in the vicious hope of inflaming the wilder passions of the public to a high degree of indignation and vindictive revenge against the people of this Territory.

The incendiary course of these enemies of their country can not be too severely reprobated, and all persons who indulge in such disreputable and dangerous acts should be shunned by their fellow-citizens as a deadly viper would be shunned, or treated as a fellow bent upon arson ought to be treated.

The unpleasant circumstance which occurred last evening, and which is detailed in another column, is one of those eagerly waited for and gladly seized upon events, and in all probability it has been telegraphed east and west in a magnified and inflammatory style, for the deception and misinformation of the public at a distance. Nobody was hurt in the matter, and,