EDITORIALS.

"JUDICIAL ADJUDICATION," OR HOW?

THE comedies enacted in the courts here evolve, by their numerous complicated contradictions, any number of quandaries. People make application to various sources for information to lead them out of the judicial labyrinths into which they have been led by recent anti-"Mormon" developments. The organ of the crusade published a poser from one of its correspondents yesterday morning. We will quote from the communication:

"If a polygamous wife is not a legal wife (as decided by the courts), how is she to be legally divorced, and if not a wife before, what less would she be getting a divorce, or how can you put away legally that which you are not acknowledged to legally have?

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What then, is to be the legal method for the divorce and separation of those who have sustained the relation of husband and wife in plural marriage? Please explain, as we are all anxious to learn."

The calcium light of the *Tribune* was at once turned on, and the following luminous response was the result:

"Of course, there can be no divorce in such cases, because there has been no marriage. But there has been a contract entered into, and, though the law holds that such contract is illegal and contrary to good morals, it has given the parties who made the contract a status before the world which only a public renunciation can release them from. Generally, too, as between the principals, property rights have accrued which on separating require adjusting. Where all parties agree to the separation—that is, the husband, the legal wife and the plural wife—the proper thing to do is to ask the Court that the contract be annulled, and that in the decree such disposition of the common property may be entered as shall be just. Where only one party is determined to break the relation, she or he can appeal to have the contract set aside; but in case of a woman making the application, she could make no property demand except perhaps, a demand for wages for services rendered."

The correspondent who propounded the interrogatory will doubtless now let his soul rest in undisturbed repose. We will proceed to show why he should.

He is informed that where there has been no marriage there can be no divorce. That is to say that a legal nonentity cannot be legally wiped out. It is to be hoped for the sake of the sanity of the interrogator that he was not previously unaware of that self-evident fact. The logic of the statement is undoubtedly sound but the necessity of the assertion under the circumstance is scarcely apparent.

But the questioner is further informed that "there has been a contract entered into," and that, "the law holds that such contract is illegal." The question is how is this "illegal" contract to be effaced, extinguished, blotted out? Our cotemporary of crusading predilections does up the solution of this knotty question in a nutshell. It says: "The proper thing to do is to ask the Court that the contract be annulled."

Now, is that correspondent satisfied? And if not, why not? He is told that the best method of annulling a null contract is to have it annulled. If the seeker after information is unable to reconcile trifling contradictions he should not apply to the *Tribune* for information. He is now left to disentangle a couple of synonymous propositions to which opposite solutions are given. The one is that an illegal marriage cannot be legally annulled. The other—an illegal marriage contract can be legally annulled.

The part of the answer in relation to the attitude of the world is no less obfuscated than the legal entanglement presented. The proposition is that although the contract is illegal it has given the contractors "a status before the world which only a public renunciation can release them from." We have waited long and patiently for a scintillation of modesty from the *Tribune*, the prosecution and the Third District Court, which form a species of fraternal combination, judging from the unanimity of their anti-"Mormon" sentiments. We have waited in vain, it is as scarce in those quarters as consistency, and no more than that need be said. They have dished up the demands of the 55,000,000 inhabitants of our beloved country, until they have made their own friends sick. They have claimed to voice the demands of this vast multitude of humanity, but even this immense concentrated representation does not satisfiy their vaulting ambition. It now takes in the world. So the status obtained in the world by the contracting parties in plural marriages demands a public renunciation of the relationship? And how and where is this renunciation to be made? So far as any authorization of law is concerned it might as well be made by the principals hiring a brass band to attract a crowd and then proclaim the separation from the summit of some building; they might adopt the Old Country village system of sending the bellman around; or do it by a couple of squares in the columns of the organ of the crusaders. But no; it must be done according to District Attorney Dickson's delineation—"by judicial adjudication," on the hub around which the world revolves—the Third Judicial District Court.

As there is not an iota of legal authorization for what Mr. Dickson calls "judicial adjudiciation" in the cases in question, it appears that from his standpoint and that of the sheet which voices his views, it is not needful that, in dealing with "Mormons," the courts should be governed by law which it is their sworn duty to administer.

OPPOSED TO HUMILIATING CONCESSIONS.

OUR correspondent "Spartan" speaks strongly regarding the only consistent attitude that can be assumed by Latter-day Saints who are made the victims of the anti-"Mormon" extra-judicial and extra-legal raid. The views expressed by the NEWS and his on that point are a unit. In the language of the poet:

"We want no cowards in our band,
Who will their colors fly."

A disposition to shrink from having mothers and daughters publicly insulted and their feelings lacerated when acting in the capacity of witnesses is, however, no evidence of cowardice. It is another sentiment entirely, and is not only pardonable in the guardians of those liable to be subjected to indecent and brutal catechization, but also on the part of the victims themselves. It is a feeling far removed from "prudery," being an evidence of innate delicacy which dwells in the heart of every good and modest woman. At the same time those who stand ready, in the face of the strong natural repugnance by which they are imbued, to suffer the infliction for duty's sake, indicate a high degree of moral courage. The cowardice exists in those who, taking advantage of the situation, perpetrate such gross indecencies as have been exhibited in preliminary examinations and trials of cases in which "Mormons" have been parties accused. They have been conducted under circumstances which the perpetrators imagined shielded them from any disagreeable consequences that might otherwise have resulted from their conduct. Doubtless they were right, because any resort to violent punishment for the sneers, jibes, inuendoes and base and disgusting interrogatories to which delicate women have been subjected, could scarcely be too strongly deprecated. It is to be hoped that no instance of that kind will occur, however aggravated may be the cause. We are not in harmony with our correspondent on that point.

A PERVERTED JUDICIARY.

THE safety and vindication of innocence has been one of the very first objects sought to be attained by the wisest legislators and jurists whose labors have tended to bring the science of civil law to its present state of perfection. From the most remote ages the wicked and unscrupulous have used the law as a means of destroying or injuring their victims; they could thus accomplish their sinister purposes without risk to themselves. In the name of the law, robbery, extortion, oppression, the gratification of hatred and the glutting of a desire for revenge, were easy of accomplishment under the imperfect systems of jurisprudence that prevailed up to comparatively recent times. This evil has been recognized as one of the greatest that characterizes human governments, and how to make the law a means of enforcing justice, and at the same time to render it impossible for the evil-disposed to use it as an engine of injustice, has been one of the greatest problems of civilization.

The punishment and restraint of the guilty is admitted to be vitally necessary to the welfare of society; but the protection of the innocent is, by the wisest writers upon the subject, deemed to be of vastly greater importance, even, than the meting of justice to the evil doer. This view, more than any other, has tended to give form to the modern system of jurisprudence now prevailing in enlightened States and countries, in all of which criminal legislation is being more and more materially modified in such a manner as to throw every safeguard which human wisdom can devise in the way of the conviction and punishment of an innocent person.

The system of grand and petit juries prevailing in all the States of the Union, and borrowed from England, with the improvements that have been made in it from time to time, is deemed the best means ever yet devised for accomplishing at once the punishment and restraint of the criminal classes, and the protection and vindication of innocent persons, who, through accident or malice, may find themselves accused of crime.

The grand jury, as contemplated in our system of jurisprudence of to-day, is a body of good and true men, as thoroughly representative as may be of the community and society in which they dwell and of which they form a part. They are supposed to be intelligent, sober earnest citizens, capable of acting with wisdom, justice and the strictest impartiality. With this body rests entirely the question whether or not a fellow citizen shall be placed in jeopardy on a charge of felony. If these good men and true, representing and acting in behalf of the society and community which as is alleged, have suffered wrong and indignity through the act of some criminal, say that the evidence against the accused is insufficient to warrant his being placed upon trial, he must, under the Constitution of the United States, be permitted to go scot free.

But if the grand jury, either through prejudice, inconsiderate haste, manufactured evidence, or other unjust means, be led to indict the accused, he still has the benefit of that great, ancient and invaluable safeguard of innocence and liberty a trial by a jury of his peers. Twelve men, chosen from the district in which the alleged offense was committed, presumably the neighbors and perhaps the friends of the accused; men selected from walks of life similar to those he has followed; not his inferiors, nor yet his superiors; no more nor less than his peers, are sworn to listen to the evidence against and for him, and to give a verdict according to it. As a last precaution against such a calamity as the punishment of an innocent man, the jury must acquit the accused unless the evidence adduced against him in open court has been strong enough to convince them beyond all reasonable doubt of his guilt.

Such are the provisions established by the fathers of this Republic for the protection of innocence and liberty within it. They sought to make it impossible for malice to assume the garb of justice, and for bigotry, hatred, cupidity or revenge to make of the law a means for the accomplishment of its ends. They died in the belief that they had succeeded. But God never committed to them the power to chain Satan. He still works in the hearts of men as effectually as he did in the days of Daniel, and his methods now are much the same as those he made use of then.

In Utah, the very corner stones of civilized jurisprudence have been torn up, and the whole superstructure is in ruins. Grand juries, instead of being comprised of men truly representative of the mass of the community, are selected from the small minority, and must, before being sworn as grand jurors, declare under oath their repugnance to the religious and social customs of the great majority. Instead of being the neighbors, friends and peers of the defendant, the petit jurors who try him are, by a thorough and careful process, selected from a class who are at open avowed enmity with him. The judges of the court, one of whose main functions in all civilized countries, is to exercise a care lest the innocent be convicted, here in Utah show an indecent eagerness to aid the prosecution in securing a verdict of guilty, and manifest but too plainly a malicious delight in administering the utmost penalty which the law will allow to be inflicted, and repeatedly have come from the bench regrets that the law was not more severe. Prosecuting officers, who elsewhere are supposed to represent, and to labor to preserve, the best interests of the bulk of the people in Utah have become what the bigoted Scribes and Pharisees were in the days of the Savior, the persecutors of a certain class of religious devotees. The subordinate officers of the law, instead of devoting their efforts to the suppression of actual crime and immorality, are spending their time in harassing honorable men, innocent and pure women and peaceful families.

In short, the whole machinery of the judiciary in Utah is being utterly perverted. Instead of being used for the protection of society whose basis is the family, it is being used to scatter and destroy the family, and thus to produce social anarchy. Instead of being used to foster and protect property and commercial interests, the judiciary is being made the means of destroying business, paralyzing commercial enterprises and annihilating values. Instead of effecting the redress of grievances, it is inflicting the greatest grievances from which the people er suffIns tead of being honored and respected by the honorable classes of society and feared and hated by the real criminals of the community, the latter praise and applaud its labors and its course, while the former, are compelled to shun the very agencies to which, in all civilized countries, the just and the innocent look first for protection and redress. Such an utter perversion of the highest functions of government is unparalleled in modern times.

THE CLASS OF SCOUNDRELS.

IN these columns, on various occasions, the characters and kinds of dogs that seek for opportunities to turn loose upon the Latter-day Saints, have been clearly portrayed. Some of the vile wretches have been sought for and employed in the contemptible business. An illustration in point is in our possession. The Moss brothers, notorious desperadoes, who committed numerous robberies in Sevier and Juab Counties, three of whom being now in the penitentiary awaiting the action of the grand jury, were applicants for the position of informers or "spotters" in the anti-"Mormon" raid. In answer to the application they received the following response:

UNITED STATES MARSHAL'S OFFICE,
Utah Territory,
Salt Lake City, March 17, 1885.

Mr. S. Moss, Levan, Utah:

Dear Sir.—Your postal at hand today. Replying, I will say that I am not prepared to offer any remuneration whatever for the information you spoke of. You might communicate with me later, perhaps I may be prepared to employ you or at least pay you for information.

E. A. IRELAND,
U. S. Marshal.

It is somewhat to the credit of the Marshal that he did not jump at the offer presented by these infamous scoundrels, and common fairness forces us to admit that his "holding out" of any hope of giving them remuneration or employment was tendered in the absence of a knowledge of the true character of the thieving quartette. Still, the very idea of employing characters who volunteer to assume the role of "sneaks" and "spotters' for a consideration is repulsive to the sense of every honorable mind. While the Marshal's letter is addressed to but one of the brothers, the four were engaged in a copartnership for the perpetration of villainy and each was equally interested.

UNCHRISTIAN-LIKE CONDUCT.

THE Congregational Church in New York, over which Dr. John P. Newman formerly presided, as pastor, seems doomed to be the scene of indecorous uproariousness. Another convulsive spasm of ill-feeling and anti-Christian sentiment was on exhibition in that ill-fated edifice during Easter week. Some of the directors wished to get rid of the old choir, which had sung there for six years. They tried to induce the choir to resign, representing that if they did not they would not get paid, but the singers refused to be bulldozed. They then notified them of their dismissal. No attention was paid to this order. On Easter Sunday they appeared as usual and found that their arch-enemy among the directors had provided a new choir and a new organist. Nothing daunted, the old singers declared they had prepared Easter music and proposed to sing it. The irate director then discharged the bellows blower, locked up the organ loft and told the singers they could have no wind for the organ. They sang, nevertheless, and by evening the director had been brought to a more Christian frame of mind. At last accounts peace was being maintained, but how long it would prevail was a matter of uncertainty.

SENDING COAL UP THE CHIMNEY.

THE Philadelphia *News* has this apparently sensible article on the subject of economy in the use of fuel:

"Every one who keeps house knows what a waste the kitchen fire creates. In order to cook three meals a day, which should not take over an hour each, the kitchen range is kept going full blast for 24 hours. Of course, one may say that the fire is needed for heating the servants' end of the house and for washing, ironing and water-heating purposes. Very true; but even for those purposes the continued kitchen fire is a great waste, and especially in summer.

"The French wash, iron, cook and heat water and keep their servants warm, but in the average middle-class house a set range is rare. The household work is done with a set of braziers. A little paper, wood and charcoal are all that are needed. The cook does not bake herself and the washwoman is not boiled. The work is done with neatness and dispatch and without a cloud of ashes. French maids are proverbially neat, and as for French cooking and laundrying they surpass the world; and all this arises from the superior French economy in the kitchen fire.

A correspondent writes that in his little house, from October to March, he used thirteen tons of coal in one heater and the kitchen range, and that it was the latter that used the most coal. Does anyone doubt that the greater part of this was waste? A scientific engineer tells me that it is estimated that in running an engine one-third of the coal goes up the chimney without effect, and that of 1,145 units of heat 85 are actually converted into force. Because the supply of coal is vast and the price relatively cheap, we go on sending it up the chimney. If we have a few years more of "hard times" we may introduce a little of the admirable French economy in this respect. It will certainly go far to solve the servant-girl question."

THE SENTENCE TO-DAY.

IT would not perhaps be proper to refer at any great length to the decisions arrived at and the sentences imposed upon those who suffer thereby, in the Third District Court to-day, at this time. That three persons, held to be reputable citizens, have been consigned to the ignominy of a felon's cell for a belief and practice which they firmly acknowledged and positively declared to be an indispensable article of their faith, is before the world. Judge Zane, in his lecture on morality (as the world construes it), took occasion to announce what his opinions in regard to how a man should do to escape the wrath now before us, were: he stated that a man could select out of any number of wives he might have which one he would acknowledge live with, and "hold out" to the world as his conjugal companion, but the rest must be discarded, not acknowledged, recognized or introduced as persons having any claims upon him whatever; he also stated that the defendants might, in fact it was their duty, to maintain these plural wives and their offspring and do whatever they could toward making the latter good citizens by educating, advising and directing them. He grew eloquent and, in a certain strained way, pathetic, on this subject, and put forth more solecisms in the same period than any person on or off the bench we have listened to for a long time. How is a man to give his children the benefit of his instructions and example when the court construes the one to be wrong and the other criminal, and make "good citizens" of them? How is he to be protected from persecution for "unlawful cohabitation" when the court decides, first, that he may not live with more than one woman; second, that he may visit his extra wives for the purpose of supporting, advising and directing; third, that acknowledging and commingling with them is what the law defines as unlawful; fourth, that such unlawful proceedings are punishable; and fifth, that he is absolutely in such a position, as relates to the courts, that he cannot tell at any time whether he is doing right or wrong?

The remarks made to the Court by Prest. Angus M. Cannon and the questions subsequently propounded by Elder A. M. Musser must have set the Court to thinking; for he gave his replies and opinions in a more halting, hesitating and thoughtful manner than usual, being evidently somewhat embarrassed by the home-thrusts put forth by both these gentlemen, and was undoubtedly, once at least, confronted by a position which his fund of language and artfulness in depicting were unequal to for the time being.

Too much can scarcely be said in praise of the manly bearing of Elders Cannon, Musser and Watson in and out of court to-day. Without renouncing one jot or tittle of their religious principles; without endeavoring to be unduly conspicuous; while merely asserting and declaring what they believed to be their rights under the laws; they received the sentence of the Court respectfully and with submission, and at the conclusion of the proceedings were delivered to the custody of the Marshal to be imprisoned for half a year.

The Judge announced that the penalty imposed was not for punishment, but simply as a protection to society. What "protection" society can need against such men as A. M. Cannon, A. M. Musser and J. C. Watson is a question easier to ask than answer. So far as has been learned, neither of them has ever killed anybody, never destroyed anybody's home, never burglarized any person's premises, never robbed nor pillaged, never seduced the wife or daughter of anyone; never turned their own flesh and blood out of doors; never committed arson; never got drunk; never profaned the name of God. To talk about "protection" against such persons is going further in the direction of Dogberryism than a man of Judge Zane's legal attainments ought to be guilty of, even by reference or enforced implication. It is not this class of men against whom society needs protection; it is the class who compose at least a part of the panel which has pronounced Cannon and Musser guilty, that the solid walls of a protective law should exclude from respectable society, as belonging to a class who look upon the marriage ceremony as a hollow piece of mummery, the relations binding husband, wife and child in a sacred tie as a mere matter of convenience or regularity, and the indulgence in absolute salacity as a thing not to be questioned because "outside the marriage relation." Is not this true? We submit the question candidly and fairly to all right-minded men who are or may hereafter be at all conversant with the facts.

The brethren who were sentenced to-day will endure their punishment without unlawful resistance or complaint; will doubtless serve out their terms of imprisonment and pay their fines. It must need be that such offenses come, but it is better to not be one of those from whom they come. To use a homely but very apt phrase, "It is a long lane that has no turning."

LET THE FITTEST SUR

ONE special idea connected with the attack upon the Latter-day Saints was projected conspicuously in the ruling given by Judge Zane on Wednesday April 29th, in which he evolved the "revised version" of the definition of what constitutes unlawful cohabitation. It was, in effect, that plural marriage must have the extinguisher put upon it because it endangered the existence of the monogamic system. If the marital relations of "the Saints were let undisturbed that form of association of the sexes would ultimately gain the ascendancy, and monogamy would be compelled to hide its diminished head. His exact words were: