

Puget Sound, \$100; Spanish work in New Mexico, \$1,000; "Mormon" work, \$3,535. It will thus be seen that we are favored more than some other sections, perhaps for the reason that that consciousness of sinning which must come to all sooner or later, comes later in our case, and it therefore takes more money to make the trip. But the \$3,535 will help out considerably; and if other cities will only do their duty proportionately with Philadelphia, we shall be in receipt of quite a snug sum—enough to save a few souls anyway. And thus we progress. Fine speculation, isn't it?

Humbbuggery and Methodism—why not drop one of these words out of existence and economize by using the other for both?

THE PROBATE JUDGESHIP CASE.

THE case of U. J. Wenner vs. Elias Smith, involving the title of the latter to the office of Probate Judge for the period of eight months following the appointment of the former to that position by the Governor, was this morning decided by Judge Zane in favor of the plaintiff. An elaborate synopsis of the decision will be found elsewhere in to-day's NEWS. The emoluments of the office having been agreed upon, the question of who was entitled to the same became one of law and the only issue in the case, which the jury could not determine, and they were thereupon discharged, leaving the whole matter in the hands of the Court.

By this determination the aspect of affairs judicial in so far as they relate to the Probate Court, become somewhat unsettled for the period referred to and later. If Wenner is entitled to the fees for eight months of the time Judge Smith held the office of Probate Judge, the latter by construction was a usurper and the former a person illegally excluded from the honors and benefits of a public position; this suggests the question as to what force Judge Smith's orders, judgments and decrees had during that time, and after it, till he vacated the office, in the light of the present adjudication. Are they void, by reason of his being no Judge at all, or voidable because of his incumbency being *de facto*? Suppose a man had obtained a decree of divorce during that time, all the formalities and principles of law having been duly observed, and had subsequently married another woman, could he not be prosecuted for and convicted of bigamy? It would seem so, according to the ruling of Judge Zane. And here would come another conflict: A man is not guilty of a public offense unless he not only commits a forbidden act, but intelligently intends to do it at the time of its commission; as such a person not only had no intention of violating any law, but honestly thought he was observing its letter and spirit, there could be no intent and consequently no crime—but he has committed bigamy, because of marrying a woman when he had at the time of so doing a living and *undivorced* wife! How would the Judge "interpret" in that case? Again: The estates of several decedents were settled and the property distributed during the period in question; some of the property is still in existence, some has been expended, some lost and some gone from our gaze in various ways. Can those who have received such property and used it be made to disgorge or refund, as the case may be—in view of the fact that their deeds bear the name of Elias Smith and not that of U. J. Wenner? Perhaps his honor will say that the question affects only the fees, not necessarily the personnel of the office, and that these being paid over no further question will be raised; but if he does, he will be settling only the surface, leaving everything unsettled beneath. Nor would his position be a bar to hundreds of actions that might be brought for recovery, redistribution and a general reversal of things by those who were dissatisfied with the way they were arranged before. Perhaps he will say he is not responsible for whatever measure of confusion that may come, though it should lead to social disruption and judicial chaos—he is simply upholding the law; and then we will confront him with his own utterances in another case not long ago, when he peremptorily overruled a demurrer without investigating its legal merits or ascertaining its pertinency and force, because of public policy, saying that to sustain it would be to "unsettle everything." Or, is his position so adjustable and himself so adaptable that he can be a protector of the commonwealth—like Cromwell—to-day, and a stern and immovable expositor of statutory law—like Jeffreys—the next? It would seem so.

Taking the view of a publicist, one is often justified in temporarily departing from the strict line of his official duty, because to adhere rigidly to any position regardless of results is to convert one's self into an animated grindstone; it is not for the good of any one to insist upon a person remaining in a burning building because he had taken an oath not to leave his post; but departures from strict rules should themselves be governed by a rule—that of immediate and pressing necessity,

and the accomplishment of a useful and paramount purpose. It will not do to use such a principle in the ordinary affairs of life, nor to make it a means of accomplishing partisan or personal ends by shifting from point to point in accordance with a preconcerted arrangement. It must be fixed and unalterable upon the basis we have stated, otherwise no man's life, erty or lib property are secure for a day; we are entirely in the meshes of the judiciary and subject to their capricious whims.

We can scarcely look for the Third District Judge to be the same at all times, when he has "Mormons" in his power almost every day, and their conditions, surroundings and objects are varied. When the grand point sought is the overwhelming of a creed generally by the subjugation or punishment of its members individually, consistency is a *rara avis*, something not to be looked for. But the line might have been drawn at that point, it seems to us, and thus the innocent not be plunged into the vortex of prosecution and persecution presumably prepared for the guilty and "Mormons" alone. Of course the Judge knows more of law than we do; but, even in such awful presence as that of himself, we trust there is sufficient common sense left on our side the line to know that if he says to-day "I am a Democrat," while yesterday he said "I am a Republican," he either changes his mind with magical dexterity or hasn't much mind to change.

THE CHINESE PROBLEM.

THE Mongolian is more noted for his marvelous faculty of imitation than for anything else. He no sooner sets foot on our shores than he seems absorbed in the more active spirit of this country, and only needs to have a glance at the changed condition of things to adapt himself to it at once. It is not supposable, for instance, that he acquires a very extensive experience in the culinary art in the Flowery Land, certainly nothing in relation to our peculiar methods of cookery; yet, if he had but just arrived, let him see an elaborate breakfast prepared one morning, and he can identically reproduce it the next. In San Francisco, the Chinese are now engaged in duplicating the doings of the white men in more ways than one; instead of merely performing the labor and drudgery which formerly was done by the Caucasian, they are looking further and higher, doubtless in anticipation of not only broadening their field of operations but also putting retaliatory measures in force. They have established several unions, and recently capped the climax of all previous achievements by "striking" against wait men who were employed in cigar factories, demanding that the pale faces must go or as an alternative they themselves would quit work. This is turning the tables with a vengeance, and those who take an interest in the Chinese question will watch the results of this new development with more or less anxiety. If it should succeed, even partially, John will have scored a mighty triumph over his white rival and set an example which will doubtless be imitated wherever his brethren are employed in any considerable number. Those who employ the coolies do so, of course, because they perform the same labor for less pay, this being a matter of thousands of dollars' saving per month to a great many institutions on the Pacific Coast; the cheap laborers understand this thoroughly, and knowing how indispensable in some cases they are, to commence taking advantage of the situation in the manner indicated is ominous to say the least.

In San Francisco alone the result will probably be detrimental to the experimenters in American tactics, since the feeling of hostility engendered years ago will be intensified to the utmost degree, and further oppression, mobbings, murders and incendiarisms may take place. The *Chronicle* has to say of it:

"What the issue of this 'newest thing in strikes' will be can hardly be predicted at this early stage. The firm will of course be put to very serious inconvenience and no inconsiderable pecuniary loss before hands can be brought from the east to fill the place of the strikers, but this will be done, and it is said that not the shadow of a concession will be made to the Chinese, whatever may be the consequence. It is quite probable that the Knights of Labor and the trades unions of the city will take the matter in hand and adopt such measures as will make the Chinese regret that they ever adopted such an ill-judged method of bringing the white men to their feet."

As Sir Lucius O'Trigger puts it, "It is a very pretty quarrel as it stands," with no prospect of a halt or even a temporary abatement. If the contest could only be conducted on the civilized principle of honorable competition, there would, it seems to us, be a much better prospect for a solution sooner or later. The history of the world is full of examples going to show how impossible it is for ignorance, degradation and vice to maintain a permanent foothold in any community when against them are arrayed intelligence, advancement and morality; but to fight the evils complained of in the Chinese with others equally bad, if not worse, is seeking to extinguish a fire with oil.

The sanguinary tone of a large portion of the labor class, is, we regret to observe, aided and encouraged in a great measure by not a few newspapers claiming to be upholders of law and order. Not only do they express no sympathy with the Chinese murdered at Rock Springs, but are even willing for if they do not actually force further bloody work, as witness the following from the *Washington Critic*:

"Evidently the Western Regulators have not killed or burned as many Chinamen as they should have done. We fear that John will have to be taught some more lessons. In San Francisco yesterday sixty Chinese cigar makers quit work because the firm by which they were employed refused to discharge their white workmen."

The word "Regulators" alone has a bloody echo in the ears of a large number of Utah's settlers and present population; to "regulate" by murder and arson is going back a few generations for a precedent upon which to base lawlessness now; but it has been tried in Missouri and Illinois within the experience of hundreds of our people now living, and has been at times and in places a recognized measure on the Pacific Coast; and it justifies the peaceable and law-abiding in the wish that those who thirst for human blood and are determined to have it, might be compelled to meet others similarly disposed for gratification.

SALT LAKE AS IT IS.

THE opposition of the press and public to "Mormonism" and the "Mormons" presents some curious phases when analyzed in the light of reason and impartiality. Our would-be censors conflict with themselves, and while attempting the task of making Utah a hotbed of crime and sinning, very frequently reach a conclusion foreign to their purpose. Solecisms in literature, defects in argument and being constantly nonplussed by existing facts to which reference is adversely made, are their daily portion, and they seem to drift no nearer a better condition of things as relates to us, perhaps because they are of that class which prefers not to be enlightened in relation to matters satisfactorily arranged for themselves beforehand and in the preferred direction.

Every now and then we are confronted with statements from the anti-"Mormon" press about how insignificant we are, numerically and commercially, as compared with other places having no better natural facilities than those we enjoy, in some instances not so good. They undertake to show how a Denver, a Butte, a Leadville or an Omaha are booming along the tide of progress while Salt Lake is measurably inert. They say that trade is slow here, there is but little going on, and our population increases so slowly it is not worth recording except for statistical purposes. Very likely. The papers or the people who resort to such statements and think there is sound logic or even the commonest kind of common sense therein, are severely to be pitied as incompetent, short-sighted nondescripts, or else despised as mercenary, unprincipled knaves.

Salt Lake may not grow like a patch of mushrooms, and heaven forbid that she ever should; but all the advancement she does make is of that solid and permanent nature which inspires confidence in the present and hope for the future. Being the metropolis of a country whose resources are material and lasting, not transitory and doubtful, it can afford to hasten slowly. If every mine in the Territory were all at once to become exhausted and worthless and that industry should be known no more as one of our wealth-producing resources would Salt Lake or any of the cities or towns in Utah receive such a shock as would duplicate in miniature the "wreck of matter and the crash of worlds?" No. Why? Because all the substantial requirements of man are here in abundance, with plenty to spare; all that tends to the support, pleasure and even profit of man, upon which he subsisted before there were any mines, would be left, our geographical position would remain unchanged, we should always be the natural centripetal point of Rocky Mountain trade, the splendid natural attractions would not be taken away, the people would not diminish, and, while the sudden withdrawal of one branch of our wealth-producing industries would necessarily be a great inconvenience and a temporary derangement of commercial affairs as they are, still the tide of our destiny toward greatness in all human affairs and prominence among the communities of the nation, would sweep grandly along. Real property might depreciate for a time, because of the changed condition of things, but it would soon recover, and those who held property would know that it was not only valuable within and of itself, but also because of the stability of the people and the natural prosperity resulting from its surroundings. Who that seeks a home in a fairly populous city, where all the advantages of a metropolis are to be found, and desires to bring up a family in the way they should go, would prefer Leadville or Butte to Salt Lake? When the mines there are exhausted—and this is only a question of time, since mineral veins are on the way to extinction with every spadefull of ore that is taken out—what

have either of those places to fall back upon to maintain their present commercial importance? Very little, perhaps nothing. Let the mining industry depart, and all that is now valuable as really would tumble into the chasm of financial chaos. It will never be so here, because, as we said before, our reliance is not exclusively upon mines, not at all upon them only as an adjunct and valued assistant in the work of commercial and social importance, never indispensable but always desirable. We are, in fine, in the best situation possible. Not looking to any one development of wealth-producing enterprises as our sole hope, and able to hold the social fort if the one which goes forever when it goes at all were to vanish immediately and without previous warning, with our foot upon our own if not our native heath, and surrounded by everything we require as well as some few things we do not—who shall say that instead of Utah being under a cloud, she is not leading the van, and that this is not the brightest, best and most enduring of all the cities between the mighty Missouri and the Sierra Nevadas?

Salt Lake is like Narcissus, in that it is more beautiful than others of its kind; and is unlike that mythical creature in not being absorbed in its own attractiveness. It is "all here," and will be here for a long time to come. It will do to count on in the years to follow.

PHILADELPHIA MORALITY.

PHILADELPHIA, the city with a superabundance of "brotherly love," is such an extremely pure place and its citizens are so immaculate that it can hardly be wondered at that its charitable, philanthropic residents should find it necessary to look away to far-off Utah for sinful subjects to bestow their charitable attention and exercise their reformatory powers upon. As a sample of the civilization and morality which prevail there, and which the members of the Methodist convention which recently assembled there and bewailed the sad lot of the sinful "Mormons," would probably have us emulate, we clip the following from the *Philadelphia Record* of the 10th inst:

Secretary Crew, of the Society to Protect Children from Cruelty, says that infanticide in this city has reached a magnitude frightful to contemplate, and that the extent of the horrible practice is due to the want of asylums where the babies can be taken care of. "If the people of this city could understand," he says, "the terrible proportions to which this species of murder has developed in Philadelphia they would stand awe-stricken." Mr. Crew declares that the sewers of the city carry off murdered infants at every tide, and the dying cries of babies by the thousands have been hushed forever by the black waters which flow beneath the streets. "Nearly every day," Mr. Crew continued, "the coroner has before him the body of a murdered infant, and often two and three at a time. If so many are found, what is the number of those who are gotten out of the way and are never seen by the eyes of men? It sickens one to think of it. Eminent medical authority asserts that over *seen hundred infants perish in this city annually from neglect and abuse, but the number of those who are deliberately murdered exceeds one thousand, and I believe that the number of murdered infants in this city thus destroyed is larger than in New York City, with all its wickedness.*"

Mr. Crew attributes this deplorable condition of affairs to the inadequate provision made here for the care of homeless babes. Recently, upon visiting New York for the purpose of examining the infant asylums in that city, he found that in four institutions supported by the city there were 3,000 babies under two years of age, while in this city there are but three places where infants under 2 years will be received, namely, the St. Vincent's Home, the West Philadelphia Home and the Sheltering Arms, all of which can accommodate but 220 children. Of course, these institutions are always crowded. There is but one hospital in which infants under 2 years are received, and that is a Homeopathic institution in West Philadelphia. There should be accommodations in this city for 3000 babies at least, and the result of the want of such institutions is the growth of child murder and the not much less evil of baby farming. Some time since Mr. Crew came upon a baby farm in which five infants were confined in a small bath-room. Baby-farming homes are almost as fatal as sewers. Nearly all of the infants die, and there are hundreds of such places in the city. Mr. Crew says: "Such is the secrecy and the system by which the little ones are put away in these places that it is difficult to fasten the evidence of infanticide upon any of them. The physician's certificate speaks of 'marasmus,' 'consumption,' 'deficient vitality.' Vast numbers are put away and buried in cellars, back yards, etc., without any such formality as a 'burial permit' or 'certificate of death.'"

In the same paper of the 15th inst. is a detailed account of a young girl from the country who had gone to Philadelphia to obtain employment be-

ing seduced by a policeman, who was a married man, and who when his victim became a mother and was driven to beggary "laughed in her face and refused to even give her the price of a loaf of bread." To avoid starvation, the girl went to living a life of shame with another man, and when another child was born as the result of their intercourse the father buried it in the back yard. It was subsequently found and the parents were arrested, when the story of the young woman's heartless betrayal by the man who still held the position of a policeman was learned.

Such is the "City of Brotherly Love!" Such are the examples that are constantly before the eyes of the would-be reformers of Utah in their native places, but which are overlooked by them in their pretended solicitude over the "Mormons," whose social status and religion are as much higher than theirs as the heavens are higher than the earth. "Consistency, thou art fled to brutish beasts, and men have lost their reason."

"LIFTING" THE OATH.

"We did not create the celestial marriage; we cannot remove it," say the Mormons in their latest pronouncement. Very well; that may be granted for the sake of peace, but, "all the same," the strong right arm of the Government of the Republic of the United States of America will destroy celestial marriage, and, if you will accept, the same authority will do as Father Tom does for Myles NaCoppaleen in the play, "lift the oath from off ye."—*Record-Union*.

"All the same" that strong right arm is strongest when upraised in defense of justice, freedom and equality. It was raised in the dark days of the rebellion to crush out slavery, and as that was an institution repugnant to the best and strongest feelings of the civilized world, and wrong in itself, the blow that fell struck the shackles from the slaves and demolished the power which held them in bondage. Then it was right, and a righteous conclusion was the result. "It could not be otherwise. But the war upon celestial marriage is not a political contest at all, but an attempted infringement upon rights ordained in a higher government than any made by man and secured by the great charter of our nation itself; and the conflict has been going on for a period of time greatly antedating the war of the rebellion. That was a power which numerically exceeded that of the "Mormons" forty or fifty to one, yet it was crushed, while the source of needless agitation in Utah is still the subject of conflict, legislation and opposition. In other words, it still lives in spite of threats, attacks, treachery within and contention without. If there is anything to be gained from a comparison of the future with the past, the *Record-Union* and all other journals, and all sensible people, ought to be able to see that that "strong right arm" receives its strength from righteousness, a due observance of the principles of our fundamental law, and the most unrestrained freedom of worship. Hence the failure to accomplish the extirpation in the past; hence the failure now; and thus it will be when all of us now living have passed away.

The government cannot "lift the oath from off us," speaking to that point literally considered, nothing but the power in whose name an oath is taken can "lift" it, and in this case that Power is not disposed to make of His own obligations so shifting and doubtful a condition of things. He created the ordinance referred to not as a mere experiment or measure of temporary expediency, but as a fixed, unalterable and imperative law. Even if He should see fit to suspend or abolish it, it would not be through any of the agencies now and for a long time in operation, but by means at present unknown—means which the human family are unable to control.

Such expressions as those contained in the above extract are not at all new; we have heard them at various times, in this and other places, and from different sources. No less a person than the Chief Justice of Utah Territory announced a short time ago that the government would "grind us and our institution to powder." Let us wait awhile and see.

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