EDITORIALS.

THE VERDICT AGAINST THE "HERALD."

THE verdict in the libel suit of Lowe *vs.* the *Herald* Publishing Company occasioned a good deal of surprise in the community. There is good ground for astonishment at the finding of the jury, which awarded $5,000 to the plaintiff.

In expressing this view we intend no reflection upon the jury but, believing the amount of damages allowed to be excessive, we question their judgment.

In cases of this nature a good deal of analytical discretion is required on the part of those who sit in judgment. We are not disposed to contend that in the instance in point the plaintiff suffered no wrong. What we do hold is that, in our opinion, it was not so extensive as to warrant a verdict of the character of the one rendered. This view is based upon an estimate of the evidence presented. The Court in its charge held that the law presumes malice in cases of libel. It is a recognized principle of law, however, that presumption of any kind is susceptible of mitigation or obliteration by evidence. It appeared in this case that after the publication of the alleged libel the defendant made an effort to repair by the appearance in the journal of the statement of the other side. To say the least this act of itself served to mitigate if not destroy the presumption of malice in the premises.

Those who perused the published evidence adduced in the suit could scarcely do otherwise than conclude that its preponderance was in favor of the theory that the reputation for morality of the plaintiff was not altogether sound. This is a matter that must be left to those who attentively read the testimony without prejudice. If this be correct, then the damage that could possibly be done to a reputation already impaired by the publication of a libelous statement is light compared to the effect upon the repute o a person of well-known and established popular respectability.

If an apple is sound it is marketable. If a slice be cut from it its value in that respect is destroyed. If decay has set in it is already practically unsaleable, and the damage accruing from its diminution by a cut is comparatively small.

A vital question is involved in suits of the kind under consideration. On the one hand indiscriminate and groundless assaults upon personal character—the one in question did not appear to be of that nature—should be discouraged and punished. Indulgence by the press in that direction is injurious. It is not journalistic freedom but license. At the same time the twin right of free speech—the freedom of the press—cannot be too sacredly guarded. It has been the pride of the Republic, and encroachments upon it are viewed with a jealous eye. Every lover of liberty will so regard it. It is not consistent with this characteristic peculiarity of our country to take any step that would cause public journalists to feel it necessary to pursue their profession as if they were treading on eggs. They are liable to err in judgment while the intention to injure may not be present, and the awarding of excessive damages in cases involving elements of great mitigation is opposed to the liberty of the press, the pride of our common country. In that light we consider the verdict in the suit against the *Herald* Company as unfortunate.

Human nature is a perplexing problem. Some of its phases are far from elevating. This reflection is inspired by the unmistakable evidences of a public journal indulging in undisguised gloatings over the misfortune of another newspaper it happens to regard as an opponent. Aside from the fact that when the freedom of the press is jeopardized in any one quarter the whole fraternity are in danger, an exhibition of magnanimity is an indication of manliness.

ONE OF THE PROBLEMS OF THE TIMES.

WE have several times alluded to the criminal statistics and prison investigations of this country, by which it has been established that education—as the term is generally used, is no antidote for crime. That is, a knowledge of things commonly taught in schools does not deter people from wrongdoing, but, on the contrary, the wider the information possessed by a criminal the greater are his criminal abilities. The educated scoundrel is the greater rogue. Something more than mere training of the intellect is necessary to proper instruction. The moral and religious faculties must be aroused, and informed, and brought into healthy action, or the education of the individual will be incomplete.

A recent examination into the affairs in the Chicago prison of Joliet has disclosed that of 1,494 convicts there, only 151 could be called illiterate. But 127 were unable to write, although they could read, 1,087 had "a fair education and 129 were college graduates." The public school system of the United States is not favorable to that moral and religious instruction which appear to us essential to proper culture.

There was one feature of this examination, however, which developed an important fact, that we think will be viewed by even irreligious persons as significant and worthy of attention. Seventy-seven per cent. of those criminals were entirely ignorant of any trade whereby they might earn an honest livelihood. Only seven per cent. were ever apprenticed, and the remaining sixteen per cent. had picked up a trade by casually working at it, but had not been trained to any regular labor or business.

That "idleness is the devil's workshop" will be generally conceded. As a rule, when people can find remunerative employment for which they are adapted, crime is not likely to be rampant. This is something for Utah's political economists to consider. Work for the boys and girls, young men and young woman growing up in the Territory, is absolutely necessary if we wish to have a proper condition of society. It is useless to talk of manual training and an apprentice system unless there are openings for labor when trades are learned. Utah needs manufactories and workshops even more than schools. There are many of the latter—in which much improvement is needed no doubt—and but few of the former.

Schools of industry are to be commended and advised. The training of the hand and the eye and all the physical powers, as well as the head and the heart, the mind and the spirit, is needed here and elsewhere. The public interest is being turned in that direction, and the once ridiculed precepts of President Brigham Young on that subject are now becoming quite popular. But unless we have work for trained hands to do, the training will avail but little. Where are the wise who will create avenues for labor? Where are the wealthy who will invest in something besides merchandise and commerce? Work for the idle, labor for the coming multitudes by natural increase and the other kinds of immigrations, are the pressing needs of the times. Oh! for the exercise of the powers of the Bishopric to plan for the interests of the poor by making it possible for them all to labor!

All the great centres of populatio in the land are crowded with the unemployed. This lack of labor largely contributes to the flood of crime. Something for every person to do by which to live and thus be measurably independent; training in useful branches of industry and in works of art; moral and spiritual development in connection with intellectual culture; these will keep crime at a minimum and help to make a healthy and happy social condition here and in any other place upon the face of the globe.

MARRIAGE CERTIFICATES.

THE late Legislative Assembly of this Territory enunciated, in a formal manner, by means of a preamble and resolutions, the doctrine that it is incompetent for a territorial legislature to duplicate, add to, or take from the laws of Congress upon a given subject, in a manner to change the effect of those laws, in any way or degree. In other words, the lesser body cannot curtail nor abridge the power of the greater, and when the greater has passed a law upon a subject, the presumption is that it has gone as far as it is willing that legislation should go upon that particular matter. Every analogy of law, reason, justice and common sense sustains this view.

But the Assembly did not practice what it preached, and confusion is the result of its failure so to do. Hoge's marriage bill, which became a law, embraces the following section:

"SEC. 10. The person solemnizing the marriage shall, within thirty days thereafter, return the license to the clerk of the Probate Court of the county whence it is issued, with a certificate of the marriage over his signature, giving the date and place of celebration, and the names of two or more witnesses present at the marriage. For failing to make such return he is guilty of a misdemeanor."

What is known as the Edmunds-Tucker law has the following provisions relative to marriage ceremonies, etc:

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full name of each of the parties concerned, and the full name of every officer, priest and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest and person taking part in the performance of such ceremony and shall be by the officer, priest or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facia* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall wilfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof be punished by a fine of not more than $1000, or by imprisonment not longer than two years or by both said punishments, in the discretion of the court."

Several points of variance between the territorial and congressional statutes, relative to the marriage certificate, will be observed. One requires it to bear the signature only of the person officiating, while the other requires it to be signed by the parties to the ceremony also; one allows a month in which to file the certificate, while the other evidently contemplates that it shall be filed immediately; the territorial law provides that a failure to file the certificate, or to perform certain other acts in relation to the marriage, shall be a misdemeanor, which, under the local law, is punishable by a fine in any sum less than $300, or by imprisonment not exceeding six months, or both; the penalty under the congressional statute for like offenses is a fine not exceeding $1000 and imprisonment not longer than two years.

A gentleman of intelligence, who has had some experience in legal matters, is perplexed over the conflict between the Territorial and Congressional statutes designed to regulate marriage in this Territory, and writes us as follows:

Please answer in your paper the following questions:

By the provisions of the 9th section of the Edmunds-Tucker law, passed March 3, 1887, it is stipulated that every person solemnizing a marriage, shall file a certificate of such marriage in "the Probate Court, or if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record," etc.

If parties living in Utah County (a county in which there is a probate court) go to Salt Lake County and there get married, should the person officiating file the certificate in Utah County, or should he file it in the Probate Court of Salt Lake County, where he performed the ceremony?

When the Utah law on marriage becomes operative, will the person solemnizing the marriage be required to file two certificates, one to fill the requirements of the congressional law, and one for the Utah law?

QUERIST.

As to the county in which the marriage certificate must be filed, there is a variance between the Territorial and congressional statutes. The latter, in terms, requires it to be filed in the county in which the ceremony is performed, but there is in the former a requirement that it shall be filed in the county in which the female resides at the time of her marriage. The following is contained in section 3 of the Territorial law:

"No marriage shall be solemnized without a license therefor, issued by the clerk of the probate court of the county in which the female resides at the time."

This provision, together with section 10 of the Territorial law, above quoted, makes it reasonably clear that the latter contemplates the filing of the marriage certificate in the county in which the female resided at the time of the ceremony. Thus, when a female is married in a county other than that in which her home is at the time, it would appear necessary to file two marriage certificates, one to fill the requirements of the Edmunds-Tucker law, in the county in which the ceremony is performed, and the other in obedience to the territorial law, in the county in which the bride resides. When the ceremony is performed in the county in which the bride lives, only one certificate need be filed, but it must be of the character required by the Edmunds-Tucker law, i.e., it must bear the signatures of the wedded pair as well as that of the person officiating, etc. Such a certificate would fill the requirements of both the congressional and territorial laws. When two certificates are necessary, the one filed in the county from which the marriage license issued, and which is sent thither with the returned license, need bear only the signature of the person officiating, etc., as it is filed in obedience to the territorial law, which requires less than does the congressional statute; though both certificates may be alike, if they conform to the latter law.

Whether the Utah Legislature had the right to require a marriage certificate to be filed in one county after Congress had enacted that such a certificate must be filed in another, or different one, is a question it would require a judicial decision to settle; but it will, in the mean time, probably be as well to take a course which will meet the requirements of both laws.

In order to express the results of an examination of the two statutes under consideration, in a simple manner, we will recapitulate:

1.—When the marriage ceremony is performed in the county in which the bride resides, one certificate will meet the requirements of both laws, provided it contains what is specified in the Edmunds-Tucker law. It should be filed immediately, that is as soon as practicable, after the ceremony, as this is evidently contemplated by that statute. The marriage license should be returned with it.

2.—When the marriage ceremony is performed in a county other than that in which the bride resides, one certificate, to meet the requirements of the Edmunds-Tucker law, must be filed with the probate clerk of that county, and another must be sent, with the returned marriage license, to the probate clerk of the county in which the bride's home was at the time of the marriage.

3.—Both certificates may be alike, provided they conform to the congressional statute, though the one filed in obedience to the territorial law need not be signed by the bride and groom, and thirty days are allowed for filing it.

4.—Filing a certificate in obedience to the Edmunds-Tucker law of course secures immunity from the punishment prescribed therein; but whether the punishment named in the territorial law could be enforced against a person who had fully complied with the law of Congress is an open question; but until it shall be determined, a discreet person will avoid all risks in relation to the matter.

EXCEEDINGLY OPAQUE.

IN this issue we publish the act, passed by the late Legislature, which is supplemental to and amendatory of the old fish and game law. The first section is a poser. It states that those who commit certain acts between specified dates "shall be guilty of a violation of the provisions of this section." Unfortunately for the sense and efficacy of this section it contains no provisions and does not even assert that the alleged violative acts shall be misdemeanors. It happens also that this same section one takes the place of the section of the same number of the old statute, the latter being repealed. As it stands it is a heterogeneous concatenation of extraneous phraseology, signifying nothing—a meaningless legislative void.

THE IMPORTANCE OF TREE PLANTING.

IT is difficult to imagine anything that would contribute more to the enhancement of the beauty and value of land in this Territory than a greater popularization of the tree-planting industry. It need not be confined to the planting and cultivation of trees proper, but might also profitably include shrubs and vines of infinite variety.

Some time since this journal suggested the advisability of the Legislature enacting a statute designating an arbor day. The failure of the late Assembly to do so was, in our opinion, a regretable omission. Such a law exists in Illinois, and the following synopsis of a proclamation recently issued in accordance with it by Governor Oglesby, gives a clear idea of its purport and what can be accomplished under it. This is an extract from the *National Live Stock Journal*, of March 20th:

"Gov. Oglesby this evening issued the first 'Arbor-day' proclamation ever promulgated in this state. He first sets out in full the act of the last legislature directing him to designate an nually in the spring a day to be observed throughout the state as a day for planting trees, shrubs, and vines about the homes, along the highways, and about public grounds within the state, and then says: 'To give effect to and to carry into execution the foregoing act, Friday, April 13, 1888, is hereby designated as Arbor day, and I earnestly commend to the people of the state the observance of said day. It is believed great good will result from an earnest effort by the public to inaugurate and perpetuate a day for the special purpose of planting trees, shrubs, and vines. It would greatly add to the beauty of our state could every home, schoolhouse, church, highway, and public grounds be ornamented by trees, arbors, shrubs, and vines, and great benefit would result from planting forest trees, which in time would immensely increase the value of our lands. Should local communities agree to co-operate in this respect a great deal would be accomplished, but whether communities shall so co-operate or individuals alone undertake to adorn and beautify the state, there can be no doubt that if the day shall be properly inaugurated and habitually observed, great public and private good will result from its observance.'"

In the absence of a Territorial statute on the subject we see nothing in the way of the several municipalities taking steps in the direction of tree-planting. It might be done by the passage of resolutions by city councils and proclamation of the mayors in unison therewith, designating a certain day to be devoted to the purpose indicated. Of course such measures would necessarily be in the nature of an invitation to the public. We believe such a step would meet with general response.

Otherwise it might be better still make it more general. In that case know of no obstacle that would sta in the way of the designation of a d and an invitation connected with it proceed from the Governor, by mea of a proclamation.

It has been proved to a demonstr tion that the existence of tim superinduces humidity, a conditi that is greatly needed in this part the country.

There are considerable tracts of la in various sections, some of them close proximity to this city, that are present unused and useless because the existence, to a great degree, saleratus in the soil. Certain kinds timber, such as black willow which attains a considerable growt quaking asp, poplar and other tre would grow and flourish. The ow ers of such tracts miss a means profit and beauty by not planting up such spots.

Tree-planting should be encoura by some popular movement.

THE LATEST ON LARD.

IT is not generally known that la as purchased in cans and buckets "r up" in eastern houses, is not all r lard but, when not otherwise adult ated, is largely composed of the r derings of fat from the head, entr and other parts of the invaluable li pelling creature—the hog. Investi tions before the Senate Committee Agriculture at Washington, D. have made clear many things in which were not before known to public.

Professor Wiley, the official chem has made microscopic exami tions and laboratory exp ments, and demonstrated above-named fact, and also t cotton-seed oil is a general adulter of lard. When questioned as to practice of the rendering down of d hogs to manufacture lard, he state was general and that no one could the difference between that kind the genuine. By the term dead ho meant the kind that die a natural de in contradistinction to those which "killed to save them from dying."

The professor did not consider th was anything wrong in making from decomposing hogs, as there "nothing deleterious" in it, and in view it made no difference how a died whether from the knife from disease. This may quite correct, but we are the opinion that most people wo have a strong prejudice against de hog lard, if they only knew how to tect it from the product of the slau tered animal.

Steamed or watered lard, it app is prepared for the foreign mar chiefly for the West Indies, bnt is usually sold in the markets of Amer Of course there is some virtue in t To cheat the foreign purchaser can be as criminal as to swindle o countrymen; or at least that is how matter seems to be viewed by s senators and exporters.

If people will use lard—and we s pose they will whatever may be as to the diseases of the hog would be much better to the home-raised, home-prepa article than to trust to the impo stuff which no one can tell is p There could be, and should be, pa ing and lard-making establishment Utah, in which only hogs without ease would be received and prep for consumption, and we believe th is money in the business for some terprising capitalists and butch The freight from the east would a a protective tariff and proper pro tion *should* operate as a protec against impure lard and unfit pork bacon. Let the universal indiges breeder—the great American pie preserved at least from that variet indispensable grease which is c cocted of melted fat from the fo carcases of decomposing porcines.

SELLING SCHOOL PROPER

THE facts respecting a case in w trustees are about to dispose of re under circumstances which wo render the transfer of question validity, have been stated to us, have suggested some comments on subject.

It appears that the prop payers of the school district le to, about seven years ago, voted i vor of having the trustees sell cer real estate belonging to the dist The trustees did not receive an o for the property which was dee satisfactory, and consequently the was not made at the time. It is proposed that the trustees shall, u the authority of a vote taken s years ago, sell the property.

School property can be lawfully only when two-thirds of the prop tax-payers of the district, presen a regular or special school mee called for that purpose, vote in f of the sale. The notice calling meeting at which the vote is t should distinctly state that the pro sition to sell property (describing will be submitted to the meeting. minutes of the meeting should carefully taken, approved by the m ing before adjournment, properly corded, and duly certified to,