classification of the offense is abortion, the punishment for which under our statutes is imprisonment in the penitentiary for not less than two nor more than ten years. So that, whichever way it may be, a crime, defined as such by the territorial laws and punishable thereunder, was committed. If it was not abortion it was murder and *vice versa*, and in either case the finding of the jury should have so stated and the attention of the grand jury of the district been called to it. Undoubtedly this body will act on it anyway, since it is not compelled to notice the other, but it was unquestionably the duty of the latter to make the case as plain as possible for the inquisitors, and it was *not* its duty to assume a defect in our legal system that does not exist.

PECULIAR LAW.

County Attorney Murphy, after showing that the election today is a peculiar one in that certain classes can vote if they own taxable property who could not do so at any other election, then goes on to show that it is not peculiar as to any other people whether they have property or not. If the right to vote, as he very properly shows, is based upon the voter's actual interest in the result by reason of the proposed obligation it would place him under, what right have those upon whom such obligation would not fall to assist in incurring it? It being a kind of proceeding in equity, what right have other than parties to it to participate? Why should the man who owns nothing but what he stands up in and not only pays nothing to the support of public institutions but perchance nothing to his own support, say whether the property owners shall be burdened as proposed or not? Very peculiar law and worse logic, it looks like to us; it may do for the purpose for which it was "invented," but whether it will pass muster in court or not is another matter.

CHRISTIANITY AND MOHAMMEDANISM

Mr. Alexander Webb, the American apostle of Mohammedanism, having commenced to publicly present his views on the religion of the Arabs, it is likely that the public will hear more or less about the subject through the press for some time to come. Comparisons are likely to be made on the religious systems of Jesus and that of Mohammed.

One peculiarity of Mohammedanism and which stamps it at once as vastly inferior to Christianity, is found in its mode of teaching moral lessons. Christianity presents broad, general principles covering every field of human conduct. A follower of Jesus need not hesitate about what is right or wrong for him to do in any case where moral principles are involved. The great maxims announced by Jesus Christ, "Love God above all; love your neighbor as yourselves," cover everything. It is this fact that makes Christianity so wonderfully well adapted to every nation, every country, every age, and indicates its divine origin, by the divine wisdom displayed in its structure.

Mohammedism, on the other hand, has no such general principles. Its moral system is but an enumeration of a few individual virtues and the prohibition of the opposite vices. Its ceremonies, some of which it would be impossible to carry out in certain parts of the world where the climate is less friendly than the sunny home of the eastern prophet, have an importance attached to them that at once confines the religion to a limited part of the earth. In this its great weakness lies. However, hardly any will deny that Mohammed performed a great work and a good work among his own people. Later corruptions can as little be charged to the religion of Mohammed as the sins of fanatics committed in the Middle Ages in Europe can be held out as the result of Christianity.

THE FREEDOM OF THE PRESS.

The attitude of Judge Zane on the question of journalistic privilege, as defined in his ruling on the demurrer in the late case in which this paper was a party, was at once recognized as a sound principle and based upon the best of law, in that it recognized progression and the needs of advanced times as against the restriction and tyranny of bygone ages. A California judge—Lorrigan of Santa Clara county—recently held somewhat differently and an appeal from his action was instantly taken to the supreme court of the state, before which body it was argued the other day and taken under advisement.

It seems that on January 10th last the divorce case of Price vs. Price was called for trial in the superior court of Santa Clara county. Judge Lorrigan made an order that the proceedings should be in private and that they should not be published in the daily papers. On the following morning Charles M. Shortridge published in the San Jose *Mercury*, of which he is the editor, a correct account of the proceedings at the trial. When cited to appear before Judge Lorrigan and show cause why he should not be punished for contempt, Mr. Shortridge claimed that he, as a citizen, had a right to publish the proceedings, notwithstanding the order of the court, at the same time disclaiming any disrespect of that tribunal. The court held that there had been a disobedience of its order, although none of its proceedings had been interfered with, and Mr. Shortridge was found guilty of contempt.

In the argument before the supreme court the defendant's attorney claimed that the liberty of speech and freedom of the press were inviolable rights guaranteed by the Constitution, and the right to exercise them could not be interfered with except where the rights of others would be interfered with thereby. It being conceded that the published report was fair and correct, the processes of the court were not interfered with and therefore there was no offense. It was also claimed that the court only had jurisdiction of the case before it and the parties to it; could not determine what the world at large should do, and if the published proceedings would not have been illegal without the order of secrecy, they were not made so by such order. It was further shown that "it is the right of the public to be informed of the proceedings of its courts. The judges are only the servants of the people and the latter are entitled to know what their ministers and servants are doing. The petitioner claimed that there was nothing in the publication to shock public morals and if there was it had nothing to do with the present hearing. The courts were not the custodians of public morals at large."

The attorney further argued that the examination must be confined to the charges contained in the affidavit, which took the place of an indictment. "The affidavit set forth that witnesses had been excluded from the court, and that the publication by the petitioner gave them such information as the court desired withheld from them. The affidavit made no such charge; if it had defendant might possibly be guilty of contempt. The question was whether the affidavit presented sufficient facts to constitute a contempt. The petitioner contended that the publication was within his right of free speech and free press. The right of free press is the bulwark of public rights. The freedom of the press is the principal pillar of a free people."

That sounds like the right kind of doctrine, yet to what extent can it not, has it not been used! The freedom of the press means or should mean the freedom to be just, to be a defender against oppression and error, and not that immunity from punishment or liability which permits if it does not incite to slander, falsehood and wrong. The press has a great, a grand mission, and except in places and at times is accomplishing its purpose. It is an educator, a disseminator of legitimate information, and whenever it shall be even for one occasion at variance with this line of conduct it is wrong and all the more wrong because of its power. Still, it must not be assumed that legitimate criticism is slander or reproach for wrong-doing is abuse. Between the two extremes is the legitimate and happy medium.

The following language of the attorney is also apt and proper:

In years gone by monarchical governments passed upon and determined what might be published. America was the first to establish a free and untrammeled press. The only limit to its freedom is that it must be exercised so that it does not infringe upon the just rights of others. Was the publication of a truthful and correct report an interference with the proper conduct of the proceedings? Could this be an interference with the duties and functions of a court? Does the reading by a judge in the morning of a proceeding in his court the day before in any way interfere with his rights? Under these conditions how can the publication injure any one? If the petitioner has injured no one what law has he transgressed? If he has transgressed no law why should he be punished?

The closing portion comes very nearly telling the whole story. If he has injured no one he has transgressed no law, and if he has transgressed no law he should not be punished. Good, sound logic and good common sense. We look for the supreme court to take that view of it.