

The opinion was by Judge Miner, and is a broad-minded, common-sense exposition of the equitable phase of practical jurisprudence; that is, while upholding the law as it is at every point and admitting all the necessary forms as well as technical procedure, it accomplishes substantial justice, which is exactly what the law is for and what the courts—the mouthpieces of the law—are presumed to enunciate. Judge Miner holds, among other things, that even if the abandonment on the part of the defendant had been wilful and continuous it could not affect the rights of innocent parties whom the statute was designed to protect by the exemption law; in other words, the right of a wife and her children to be sheltered and protected is superior to the right of any one else to deprive them of such shelter and protection. This has the right ring to it.

In all this there is no reflection whatever upon the trial court, or the plaintiff in the case, intended. All judges do not construe the law alike, else the revisory and corrective tribunals so abundantly provided everywhere would be useless incumbrances. It is the contemplation of erroneous constructions as the result of human fallibility in its best estate that causes the law-making power to provide against them. On the score of personal integrity and legal acumen our State is blessed with a judiciary equal to a majority and superior to many. It is not at all likely that injustice will ever be wrought to any litigant or the community as a result of either intention or neglect on the part of any judge; but on the ascertainment of legal principles more or less abstruse a rigid adherence to forms and constructions may in some cases work hardships, and it is a matter of gratification when these are avoided.

RAISING THE CRY AGAIN.

Under a scare heading, Friday's Ogden Standard contains the following:

"The report has reached this office that high dignitaries of the Church dominant in this State have begun a crusade for fusion; that the Bishops and the Elders are even now, three months prior to the election, button-holing the brethren and counseling them for fusion. The statement is made by people of good standing in the Church, and in a position to know what is going on."

The sinister purpose in such publications as the foregoing is to raise the cry of "Church dictation," for which there is not the slightest foundation in any of the facts related, if they are facts. The Church does not control a man's political views; it does not direct his political preferences. Its advice to him is to be a good and useful citizen. In no way does that counsel interfere with his freedom of political action, but rather upholds it. Because a person holds a high or a low position in the Church he is not barred from exercising the privileges of citizenship; although certain politicians, to suit their own ends, have sought to have a barrier raised in that regard. Any official, or any member in the Church, is at full liberty, if he chooses to exercise his privileges of citizenship in that regard, to "buttonhole" others in behalf of fusion or against it, unless he should make of himself a nuisance by being offensive; or he may remain perfectly quiet on the subject. And his action, or the action of many citizens, in either direction, is in no sense an indication that the "Church dominant in this State" is in any degree concerned in a "crusade" one way or the other. In these matters each man and woman acts as a citizen; and whether

convictions are divided as to political policy, or whether the burden of public sentiment runs one way or the other, as to what political course is best to follow, each citizen, whether Church official or not, has full liberty to elect for himself, or to counsel with, and give to or accept the advice of his fellow citizens. Any attempt to close the mouths of citizens, by raising a "Church dictation" howl because those citizens happen to be Church members, and thus to stifle freedom of speech, is an outrage not only upon the Church whose members or officers are thus assailed, but on the political liberty of American citizens as guaranteed by the Constitution of the United States. It is time, for the general peace and goodwill, that every well meaning person frown down these attempts at anti-religious persecutions, whether directed against members of the "dominant" Church or of any other.

THE PHILIPPINES.

It seems to be the general impression that the war with Spain now is practically ended, although the negotiations for peace may require weeks or months. Cuba is to be free and Porto Rico is to be ceded to the United States. That seems to be settled.

The Philippine problem is not an easy one. To undertake the political education of eight million souls, many of whom are savages and others but half-civilized, is not to be done without due consideration of all the circumstances. On the other hand, to return those people to Spanish rule is a serious matter. To leave the islands to some European power might create jealousy in others and lead to another war in which the United States possibly would be involved.

Were the American people to be consulted in the matter, there would probably be a strong sentiment in favor of demanding independence for the Philippines and the establishment of some sort of government there suitable to the status of the natives. It would probably be found that the nation would be willing to assist them in organizing an independent government and then guard their interests against internal disorders and foreign aggression until the time shall arrive when they are capable of governing and defending themselves. Such arrangement would be satisfactory to all concerned, except Spain, and would insure peace and tranquility. An independent republic in the Philippines, under the protection of the United States, would seem to be a suitable result of the magnificent victory of Admiral Dewey. Less than that would be to render that victory almost barren of results.

ABOUT SWEARING.

An effort has been made in New York to pass laws for the purpose of prohibiting the use of profane language by punishing those who indulge in it publicly. It seems, however, that the agitation has met with opposition from a rather unexpected source—from some clergymen and people of religious inclinations. These do not in any way approve of swearing, but they agree that profanity is a violation of a purely moral law and not subject to civil legislation, and that a statute which cannot be enforced is demoralizing, for the simple reason that an impotent law will soon be regarded with contempt.

In the old Moslem Theocracy there very properly was a provision in the criminal code against the use of the name of the Most High "in vain," and severe penalties followed the violation of this law. Many Christian countries still retain laws against "blasphemy," evidently in imitation of the Moslem

law. The question of profanity is considerably wider, though, than the crime, or sin, aimed at by such legislation.

The only effective remedy against the use of bad language is a powerful public sentiment. Let it be realized that profanity is a sure evidence of bad breeding, or moral degeneracy, and that one who indulges in it is really unfit for the society of ladies and gentlemen; let it be understood that its tendency is to brutalize the human being and lower his moral status; let the fight against the vice go on on these lines, and the results will be apparent. A statute that cannot be enforced will remain a dead letter, but public sentiment on the right side will be effective. It has already done good work. We believe the use of profane language is really on the wane in this country, and that those who occasionally indulge in it, often feel ashamed of themselves, as they certainly ought to.

TERMS OF PEACE.

The negotiations looking to peace are dragging their slow length along, and it may be several days yet before anything conclusive is arrived at, presuming that such a result will come at all. At this time there is no information that the formal terms are prepared and ready for acceptance, but their tenor and scope seem to have exuded through the walls surrounding the cabinet in its consultations upon that subject. One thing may be taken for granted: Spain will be required to absolutely and forever renounce all claim, right or title to land or sovereignty of whatever name, nature or degree in the northern part of the Western Hemisphere—meaning of course Cuba, Porto Rico and the isles adjacent thereto. The language of the protocol will naturally be different from the foregoing; will be a little less harsh in tone and very much more elaborate in construction, but the words herein employed will unquestionably be found a very fair syllabus of the text.

The disposition of the Philippines seems to be the vexed question. To give them up entirely as President McKinley and at least one member of the cabinet are in favor of is a proposition which meets opposition here and elsewhere that ranges all the way from mild protests to bristling hostility, while it finds but very few supporters indeed. It is shown and properly, that Spanish rule in the orient has been if possible worse than in the occident, and that as one of the objects of the war was to secure freedom to those who were struggling against the thralldom of Spain's tyranny, the Philippines must not be deserted at a time when the desired end is all but accomplished. It is also shown that the element of fidelity must be considered; that having accepted of the assistance of Aguinaldo and his followers and made them allies under a certain understanding, to abandon him and them now to the tender mercies of the hereditary and vengeful oppressor would be an act of such baseness as no true American would entertain for a moment. No; a just and benignant government must be established for the Filipinos, but how, when, and by whom? That is the question.

It is undeniably the case that the annexation of the islands, or at least the maintenance of supreme and exclusive jurisdiction there would give satisfaction to the overwhelming majority of our own people, and would meet with approval from Great Britain, Japan, possibly China and some few of the smaller powers. It would be opposed vehemently by Germany, moderately by Russia, nervously by Austria, diplomatically by France and furiously by Spain. Whether such opposition