EDITORIALS.

IMPORTANT RULING ON NATURALIZATION.

A VERY important decision has just been made by Judge Blatchford, of the United States Circuit Court in New York, and, as it may have some bearing upon cases in Utah somewhat similar to those it affects in New York, we give the salient points of His Honor's ruling.

But first, the case must be explained. U. S. Commissioner Davenport took steps at the last election in New York to prevent a large number of citizens from voting, on the ground that they had not been lawfully naturalized. They held certificates of citizenship, made out in due form, stamped with the seal of the court that issued them. But it was claimed that in 1868 a large number of fraudulent certificates were issued, and one proof of the fraud as claimed by the Commissioner, was the absence of what he considered a proper record of the judgment of the Court in admitting applicants.

It was shown, however, that a book labeled "Naturalization Index" was kept, containing the names of persons admitted to citizenship, with the dates of their admission. But as this book contained no record of any decree of court, it was claimed that the law had not been complied with. These alleged defects were used by Commissioner Davenport, a Republican, to prevent from forty to sixty thousand citizens, principally if not all Democrats, from voting at the election.

Some time ago a case was tried before Judge Freeman, with the object of obtaining an order of Court amending and perfecting the record. But the Judge, in an elaborate opinion which was published at the time in full, in the New York *Herald*, held that the record was in itself sufficient, containing no material defect, and therefore denied the application.

The case which has just been decided by Judge Blatchford was a test case. Peter Coleman with many others was arrested by instructions of Commissioner Davenport and charged with false registration, he being one of the large number referred to, who held certificates of naturalization of which it was claimed there was no proper record. He was taken before the United States Circuit Court on a writ of *habeas corpus*, and the whole matter was argued on both sides. The ruling affects not only Peter Coleman but all others who had obtained papers in a similar way, and, incidentally, will have a bearing upon the citizenship of a great number of persons in various parts of the country, Utah included.

Judge Blatchford decides that when an applicant for citizenship complies with the provisions of the law, viz., having declared his intentions, takes an oath to support the Constitution; renounces his former allegiance; satisfies the Court by a witness as to the prescribed residence and his character; and renounces all titles and orders of nobility; nothing more remains for him to do but to receive his certificate, which any omission on the part of an officer of the court cannot invalidate. The Judge says:

"It is hardly to be supposed that Congress intended to make the applicant for citizenship responsible for a non-compliance with any other conditions than such as he had the power to comply with. The applicant can declare his intentions, and can take the prescribed oath and make the prescribed renunciation; but he cannot see to it that the proceedings and renunciation are recorded."

This is good common sense, and though it may not accord with the ruling of some astonishing legal luminaries who have emitted their dazzling radiance from the bench in Utah, will, we have no doubt, stand the test of legal criticism and, if necessary, of higher judicial authority.

Judge Blatchford also rules that the book labelled "Naturalization Index" constitutes a record within the meaning and intent of the law, and concludes as follows:

"It therefore, appears that Coleman was duly and legally admitted to citizenship, and that the legality of his admission was not invalidated by any act or omission which occurred either prior or subsequent to his admission. As he was legally admitted, it was proper for the Court to give him the certificate of citizenship which was given to him, and that certificate was not unlawfully issued or made. On this ground he is entitled to his discharge from arrest.

"'But there is another ground on which Coleman is entitled to be discharged. Even if there were such a defect in the record of the Superior Court as to make the certificate given to him one that was unlawfully issued or made, he was not guilty of an offence under section 5,426, unless when he received the certificate he knew that it was unlawfully issued or made. It appears that he complied fully with all the conditions imposed on him as prerequisite to his admission, and that the unlawfulness, if any, was in the want of form in the records of the Court.'

"An order will be entered discharging Coleman from custody."

It is claimed that the decision validates the disputed naturalization papers of 60,000 citizens. Davenport, however, contends that it will only affect 12,000 of them, as he has other points of objection against the rest. It is only fair to add to the above that Judge Blatchford stated in connection with it, that if it could be judicially shown that any entries of naturalization were really fraudulent, or that fraudulent certificates had been issued, the Court would annul such entries and certificates. All of which is eminently proper and consistent.

There is another important point connected with this subject which has special interest for the people of Utah, consideration of which we must postpone until to-morrow.

AN IMPORTANT DEFINITION.

THE opinion of Judge Blatchford, in his ruling on the naturalization cases in New York, the substance of which we gave last evening, as we [illegible] point of considerable interest to many people in Utah, in addition to the items we have already presented.

In referring to the action of a Judge in admitting an applicant to citizenship, he invariably calls it "a judgment." So also did Judge Freeman, in his decision concerning the same matter, several months ago. And in the various authorities cited, the same expression is used in relation to the order of Court for the admission of an alien to citizenship. The act is definitely stated to be "a judicial act" and in the nature of a judgment.

It has been contended in this Territory, and, we believe, decided by some judicial Solons, that the order was neither in the nature of a judgment nor a decree, and that therefore the clause in the Poland bill which validated all judgments and decrees of the Probate Courts of this Territory up to the time of its passage, did not validate the certificates of citizenship which had been issued from those courts.

Doctors frequently disagree, and so do judges, and the more we learn of the rulings of experienced and able jurists, the less we are disposed to venerate the decisions of some of the third rate lawyers who, through the pressure of political exigencies, are exalted upon judicial seats in the unfortunate satrapies commonly called the Territories of the United States.

A MIS-STATEMENT CORRECTED.

IN conversation with a radical anti-"Mormon," a few days ago, we were met in our argument on the religious aspect of the plural wife question, with the statement that the "Mormons" had once proposed to swap polygamy for Statehood, and that this was inconsistent with their claim that plural marriage was part of their religion. As this incorrect assertion has been made repeatedly, we take this opportunity of presenting the facts in the case.

The people of Utah have several times made application for admission into the Union as a State. They have held conventions, arranged a constitution and sent their representatives to Washington to present their petition and claim to Congress. One of these conventions was held in this city in February, 1872, and was composed of both "Mormons" and non-"Mormons," the former, of course, being in the majority. One of the sections proposed as part of the appeal to Congress was as follows:

"That such terms, if any, as may be prescribed by Congress as a condition of the admission of said State into the Union, shall, if ratified by a majority vote of the people thereof, at such time and under such regulations as may be prescribed by this Convention, thereupon be included within and constitute a portion of this ordinance."

This occasioned an animated debate. It was viewed by some members of the convention as calculated to compromise the people on the plural wife question, and as such was spiritedly denounced. But it was shown, on the other hand, that it contained no pledge on this or any other subject, except that whatever Congress might propose should be submitted to the people, who could take their own course on the matter, and the responsibility would rest upon them and not upon the Convention. Congress had turned a deaf ear to all previous petitions of Utah for admission, and it was only reasonable to conclude that there was some special reason for thus considering the superior claims for admission, which Utah possessed above other claimants for Statehood, who had succeeded in their application.

On these arguments which were ably supported by many speakers, the majority of the convention voted in favor of the section. But they made no offer to "swap polygamy" nor any other principle or practice for Statehood. They merely gave Congress an opportunity of showing on what grounds Utah was denied the privileges granted to other Territories with less forcible claims for State rights and privileges.

Polygamy was not named in the [illegible] may be claimed that this section squinted in that direction. Admitting this to be true, it amounted to no more than this: That if Congress would not admit Utah unless something appeared in her proposed State Constitution forbidding polygamy, an opportunity was given for that body to express this in so many words. Then their proposed conditions should be submitted to the people for their action.

This would be putting the responsibility where it belonged. If the whole people chose to repudiate polygamy they would have had to take the consequences of rejecting a cardinal part of their religious system. Was it supposed for a moment that the people who had suffered worse than many deaths for their faith, would trample an essential part of it under foot in order to obtain Statehood? The idea is ridiculous, and was never entertained by any one who understood the Latter-day Saints, their leaders and their covenants.

They would have given serious and candid consideration to anything which Congress might have had to say, in regard to the conditions necessary for the admission of the State of Deseret, and would have had the advantage, which they have never yet enjoyed, of learning officially the reasons why their claims for Statehood had been treated so coldly and contemptuously.

But as they never contemplated incorporating in any State constitution anything forbidding plural marriage, so they never intended to insert anything therein legalizing it. The laws of Utah are silent on the subject. There never has been anything proposed looking to State legislation upon it. And there are good grounds for this assertion. The Latter-day Saints do not consider this question of their monogamy or purality within the purview of the State, but purely an ecclesiastical matter, governed by divine law and administered and regulated under divine authority.

We therefore affirm most emphatically that no such selling out, or exchanging of a religious ordinance for a secular privilege, was ever proposed or contemplated by the representatives of the "Mormons," either in Convention or out of it, in public or in private, in political debate or in religious assemblies. We are not made of that kind of material.

ADVICE TO FARMERS.

THE following hints to farmers, collated from an article in the *Prairie Farmer*, are all applicable to the agriculturists of Utah, to whom they are offered as advice that may prove very profitable to them:

In building up an unprofitable farm, the first aim should be to stop the process of running down, to pay first expenses, and then a slight, yet increasing profit, and to this end both thought and labor must be directed. If it is possible, reduce expenses. Dispense with everything except plain food, and coarse, warm clothing. Above all, pay cash as you go. Everything has to be paid for in the end, and the whole credit system is a delusion and a snare.

Enlist the energies of each member of the family in the great effort to save the farm. Keep a strict and honest account with everything about the farm, so that you know exactly how you stand.

Every successful farmer keeps strict accounts. This enables the farmer to define which field and crop pays best.

Barn yard manure, decayed animal or vegetable matter, refuse of every description, bones gathered up in waste places, leaf mould hauled from the deep ravines, all these must be utilized and their effect will soon be evident.

A "CHRISTIAN" EXECUTION.

A MOST barbarous and sickening scene was presented at the execution of Benjamin Hunter, the murderer of John M. Armstrong, which took place at Camden, New Jersey, on the 10th inst. The hanging was done in the interior of the prison, where a novel arrangement had been effected for the purpose. A rope was fixed so that the noose and hung through a hole in the ceiling, the other part passing over a block on the floor above, and, through another hole in the ceiling, down through the floor below, a 300 pound weight being attached there to the other end, but held up by an attachment rope, so that when the latter was cut, the fall of the weight would suddenly jerk up the noose end some distance from the floor.

Spectators were admitted by passes, and, according to an account in the New York *Herald*, they were mostly roughs of the worst type, who swore, smoked and profaned during the whole proceedings, the officials acting little better.

Hunter, who had confessed his guilt, had made an attempt at suicide a few nights before, by severing the arteries of his insteps with a jagged piece of tin; but although he bled profusely, he was bandaged and manacled, and doctored up to keep life in him, so that he might be strangled to death. In consequence of this he was much enfeebled, and was therefore plied with whiskey or drugs until he was a helpless bundle of dying humanity, and in this drunken or drugged condition he was half dragged, half lifted to the spot where the noose was placed around his neck, when the sheriff cut the connecting rope and the weight fell, but, horrid sight! it only lifted him to a standing position. Cries of shame! and profane expletives startled the trembling Sheriff and he, with his assistants, seized the rope and hoisted the semi-conscious murderer till he swung four feet above the floor, where he dangled for half an hour. Instead of breaking his neck, they slowly choked him to death. After seventeen minutes his pulse still beat. The whole affair was a disgrace to the State of New Jersey.

The *Herald*, commenting on the shocking affair says: "Even in semi-barbarous Utah the condemned man may be shot or beheaded." Choking a man to death like a dog is a modern "Christian" mode of inflicting the extreme penalty of the law, which Utah regards as repugnant and unnecessary to meet the demands of justice. And as to the term semi-barbarous, we will remind the *Herald* that there is more "barbarism" in one night's doings in the Christian city of New York than has been seen in all Utah for ten years.

FRANK ACKNOWLEDGMENT.

OUR esteemed contemporary the Ogden *Junction* having made a mistake in regard to the bearing of the act of limitations on offences under the Anti-polygamy Act, and having become convinced of the error, thus frankly and fairly corrects its formers tatement:

"We claim to be friends of the people, and whenever any action or utterance of ours has other than a beneficial tendency towards those whose interests we hope at all times to promote, such action will be through deficient judgment rather than intent, and we trust will be so received. We are therefore more than pleased to record that the position which we temporarily assumed, in view of recent decisions, was wrong, and that those who opposed us in that respect were, in consequence thereof, right. We believe it to be in perfect keeping with honorable and manly conduct to acknowledge our errors when convinced of them; and when the same were perpetrated without intent to mislead, to rectify them on discovery becomes a duty. Having the welfare of the people at heart, we could not well do less; desiring to acknowledge any errors which superseded doctrines may have led us into to the detriment of our friends, we cannot well do more."

We do not think any one will charge the *Junction*, which for so many years has been a representative of the people, with any intentional mis-statements. All that could be charged in this instance was that it was in error, and we cheerfully make the above extract from a well written article in yesterday's daily, explaining the whole matter.

The *Junction* sets a good example to all persons and papers, in fully acknowledging an error when convinced of its mistake.

POISONED SUGAR AND SYRUP.

THERE has been a great deal of discussion in the East on the sugar question. It is claimed that the revenue department has been the victim of wholesale frauds, perpetrated by the dealers and importers, and Congress contemplates the passage of a law to remedy this evil. But there is another phase of the subject, possessed of greater interest to the masses, as it bears upon the general health and the general pocket. This is the great adulteration of sugars and syrups, and particularly of the latter.

In respect to sugar, it is alleged that glucose—or starch sugar, enters largely into the substance of much that is sold as pure sugar, and that it is impregnated to an injurious extent with muriate of tin and other deleterious ingredients, used in the process of refining. On the other hand there are refiners in a large way of business, who explain that while some of the cheap sugars do contain some glucose, it is perfectly harmless, and that what muriate of tin is used in refining is either entirely eliminated in the process, or, if any remains at all, it is in such infinitesimal quantities as to be entirely inocuous to the consumer.

In regard to the syrups which are placed upon the market, great quantities of which find their way into this Territory, analysis shows that many of them are heavily adulterated, and that they are, in consequence, calculated to produce very ill effects when used to any considerable amount. The papers have recently mentioned several families who have been poisoned by partaking of such syrups.

A can of syrup of which a family named Doty, at Hudson, Michigan, had eaten, and all of whom were poisoned, was submitted to Prof. Kedzie, of the Michigan State Board of Health, and following is his report:

"The syrup was of a light, yellowish-brown color, and looked like a very respectable syrup. It had a decidedly acid reaction with blue litmus paper, turned black