

demand for all essential purposes. And may we not expect, from the experiences that have been gained, that in future the spirit as well as the letter of the rulings of the highest judicial tribunal of the land will be respected, in court as much at least as out of court, and that vengeance and malice will not again figure in official circles in this Territory, by way of executive or judicial excesses, or in straining enactments beyond their legitimate limits and intents?

A SURPRISE FOR UTAH.

THE announcement in the press dispatches that President Harrison has appointed Charles S. Zane as Chief Justice for Utah, occasions great surprise and, we may add, very great regret among the majority of our citizens. This appointment is surprising for two reasons:

First, so far as is generally known here, there is no vacancy in the office. If Chief Justice Sandford has resigned, the fact has been kept very quiet. Without such vacancy the President has no legal power to create one in order to fill it with a member of his own party. It is singular that such a measure should be taken by President Harrison.

Second, it has been made very clear that during his former incumbency, Judge Zane was extreme and fanatical in his interpretations and enforcement of the laws of Congress, particularly against one class of offenders. That in this respect his zeal outran his discretion. And that anger and vindictiveness were so apparent in this direction, that they were the subject of regret and animadversion among all who witnessed them, except a clique of bitter partisans who, while pretending to favor the suppression of crime, were the apologists and defenders of lechery and lust. Also, it is notorious that under his judicial regime, business was paralyzed, sorrow penetrated many innocent hearts unnecessarily, and the progress of the Territory was materially retarded.

For these two reasons alone, it was not believed that President Harrison would permit the pressure of Judge Zane's personal and party friends to influence him, so far as to remove a competent and conservative Democratic occupant of the bench, in order to make way for a less cautious if not a less learned Republican.

Until we learn what Judge Sand-

ford has done in the premises, it is impossible to comment on the charge with certain correctness. If he has resigned, the course is clear for the appointment of a successor. But if not, the appointment is not lawful unless some charge has been preferred and sustained against him. We have been informed on good authority that no complaint was on file in Washington against Judge Sandford. He might be removed for cause, if any cause existed of sufficient gravity to warrant the removal. But the judicial office, as has been shown in these columns, differs in its tenure to others within the appointing power of the President. The term is for four years, and the limitation, "unless sooner removed by the President," is not attached to the specification as it is in regard to other Federal offices in the Territories.

Presuming that Judge Sandford has not resigned his office, he has the right under the law to retain it until removed for good and sufficient cause, notwithstanding the reported action of the President. If, however, he is too indignant to contest the matter, or holds the position too lightly to desire to maintain his rights in view of the situation, the course will be clear for his successor, if he can with dignity and self-respect accept the place under the circumstances.

Judge Sandford, so far as we have been able to perceive, has pursued a consistent course under the laws and his oath of office. He has not spared offenders against the law, nor has he exhibited spleen when they have come before him for sentence. His policy has been not to inflict the extreme penalty for a first offense, seeking to win submission rather than provoke resistance or extort promises. He has gained the respect of people here of all classes and beliefs, and, we believe, has followed the dictates of his own judgment and conscience.

Judge Zane, apart from the vindictiveness and partiality he displayed while on the bench against offenders of a special class, exhibited thorough knowledge of the law and profound judicial acumen. That he was a good and able judge when not excited on the one question, we have never disputed. He sustained the local governments in their endeavors to enforce municipal and territorial enactments, and was generally on the side of temperance, education and good order. Members of the

bar could rely upon his interpretations of the law on ordinary questions and therefore respected him and his decisions. It was only on the "Mormon" question that he seemed to lose his balance and become cruel, harsh and oblivious to "the other side."

If his return to office means a revival of former methods in the treatment of the local difficulty, it also means a disruption of those pacific relations which have been formed since he vacated his place, and a barrier in the way of the material progress and development of Utah that will be truly deplorable.

But we do not view the matter hopelessly. We have no doubt, from Judge Zane's general character and reputation, he acted under conviction that the course he pursued was best calculated to effect the end designed. That it did not, must be evident to him as it is to others. In view of this fact, and of the wisdom that all intelligent people gain from experience, may we not hope that the pessimistic views which some people take in consequence of this appointment will be dissipated by the actual facts, and that our future history will afford another demonstration of the adage, "Revolutions never go backwards."

A TIMELY TOPIC.

LAST Sunday afternoon, when the congregation was emerging from the Tabernacle, subsequent to the services, a number of hacks, or open vehicles, were backed up to the sidewalk fronting the south gates and the drivers were shouting and touting for excursionists to the Lake. "Fifty cents to the Lake and back, bath included!" was the noisy invitation to tourists, and the people just coming from public Sabbath worship were entreated to break the Sabbath for the small sum of half a dollar.

We hope that if this thing is repeated tomorrow, the police will perform their duty, enforce the ordinance and abate the nuisance. The enticements offered to young people to induce them to violate their consciences and the obligations of religion are sufficiently public and shameless, without this added impudent attempt to insult the devout and thrust the allurements to evil under the very eyes and ears and nostrils of respectable and prayerful people. It should be promptly stopped.

There ought to be no need to warn