EDITORIALS.

THE Chief Justice of the Territory of Utah, Hon. J. B. McKean, may be well versed in the statutory laws of this, and in the common law of this and other countries; and in being appointed to the position he now occupies, Mr. McKean had an opportunity afforded him for acquiring a reputation, which he seems determined to make the most of.

We have, on former occasions, called the attention of our readers to some of the rulings of this gentleman, delivered in the Third Judicial District Court in this city. We wish to do so again now. Some months ago he delivered, what we and many others regarded as a very peculiar legal decision in the case of two aliens named, respectively, Sandberg and Horsley, who had applied for naturalization; the right to which he, in that ruling, denied to both, simply because they differed with him in their religious belief.

Three other aliens, named, respectively, Richard and Ralph Douglas and William Kay, made application, during the January, '71, term of the Court, to be admitted to citizenship; their applications were received, and held under advisement by the Court until a few days ago, when an adverse decision was rendered, the right being denied because the men were polygamists.

This opinion is as peculiar as some of the others to which we have referred; in fact it reads more like a polemical essay than a legal opinion, the discourse of a priest rather than the ruling of a judge, being merely an attempt to show that the marrying of more wives than one was condemned by the civil law of the ancient Romans, and of England, and of the northern nations of Europe; and for this reason, seeing that the Roman civil law prevails in Mexico, to which this Territory belonged when settled by the "Mormons;" and that many who have settled here are from the nations of Europe referred to above, therefore it was a crime for them to practice plural marriage, whether special legal enactments had been provided against it or not. But what all this has to do with naturalization we cannot comprehend. In the whole of the ruling we fail to see, and we think all impartial readers will be in the same fix, to find a shadow of an argument or constitutional reason, why the application in the cases of the Messrs. Douglas and Kay should be denied. If denunciation, and the platitudes used on most occasions when animadverting upon the "Mormons" by those opposed to them, about concubinage, illegitimatcy, morality, and obedience to law, etc., constituted argument, then this ruling of Judge McKean would be irresistible; but this sophistry is too flimsy to deceive any but those who see through anti-Mormon spectacles. If his Honor were the stickler for morality his words seem to imply, would he not be as conscientious in witholding the right denied in the instance on which his ruling was given, to men,—and they are abundant in every section of the country, who will seduce women and leave children utterly unprovided for, as soon as he would to men who marry women and provide for their children? But Judge McKean would never think of this in the case of the former; and we cannot think that his moral scruples, or the impartially construed letter of the law influenced him to withhold it in the latter case, but rather that he is the willing tool of his employers, and is doing his prettiest to carry out the behests and machinations of the "ring."

But a deprivation of the right of citizenship on account of plural marriage, if such a penalty were Constitutional, would, in these cases, be *an ex post facto* infliction thereof; for it was shown in evidence that they had taken no women to wife since the passage of the anti-polygamy law in 1862. And yet the gentleman "prates" about devotion to the Constitution of the U. S. Is not this latter quality more necessary in a high judicial functionary, versed in all the crooks and turns of the law, and sworn to maintain and defend the Constitution than, in the case of men not thus learned, or under such strict requirements? We fancy so.

But without animadverting further on the ruling of his Honor Judge McKean, what does his decision amount to? Nothing more nor less than the denial of the right of American citizenship to all in this Territory of foreign birth, who are not now naturalized, and to all who may come hereafter; and this whether they may or may not practice plural marriage. And while such persons will be required to bear, in common with all citizens, a portion of the expense of the national, state and municipal governments, they will be shut out from all the privileges and immunities of citizenship merely through a difference in religious belief, which is a flagrant violation of the Constitution, and a thorough burlesque on republicanism and republican institutions.

We merely publish this ruling as a matter of history. Judge McKean exercises a little brief authority here now. We have witnessed the entrance and departure of many such as he, and in due time he will go the way they have gone. It is sometimes necessary to refresh our memory as to what Judges have done here, by looking through the columns of the DESERET NEWS. This ruling, if preserved in print, will help us to remember the present Chief-Justice, and in days to come will remind us that

> "Power is a curse when in a tyrant's hands,
> But in a bigot tyrant's—treble curse."

THE completion of the Railroad across the continent has brought Utah into comparatively close proximity to the East and West, and, as a consequence, we are having a great influx of agents of various branches of business from other sections of the country, who are desirous of introducing their specialties to the notice of the people. It is very probable that every invention or institution that is suited to this latitude and to the condition of the people will, sooner or later, have its representative here, urging its advantages upon our citizens. Already we can gain an idea of how it will likely be in other branches of business by the number of agents of Life Insurance Companies who have visited our city, and many of whom are now diligently engaged in setting forth the benefits which follow the insuring of life in a good Company. This business is being vigorously pushed forward in other sections, and, from present indications, Utah is not to be neglected. Every effort will be made here to induce the men of the Territory to invest their means in Life Policies, in Ordinary, Ten-payment and Single Premium Endowment Policies, so as to make provisions for their families in case of their demise.

Probably there is no field in the United States where Life Insurance Agents would be better pleased to secure policies than in Utah; because here the risks are greatly lessened through the temperate habits of the people. A virtuous, sober people have many chances for life over those of intemperate, licentious habits; and it is among the former class that Life Insurance Companies prefer to have their policies taken. When such companies lose money it is principally due to their officers and agents not exercising the necessary care to prevent dissipated and profligate men from obtaining policies. But there is no danger of any company, which secures the patronage of the people of Utah, ever losing money through its policies granted here. Among the Latter-day Saints the use of all stimulants is discountenanced and they are constantly taught the necessity of paying attention to diet and of taking care of their bodies. The effect upon longevity cannot be otherwise than good. If, therefore, a number of our citizens could be induced to take out policies in Life Insurance Companies, they would counterbalance an equal number of poor policies elsewhere and compensate for losses in other directions. Is it wise for them to take out policies in these companies? We think not. We think it would be far better for us to organize a Life Insurance Company of our own, upon some safe and comprehensive plan, and secure to ourselves whatever advantages we possess of good habits and consequent low risks. It has been said that our population is not sufficiently numerous to organize and sustain a Life Insurance Company among ourselves on the principle that other companies of this kind do business. This may be so, though we are not of that opinion. But even if so, there are plans which can be adopted that would confer many advantages of life insurance, and still not be very expensive. We have heard of companies being formed which charge five dollars as an entrance fee. The fund thus formed is put out to interest, and from it means is derived to pay a manager. In case of the death of a member of the company, each surviving member pays one dollar, which when collected, if the company be of any size, forms a respectable sum to be given to the family of the deceased. This is one plan that might be adopted. But there are others which might be devised.

Money is worth too much, and draws too high a rate of interest in this Territory to be invested in Eastern Companies. A judicious man can do better with his money. Suppose, for example, that a man of forty years of age wishes to insure his life for ten thousand dollars. He will have to pay about $310 annually. Now, instead of paying this to an Eastern Life Insurance Company, out of which and other payments like it, they derive their salaries, rent, cost of agencies and many other expenses, besides the dividends of the stockholders, let him invest that amount annually in Zion's Co-operative Mercantile Institution, or in bonds of the Utah Central Railroad, or in a sound, well-organized Co-operative Herd, where it will bring him the interest derivable from these institutions, and then compare the amount that will have accumulated with that which he will be entitled to in a Life Insurance Company. In seventeen years, or at fifty-seven years of age, if he should then die, he would have accumulated, if he drew seven and a half per cent. and added interest to interest, $10,415.62—a little more than the amount which his family would be paid by a sound Life Insurance Company in the event of his decease. But suppose he should live to be seventy years of age, which is the age we believe, that Life Insurance Companies base their calculations upon, the accumulation would be over $34,124.23. This would allow a very large margin for cash dividends, such as are made by Life Insurance Companies. We have reckoned seven and a half per cent, which is the interest paid in gold, on money invested in Utah Central Bonds; while our calculation puts the interest down in greenbacks. Besides this yearly interest, which the Utah Central pays on its bonds, there is a payment of $200 made over and above the cost of the bond at the expiration of twenty years. That is, a $1,000 bond is bought for $800. These bonds draw $60 per annum, in gold, or seven and a half per cent. on the $800 invested. They are redeemable at the expiration of twenty years from the date of issue, when the holder will receive, instead of the originsl $800 paid for the bond, the face of the bond—$1,000. But money invested in Zion's Co-operative Mercantile Institution has yielded a larger interest even than this, and Co-operative Stock Herds will also, if properly managed, yield handsome returns.

We have based our statement upon a life policy of $10,000; but in proportion to the amount for which a life policy is taken the same calculations and reasoning will apply. Another advantage in investing in home institutions is that if any of them should become uncertain in reputation, a person could place money in another; but if an eastern life insurance company loses its stability, he could not very well help himself by resorting to another.

IN Judge McKean's opinion on Naturalization, published in yesterday's EVENING NEWS, he quotes what, he says, some have asserted, that "the pioneers of the present inhabitants of this Territory found Utah unoccupied by civilized men, and that, therefore, no system of laws prevailed here when those pioneers took possession of the Territory, and raised the flag of the United States." And adds, that without conceding or controverting this position, "let us inquire what, in case it were true, was the status of the settlers before Congress had legislated for the Territory." He then attempts to prove that the common law was brought here by the settlers, and that when they came here, the year previous to the treaty of Guadalupe Hidalgo, the principles of the Roman Civil Law prevailed here. But no proposition is more susceptible of proof than the one which he quotes: "that the pioneers who came here in 1847, found Utah unoccupied by civilized men, and therefore no system of laws prevailed here." The principles of Roman Civil Law, might have prevailed in Mexico; but they did not prevail here. His remark that he neither concedes nor controverts this point, is a virtual admission that it is correct, for if it could be controverted, so specious a pleader as he is, would never have suffered it to pass without. Now, this being admitted, what becomes of Judge McKean's argument? He says:

"The Court is bound to take judicial notice of the laws in force in this Territory, at the time of its cession to the United States, not inconsistent with the public policy of the United States, and not since abrogated by the new sovereign."

The laws in force in this Territory at the time of its cession to the United States were those enacted by the people—the Latter-day Saints. Among their practices was polygamy. He says he is bound to take judicial notice of the law enacted here (which was "Mormon" law); and why don't he do it? So much for that point.

The Judge has favored us with numerous quotations in his attempt to prove that we brought the common law with us when we came here, and that it was binding upon us, quoting also from the Organic Act that the said Supreme and District Courts respectively shall possess chancery as well as common law jurisdiction. Suppose this were conceded; what then? Does this help Judge McKean in his assumptions that bigamy or polygamy was a criminal offence? Authorities, which Judge McKean will not venture to question, state plainly that there is no such thing as a common law criminal offence under the laws of the United States. What, therefore, is the status of our Federal Courts? Have they common law criminal jurisdiction? We say emphatically, they have not. They are statutory courts, and derive their jurisdiction and powers from the statutes; and Judge McKean, if he be the lawyer he would have us believe he is, ought to have known this, and not exposed his ignorance on this point as he has done in his opinion. We have heard it stated, we know nothing of the truth of the statement ourself, that he abandoned the pulpit for the bar, and that he knows more about the Methodist discipline and creed than he does about law. After reading his opinion, we are inclined to believe there is more truth in the report than we thought there was.

The emigrants who peopled the thirteen colonies, were mostly natives of Great Britain; the country which they settled was claimed by the British Crown, and over it the Crown and Parliament exercised jurisdiction. According to Judge McKean's opinion, the settlers, of course, brought the common law with them. The common law stated that all civil and religious authority emanated from the Crown; but what said these settlers? In the cabin of the Mayflower, and afterwards, they *repudiated* this principle of common law, and declared in the solemn compact which they formed, that all power emanated from the people, and that no power on earth could control the mind of man on the concernments of religion. Oh! for a Judge McKean to have been present on that occasion, to have read those bold, free men a lecture, to have quoted to them the obligations they were under to observe the common law, and to have stood up for the prerogatives of the Crown! How differently might history have read had he only been where he could have delivered an "opinion" to the Pilgrim Fathers!

The common law of England required the people to be married by their parish priests. This the colonists, we suppose, brought with them to America also. But those sturdy non-conformists snapped their fingers at this requirement of common law. They repudiated it, and were married by their own non-conformist ministers and by civil authority. Bad stories reached England about their conduct, through the emissaries of Archbishop Land, sent to spy out their practices. Laud no doubt was as great a stickler for the common law in his day as Judge McKean is in these days. These spies informed him, so Willson in his American History tells us, how widely the colonists' proceedings were at variance with the laws of England (just as we can imgine Judge McKean might report to Washington about the proceedings of the people of Utah); that marriages were celebrated by the civil magistrate instead of the parish priest; that a new system of church discipline had been established; and, moreover, that the colonists aimed at sovereignty; and "that it was accounted treason in their general court to speak of appeals to the king." Grave charges, that sound very much like those urged against the "Mormons." An arbitrary commission was afterwards granted to Archbishop Laud and others, authorizing them to make laws for the American plantations, to regulate the church, &c., &c. This was the "Cullom Bill" of that day, by which religious bigots hoped to crush out civil and religious liberty, and because, forsooth, the colonists did not act in accordance with the common law. Has Judge McKean failed to read history and profit by its lessons? or does he desire the powers granted to Laud and his "ring," to be conferred upon him and the "ring" in Utah? Laud could ask for extreme measures with more show of consistency than the enemies of the people of

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