

EDITORIALS.

THE PAY OF THE LEGISLATURE.

It seems to be an accepted opinion among many that the legislators of the latest session will receive no pay for their services. This is founded on a communication from the Treasury Department to Secretary Thomas, in which the ground is taken that the diversion of the amount appropriated in 1876 for the legislative expenses of Utah, to the expenses of the courts was intended to apply for all time. But we view the matter in quite a different light. We do not think that those faithful laborers will be cheated out of their hard earnings. Their side of the question has yet to be heard. Only the story of a now defunct official has been taken into account, and a very foolish and strained interpretation of the former action of Congress has prevailed. In good time the whole question will be reviewed, and we are of the opinion that if it is properly presented a different action will be taken.

It is very clear that the diversion of the legislative funds of 1876 was only intended for that session. The provision was smuggled in at the last moments of the previous dying Congress. It was rejected four times and was slipped in again when members were tired and impatient, and was recognized afterwards by many as a great wrong. The money was squandered by an impecunious U. S. Marshal, at whose instance the clause was attached in the appropriation bill. It was inserted under the impression that the Utah Legislature would appropriate nothing for the payment of jurors and witnesses in Territorial cases. The sum of \$22,000 was appropriated; however, for the ensuing two years, but the corrupt Marshal did not get a chance to finger a dime of the funds.

As to the debt that is charged up to this Territory, it can be shown that the House committees which have investigated the matter, have repeatedly decided that the Government could not collect. Having undertaken to regulate certain affairs in this Territory through Federal officers, the Federal Government cannot lawfully require the Territory to pay the bills.

It is the same as in regard to our elections. When the Territory provided for the elections by its own officers, it paid the expenses. Now that the Government has assumed the task, by means of Federal Commissioners, the Government has to pay the cost, which is at least ten times more than the Territory would pay for the same services much better performed. The principle that works in one case applies in the other. It is not new nor singular. It is well known and established. That which the government institutes and controls, the Government must pay for. The people cannot lawfully be compelled to pay for that in which they have no voice. Such proceedings would be taxation without representation.

The application of the rider to the appropriation bill of 1876, which was only intended for one session, to the Legislature of Utah for all time, is as absurd as it is dishonest, and would compel the members of every Legislative Assembly, as long as Utah remains a Territory, to serve their terms without any payment for their services. The thing is ridiculous on its face, and the fact that every Legislature since 1876 till now has drawn its full pay and mileage, is evidence that no such nonsense as the view of the Comptroller was ever entertained before at the Treasurer Department.

It has been alleged that the members of the Legislature of 1876 received their pay in the counties where they resided. We know that this is not true of many, who never received a cent for their faithful services. What it may have been of others we are not prepared to say. But the members and officers of the session just closed are in a somewhat different position from their predecessors of '76. The latter expected to be swindled, knowing their pay had been diverted; the former entered upon their duties understanding that their salaries had been appropriated, and the diversion has been effected by a trick towards the close of their work. They should be paid for their labor, and if Congress does not rectify the wrong, it should be made right as far as possible by the people who elected them.

DOWN IN THE MOUTH.

There are several other F. O. H's. besides their discomfited chief who feel quite "down in the mouth." The report by telegraph that there are other changes to come gives them a sort of internal agitation and a blue look under the eyes. The ghastly smiles that perform duty as confident cheerfulness, tell the fate of sickly suspense, and "whose turn next?" is the smothered question on lips that require stimulants to stiffen them. It will not be surprising if several changes take place in the near future. The guillotine is ready and may fall any moment, and an uncomfortable feeling a little below the chin causes a dryness in the gullets of sev-

eral shaky officials. We would be sorry for them if we could. We hope they will reform, and become something better than "Mormon"-eaters. They have been eager to point out various spots that would be good for "Mormons" to colonize. We return the compliment. We suggest Alaska. It belongs to the United States and offers a fine opening for the display of buncombe, devotion to the flag, cheap patriotism, and the faculty to consume whisky and scheme for the capture of the offices and treasury of an inchoate commonwealth. They should not feel entirely discouraged.

SAVE HIM FROM HIS FRIENDS.

AFTER swearing by all that's blue that Governor Murray was not removed, that there was no significance in the change but a political one, that the Governor's resignation was placed in Mr. Baskin's hands the evening before the dispatch came demanding the resignation, and telling other similar bald and naked falsehoods, the *Tribune* now berates the President for his removal of its puppet, and shrieks:

"Who are these 'Democrats of Utah' who are so well suited with the President's action in striking Governor Murray down just at the consummation of victory?"

"Every Democrat in Utah (with exceptions so few as to serve to prove the rule) express grief and indignation at the untimely act and at the manner of doing it."

"Of course we know that its sort of Democrats rejoice in the slaughter of Governor Murray."

"Governor Murray deserved to be sustained and not struck down by the Administration."

"The manner of the act was fashioned in a way to make it the most offensive possible."

How does all this comport with the pretense that the Governor was not ejected, but that the President simply accepted a resignation which was almost thrust upon him? No one that we know of wishes to make the matter more painful to the ousted official, and the matter would have been dropped by the papers which have opposed his course, but the knaves who have used him, and egged him on, and brought him to his fate, keep pushing him in sight and, by their alternate denials and bemoanings, provoke comment and cause his sudden downfall to appear more and more disastrous. If the ex-Governor has any friends they should peremptorily demand that his contradictory apologists shut up at once. They only humiliate him while they still further expose their own notorious folly and mendacity.

THE PLEA OF THE PLACE-HUNTERS.

THE suit in aid of the bogus appointees by proclamation has been commenced in the Third District Court. The text of the complaint, which is similar in each case with the exception of the names and offices, will be found in another part of this paper. It is couched by the supporters of the claimants that the Probate Judge of this County and the Territorial Auditor, in refusing to accept the bonds of the appointees, assumed judicial functions and acted the part of obstructionists. And they argue that "they should gladly accept bonds from any one offering them under claim and color of right to any office."

This is a very far-fetched idea. The law provides that the Auditor of Public Accounts, previous to entering upon the duties of his office, shall give bonds "with sufficient securities, to the acceptance of the Probate Judge of Salt Lake County to be filed in his office. The Treasurer is to furnish his bonds "to the acceptance of the Auditor of Public Accounts which bond shall be filed in his office," etc. In neither case has this been done. The parties claiming the office have offered their bonds, but the officials designated by law have not accepted them, and they have not been filed according to law. Filing them in the office of the Secretary will not answer. He has no right in law either to accept or approve their bonds or to file them, and his acceptance and filing are of no legal force or effect.

That there is a certain amount of discretion vested in the Probate Judge and the Auditor in relation to the bonds is evident from the language of the law. That they ought to "gladly accept bonds" from every Tom, Dick and Harry who happens to "claim" and pretend to have the "color of right" to an important office, seems too absurd for any one to entertain but an office-seeker crazy for a place. The Probate Judge knows that there is a good and sufficient bond filed in his office by an Auditor duly elected according to law, who holds his commission from the Governor, and has discharged the duties of the office for several years. The Auditor of Public Accounts knows that a similar bond, under like circumstances, is filed in his office by the Treasurer. Are they not, then, both justified in refusing to accept bonds from persons who are simply seeking to create confusion and crowd themselves,

contrary to the wishes of the people, into offices which of right ought to be in the gift of the people? Every man who understands the situation, and who despises the actions of men who would force themselves into public positions in the place of the people's elected officers, will say that the Judge and the Auditor have done exactly right. They would have betrayed the trust reposed in them by the citizens who elected them to office if they had acted differently. And if the positions were reversed, we have not the slightest doubt that they who now attempt to criticize the action of those officials, would loudly applaud similar action by officers who would not accept bonds from the opposite party. It depends a great deal whose ox is gored.

It is possible that the *de facto* officers will be defeated in the lower courts, if not in the higher. The name of "Mormon" will be used for all it is worth to prejudice the judges. But we do not think that will give any solid satisfaction to the place-hunters. If the law for the election of the incumbents is pronounced invalid, that will not render bogus appointments valid. If the *de facto* officers are declared not officers *de jure*, that will not make the claimants officers in either sense. The loss of the incumbents will not prove the gain of the pretenders. Theirs will be but a hollow victory. They will be as dogs that barked the knee from the manger and could eat no hay themselves.

We do not expect a favorable decision from a court which invariably jumps as the Prosecuting Officer pulls the string; but we expect to see the matter tested to the last extremity, and trust that the people's officers will defend to the utmost the people's rights and the people's property.

WHERE DO YOU STAND?

THE Latter-day Saints who realize the peculiar circumstances of President George Q. Cannon's case, the dangers that beset him, the threats uttered against him, the determination to render him useless for life to the Church and people which recognize him as a leading spirit, will rejoice, in their Sunday reflections, that he is not in the grasp of his relentless enemies. Weak-kneed and spineless "Mormons" who have become purblind from looking through or into "Gentile" glasses, will fear the consequences and fail to discern any difference between his case and that of others. We are sorry for their condition.

Let any man or woman of faith inquire of the Lord as to the right and prudence of the course taken, and we have no fears for the answer. The spirit of truth and peace will testify of the right to every honest Saint's heart, and light from above is not to be compared with speculations from beneath. And in the matter of the payment of the bonds as well as of the surrender of the defendant to the mercy of his implacable and deadly foes, what the enemy wants, in both instances, ought to be plain indications of the policy to be pursued. Just what they so strongly desire is what President Cannon and his true friends will not aid in effecting. In times like these, small things show where each professing Latter-day Saint stands before heaven and in the light of the Lord.

THE LADIES' MEMORIAL.

THE committee of ladies appointed at the mass meeting of March 6th to formulate and forward a memorial to the President and Congress of the United States, expressing the sentiments of that meeting, have prepared a strong document, which will be found in this evening's *Desert News*. It is highly proper that the Government should be appealed to in this crisis. Also that the country should be made acquainted with the wrongs which a partial and merciless enforcement of a special and vindictive law is inflicting upon the women and children of this Territory.

The right of petition is guaranteed to all citizens. It should be used by the oppressed whenever it becomes necessary to cry out. The ladies speak with no uncertain sound. The facts they present are incontrovertible, and their appeal for justice is moderate but powerful. If the condition of affairs in this Territory could only be faithfully portrayed by the hand of authority, surely some relief would be afforded against the high-handed proceedings with which the people here are afflicted.

The memorial should be widely circulated. The ladies ought to labor to this end. Not only Congress but the whole country should be aroused to a sense of the true situation here. The ladies have a right to speak and their words are entitled to a respectful hearing, everywhere. We ask the papers and the public outside of Utah to listen to the plea of the women of Utah, and weigh well their utterances on momentous questions.

BADLY DECEIVED.

THE Springfield *Republican* says the Mormon legislators "have spent all the session passing bills full of enmity

to the Federal laws." Will the *Republican* just cite one instance of this kind? What profit is there in publishing such shameful untruths? We do not believe the *Republican* knows anything of the facts. It has taken for its guide some malicious press dispatch from Utah which are always tinted with false colors—though the atrocious manufacturer of fiction who forwards them has been so vigorously sat upon that he has had to modify his deceptions latterly. The truth is, that all the bills passed by the Assembly were in harmony with the Federal laws, and some of them were supplementary to and in pursuance of the provisions of acts of Congress. Respectable newspapers should not echo the falsehoods of unprincipled sheets that have no character to lose, nor swallow without inspection the inventions that are sent to the world in the shape of press dispatches from Salt Lake. When will the purveyors of the news of the day take a little pains to obtain correct information on the Utah question?

THE HIGHER LAW.

SO MANY other topics of public interest have been presented for consideration that we have not had space for comment on the remarks of Judge Zane, in sentencing Elder Abram H. Cannon to the full penalty of the law, for giving with and supporting his wives. In response to the question whether he intended to obey the law in future, Brother Cannon stated his religious convictions and his acknowledgment of a higher law than that of man, namely, the law of God. Judge Zane thereupon gave the defendant a severe and heated lecture of considerable length, and waxed particularly vehement in its enunciation.

After explaining the discretion vested in the Court to make the punishment light or heavy up to a fixed maximum, and to omit either the fine or the imprisonment altogether, Judge Zane proceeded to inflict the full penalties of both fine and imprisonment. The belief of the defendant in the "higher law," he said, "could not be considered in his favor. It would rather seem to aggravate the offense."

This may be the view taken by a mission judge. But we do not think it is consonant with justice, nor with the liberty in matters of religion which is breathed in the spirit and embodied in the letter of the American Constitution. That the belief of the defendant was sincere was evidenced by his furnishing the testimony which convicted him and his willingness to suffer the extreme penalties of the law rather than abjure his faith. The acts of the defendant, self-admitted, were an infraction of a special law. Punishment, of course, was expected to follow conviction. But it does not appear to a common mind that the defendant's honest belief that he was doing right, was an aggravation of his offense. On the contrary, it looks as though that should work some mitigation of the penalty.

When a man does a thing, considered by persons in power to be wrong, under the unshaken conviction that it was right, we do not think that Justice would claim he was deserving of heavier punishment than if he had known the action was evil. The very essence of crime is in the intent, and the purpose to obey what one believes to be a command of God, even if it involves the infraction of a law of man, cannot be as essentially criminal as the violation of a law without a doubt as to the validity and propriety of that law.

That the law of God is superior to the law of man does not seem to be open to dispute. People may differ as to their understanding of what is Divine law, as well as of what is sound human law. But he who believes in a God and is sure that a given commandment has come from Deity, would be irrational not to prefer it to a man-made edict. The higher law must of necessity to him be paramount. And though his conviction of its divinity may be shared by others, yet his acts, springing from his faith, though obnoxious to secular enactment, cannot be as essentially criminal as if influenced by such assurance. To punish him more, therefore, because of his undoubtedly sincere belief, than if he did not entertain it is manifestly improper, for it makes faith criminal and thought subject to the civil power.

And it will not avail to argue that severity is needed to correct wrong belief. It never did have that effect, and it is safe to say that it never will. When a man knows he is singled out for extreme punishment more for his belief than for the acts resulting from it, he naturally resists the wrong, in his inmost soul, and becomes confirmed in his faith. He considers that it cannot be conquered by reason, and therefore it is assailed by force, and concludes, on that very ground, that it must be right. Such deep-rooted convictions as sway the minds of "Mormon" defendants cannot be reached by the hand of the secular law, nor touched by its penalties, however harsh and extreme. Only reason and revelation will affect them, and these are apparently outside of the jurisdiction of the Federal Courts in Utah.

Judge Zane repeated the very stale and very feeble argument that if the plea of religion was allowed to prevail, human sacrifices could be claimed to be right, and all manner of crimes could be perpetrated under the guise

of religion. This has been answered so many times that it would be superfluous for us to say more than that, unless that which claims to be religious leads those who practice it to invade the rights of some human being to life liberty and the pursuit of happiness, it cannot truly be denounced as criminal. That which promotes life cannot be classed with that which destroys life, nor *malum prohibitum* with *malum in se*.

Judge Zane's statement that the religion of the defendant is "one of the barbarisms that have been swept away," is simply an egregious error. And all his remarks based upon it are outside of the question. Heathen polygamy and "Mormon" plurality of wives are not alike. They cannot truly be considered as similar. Invektives against the former fall harmless on the latter. The rules, safeguards, doctrines and precepts which regulate our modern system protect it from the evils that prevailed in barbarous communities, and though there may be exceptional wrongs in "Mormon" households—not to be mentioned, however, with the multitude of greater wrongs in monogamic society—the system is not modeled after the barbaric mode of antiquity nor the Oriental methods of less remote ages. It is radically different from either, and must be examined and judged upon its own merits.

Therefore all the talk about gathering "up old customs and practices out of the rubbish of by-gone barbarism and by-gone ages, to palm them upon a free and civilized people," is so much rot and rustian. What the Latter-day Saints believe has come down fresh and pure from the Fountain of all intelligence, and is adapted to the times in which we live and the progress which the world has made. But it is not in harmony with the vice and degrading customs and habits of what is falsely called "civilization," and hence the conflict. Yet it does not seek to "palm" itself on any person or association. There is nothing in it which does not affiliate with every sentiment of the Declaration of Independence, and the attempt of Judge Zane to cause it to contrast with the equality of "man and woman hand in hand together," is so much clap-trap. It opens the way for all good women in the society where it is received to go hand in hand with man forever, and if allowed to work out its mission unimpeded would sweep away, in one community at least, those beastly barbarisms of sexual impurity which are fostered and protected by modern "civilization," and which are the curse of the race and a consuming cancer in the very vitals of modern society.

As to Abraham, a very incomplete account of whose life and family associations has come down from antiquity, it may suit Judge Zane's purpose to berate and belittle him. But One whose judgment is even higher and more exalted than that of a Federal Court in a Territory, has settled the question for all who believe in the verity of the sacred record. The inspired writer says:

"And the Lord said, Shall I hide from Abraham that thing which I do; seeing that Abraham shall surely become a great and mighty nation, and all the nations of the earth shall be blessed in him? For I know him, that he will command his children and his household after him, and they shall keep the way of the Lord, to do justice and judgment; that the Lord may bring upon Abraham that which he hath spoken of him."—Genesis xviii, 17-19.

When small, human judges come into the presence of the Heavenly Court of last resort, they will be very happy if they are prepared for the sweet rest in "Abraham's bosom;" and when the final reward comes, if they can sit down in the Kingdom of God with Abraham, Isaac and Jacob, they will count themselves for ever blessed. But there is an irrevocable decree which, vouching the eternal law of compensation, says:

"With what judgment ye judge, ye shall be judged, and the measure ye mete out to others shall be measured to you again, pressed down and running over."

In that day, Abraham the Latter-day Saint will meet with Abraham the Patriarch, and those who faithfully keep the higher law under every trial, will receive the plaintiffs and reap the rewards in the gift of the Almighty Law-giver who is Judge and Lord of the whole Universe.

A CATHOLIC VIEW OF THE NEW EDMUNDS BILL.

THE New York *Katholische Volksblatt*, has a strong article on the subject of the bill introduced by Senator Edmunds, and now in the hands of the House Committee on Judiciary. It reviews the matter from the Catholic standpoint and rightly perceives the danger of such a measure as a precedent in American legislation. While desirous of the suppression of the "Mormon" marriage system, it opposes the various unconstitutional and oppressive features of the bill, and warns the country against the wrongs it would introduce. After giving a brief history of the crusade against the Saints and declaring the efficiency of the Edmunds Act without further legislation to accomplish its purpose, it goes on to say: