

EDITORIALS.

JUDICIAL PROCEEDINGS EXTRAORDINARY.

As we were going to press yesterday (Thursday) afternoon we heard of the summoning, for appearance before U.S. Commissioner Toohy, of editors and others connected with the *Herald* establishment. The particulars of the affair appear in our local columns. On reading them over and becoming acquainted with the nature of these judicial transactions, the prevailing feeling is one akin to surprise, if one can be surprised at any sort of judicial proceedings which may occur under the present regime in this part of the Territory.

The questions arise, "What was the object in this affair?" "Was the object carried out in a creditable manner?"

The object appears to have been of the nature of private revenge. It is well known that the Chief Justice, for certain reasons, entertains no good will towards the *Herald* and those who are connected with it, and the proceedings of yesterday look very much like the manifestations of a settled and determined purpose to judicially castigate that journal and its representatives on every favorable opportunity. Thus the proceedings had the appearance of being merely the events of a personal quarrel and the exhibition of personal pique.

A personal quarrel, then, being evidently the condition, and a desire to castigate the *Herald* being manifestly the object, was it carried out creditably?

Sorry we are to say that in our judgment a negative answer must be given to this query. The principal actor was the Chief Justice of Utah. Now is it consistent with the dignity proper to the chief justiceship to doff the ermine, step into the office of U. S. commissioner, have the commissioner sit as a figure head, with no case before him, and have respectable citizens subpoenaed to appear as witnesses, but for the express purpose of hearing themselves called "calumniators and liars," and then be dismissed, with no privilege of answering the caller of those hard names? Is it cowardly or is it courageous, is it the act of a brave or of a bully, to bind men hand and foot, and gag them, and then hurl at them Billingsgate epithets in a hall of justice? Is it right for one citizen to shield himself under the ermine while he abuses other citizens to their faces, and, when they resent it, have them peremptorily ordered to "sit down?"

We should like to see a little more propriety, a little more dignity, a little more greatness, a little more nobleness of spirit, manifested in our halls of justice. We are really sorry for the present incumbent of the chief justiceship, that he should show himself so very vulnerable. He appears to have fallen into a chronic state of mental and nervous irritability, and cannot help manifesting his growing petulance and testiness. Would it not be a proper thing for a commission to be instituted to inquire into the gentleman's mental condition? If he is really capable of taking care of himself, and of taking rational thought, he might remember that infinitely better men than he, in this community, have been repeatedly calumniated in the vilest manner, and had all manner of evil spoken and written of them falsely, by his friends and supporters, and yet have borne it all with patience, like Saints. Really the gentleman's friends ought to take a little better care of him, for the credit and honor of the bench, and try to prevent him from making himself an object of public ridicule so often. It pains us to our inmost soul to see it.

THE ADMINISTRATION AND THE REVOLUTION.

The New York *Herald's* Washington correspondent has a chapter upon the way the election news was received in Washington and its effect upon members of the administration. He says that two years ago the President and his

cabinet met at the White House to hear the election returns, but this November the President said it would be time enough to hear the news through the newspapers; that no one sent him election returns, and "to-day (Nov. 5) as well as yesterday the Executive Mansion was deserted;" that Secretary Britton called to transact business, and the President with a melancholy voice, said, "Be brief, I am sick."

The President took none of the blame for the popular disaffection, but put it all upon Congress. He had urged that body to investigate Louisiana affairs, but in vain, and he was now more than ever opposed to the civil rights bill, especially unless he was given plenty of power to execute it. He didn't believe the third term had anything to do with the elections, and he would put better men in office in the South.

Attorney General Williams appeared the most distressed individual, and had little to say, but he desired fair elections in the South.

Other members of the cabinet had little to say, but they generally deprecated the revolution, and declared "Caesarism" had nothing to do with it.

The departmental clerks, and the Washington public, however, thought otherwise, and said, "Caesarism did it all," and concluded that "Caesarism was dead."

THE ELECTION CONTEST.

THE contestant's notice of contest of the election for the Utah delegateship to the House of Representatives, and the answer of the contestee thereto, published in the NEWS yesterday, are further evidence of the existence of a very curious state of things in this Territory. It has been usual, of late, for the office named to be contested, but it has been upon such frivolous grounds that one can hardly look upon the course of the contestant and his supporters as anything else than a politico-religio-legal farce, and as furnishing inciting cause for the establishing of some kind of a stringent law to prevent such ridiculous contests, or to severely punish those who inaugurate contests upon such untenable and puerile premises.

Stripping the contestant's plea of verbiage, what are his claims? Here they are—

1. That he received one-fifth of a total vote.
2. That he professes to think the contestee an alien.
3. That the contestee is a Latter-day Saint.
4. That the Latter-day Saints in general and the contestee in particular believe in and practise the Scriptural system of marriage.
5. That Congress has made a law forbidding such marriages.
6. That the Church of Jesus Christ of Latter-day Saints is a theocracy.
7. That the contestee believes his duty to God transcends his duty to man and to his country.
8. That the House of Representatives has signified its disapproval of Scriptural marriage and bigamy.

The first claim, if conclusive of anything, is conclusive that the contestant is not entitled to the delegateship.

The second amounts to nothing. The third amounts to no more. A delegate has the right to be a Latter-day Saint, if he pleases, or to be a Methodist, or a Baptist, or a Roman Catholic, or a member of any other religious denomination, and neither the House of Representatives nor Congress has any right to hinder him therein, or disable or otherwise punish him therefor. It is a man's constitutional right to choose his own religion. It is a matter between him and his God alone, and Congress is no party to the issue.

In the matter of the fourth, Congress has no right to interfere. If a man chooses to believe in and practise Scriptural marriage as a part of his religion he is accountable to God alone for such faith and practice, and the constitution of the United States sustains him in that position.

In regard to the fifth, Congress

can make what laws it pleases, but only constitutional laws are binding, for the constitution and the laws made in pursuance thereof are the supreme law of the land, and the constitution expressly forbids the making of any law respecting an establishment of religion, or prohibiting the free exercise thereof.

As to the sixth, theocracy means divine government, or the government of God. Is even the contestant prepared to repudiate that government? Any religion which does not acknowledge God as the Supreme Ruler is perforce not a true religion, it is not a religion at all.

Touching the seventh, we may ask if every religionist, "Mormon," Methodist, Baptist, or Roman Catholic, does not regard one's duty to God as the very highest human duty? But we may also say that duty to God includes perfect duty to man and to one's country. The major duty covers the minor.

Of the eighth and last, we may say that if the House took any such action, it did also accept the present contestee as Delegate to the present Congress. Besides, the last election was for a delegate not to the present, but to the next Congress. Bigamy we take to be the marrying of two living women to one man, according to some form or ceremony established by civil law. The contestee has not done anything of the kind. With marriage as purely a religious act, neither house of Congress, as we have before shown, has anything whatever to do.

Thus we have fairly shown that the contestant's objections to the contestee are of no force or virtue. We have also shown that the contestant has no right whatever to the delegateship. A delegate from Utah to Congress goes there as the representative of the people of the Territory, that is, of the fair majority of the people. This majority the contestee undoubtedly has, and the contestant undoubtedly has not. In fact the latter has no more than a most insignificant minority. If he were to go to Congress he would not and could not represent the people. He would not represent more than a tenth of the people. All the rest, we are fully convinced, would repudiate him summarily, determinedly, uncompromisingly, utterly. He would be rejected of the people by a multiplied vaster majority than that which has just revolutionized the House of Representatives, given the present dominant party its death blow, and struck the chief Executive with sickness, as reported. The people have not a spark of confidence in the contestant as a man of truth, justice, or honor, and his acceptance as delegate would be considered one of the greatest outrages which could be perpetrated upon them. They would not like to follow a high judicial example and publicly denounce him as a "calumniator and a liar," but still they have their own opinion of his veracity and his virtue, and we do not believe that he would consider that opinion an extremely flattering one to his vanity.

In conclusion we may say that if such a contest were raised anywhere else than in Utah, it would be laughed to scorn and the contestant would be considered *non compos mentis*.

HE REPUDIATES THE RESPONSIBILITY.

PRESIDENT GRANT is variously reported as having become unwontedly communicative concerning the late elections, the characteristics thereof, and the responsibility for the same. The New York *Republic* states that he unreservedly admits that though he expected Republican losses, yet he was not prepared for the crushing defeat which the party suffered, but he does not for one instant sanction the idea that his policy or his personal acts have contributed in any degree to the party's defeat. Says that journal—

"The President thinks that the great element of discord in the Republican party was rather the unwise attempt to force upon the American people the impracticable and Utopian theories of Senator Sumner as embodied in the Civil Rights bill. It can now be said that his views in opposition to it

have been much strengthened by recent elections. He is firmly convinced that the Civil Rights bill had more to do with the defeat of his party than all other causes combined, and he has expressed himself in such a manner as to leave no doubt upon the minds of those with whom he has conversed that if the bill should be passed at the next session he will interpose his veto. The President gives his friends to understand that he is not by any means utterly cast down by the recent reverses. He believes that the Republican party has yet before it a glorious future, and that it may retrieve the errors of the past in time to march to the music of a triumph in 1876 as significant and as decisive as that of 1872. He believes that the Republican Congress which comes together in four weeks from this time can in the three months of life which is left to it so act as to heal all dissensions in the party and win back the confidence of the people at large."

That would be a sort of death-bed repentance, not of much account anyhow.

ANOTHER SEDUCER SHOOTER ACQUITTED.

The Cleveland *Plain Dealer* of Nov. 9 has the following confirmatory of many verdicts previously returned in different parts of the country, showing that the general public sentiment strongly commends the man who inflicts summary and even extreme punishment upon the seducer—

"In the case of George C. Harding, of Indianapolis, Ind., who shot Moritz, the seducer of his daughter, a *notte prosequi* has been entered and Harding discharged. The court merely confirmed the judgment of the people knowing to the circumstances. Major Gibson, Harding's attorney, said it was useless and a mockery in a case like this to go into a trial. 'Juries,' he said, 'never, in such cases, believe the parties insane; on the contrary they always regard the facts in the case as a full justification of the destruction of the seducer, and acquit the slayer because they would have done the same themselves.' It is the common law of the West, and indeed, of the whole country, that he who seduces an innocent female may be slain by her father, brother or husband with impunity; and in the case at the bar the grand jury have, in effect, already said so by returning a bill of indictment for a simple assault and battery. This indictment in effect ignores the crime that under other circumstances would have been charged against the defendant." Harding was congratulated by many friends upon his release."

SENSATIONAL.

THE New York *Herald* of November 9, has a full page of sensational matter concerning the zoological collection in Central Park, with such startling head lines as these—"Awful Calamity." "Wild Animals Broken Loose." "Terrible Scenes of Mutilation." "Shocking Sabbath Carnival of Death." "Awful Combats between the Beasts and the Citizens." "The Killed and the Wounded."

The page concludes with the following paragraph, as "the moral of the whole"—

"Of course the entire story given above is a pure fabrication. Not one word of it is true. Not a single act or incident described has taken place. It is a huge hoax, a wild romance, or whatever other epithet of utter untrustworthiness our readers may choose to apply to it. It is simply a fancy picture which crowded upon the mind of the writer a few days ago while he was gazing through the iron bars of the cages of the wild animals in the menagerie at Central Park. Yet as each of its horrid but perfectly natural sequences impressed themselves upon his mind, the question presented itself, How is New York prepared to meet such a catastrophe? How easily could it occur any day of the week? How much, let the citizens ponder, depends upon the indiscretion of even one of the keepers? A little oversight,

a trifling imprudence might lead to the actual happening of all, and even worse than has been pictured. From causes quite as insignificant the greatest calamities of history have sprung. Horror, devastation and widespread slaughter of human beings have had small mishaps for parents time and again."

Probably the purpose of our New York contemporary to create a Monday morning's sensation was successful in a degree.

IMPEACHMENT.

VARIOUS journals throughout the Union have suggested the probable impeachment of some of the members of the Federal administration by the next House of Representatives. It is quite possible that such will be the case, as it is well known that many things have been done of late years, by persons in high authority, which are considered by many people as infractions of the Constitution and as usurpations of power which should be determinedly checked if the Federal Government is to retain its republican character and not gradually merge into monarchy, imperialism, or dictatorship.

When the next House of Representatives shall come to consider this question of impeachment, and impeachment of unfaithful officials shall become the order of the day, it may be a good time to attend to the cases of some usurping Federal officials in and for this Territory. Before an impartial and really (not partisan) republican tribunal there is some reason to think that it would not be very difficult to make an impeachment of certain officials lie, nor to secure their conviction upon serious charges. It is to be hoped, for the good of the public and the general welfare of the country, that some proceedings of this kind will be instituted, so that said Federal officials in and for Utah may have administered to them, what they will not administer to others—even-handed justice, that public virtue may be commended and encouraged, and public vice discouraged, condemned, and adequately punished.

THE ELECTIONS.—The London *Times* says that a change of administration in England would have promptly followed such a change at the polls as that of Nov. 3 in this country, but the Americans have to wait. The *Times* further says—

"The events of the week betoken the condemnation of Grant."

The *Pall Mall Gazette* says—

"The verdict of the country is a protest against a third term for Grant; against the policy of the administration toward the South; against the management of the finances; against the salaries bill, and the failure of the frauds investigation. Some of Grant's blunders are irreparable; others retrievable."

The *Morning Post* says—

"Grant might have averted the result by opening his lips. The assertions of others, partisans, were not sufficient to make the people believe his earnestness in abandoning the idea of a third term."

JOURNALISM A LEARNED PROFESSION.—The Cleveland *Herald* has the following—

"The Treasury Department has decided, virtually, that journalism belongs to the learned professions. An American journalist returning from abroad sought to have his library pass duty free under a law that permits free importation of books to be used in the professional library of physician, lawyer or clergyman. Technically it was held that the library of a journalist was used in pursuit of a profession and the exemption was granted. The decision is right, for a library is just as needed a part of a journalist's outfit as it is of a physician, lawyer or clergyman."

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