

EDITORIALS.

THE ABSORBING CONTROVERSY.

When Col. Broadhead concluded his masterly argument before the Supreme Court of Utah, on the question of the appointment of a receiver to take charge of the property of the Church, on October 20th, prominent member of the bar, who had listened with absorbed interest, expressed their admiration for the masterly forensic effort by exclamations of appreciation. Some of the most pronounced anti-"Mormons" after hearing the logical reasoning and strong legal points of the speaker, asserted without reserve that the government had no case. The decision of the Court, published in our columns yesterday, was not of a nature to change the impression then made. This goes without saying, so far as relates to the intelligent reader who will place the able arguments of Col. Broadhead and Senator McDonald in juxtaposition with the decision and compare them. The decision does not weigh the defensive arguments but simply brushes them aside as the only method by which they could be disposed of. Consistent with this summary method of disposing of what appeared to be a species of stumbling block in the path to the attainment of a desired object, the document seems to be in the nature of a plea for the plaintiff. It bears the marks of a strained though somewhat abortive effort to make a better showing for the Government than its attorneys had succeeded in doing. We have not heard of any lawyer of standing who has risked a verdict against his professional ability or personal honesty by asserting that the decision contained reasoning from a legal standpoint that justified its conclusion.

The proceedings in court last evening, necessarily following upon the heels of the decision, will be perused with interest. The attempt on the part of Mr. Peters to have the court force three additional persons into the controversy in a summary sort of way was a new departure. These gentlemen—Messrs. Preston, Burton and Winder—not having heretofore been defendants, had not been called upon to make any answer to anything, no bill having been filed against them. To place the judicial grasp upon their collar and jerk them into a legal contest without even giving them the opportunity to rise and explain, and thus practically abolish the formality of a bill appears to be a sort of legal cutting across lots that was not to be anticipated, even in these days of judicial ground and lofty tumbling. We must believe of Mr. Peters, who appears to be pretty much of a gentleman, that he would on second reflection, hardly venture to insist upon such a method of doing things in the lines of the law.

The feeling exhibited by Chief Justice Zane in announcing, in his peculiarly crisp style, his emphatic dissent from his two associates on the bench in their selection of Marshal F.H. Dyer for receiver was somewhat dramatic. Judge Zane appears to be exceedingly impatient regarding any person who has the temerity to differ in opinion from himself. This is unfortunate in a judge, especially when it becomes vividly apparent, as in the instance in question. His movements were nervous and jerky, while his face assumed a deathlike palor. The countenances of his companions on the contrary took on a ruddy glow, the trio constituting an interesting tableau, reminding the spectator of a lily between two blushing roses.

It has been asserted on several occasions, if not more, that there are, and have been here for some time, a class of adventurers whose engrossing object has been to rob the "Mormons" of their hard-earned property. We must confess our shortcomings, if such they may be termed, and admit having thrown out an intimation of that kind several times if not oftener. We must state in connection with this confession that we have confined the application of the soft impeachment to a class, numerically small and disproportionately loud. The reference has always been to a clique who have made up for the lack of loyalty by the most noisy and vociferous professions of possessing it. Those who have the genius of loyalty do not require to resort to the self-adoratory trumpet business. Their actions do the talking on that subject. The claims of such bogus patriots have only been equalled in the foundationlessness of their nature by their bitter denunciations of the "Mormon" people. In speaking of these misanthropes, we exclude from the category in which we place them the more respectable and consistent non-"Mormons."

It is somewhat interesting to note the eagerness, squirming and violent, half-suppressed palpitation of this class of mortals in relation to the present controversy in which the property of the "Mormon" people is involved. It is the biggest bone that has been thrown in front of them, and the low growls and half-smothered snarls they are indulging in while they gaze with whetted appetite upon the object of their solicitude would melt the heart of a block of Cottonwood granite. Their bowels are yearning

and the saliva, so to speak, flows in gentle streams from either side of the capacious dental orifices.

Gentlemen you need not try the philanthropic dodge, and give the preservation of the property, a nice sense of economy, as the reason for your solicitude. We are somewhat posted in relation to your under current condition. The philanthropic subterfuge is as thin as the patriotic pretext.

THE RECEIVER.

It is well enough understood that a receiver is a person approved by a court to take charge of property in which more than one person is interested, but the general information stops close to this point.

The theory upon which receivership is based is that property in dispute is more or less nobody's property for the time being. At least it is in such shape and condition that the title to it is a somewhat dim and uncertain quantity. This is not the case in the controversy which is now absorbing local interest. But when this is the state of affairs, it is essential that some disinterested agency having the requisite authority take possession and hold it till all questions are settled and those who are entitled to what is in dispute receive it—less the costs—with an unquestionable guarantee of ownership. Of course no better authority for such temporary custody exists than the most adjacent court of record, the proceedings of which are public property, open to inspection by any one at any time, and the acts of which are on their face directed to securing justice and impartiality. Such action is also presumed to be taken as a prevention of waste or the frittering away of the property by irresponsible and unauthorized parties. But as the court has a personality, an impersonality and takes the property in both capacities, and as it generally has plenty else to do besides giving actual attention to the details of the business and the property, it is necessary that some one be appointed to act in its name, by virtue of its authority, and be its more than representative—the alter ego, and such person is a receiver. The receiver being thus appointed is always required by the court to enter into a heavy undertaking, proportioned somewhat to the value of the property and the responsibility involved, to secure the honest, straightforward and business-like discharge of the trust. He has not individually so much authority over the property he takes in charge as an assignee would have, for the latter has more or less discretion in relation to the disposition of goods and receipts of moneys without going to the principals in the affair, whereas the receiver acts by order of the power he represents in all cases excepting where actual emergency arises and to delay for even a short time would cause loss. His responsibility never ceases during his incumbency. This is, in brief, what we understand to be the legal theory of receivership.

PLENTY OF SCOPE.

The decree prepared by Mr. Peters and submitted to and approved by the Supreme Court last evening, in relation to the scope of authority given to the receiver who is empowered to take charge of Church property, is wide enough to suit the most exorbitant demand. The Court has delegated to its agent an almost limitless power in the matter of authority to enter suits. Instead of being curtailed to the taking of action by special permission of the Court, the agent has a general authority to strike out without let or hindrance, except upon the application of parties pursued, when the court may interfere to prevent the prosecution of suits when they are improperly entered.

This looks somewhat one-sided, but one is getting accustomed to such matters in these days. The scope of authority is all against the defensive side and in favor of the plaintiff. A pound of prevention is worth a ton of cure. If the agent should improperly drag a person into litigation and the court afterwards interposes to liberate the victim, the latter cannot escape damage, notwithstanding the stopper put upon the receiver by the Court. How much fairer it would be to the enforced defendant for the reasons why he should not be pursued to be considered before the pursuer gets in part of his work, does him damage and causes him vexation not readily repaired. A more limited scope of authority would most certainly be much more conformable to law and equity. How much more consistent to prevent the making of the wound than to permit it to be made and then make a plaster to cover it up but not cure it. If it were presumed that justice would obtain, it would appear to be better even for the receiver to have a curb placed upon any possible impetuosity he might feel in the pursuit of property.

It is presumable that the ostensible hypothesis upon which the unrestricted authority given the receiver in the matter of entering suits was

granted was that it would delay progress for him to wait for a session of court to obtain permission, and that it would be inconvenient to the members of the bench to obviate this by hearing such matters in chambers. This flimsy barrier was swept away by Col. Broadhead, who showed that it was competent for any one of the members of the court to hear and decide as to the rightfulness of planting a suit. But any inconvenience or hardship to which an enforced defendant might be subjected did not appear to weigh heavier than a feather in the estimation of the Court. Such an unfortunate person may have the glorious privilege of planting a counter-suit against the receiver at a term of court, and enter upon a fruitless chase after legalism a phantom. The spirit of the Constitution is to the effect that the citizen should be protected against the remotest probability of being subjected to vexatious legal proceedings. However, it does not appear that the genius of that sacred guard of the rights of the people enters to any appreciable extent into the present controversy, the handle of which is attached to one side.

The third paragraph of the decree makes interesting reading to the individual who desires to get out his mental tape-line to measure the field so freely given to the receiver in which to operate as the practically unrestricted agent of the court. Territorially it scoops in the whole of this terrestrial ball, and for aught exhibited in the document to the contrary, it might take in some of the distant planets, providing it could be ascertained that some alleged holder of Church corporation property had there taken up his abode. That indefinite word "elsewhere" describes a sort of limitless quantity. We are living in strange times and subjected to peculiar conditions.

The scope given the receiver as to means and auxiliaries he may deem necessary for the accomplishment of his designs are of the same tremendous character as that which relates to territory. There is absolutely no restriction or limit. That provision of the Constitution which is intended to insure the citizen against unwarrantable seizure of his person and papers seems to have been kicked under the table and covered with a wet blanket while the decree was in preparation and being approved. Indeed, it appears that the whole instrument will have to be kept in abeyance during the progress of this unequaled and outrageous prosecution, which is without precedent in modern times or in any civilized nation.

THE ELECTIONS.

The great struggle in New York as well as the minor contests in other States are over and their results before the world. The outcome is more gratifying to the Democrats than it can be to the Republicans, for the reason that the chief battle ground above named has recorded a majority for the Democratic nominees notwithstanding the serious defection in the metropolis and the vote cast for Henry George throughout the State, the latter not being so heavy by several per cent. as last year, but such as it was being drawn mainly from the victorious party. Frederick Cook, the Democratic nominee, has 15,000 majority over Col. F.D. Grant, Republican, and as this is also a plurality over all the opposition, the remainder of which consisted of the labor-unionists and prohibitionists, New York may be counted upon as securely within the Democratic column and the efforts of the Republicans to capture it will have to be greatly increased to give them even a fighting chance next year, unless some adventitious circumstance should arise, and this is hardly likely.

Elsewhere the Republicans have nearly if not quite held their own. The greatest struggle outside of New York was made in Virginia, where, under the leadership of Mahone, they hoped to capture the Legislature and send that politician to the United States Senate in place of Riddleberger. In this they were disappointed, as their opponents carried a majority of the legislators and Virginia will be represented in the upper branch of the National Legislature by two Democrats after the 4th of March, 1889.

In Ohio, Foraker is re-elected by a somewhat increased majority. This is scarcely to be wondered at in view of the fact that Ohio is and has been a Republican State since the founding of the party, never during all that time having cast a single Democratic electoral vote. It has now and then elected a Democratic Governor, but this was through local disaffection in each instance, the preponderance of political sentiment in the State being steadily the other way all the time. Of course great exertions were put forth in order that in New York were lost a good round majority in Ohio could be pointed to as an offset and the morale of the organization be thus measurably preserved.

The usually Leviathan majority for the Republicans in Iowa and Nebraska has been cut down to the narrowest possible limits within which success can come. A few thousands at the most is all they claim and at this writing it looks as if the majorities may get down to hundreds or disappear altogether. This would not be so significant

had not the former during the past few years gone on the record for 80,000 Republican majority and the latter for half that figure with one-fourth the population.

Taking it all together, the Democrats are decidedly ahead in the scoring for the great race of next year. They have the administration with the solid South and the Empire State well in hand, and are thus in grand spirits and full of confidence; while the opposition, knowing that they cannot win without New York and that so far as human calculation goes it is decidedly against them, must be somewhat dispirited and downcast. Of course they will rally and make a splendid fight, as they have always done; but fighting against such odds is up-hill work, and those who engage in it are generally half defeated before they begin.

President Cleveland's good offices in this connection should not be forgotten. But for his open and avowed support of the regular ticket in New York City there might have been a different tale to tell today.

SHALL HAVE BUT ONE WIFE.

As noted in the News at the time, Mrs. Ricker, a member of the bar of the Supreme Court of the District of Columbia, was, on Monday night, on motion of Mr. Franklin S. Richards, admitted to the bar of the Supreme Court of Utah. When sworn by the clerk the lady was not required to take the oath prescribed by the self-styled "political authorities," who claimed, through one of their leaders, to have control of the courts. This omission was made, it is presumed, in deference to the sex of the applicant. But although Mrs. Ricker was spared the infliction upon her of the iron-clad oath in a public capacity, she was required to subscribe to it privately, for the sake, we presume, of preserving uniformity in the conditions upon which admission to the bar is predicated. Consequently Mrs. Marilla M. Ricker affixed her signature to the form of oath in which the following clause occurs: "That I will obey the acts of Congress prohibiting polygamy, bigamy, unlawful cohabitation, incest, adultery and fornication; that I will not hereafter, in any Territory of the United States, at any time, in obedience to any alleged revelation, or to any counsel, advice or command, from any source whatever, or under any circumstances, enter into plural or polygamous marriage, or have or take more wives than one, or cohabit with more than one woman contrary to said laws."

The estimable and talented lady will doubtless now be imbued with the idea that should she enter the wedded state she must confine her marital relationship to the taking and having of but one wife. It does seem as if the shafts aimed at the Latter-day Saints frequently lead to some surprising effects. Who would have thought that an educated and intelligent lady would, in this land of liberty, be placed under the ban of prohibition depriving her of the privilege of taking more than one wife?

ANTI-"MORMON" RIOT.

Latter-day Saints' Meeting Broken Up in London.

The *Millennial Star* of October 17th, contains the following correspondence giving an account of the ill-treatment of Latter-day Saints by a mob in London:

LONDON, W., Oct. 3, 1887.

President George Teasdale:

DEAR BROTHER,—We are passing through some interesting but rather rough times in London just now, with every prospect of a continuance.

You are aware that Jarman has been lecturing in different parts of London, and you are also aware of the results that usually follow where he has been. In this instance, however, his harangue has taken a more violent form. Besides giving out at each of his lectures the address of 31, Latimer Road, he has had large posters printed, a copy of which is exposed in almost every shop window in this locality, and reads as follows:

"THE MORMONS,

better known as Latter-day Saints, whose correct name should be Latter-day Devils, are in London enticing young girls to go to Salt Lake under a cloak of religion. When they get them there they are ravished by these Latter-day Devils. Should the poor girls offer any resistance their throats are cut. For particulars, attend Jarman's lectures or read his book, 'Hell Upon Earth.' These meetings are held at 31, Latimer Road, Notting Hill, W."

The result of this has been that last Sunday week 16 or 17 of Jarman's crowd came here with the full intention of creating a disturbance, but by a wise policy of the brethren this was prevented, though one or two had to be expelled from the room. Yesterday (Sunday, the 2nd inst.), however, a

MOST DISGRACEFUL AFFAIR.

occurred. Five or six hundred of a mob collected in the street, forced their way into the room, filling the house so that they were all blocked in, then climbed up on each other's backs and shoulders from the outside up to the windows on the second story, got into the room, threw a num-

ber of tracts into the street, broke some of the windows, tore down and cut the curtains, opened the drawers where they expected to find money, but found only stamps, all of which they took; they then broke down the fence in front, the iron rails on both sides of the door were bent and broken, and the wall pushed down, so that in a little over an hour's time the place looked as though an explosion had occurred.

The street has been crowded all day with people who have come to see the place. They are throwing stones, etc., at the door, hooting and yelling from morning till night, and the moment we go on the street we are followed and shouted after. The policemen, most of whom seem willing to do their best, can do but very little, the feeling is so strong against us. This is known to be a very low neighborhood.

Many of the sisters who came to meeting were insulted and abused, and this evening three or four policemen have had to guard the house.

Will write again soon. With kind regards, your brother, etc.,

HENRY BALLARD.

FURTHER PARTICULARS.

LONDON, W., Oct. 10, 1887.

President George Teasdale:

DEAR BROTHER:—Whatever effect the news of recent events in London may have on the minds of the Elders and Saints in other parts of the Mission, it is quite certain that we who have witnessed and passed through them have been intensely interested.

To be subjected to the fury of mobs, and having our meetings disturbed and our rights interfered with, we do not by any means claim to be alone, this has too often been the experience of others; but in this instance, however, not only our meeting was broken up, but our house also, and this, in England, is rather an exceptional occurrence.

The first intimation we received of this coming event which was brought to a climax on Sunday, Oct. 2d, was foreshadowed several weeks ago by finding on different occasions a variety of leaflets, issued by Wm. Jarman, pushed into our letter box at 31, Latimer Road and which were freely distributed in the immediate neighborhood. The

VULGAR AND INDECENT

nature of these slanderous sheets need not be mentioned, as nothing better is expected where Jarman is concerned. Their distribution was soon followed by their unscrupulous author, who hired a large hall in as close a proximity to our office as possible, where his immense success in disabing out falsehoods in the most disgusting language, aided by a penny peep-show, induced him to remain a week longer than was at first advertised. Elders Schofield and Morris visited this den as a matter of business, and noted that many were disgusted and accordingly retired. The noise and confusion excelled that of the Stock Exchange in New York. None but the most ignorant and depraved, the lowest of the low class, remained until the close, a circumstance admirably suited to the taste of Jarman, as it is only in this company he feels at home, with whom he can obtain any influence and with whom he expects to work. Having at the close of his harangue, called these "birds of his own feather" together in council, a band, the members of which would shame even Bill Sykes, is organized to put down the "Mormons" in London.

On Sunday, Sept. 25th, we were honored (?) with their initial visit, about seventeen in number. Elders Clyde and Schofield were present, and though they were both frequently and

PERSISTENTLY INTERRUPTED

when speaking, yet, by adopting a wise policy, were successful in continuing the meeting to its desired end, and putting one of their number out into the street, which had a tendency to modify the spirit of mischief visibly manifested by nearly all. The following week the shop windows in that vicinity were decorated with large placards abusing the Latter-day Saints, and especially worded to excite the passion of the ignorant, concluding with the statement that 31, Latimer Road, was "Mormon" headquarters, concerning whom further particulars could be learned by attending Jarman's lectures or reading his books. 31 Latimer Road then became the centre of attraction. We could never look out of the window without seeing someone trying to look in, and all were willing to give us a smile of recognition as they passed by. These, and other items, served as straws to indicate the direction of the wind, and we were not the least surprised to find the following Sunday, Oct. 2d, that we had a larger congregation than we had either room or desire to accommodate.

Long before the time of meeting had arrived, numerous and large crowds had gathered in the street, whose general appearance would suggest that a strike had occurred in Billingsgate, and Latimer Road had been selected to hold their councils of war. Small groups could be seen conversing together, dotting the pavement in every direction for considerable distance. Meetings were held and speeches made by Jarman and his champions, who were cheered by

THE RIOTERS.

It was then nearly 2:00 p.m., the time for our meeting, but though all eyes were constantly and wistfully cast to-