EDITORIALS.

THE CRUSADE—THE L. COHAB. INDICTMENTS.

FOUR indictments found by the present grand jury of this district, so far, have been made public. Twenty-one have been presented to the court, but only four have we heard of at this writing as having been made legally public. All these four indictments are against "Mormons," and two of them are for lascivious cohabitation. The other eighteen, it is freely whispered, remember leading "Mormons" freely. This may or may not be so. But the four are certainly as we say. This has a very bad look. That look is as if the chief end of the grand jury was to indict "Mormons," and upon trumped up and absurd charges. The tenor of the charge to the grand jury seemed to run decidedly in that direction, as in our judgment nothing could be more false in deduction and absurd in statement and inference than several portions of that charge wherein the "Mormon" people were unduly inveighed against.

There are several points in the published action of the grand jury that we cannot but consider indicative of the rankest prejudice and one-sidedness, if not of concentrated and special malignity, as well as the most unblushing and brazen hypocrisy.

These verdicts published, we know no reason to doubt, are in perfect accordance with the mind of the Judge, as revealed by his express utterances and in the general leanings of his course, not only during this session, but ever since his advent in this Territory in 1870.

It will be distinctly remembered that in and during the progress of the illegal holding of his court two or three years ago, special enmity was manifest towards the "Mormon" leaders and the "Mormon" people. The proceedings of that court, however, all and singular as the lawyers say, were irrecoverably quashed as absolutely and unapologetically illegal by the reversory decision of the Supreme Court of the United States in Washington assembled. In the proceedings of McKean's illegal court at that time this same charge of las. cohab. was preferred and indictments were found upon it, directed against "Mormons," proceedings which were everywhere regarded by good lawyers and intelligent men as unmitigatedly ridiculous, and savoring far more of the rankest prejudice and enmity than of a desire to see constitutional law, in its true spirit and intent, an l even-handed justice administered to all classes of the community, without fear or favor, or hope of pecuniary or other material reward. Much of the proceedings of that court was of a strange, extra-judicial, serio-comic, grotesque, farcical character, and it does seem that efforts are being made to infuse the same inappropriate and foreign elements in the present session.

Let us consider more closely these l. c. indictments, for there is something very peculiar about them, very peculiar indeed, because they must be taken as indicative of the animus of the jury and of the court. It is an old proverb that out of the fulness of the heart the mouth speaketh, and the inference is fair, vastly fairer than many of the Judge's are, that acts are a much surer indication of the ruling animus than words are.

The indictments for l. c. are based upon the following section of the criminal laws of the Territory—

"SEC. 32.—If any man or woman, not being married to each other, lewdly and lasciviously associate, and cohabit together; or if any man or woman, married or unmarried, is guilty of open and gross lewdness, and designedly make any open and indecent or obscene exposure of his or her person, or of the person of another, every such person so offending shall be punished by imprisonment not exceeding ten years, and not less than six months, and fined not more than one thousand dollars, and not less than one hundred dollars, or both, at the discretion of the court."

The above mentioned laws were approved in March, 1852, Brigham Young being the Governor of the Territory. The practice of plural marriage was established, known, and common with the people forming this community from and previous to the first settlement of this region in 1847. The laws above quoted from were made by a legislature the members of which believed in plurality of wives, and many of whom were understood to be practising it, as an essential part of their religion. None but a fool could think or pretend that the Legislature, in the section quoted, enacted a law to condemn and punish acts which the members of the Legislature themselves sincerely believed to be a material part of their religion, and which they sincerely practised in accordance with that belief. In legal phraseology no indictment of such a kind could lie before an unprejudiced court, but in popular belief and in popular phraseology those indictments do lie, on the face of them, most confoundedly.

We do not suppose that any one of the members of the grand jury really believes in his heart that either of the persons indicted for l. c. is actually guilty of that crime, or designed to commit it. Then what were the motives in presenting those indictments? They ought to be able to tell. We have our own opinion, and our opinion is that the indictments were found as steps in the crusade, and in the unadulterated spirit of persecution. We may be wrong in this opinion, and if we are, we shall be happy to be convinced of our error. Meantime we will give some reasons on which our opinions are based.

The above statement of the character of the Legislature which passed the law under which the indictments were found, may be taken as one reason, and a strong one. For it is an acknowledged principle in law that "the act is innocent or guilty just as there was or was not an intention to commit a crime." Again, guilt "implies a malicious intent, and must be applied to something universally allowed to be a crime."

In the acts on which these indictments were understood to be founded nobody can truthfully say that there was the slightest shadow of intention of the indicted to commit a crime, and everybody knows that those acts were not committed with malicious intent, and that hey were not acts which are universally allowed to be criminal.

Lascivious cohabitation is lewdness, licentiousness, cohabitation for its own sake and between persons not joined together by human or divine law. Everybody knows well enough that the acts under which those indictments were believed to be found were not acts of the kind just named. By no possible method of ratiocination, and by no conceivable theory of the connection between motive and deed, could such a conclusion as that expressed in the indictments be drawn from the acts which it is understood were premised in the connection.

A man who marries women, by either human or divine law, or both, recognizing and supporting them and their children, can not be said to lasciviously cohabit with those women, otherwise words have no definite meaning, and laws are not meant to punish the guilty, but any persons upon whom the officers of the court may please to vent their vindictiveness.

If the design in this class of indictments is really to execute the law against the crime named, why are "Mormons," acknowledgedly not guilty of the crime, alone indicted? That has an extremely suspicious look. Since McKean's advent here, there have been and there probably are now houses of undeniable prostitution in this city and around. Why are not the visitants of these dens of infamy indicted? Why have U. S. officers been the supporters and U. S. judges the ready habeas corpusers of people charged as guilty in this connection? Why did an associate judge *habeas corpus* eleven of these cases at one time? Many of the crusaders are well enough known to be given to lascivious conversation and carriage and cohabitation — why are not these bright and shining lights indicted? They do not even profess to practice or believe in plurality of wives, not so much as one wife, but they do unblushingly and wickedly believe in and practice cohabitation with a plurality of women who are not entitled to the honor of wifehood, but whose popular designation commences with the same consonant. Why are these men not indicted? But no, that would hit too many friends, and hit them too hard. They must be passed by, and the unoffending, virtuous, marrying "Mormons" be chosen for persecutive punishment under color of law, by officials who profess such a marvellous anxiety to have the laws executed—the consummate hypocrites. Are any of the grand jury guilty of this crime, and do other members know it? Are any of the court officers guilty, and is the court satisfied that they are?

The punishment of persons convicted of lascivious cohabitation, by the local law, is by fine of $100 to $3,000 and imprisonment from six months to ten years, with ball and chain and hard labor at the option of the judge, while the U. S. law of 1862, against bigamy or polygamy, empowers to imprison for no longer than five years and fine no higher than $500. Is the severer punishment provided by local law for lasciv. cohab. a reason why the indictments are drawn up under it, and the U. S. law ignored, when and where the latter law, if any, does apply, and the former assuredly does not? That is the way it looks.

Under the U. S. law of 1862 cases are appealable to the U. S. Supreme Court at Washington, but cases under the local criminal law are not so appealable. Is this a reason why the irrelevant local law should be preferred to prosecute the "Mormons" under, and the relevant U. S. law ignored? Are the crusaders afraid of the action of the Supreme Court of the United States upon their one-sided findings? Are they so exceedingly mad against the "Mormons" as to deny them all chance of appeal to an unprejudiced and impartial tribunal? Are the crusaders so filled with deadly enmity towards the "Mormons" as to be resolved to punish them condignly *without hope of escape* therefrom, and whether they are legally and really guilty or not guilty? Is it the correct thing for the crusaders to show judicial spite in this way? So it seems to be considered by them.

Why was Hon. Geo. Q. Cannon, M. C., indicted in this way, under the local law for lasciv. cohab.? Does the judge, any one of the jury, or any other single being in the community believe for a moment that he has been guilty of any such crime? We do not believe any man does. We believe everybody is perfectly satisfied that he has not. Then why was he so indicted? If the grand jurors do not think him guilty of that crime, are they any better than perjurers to indict him for it? If they have virtually and maliciously perjured themselves in presenting these indictments, what punishment do they deserve and what punishment will they inevitably receive when they come before a bar of justice? Was he thus indicted, being the people's choice for delegate to Congress, in order that they might have no representative in that honorable body, so that the crusaders might have it all their own way there with regard to Utah? Was the crusaders' little game thus covered in the indictment of our honored delegate? That is how many people view it, and they cannot help viewing it in that light.

GERMAN MERCHANTS—A LESSON FOR AMERICANS.

THE more intelligent of the American people are getting the better of the egotistical notion that the "old, effete" governments of Europe and the manners and customs of the people there are of a kind from which nothing can be learned by the go-a-head citizens of this great and glorious republic. The recent panic and the dull condition of business generally ever since, almost throughout the Union, with the decrease of emigration from the old world and the increase of emigration back to that half of the globe, ought to teach the lesson that some things have yet to be learned on this continent, and there are evidences that a lesson of that kind has to be learned. Mayor Joseph Medill, of Chicago, writes from Germany to the Chicago *Tribune*, that a failure among German merchants, especially retail dealers, is a rare thing, and gives some of the reasons for this rarity, thus—

"The reasons are, as before stated, an almost total absence of the speculative, reckless, gambling spirit which actuates American business men, as is shown in purchasing comparatively little on credit, selling goods for cash, and hence avoidance of debts and many unnecessary losses, and, lately, close personal attention to business, strictest economy in expenses, and a style of family living and expenditure in exact consonance with their net profits and income. The German merchant borrows much less than the American from the banks in proportion to the extent of the stock of goods he carries, because he puts a larger per cent. of his own capital into the business, and sells comparatively little on credit; hence he has little interest to pay.

"His standing rule is, either to have the goods on his shelves or in his pocket in the shape of money. Fires are so rare in Germany, on account of the careful manner in which houses are constructed and stores watched, that insurance is merely nominal, and a merchant is rarely burned out or disturbed by fires. Insurance companies in Germany make it a rule not to pay more than two-thirds to three-fourths of the value of the property consumed—the object being to secure the utmost care and vigilance on the part of the insured, and to prevent and repress all tendency to incendiary fires. The limited liability is a stipulation in the policies. It works well."

A. R. R. TAX DECISION. — The Omaha *Herald* of Oct. 18th has the following notice of an important R. R. tax decision by Judge Lake of Nebraska, the case being the Union Pacific Railroad Company, *vs.* Kane—

"Kane, as county treasurer of Cheyenne county, seized four locomotives for payment of the taxes of the company in that county for 1873. The company paid the tax, amounting to about $19,000, without a sale. Thereupon Kane exacted fees for collection by distress, refusing to accept the tax without payment of his extortionate fee, amounting to over $1,200. The company finally paid it under protest—claiming, at the same time, that his lawful fee for which it was liable was less than $100. The company brought suit to recover back the fee paid.

"The court on demurrer ruled that he was entitled, in addition to the fee allowed by the county, only to the fee for levy, and reasonable compensation for taking care of the property; that he was not entitled in any event to fees as for sale upon executions by sheriff, and not to five per cent upon the amount of tax, unless a sale of the property seized was finally made.

"This ruling is important to taxpayers, cutting down this pretended fee of $1,200 to less than $100."

NATURALIZATION POINTS.

IN another column will be found some extracts from a work of reference, briefly detailing the most important particulars pertaining to the naturalization laws as they may affect ordinary residents of this Territory. But we herewith present in a more condensed form the chief points to be regarded—

1. The applicant must be a free white person, resident five years, immediately preceding the time of his admission, in the United States, and one year at least in the State or Territory, and prove it by a witness to the court.

2. Two years at least before he can receive his full papers the applicant must declare his intentions.

3. If the applicant was a minor, without his parents or with unnaturalized parents, and was under 18 years of age when he came to this country, he need not declare his intentions, but he must be five years a resident, and prove it by a witness to the court, before he can become a citizen, which five pears may terminate when he is 21 years of age, but not earlier. He must take oath and prove to the court that for the last three years of the five it was his settled intention to become a citizen.

4. The applicant must prove by his oath, or otherwise if required, that during the five years' residence he has been a man of good moral character, attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same.

5. The clerk of the court can take declaration of intention and issue first papers, but the full papers can only be obtained by appearing before the judge in open court.

6. A child born in a foreign country is a citizen if the father was one at the time of its birth, and had previously resided in the United States.

7. Wives of naturalized men are considered citizens.

8. Minor children of naturalized parents, if the children dwell in the United States, become citizens by the naturalization of their parents or of their fathers only.

9. The wives and all the children of an alien who has declared his intentions and died before becoming a citizen, become citizens by taking the usual oath of abjuration and allegiance, and the period of preliminary residence is immaterial.

10. Residence signifies making a permanent abode in the country, and temporary absence on business or pleasure will not vititate nor impair such residence, if the intention to return has always existed, and no residence has been made elsewhere.

11. In addition to the above, we may here insert the following from the first section of the fourteenth amendment to the Constitution of the United States—

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

12. We may also further say that in this the third judicial district for this Territory, applicants for naturalization are compelled to run the gauntlet of the Court's proscriptive catechism, expressly designed to exclude "Mormons" from the benefits of naturalization.

TURNING OF THE TIDE.

THERE seems to be a turning of the tide of human affairs in several particulars about this time. The unwonted tide of prosperity and consequently of extravagance in this country has been considerably checked the last twelve months. Great names in the monetary and business world have succumbed, and a period of general retrenchment and economy has set in as a matter of necessity. The spectacle for some months has been presented of thousands of working people, in various principal cities of the Union, wandering about without work and without prospect of any. Hundreds of young women have sold themselves to secure something of a livelihood, and hundreds more in all likelihood will do the same thing the ensuing winter. The tide of emigration to this country has been very seriously checked, and hundreds of people, emigrants and others, have returned to Europe, preferring life there to life in the United States, as things go now. Indeed it has been said that more human beings, the passing season, have crossed the ocean from America to Europe than from Europe to America, and that the working classes generally have now better chances of work and a comfortable livelihood in the old world than in the new.

In political affairs also there are marked evidences of a strong reaction. The recent Southern troubles appear to have contributed much to disgust the Northern mind with Grantism, radical republicanism, federal centralization and aggression, forcible reconstruction, and the overslaughing of the rights of the States and of the people by the national authorities. The recent elections reveal this, and they appear to have been a supprize to many people. But an extreme is naturally followed by a reaction, and it is the nature of one extreme to beget a other.

It is considered as within the range of probability, judging by the results of the recent elections, that the Democrats will have the control of the next House of Re-