

EDITORIALS.

CALL HOME THE TROOPS.

THE New York *Republic*, the new administration paper, treats the Southern request to the President to withdraw the United States troops from various places in the South in this way—

"Now that the Democracy are triumphant, the rebels in the South are bold and defiant. 'Call home your troops' is the loud demand from every section of the lately rebellious States. The *Richmond Enquirer* is especially imperative in its demand. 'We advise you to do this in time,' it says, 'for if they are kept here until the Democracy gets a chance at them, there won't be a soldier left to form a unit for the army.' * * * They made the same demand of Gen. Grant during the war. The presence of himself and his troops was not agreeable to the rebels. But he did not seem to pay much heed to their demands then, nor does he now. We are glad to know that he has determined that the United States troops shall remain in the disturbed sections of the South until peace and quiet are restored, and the rights of every citizen, of whatever section or color, are secured under the law."

THE MOST PROFITABLE CROP.—It really makes one's mouth water to read a paragraph like the following in the *Sacramento Union*—

"At ten dollars per ton and ten tons per acre, grapes are probably the most profitable crop that can be cultivated in this State. Nickerson, of Lincoln, Placer county, this year sold his crop of 2,000 tons, raised on 200 acres, for \$10 per ton, the buyer to pick and deliver the crop. That is at the rate of \$100 per acre, and it required less labor and expense to produce the 200 acres of grapes than it would to plant, harvest and deliver 200 acres of wheat. The wheat in San Francisco would, at twenty bushels per acre, be worth at the outside \$18. The grapes are nearly worth six times as much, at the low price of half a cent per pound, which is as low as the most ordinary vegetables. Grapes feed on the atmosphere more than any other vegetable growth, and on this account they can be raised on the poorest soils—where potatoes, onions, corn, beans or even black-eyed peas would not come to anything."

Luscious grapes at a cent a pound, and the best paying crop per acre at that, is something for both farmers and epicures to laugh over.

IMMIGRATION MOVEMENTS.—Texas, as well as California and some other States, is somewhat exercised in favor of looking after and assisting emigration from Europe, and establishing emigration agencies with the above object in view. The *Galveston, Texas, News* says—

"Tom Scott the railway king, and General Walker, of our State, have sailed for Europe to establish immigration agencies on the Continent, through which to invite the hardy and industrious sons of Europe to a denizenship in the fertile and promising South. On their return, General Walker will pitch his tent in New Orleans and negotiate arrangements there for the speedy transportation of all who desire to settle along the line of the Texas Pacific Railroad."

LOW FARES ACROSS THE OCEAN.—It appears that low fares per steamship across the Atlantic continue to be the rule, judging by the following from the *Washington Star*, Nov. 13—

"The State line of steamships between New York and Liverpool have made a general reduction of their rates of passage, the first cabin passage being reduced from \$70 to \$60, the second cabin from \$56 to \$40, and the steerage to \$15. The transatlantic lines are all selling tickets to Europe at low rates. The fast lines charge from \$17 to \$20, and the slow lines from \$15 to \$17."

NOT FOR WASHBURNE.—The New York *Graphic* thus settles the question about Washburne for a candidate for the Presidency—

"The talk about Washburne may as well stop. He can't come in, for the reason that he belongs to Illinois, and Illinois has already given us the two last Presidents, Lincoln and Grant, for double terms. The sentiment against drawing a President from a single state for a number of successive terms is stronger than the feeling against a third term."

JURISDICTION OF PROBATE COURTS.

THE Supreme Court of the United States, Nov. 16, is reported to have decided that the act of the Legislature of Utah, conferring upon Probate Courts jurisdiction in civil and criminal cases, both at chancery and common law, was inconsistent with the Organic Act of the Territory.

The Organic Act does not confer such jurisdiction upon the Probate Courts, neither does it say they shall not have it, but it says that their jurisdiction "shall be as limited by law." We can find nothing in the Organic Act which either defines or limits the jurisdiction of the Probate Courts, other than as above quoted, but the jurisdiction of the Supreme and District Courts and of justices of the peace is defined and limited. The Legislature of the Territory therefore very naturally concluded that, as its authority extended to "all rightful subjects of legislation," it had a right to define and limit the jurisdiction of the Probate Courts, left open, undefined, and unlimited by the Organic Act. So thinking, the Legislature enacted the law giving civil and criminal jurisdiction to the Probate Courts, in accordance with the constitutional principle that all rights not expressly reserved from the people are impliedly if not expressly reserved to them.

Many good lawyers are convinced that under the Organic Act the Legislature had a right to confer that jurisdiction upon those courts. But the Supreme Court of the United States has decided otherwise, and it must have been because that court considered such jurisdiction to those courts inconsistent with the inferential intent of the Organic Act, not with its express language.

That jurisdiction cannot be considered inconsistent with the Constitution of the United States, nor is it altogether unfounded by precedent, for Congress conferred upon Probate Courts in Montana, and we believe in some other Territories, limited criminal jurisdiction.

The republicans, since the late elections, boast that they have still in their party the administration, the Supreme Court of the United States, and the Federal office-holders throughout the Union. The distinctive idea of the republican party is centralization and accumulation of the ruling power in the hands of Federal officers and Congress, in opposition to the distinctive democratic idea of local self-government. It is not, therefore, a "violent presumption" that some of the decisions of the Supreme Court may receive a tinge of coloring from this distinctive republican idea. But as that court is the end of judicial controversy, its decisions concerning the jurisdiction of the Probate Courts must be held as final and conclusive.

Seeing that the Supreme Court of the United States, in an appealed case, has decided adversely to the civil and criminal jurisdiction of the Probate Courts, with some exceptions, for the sake of avoidance of endless litigation and bad feeling, the provision of the Poland Bill, validating and confirming all judgments and decrees previously rendered by the Probate Courts, the time for appealing which had expired at the passage of the bill, may be considered a good thing. The time for appeal under the civil code of the Territory runs from 60 days to one year.

The Judge of this district decides that the acts of the Probate Courts in the matter of naturalization are

invalid. But there are other as good lawyers as he who think otherwise. The judicial decision that an alien is a fit subject for naturalization, and the judicial admittance of an alien to naturalization, are of the nature of both a judgment and a decree, and the Poland bill expressly validates and confirms all judgments and decrees of the Probate Courts, with the exception in the matter of time of appeal named. Therefore, apart from the original question of the authority of Probate Courts generally to issue naturalization papers, the presumption is fair enough that the naturalization judgments and decrees of the Probate Courts of this Territory are perfectly valid, and expressly confirmed by the Poland Bill, and therefore that the Judge in this district is in error in deciding otherwise and in fining persons who have exercised the suffrage upon the strength of naturalization papers issued by the Probate Courts previously to the passage of the Poland Bill.

However, as the Judge and some other lawyers think differently, it might be a good thing to have the matter appealed from the District Court. If the Court of last resort, the Supreme Court of the United States, should decide that the validating and confirming clause of the Poland bill was not intended to cover, and does not cover, judgments and decrees of the Probate Courts of Utah, concerning naturalization, that would definitely settle the question, which will be unsettled, so far as the satisfaction of many citizens is concerned, until a decision by that court, one way or the other, is had, as probably not one citizen out of ten in this community is satisfied of the correctness of any decision by the Judge of this district, in a matter where his prejudices are concerned, unless such decision is confirmed by a superior and more candid and impartial authority.

WON'T HAVE THE FILTHY LUCRE.

SENATOR MORRILL, of Vermont, was one of those members of Congress who opposed the "back salary grab," having voted five times against it and never taken a cent of it for his own benefit. After the bill became a law, Mr. Morrill drew his share of the pay and deposited it with the treasurer of his State, "to be applied to the reduction of the State debt." The disposition of this money greatly troubled the worthy treasurer, as there was no law to provide for its appropriation as the Senator desired, nor in any other way, so the treasurer applied to the Legislature for instructions. The Vermont Senate has voted unanimously to take the Senator's back pay from the State treasury, where he deposited it, and send it back to the United States treasury, where it belongs. It was thought the House would concur. "Public sentiment on the back-pay swindle and many other similar iniquities," says an exchange, "is a good deal more healthy than it was before election."

THE FAIR PRESUMPTION.

YESTERDAY, we stated that in our opinion the presumption was fair that the Poland bill validated the naturalization judgments and decrees of the Probate Courts in Utah.

The object of sec. 3 of the Poland bill appears to have been to take away the jurisdiction of the Probate Courts in all civil, criminal, and chancery cases, with the exception of the settlement of the estates of decedents, cases of guardianship and like matters, suits of divorce for statutory causes, and entering land in transfer for the use and benefit of the occupants of towns according to the provisions of certain acts of Congress and supplementary, of the territorial legislature. The above are now, according to the provisions of the Poland bill, the limits of the jurisdiction of the Probate Courts in this Territory. Formerly, the Probate Courts, under the laws of the Territorial Legislature, tried all sorts of cases, civil and criminal,

and also issued certificates of naturalization, under the impression that they had authority to do so. We believe none of the Probate Courts in Utah, for several years past, have issued naturalization papers.

Frequently, as in the recent New Orleans case, for partizan purposes, and sometimes probably for other reasons, the criminal, civil, and chancery jurisdiction, including the naturalization business, has been questioned. The Poland bill has the following clause, validating and confirming the previous administration of the Probate Courts—

"All judgments and decrees heretofore rendered by the Probate Courts, which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed."

Now this clause, although it applies to all the previous judgments and decrees of the Probate Courts, with the above exceptions, was evidently intended the more expressly to apply to those judgments and decrees, the jurisdiction of those courts in which was questioned or doubted, for the very good reason that there was not the slightest necessity, acknowledged by either party, to enact a law to validate and confirm those judgments and decrees which nobody ever questioned or doubted. It was not the agreed upon points, but the disputed ones, which needed validating and confirming, if any did.

The action of the Probate Courts in the matter of naturalizing aliens was one of the things, the jurisdiction of those courts in which was questioned and doubted. The reasonable inference therefore is, that the naturalization judgments and decrees of the Probate Courts are among the "all" which the validating and confirming clause of the Poland bill covers. All means all, not half, not a part only. There may be reasons for thinking otherwise, but they do not appear in the Poland bill. The naturalization of aliens is a judicial act, and if it is not covered by civil, criminal, or chancery jurisdiction, by law or equity, what is it covered by?

BLUE COAT, BRASS BUTTONS, AND BENEVOLENT COUNTENANCE.

A ST. LOUIS paper individualizes Luke Poland as the venerable gentleman with blue coat, brass buttons, and a most benevolent countenance. The venerable sponsor of the Poland Bill in its original infamously may be possessed of a most benevolent countenance, that is, his countenance may appear of a most benevolent cast. But we may be allowed to suggest that it has been generally acknowledged that a man may smile and smile and still be a ——— Colfax. Analogically, therefore, it will also be generally acknowledged that a man may have a most benevolent countenance and a most benevolent countenance, with blue coat, brass buttons, and snow-white head to boot, and yet be nothing but a ——— Poland.

MILITIA CAN'T SELL THEIR ARMS.

ELSEWHERE in to-day's NEWS will be found a report of a decision, by Attorney-General Williams, concerning the right of a State to sell arms furnished its militia by the United States. The Attorney-General decides that a State has no right to sell such arms, but that if it does there is no law to punish it for so doing.

This decision is of considerable interest to the various States, and may be to Utah some day, though it is not to her just now, for these two reasons—

First, we believe there are few if any U. S. arms in the hands of the militia of Utah.

Second, there is virtually no militia in Utah, because the constitutional provision "that a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed,"

is held in abeyance in this Territory, by gubernatorial proclamation under the usurpative and centralizing policy of the party that was so badly defeated at the polls the other day almost throughout the Union. Perhaps this was one of those instances of violation of the constitution to which some republicans can readily give their consent in order "to save the country."

WANTS TO PAY IT IN TWENTY YEARS.

SENATOR EATON, newly elected from Connecticut to Congress, at the late Manhattan Club meeting, thus suggested how to pay the national debt in twenty years—

"If we are wise, we have before us thirty years of power. I am well aware of the great responsibility that will fall upon the democratic party, but I desire to say one thing here, and I have examined the question and have no doubt about it, and I wish to be responsible personally for my opinion, that under democratic rule in this country, in twenty years every dollar of the debt can be paid and taxes reduced each year. (Applause.) It can be demonstrated. There is expended to-day, and has been expended for the last ten years in this country, \$80,000,000 over and above the excess of the interest on the national debt more than ever was expended before. Once place the government in the hands of men who will examine this matter thoroughly, who will cut down all expenses either in the army or navy, and lop off the eighteen thousand 'bloodsuckers' who have fastened themselves upon the body politic, and in twenty years every debt of the government can be paid."

"I propose that this government shall pay its debts in the legal currency of the government, the constitutional currency. Let there be one currency for the government and the same for the people. (Applause.) Let every step we take hereafter be a step in advance toward specie payments. No man of sense will say we must come to it to-morrow or the next day, but we mean to have all legislation point that way. The very moment you cut down the expenses of the government \$1,000,000, that very moment you take the great step toward this end."

NOT AN ATHEIST.

PROFESSOR TYNDAL delivered one of a course of lectures to workingmen at Free Trade Hall, Manchester, England, October 28. His subject was Crystalline and Molecular forces. In the course of his lecture the Professor uttered the following beautiful passage—

"The way in which atoms build themselves together is to me perfectly astounding. You have here a play of power almost as wonderful as the play of vitality itself. Perhaps I may have expressed myself too strongly in calling this beautiful experiment astonishing. Still I must say, although I have seen it, to speak moderately, hundreds and hundreds of times, I have never looked upon it without feelings of astonishment. And depend upon it, trust me, that the revelations of science are not in the least degree calculated to lessen our feelings of astonishment. We are surrounded by wonders and mysteries everywhere. I have sometimes—not sometimes, but often—in the Springtime watched the advance of the sprouting leaves, and of the grass, and of the flowers, and observed the general joy of opening life in nature, and I have asked myself this question: Can it be that there is no being or thing in nature that knows more about these matters than I do? Do I in my ignorance represent the highest knowledge of these things existing in this universe? Ladies and gentlemen, the man who puts that question to himself, if he be not a shallow man, if he be a man capable of being penetrated by a profound thought, will never answer the question by professing the creed of atheism, which has been so lightly attributed to me. I will detain you only one moment more. Everywhere throughout our planet we notice this tendency of the ultimate particles of matter to run into symmetric forms. The very molecules appear inspired with a