EDITORIALS.

THE BABCOCK INDICTMENT.

THE dispatches we published yesterday informed us that Gen. O. E. Babcock had been indicted by the St. Louis grand jury on a charge of connection with the crooked whiskey ring frauds. This is a very serious matter, because Gen. Babcock is in near connection and intimate personal and official relationship with the President of the United States.

We are not among those who rejoice in the attachment of guiltiness and disgrace, or even the suspicion of guiltiness and disgrace, to persons high in office, and especially persons in or closely connected with the highest office in the Union. On the contrary, we consider such things a cause for humiliation and profound sorrow to every true American citizen. Judicial charges of criminality towards high officials should be entertained only upon irresistible grounds, because, if entertained upon light or trifling grounds, they tend to promote a disrespect of authority which has a demoralizing effect upon the people at large, and is apt to incite disgust among the people of other nations.

Every American citizen should take pride in the good name of his country, and of those who are chosen to stand at the head of the government, or in important relations with it, and should frown down all needless attempts to bring the high officials of the government into disrepute. At the same time every good citizen will echo and re-echo the sentiment of President Grant, to let none of the guilty escape; but will do more, and say, let no guilty man be punished, and let no man be charged with crime except upon evidence that cannot be rejected. Insufficient evidence and partisan prejudice or conspiracy should be absolutely ignored in all such matters.

If General Babcock is really guilty as indicted, he should be punished according to law. If not guilty, he should be triumphantly vindicated, which we hope he will be, for a verdict of guilty could not fail to be a matter of grief to every American, and to every other man or woman who has any regard for the fair fame of the American government.

NOT FOR GRANT.

The Episcopal Methodist preachers of this city and parts adjacent had a political caucus on Thursday, Dec. 9, at the First M. E. Church in this city, to protest against the voting of the Boston Methodist preachers' caucus in nominating Grant for a third term, and adopted the following resolutions, as they have been published—

WHEREAS, We have recently seen in the Associated Press dispatches from the East, the statement that Bishop Haven and a body of Methodist preachers in Boston had nominated President Grant for the "third term" of the Presidency, and whereas such action may be understood by some as committing the denomination to the same measure, therefore,

Resolved, That as a body of ministers we PROTEST against the above action;

1st. From the manifest impropriety of any Church, Protestant or Roman Catholic, placing in nomination a candidate for the presidency of the United States, and because we believe there are special reasons growing out of interests in Utah that are seriously affected by the administration of President Grant, why he should not receive either the nomination or support of any religious body. These reasons arise in part from the following considerations.

There exists in this Territory an organized and monstrous religious inposture which is peculiarly dangerous to the more ignorant classes of humanity. It defies the moral sense and civilization of the age. Its hierarchy rules with despotic power over many thousands of American citizens. It deprives them of a free ballot and of free schools. It obstructs the course of justice in the courts and points with exultation to the immunity from punishment of its black record of crimes. It treats with open contempt our American government and law, and is in fact an absolute monarchy within a republic.

The course of President Grant in dealing with this institution has been weak and vacillating, and his recommendations in his recent annual message and in previous ones, to suppress polygamy simply, do not reach the above named evils, which can only be remedied by legislative enactment and by firm executive administration.

2nd. He removed Judge McKean from the bench without a hearing and upon ex parte representations, and just at a time when he was taking hold of this treasonable and law-defying institution with the grip of law and justice. As the successors respectively of Gov. Woods, who had been loyal and true, and of this upright chief justice, thus dishonorably removed, he appointed two men of such strong Mormon proclivities, that the outraged sense of loyal American citizens in Utah compelled the removal of one and the resignation of the other. He has recently appointed as chief justice of the Territory a man in every way more objectionable than his immediate predecessor, and while President Grant was writing down polygamy in his message, his appointee was setting free the chief polygamist of Utah under legal technicalities, is almost daily admitting known polygamists to citizenship, and in other ways is rendering the laws of no effect.

3rd. He has constituted his cabinet a court of appeals, which has proceeded to consider and pronounce opinions upon the decision of law questions in the local courts of Utah without the pleadings, papers, or arguments of counsel in the case, thus rendering the judiciary subordinate to the executive, and compelling every Judge to feel that his decisions will be reviewed in the cabinet without reference to the facts or authorities that are before him. We believe that certain railroad monopolies and other agencies under the control of Brigham Young have, through certain members of Congress, obtained undue influence over the President in Utah affairs. We refuse to accept his allusions to polygamy alone as covering the necessity that exists here for congressional legislation. The Mormon leaders themselves care nothing for the outcry against polygamy, so long as they can control the jury system, the ballots and the courts.

Resolved, 2d, That we respectfully ask the press of our land to give publicity to this paper.

G. M. PIERCE, President.

C. P. LYFORD, Sec'y.

SALT LAKE CITY, Dec. 9, 1875.

THE VICE PRESIDENCY OF THE UNITED STATES.

THERE is still more or less discussion upon the exact situation as to the Vice Presidency of the United States. Two of the latest utterances we have seen come as with authority from the Ogden *Junction* and the New York *Journal of Commerce*. The former journal aims to correct those papers which have asserted that, although Senator Ferry is the present President *pro tempore* of the Senate, that body is competent to and probably will elect another senator *pro tempore* the present session. The *Junction* of Dec. 7 says—

"On the convening of Congress yesterday, if Mr. Wilson had been alive it would have been competent for the Senate—the Vice President being absent or unable to take his seat, and Mr. Ferry *declining* to do so—to elect a President *pro tem.* But as, since the adjournment of Congress, a vacancy has occurred in the office of Vice President, and since, *by operation of law*, that vacancy has been filled by Mr. Ferry, who was, at the death of Wilson, President *pro tem.*, the Senate has no power to displace him by the election of another. Mr. Ferry is the constitutional Vice President of the United States, and nothing but his death, resignation or impeachment can displace him until the expiration of the term for which Mr. Wilson was elected."

The *Journal of Commerce* says—

"There has been some misapprehension in regard to the effect produced on the official hierarchy by the death of the Vice President. The Constitution assigns two functions to the Vice President, and orders that the ordinary one of presiding over the Senate shall in the absence of the Vice President (from whatever cause), fall on a President *pro tempore* chosen by the Senate itself. For the other and extraordinary duty of exercising the functions of the Presidency of the United States in case of a vacancy in that office, the Constitution authorizes Congress to make provision by law. But for succession to the office of Vice President when it alone becomes vacant, there is no provision of law, and it is at least doubtful whether Congress has authority to make any such provision. The Constitution, in expressly giving the power to provide 'for the case of removal, death, resignation, or inability, both of the President and Vice President,' appears by implication to withhold the power of providing for other cases in connection with either of those offices. Congress, in the exercise of the power conferred on it, has provided (Revised Statutes, sec. 146) that, in the case contemplated by the Constitution, the President of the Senate, or (if there be none) the Speaker of the House of Representatives, for the time being—and it could just as well have designated instead the Secretary of State and the General of the Army—shall act as President until the disability is removed or a President elected. But where from any cause a vacancy occurs in the office of Vice President alone, the law (R. S., s 36) simply provides that 'the President of the Senate for the time being is entitled to the compensation provided by law for the Vice President," that is, to $8,000 a year. The practical effect of the distinction lies in this: that if, as some have inferred, the *pro tempore* President of the Senate became absolutely Vice President of the United States, his seat in the Senate would be immediately vacated; for the Constitution ordains that 'no person holding any office under the United States shall be a member of either house during his continuance in office.' In fact, however, no such vacancy arises. The case, then, stands thus: For the remainder of Gen. Grant's term there can be no Vice President; since even if the Presidency itself should become vacant, there would, under the statutes (R. S., s. 148), be no new election until next Fall, when the regular Presidential election occurs in any event, and in the meantime the President of the Senate would, in accordance with the statute, act as President of the United States."

Thus, according to the *Junction*, Senator Ferry is the Vice-President of the United States, and cannot be displaced until in the regular way by the results of the quadrennial election next November. But according to the *Journal of Commerce* Senator Ferry is only president *pro tempore* of the Senate with ex-officio power to act as Vice-President and receive the pay of Vice President, the latter office meantime remaining as much vacant as that of a territorial Governor when the Secretary ex-officio officiates as acting Governor.

The assertion of the *Junction*, that the Senate has no power to displace Mr. Ferry as President *pro tem* and consequently as acting Vice President of the United States, comes in contact with the following from the *Manual of Parliamentary Practice*—

"In the Senate a President *pro tempore* in the absence of the Vice President is proposed and chosen by ballot. His office is understood to be determined on the Vice President appearing and taking the chair, or at the meeting of the Senate after the first recess."

To "determine" means, among other things, "to bound, to limit, to conclude, to end, to terminate, to cease;" (in law) "to cause to cease or terminate, to bring to an end." Thus the office of a President *pro tempore* ceases or terminates on the Vice President taking his seat, to which he is always absolutely entitled, or at the meeting of the Senate after the first recess following the election of such President *pro tempore*. In practice, nevertheless, it appears that a President *pro tempore* continues in office until his successor is chosen and qualified, when that successor is also a President *pro tempore*. Mr. Ferry is acting Vice President not because he is Vice President, but because he is President temporarily of the Senate, to which office the Senate elected him, and which office is liable to cease after each recess, and consequently with it the *ex officio* authority to act as, but not to be, Vice President of the United States.

A Vice President of the United States is *ex officio* President of the Senate. The President *pro tempore* of the Senate, on the death of the Vice President of the United States, becomes *ex officio* Vice President, and so remains until his presidency *pro tempore* of the Senate ceases, or his acting as Vice President is ended by the accession of another Vice President to office.

A CHRISTIAN NATION.

THE San Francisco *Chronicle* discusses the question, "Are we a Christian Nation," lays the flattering unction to its soul that "we are," and exclaims, "If we are not a Christian nation, then what in the name of heaven are we? Are we Pagan, or heathen, or Mahomedan?" That "we are a Christian nation" is argued upon several grounds—that Blackstone says the English law is founded upon the Bible; that we have derived our codes from England; that our laws are founded upon the precepts of Christianity; that our legislation is directed by the spirit of a Christian faith; that nineteen-twentieths of our population have been taught to govern their lives by the moral code of Christ; that the spirit of Christian teaching pervades our whole civilization, and is the broad foundation on which the republic is built; that "In God we trust" is stamped on our national coin; that "So help me, God," concludes our oath of allegiance and in judicial testification; that Catholics and Protestants believe in the Christian faith, and Jews await Christ's coming. For all these and other reasons our *Pacific contemporary* is pretty well satisfied that "we are a Christian nation in that broad and better and higher sense that places us above the bigotries and bickerings of sects."

It is certainly very comfortable to have an exalted opinion of ourselves, but unless that opinion is based upon a sure foundation it is delusive and sometime or other will fail.

A Christian is one who believes in Christ and accepts his teaching as the rule of action in daily life. So far as the people of the United States do this, they are a Christian nation. Christ himself said, "Why call ye me Lord, Lord, and do not the things which I say?"

A plain way of stating the case is this—if this nation does the things which Christ taught, then it is a Christian nation; if it does the things which Satan teaches, then it is a Satanic nation. Judging by what we hear every day, the nation does not seem to be sufficiently Christian to admit of very loud boasting.

EDITORIAL NOTES.

——Mrs. Livermore complains that the girls are not particular enough about the men they marry. How can she expect them to be more particular in that matter when she knows there are not marrying men enough to go round without doubling on the marrying men, and the law visits such doubling with fine and imprisonment? What's the use of tantalizing the poor girls in that way, we should like to know.

——The lively little Mrs. Alice Oates has slipped out of the matrimonial noose of her Titus, the divorce having been recently granted in Louisville. Mrs. Oates regains the property which passed to Titus by their marriage. Titus was starring in Australia when last heard from, and was charged by his late wife with drunkenness, prodigality, failure to support, etc. They were married Nov. 23, 1873, at St. Louis.

——A member of a church in Kentucky wrote of a new pastor to a friend, "We have secured his services for the ensuing year at the salary of $100, and are looking forward for great blessings." A hundred dollars at ten per cent. interest will be $110, which, spread over twelve months of praying, preaching and general pastoral duties, will make a rather diaphanous daily or weekly average of "great blessings" to the individual church members and congregation, and of scarcely discernible saving effect in this sinful day and country. Two dollars worth of blessings a week for an entire church and congregation!

——The New York *Independen* claims that the live models in that city are mostly foreigners, and says, 'It is strange that in a country where young ladies are so generally beautiful so few of them should be sufficiently beautiful to serve as models." Never mind where the models come from, so that we have the finest and best. Meantime good citizens of either sex will not relax their efforts to produce models which will in time rival and indeed excel those of any country. In this sublime endeavor we are happy and proud to say Utah stands in the foremost rank of American States or Territories.

——In Maine you can curse on week days at one dollar per oath, but if you are so profane as to swear on Sundays you must pay two dollars an oath for it The law is strict, and the proceeds go towards founding an asylum for other insane people. If that law were national and rigidly enforced, the national debt would not long be an incubus.

Local and Other Matters.

FROM TUESDAY'S DAILY, DEC. 14.

A Change.—After a beautiful day yesterday that fog of last night and this morning. Fogs are not very common things hereabout.

"Ben Israel."—We learn from Mr. E. W. Tullidge that preparations are in operation for the early presentation of his play of "Ben Israel," at the Globe Theatre, Boston. It is expected that it will be put on the boards about the middle of next month.

Produce Department.—Z. C. M. I. has again opened a produce department. Having bought out the business of Mr. S. W. Sears, they will continue that line of business in the building recently purchased by that gentleman, on East Temple Street.

District Court.—Tuesday, Dec. 14th. In the matter of Taylor and Cutler, in bankruptcy, the Court appoints a receiver simply as custodian of the goods for the present.

John F. Tasker; an application for writ of habeas corpus; the order granted and writ made returnable.

Alex. Tarbet *vs.* Flagstaff S. M. Co.; plaintiff's order for restraining order not granted, and Saturday, Dec. 18th, 1875, made the day for final hearing for injunction.

The People, &c., *vs.* Thompson Davis; this defendant, having been found guilty of larceny, was, on this day, in open court, sentenced to hard labor in the penitentiary for five years.

The People, &c., *vs.* John O'Brien and Frederic Curtis; in this case the defendants having been found guilty of housebreaking, the Court, considering the same, sets the verdict aside, and a new trial is granted. The prisoners remanded to the custody of the marshal till the further order of the Court.

The People, &c., *vs.* McNoughton *et al*; on application for a continuance by the defendants, the Court, having considered the same, thereupon orders that the hearing be continued till Friday.

Lee and Ottenheimer *vs.* Alex. Tarbet; by agreement of counsel, in open court, Thursday, Dec. 16th, 10 o'clock, is set for a hearing of said application.

John Tiernan *vs.* Nicholas Threaweet *et al*; an application by defendant's counsel to dissolve injunction was being argued when the Court took a recess for an hour.

THE ALLEGED DEFALCATIONS IN THE UNITED STATES MARSHAL'S ACCOUNTS.

Text of the Report of the Grand Jury.

Yesterday we published the substance and purport of the report of the grand jury of the Second District Court, relative to the embar-