

EDITORIALS.

MORE JUDGES PROPOSED.

A WASHINGTON paper has the following—

"After the congressional recess, it is probable that both the Senate and the House Committees on Judiciary will take up for consideration the recommendation of the President for an increase in the number of United States circuit judges, and the propriety of an increase in the Supreme Court. The business of the Supreme Court has increased so largely of late years that it is held to be impossible for the court, with its present membership and under its present system, to keep up. There are cases on the docket which have been there for two years. As one means towards lightening the labors of the Supreme Court, it has been proposed that the class of cases which can be appealed from the state courts shall be narrowed down very considerably. Another plan to expedite the business, and which has been received with much favor, especially among republicans, is to increase the number of members of the Supreme Court from nine to fourteen, and to apportion the business among them. Thus a certain number of Justices should sit in patent cases, a certain number in admiralty cases, and so on, and the whole court should sit together in hearing and determining constitutional questions."

There may be truth in the statement that the Supreme Court of the United States is two years in arrears with its work, and that an increase in the number of judges is advisable, as well as some other changes being requisite, yet the propositions offered above in this connection should not be adopted hastily. Those propositions we may arrange as follows:

1. To reduce the number of appealable cases.
2. To divide the general business, aggregating the judges upon constitutional questions.
3. To increase the number of judges.

In regard to reducing the number or classes of cases appealable to the U. S. Supreme Court, this, if done, should be done with great deliberation and judgment, because there may be many instances, as in Utah, where, apparently, the fear of a reversal of judgment in that court is the only check upon much unjust procedure.

As to the second proposition, if it would really expedite the satisfactory conduct of business before the court, which it probably would, there could be no very serious objection to it.

The third proposition is of a different nature, and it is the most serious of all, as, if adopted, it might very materially affect the decisions of the entire court, and particularly in constitutional matters. Now there are nine judges, and it is proposed to create five more, or upwards of fifty per cent. This is a remarkable increase to be made all at once, and it really would look suspicious, it would look as if the party in power wished to fix the complexion of the Supreme Court to suit the party for a generation to come. This would not be fair. It would be ungenerous, grasping, dictatorial. The Republican party has already added several members to the Supreme Court, and of course all Republicans. If now five more were added, that would make a heavy majority of the whole court appointed by the present party and the appointments would be, in all probability, more or less partisan. Action of this kind, and especially on so extensive a scale, could not be regarded otherwise, by the opponents of the Republican party, than as a last bold stroke of declining power to perpetuate itself, at the expense of the public welfare, though ostensibly to further the public good.

If an increase of the number of judges be really necessary, it would look much less like a forced lease of party power for it to be done gradually than all at once. "A decent respect to the opinions of mankind," and a proper regard to the welfare of the country, would suggest that the increase, if any,

be small during the same presidential term, say one, or at most two, judges. If a larger increase be resolved upon and carried into effect, it can hardly have any other appearance, at best, to an unbiassed mind, than that of a very equivocal partisan proceeding, and to probably half the citizens in the Union it would give an ill odor, the odor of partisan partiality, to the name of the Supreme Court of the United States, the last body in the whole Union to whom anything of that kind should attach in the slightest possible degree.

GOOD TIMES AND PROSPERITY.

LAST year bad times were very general in the United States, but they were not universal. Omaha claims to be one of the most fortunate places in the country. According to the *Omaha Herald* that city never had a more prosperous year than 1874, which we are very glad to learn. The *Herald* of Dec. 31 says—

"The year which closes to-day has been the most prosperous that Omaha has ever known. This is proven both by the splendid and unrivalled building record of the year and still more by the evidences of the growing commercial importance of the city. Omaha did not succumb to the panic of last year which threw a million of men out of employment at the east, and this year her strength as a commercial city has been scarcely tried by the locust plague which has been such a severe scourge to the limited district of the State that was visited by it."

"Real estate in this city was never in so good standing as it is to-day. The feverish excitement of the 'flush' times attending the construction of the Union Pacific, has passed away, and steady and permanent values have supplanted fluctuating fancy figures. The real estate of the city is assessed for purposes of taxation at \$6,738,758 and the appraisal is in most cases far below its real worth. This estimate does not include railroad property."

The *Herald* enumerates buildings completed in that city the past year, at an expense of upwards of three quarters of a million dollars.

This is a very satisfactory exhibit for Omaha, and one that she may well rejoice over.

Another part of the country which has enjoyed the smiles of fortune to an unwonted degree during 1874 is California, where the past year has been one of great prosperity, according to the papers published there. The *Oakland Transcript* of January 1 says—

"The past year has been a prosperous one for California. Plenty abounds in all her borders; money is plenty; her population has increased half a hundred thousand; her mines have yielded abundantly; the earth has been liberal to the husbandman and the cattle upon a thousand hills have waxed fat. No plague, pestilence or famine; no unusual disturbance of the elements; no floods or devastating fires have afflicted the State. Nature seems to have smiled benignly upon our people the past year."

"In no one year since California was admitted into the Union has there been such a general stride of improvements in this State, both in wealth and population and substantial improvements. Take Oakland and San Francisco as a sample—in the former city nearly one thousand new buildings have been erected, many of them palatial residences. In San Francisco the erection of buildings have been of a class superior to any that have been erected for years, while other improvements have kept pace with building."

"The advance in real estate during the year has been of a substantial and permanent character; new towns have sprung into existence and old towns have felt the life blood of universal progression. Substantial homes are taking the place of rickety uncouth habitations; and the people are turning their attention to the comforts of life, making the wilderness blossom as the rose."

"The prosperity of Oakland has

been unprecedented. No town or city in the United States has increased in population and wealth in as great a ratio as this. Taking the past year as a basis, the increase for the decade will be over two hundred and fifty per cent. The future is certainly promising for this city."

"The future of California is indeed bright, with a climate unequalled by that of any country on the face of the globe; with a rich fertile soil producing every known cereal and fruit on the face of the globe; with mines of gold, silver, copper, iron, and every other metal known to the world; with a live, energetic, go-ahead people, wealth will sit in our gates and prosperity cover us as with a mantle of light. Glorious California; Queen of the Sunset; at once the Occident and the Orient; blest above all lands; here, if anywhere on God's footstool man should be happy and content."

This is a promising view of the present and future of the chief Pacific State, which we trust will be realized.

Utah cannot make so cheering an exhibit of progress and prosperity the past year as Omaha and California do. Still this Territory has not suffered so much from the prevailing depression as many places in the States East have, and the prospects for her increased prosperity this year and the years immediately succeeding are very cheering, which cheering prospects would be enormously enhanced if she could get rid of the carpet-baggers who sit as an incubus upon her prosperity, and operate to hinder many enterprises of great pith and moment to the welfare of the community.

COMPARATIVE CRIMINALITY OF SALT LAKE AND NEW YORK CITIES.

THE statistics published in the *NEWS* on Monday show the appearances of criminals before the city authorities for 1874 to be 1160, or at the rate of about one in twenty-two and a third of the population, estimating it at 26,000.

According to the annual report of the board of police justices of New York City, the summary of crimes shows that 84,821 prisoners were arraigned in that city last year, which is at the rate of about one in eleven and a half of the population, allowing it to be 900,000.

That makes New York twice as wicked as Salt Lake City, notwithstanding all the vicious carpet-baggers here and the crowd of bilks, beats, and bums by whom they are attended, and by whom the criminal ranks of this city are mainly filled, thus demonstrating that the mass of our citizens are composed of excellent material, and are remarkably peaceable and law-abiding.

TWO SHINING LIGHTS DECLINING—THEIR LUSTRE PALES ALARMINGLY.

To only one, of all the great men that this country has produced, has been ungrudgingly awarded the honor of being first in war, first in peace and first in the hearts of his countrymen. Several others have stood in the front rank in one or other of these particulars, but only one acknowledged in all. To the present incumbent of the presidential chair has been awarded the distinction of being first in war, but there his high distinction appears to end. He can hardly have proved himself first in peace or first in the hearts of his countrymen. He might have so appeared at one time, after the close of the war, but the present thoughts of the public seem to be by no means so favorable to him. Washington sustained the exalted distinction awarded him during two presidential terms and to the day of his death. It is still accorded him. But then Washington was both a soldier and a gentleman. He did not outlive his fame, either for his acts of war or his acts of peace. On the contrary his fame outlived him, and deathless is his glory.

Such is not likely to be the case with President Grant. He was undoubtedly successful in the war, to whatever causes that success may be fairly attributed, and he received the gratitude and the votes of his countrymen on that account. His great popularity originally was founded exclusively upon his war record, and his later popularity was based partly upon his war record and partly upon his appointive power. It is very doubtful whether he would be sufficiently popular to-day to secure a majority of the national or the electoral college votes. One thing is certain, that his second term has greatly decreased his popularity, and the recent events in the South have added largely to that decrease. If he had declined his second election, he would have retained his popularity as to both war and peace, for then it was at its acme, or at least it had not materially declined. But it has been surely declining since, and the signs are ominous of a still further decline to such an extent that an immediate third term will be impossible to him by the voice of the people. The November elections foreshadowed that, and the Louisiana policy thickens and blackens that foreshadowing. His national reputation now is on the down grade.

Similar things may be said in a degree of General Sheridan. He came out of the war with a brilliant reputation and if not first he was still very high in the popular regard. But his late unwise course at New Orleans has proved that his popularity is on the decline, particularly as to times of peace and the spirit and methods of civil government. His unfortunate dispatches to Washington have incensed the public mind and have earned for him the nickname of "Banditti" Sheridan, which in all probability will attach to him to the end of his life.

It is really unfortunate, to them, that these two great men, great in their specialties, should be led or impelled to tarnish their fair fame, after having achieved such brilliant reputations as they did in the war. But their subsequent course is an indubitable proof that a man may be very great in one thing yet not in all, that it by no means follows that a man who is great in the arts of war is necessarily great in the arts of peace, but, on the contrary, that a man may stand on the highest pinnacle of distinction in one department of public activity, yet may be actually without any intrinsic fitness for public prominence in another and very different department.

SOME OF THE RESULTS.

THE famous Tichborne trial, by law expenses, not only impaired the value of the Tichborne estate probably fifty per cent., and immured the "Claimant" in durance vile with oakum-picking for his occupation, but proved the ruin of his counsel, Dr. Kenealy, who became so incensed at the course the trial took, that he fell to abusing the judges, his brother counsel, etc., until the bar threw him out of its ranks. The following paragraphs concerning him will be read with interest—

"The unfortunate Dr. Kenealy, disappointed and heartbroken by the loss of the Tichborne case, started a newspaper called the *Englishman*, the object of which appears to have been to hold up to eternal infamy the judges, lawyers, witnesses—every one in that memorable trial who had at any time stood in his way. The fate he invited has quickly overtaken him. He was first degraded from the court to which he belonged, and now he has been declared to be unfit to be longer a member of the English bar, and his name to be erased from the roll. It is a sentence of complete social degradation, as well as professional disgrace. The *London Times* speaks of him as a distinguished scholar, an accomplished linguist, a graceful writer of English verse, and holding his position at the bar, until the Orton trial, by genuine merit. That was too great a trial for him. And his conduct then and afterwards has left him no claim for sympathy."—*Missouri Democrat*.

"Dr. Kenealy, the Tichborne claimant's lawyer, furnishes a lively illustration of how much faster

a man can slide down hill than he can climb up. He is the same Kenealy, we believe, who was the friend of the witty and scholarly Maginn, and as a young man gave great promise of literary ability. After a successful career, which elevated him to an enviable position among the Queen's counsel, he had his name stricken from the list by the Lord Chancellor for his unprofessional, not to say ungentlemanly, conduct during the trial of that celebrated case. When a man has once started 'backward to climb and downward to advance,' it is wonderful what success crowns his efforts. The next step of course was to plunge into ink. 'No man,' said a witty foreigner, 'was ever written down but by himself.' So Dr. K., after starting a newspaper called the *Englishman*, abused the courts and his brethren so long and eloquently that the benchers of Gray's Inn politely requested him to 'step down and out.' This disbarring, or, as our chief justice would say, 'dismembering,' quite finished him. The unpleasantness of his situation is not mitigated by the reflection that he brought it on himself by his own acts, which resulted from a violent temper and an unruly tongue. It is worthy of notice that we have heard of some judges and lawyers in our own ten miles square, minus some miles, who are afflicted by the same weaknesses, but if they will 'purge and leave sack' we have no fear of the disease breaking out."—*Washington Capital*.

CHANGING TEXT BOOKS.—There is much feeling occasionally in different parts of the country over what are considered needless changes in the kind of text books used in the common schools, such changes being widely regarded as tricks of the trade, with lucre as the principal ultimate inducement. The California public is now going through the agonies of one of these determined upon changes of educational text books, which is likely to cost parents and guardians and other supporters of the schools in the aggregate, within six months, for 120,000 children, \$318,000 at the least, and possibly 50 to 70 per cent. more than that, according to the calculations of the Sacramento Union.

PROBABLY TRUE FOR ONCE.—We have frequently had occasion to remark, what every well informed person knows, that the rabid anti-"Mormon" journals are entirely untrustworthy in all they say of the "Mormon" people, so much so that the very opposite to what those journals say and represent is often much nearer the truth than their direct statements are. Most of them, as a rule, if not abusive are nothing at all. One of the most unscrupulous and disreputable of them lets slip the condemnatory confession that for one particular day in the year, one issue in upwards of three hundred, "the writers were instructed to keep all abuse of the Mormons out." This confession is perfectly unique, incontrovertibly implying that not only is an express restraining order necessary to keep the pens of these guerrillas from abusing their neighbors, but that for all the rest of the year there is no authoritative restriction whatever of that character upon them. One day, by express supervisory injunction, these Arabs of the press find themselves under the necessity, doubtless very disagreeable to them, to behave themselves with common decency, but with this consolation that the restraining injunction will not be repeated for the next 365 days at least. Verily this is a great country, and the press thereof is a great institution, and the licence of that press is of a wonderful character, it is.

WAS IT RIGHT?—This is the doubtful way the *Oakland (Cal.) Transcript* looks at Louisiana matters—

"Matters are now growing from bad to worse in Louisiana, * * * and the end is not yet. There is no question but what the organization of the House at first was illegal and an outrage. The only question is, was the interference of the military right and lawful? It seems something of a reviving of the old Kansas way of doing business, with the boot on the other leg."