DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE

DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - FEB 22, 1888.

THE EJECTION OF THE LAND JUMPERS.

THE action of the City Council in authorizing, by resolution, the Mayor to eject all interlopers from the lands owned by the municipal corporation will be endorsed by every good citizen, who is, by reason of such citizenship, a participant in the ownership of the property in dispute. The Council are its custodians, acting in behalf of the public. It is, therefore, their duty to defend it by every legitimate power at command, including force when it becomes necessary. The Mayor, as was his bounden duty, carried out the mandate of the city government in good shape, and for his prompt and effective measures in the matter, aided by the Marshal and his helps, is to be commended.

The action is backed by the sentiment of the great bulk of the people (including all classes) who are justly indignant at what they regard as an outrage committed upon them by a comonation of unscrupulous land jumpers, who have no more right to the property involved in the difficulty than has the king of the Fiji Islands, while the corporation holds the government patent to the land. So strong is this sentiment that a large number of men have voluntarily offered their services to the Mayor and Marshal in defending the rights of the corporation, and doubtless any desired number could be obtained for that purpose. It is a subject in which every citizen is interested, the rights of the whole community being involved in the question at issue.

It is a matter for congratulation that there was no great show of resistance to the action of the officers this morning. Had there been the result would have been serious, as those who were acting for the city were prepared to enforce the resolution of the Council and directions of the Mayor at all hazards. Happily there was no violent rupture and nobody was hurt.

Subsequent developments will be anxiously looked for by the people, who are greatly indignant at the action of the jumpers.

COMMITTEE REPORT.

WE give today the full text of the report rendered by a majority of the judiciary committee of the lower branch of the Legislature yesterday afternoon, relative to H. F. 4, a bill providing for the punishment of bigamy, polygamy, etc. It was accompanied by a preamble and resolution, which appeared in the legislative minutes as given by the NEWS yesterday, but lack of time before going to press prevented our giving the report in full Action on the report and resolution is set for today. Following is the former:

COMMITTEE ROOM, Feb. 15, 1887.
Hon. W W. Riter, Speaker House of Representatives:

SIR—The committee on judiciary, to whom was referred H. F. No. 4, a bill for the punishment of polygamy and other offenses, have duly considered the same, and, after mature deliberation, recommend that it be rejected. In view of the extreme importance of the questions involved in the bill, the majority of the committee respectfully submit their reasons for the conclusions to which they have arrived.

A portion of the committee are in favor of the bill with certain amendments; another portion are in favor of it as presented to the House, that is in its present form. The majority, however, as we believe with greater reason, contend that the principle of the bill is not a rightful subject of legislation. That Congress has legislated fully and in detail upon the questions involved at least so far as prohibition and punishment is concerned; that through and by Congress the people of the United States have expressed their will and their judgment as to the kind and extent of punishment for the act constituting the offenses named in the bill, and that any attempt upon the part of the Territory of Utah to add to, to take from, or duplicate such Congressional legislation, emphatic and plenary as it is upon the question, would not only be supererogatory and void but highly presumtuous in that it would indirectly dispute the supremacy of the Constitution, laws and government of the United States.

We, the majority of the committee, contend that it is a proposition as well settled as judicial decisions can settle any question that there is no sovereignty in the Territorial government established by Congress, and that said governments are mere agents of the national government created purely for political and governmental purposes, and have no political power or authority except what is derived mediately or immediately from the Federal Government.

That Congress having legislated upon the subjects named in the bill, to the extent of prohibiting and providing punishment for the offenses named therein, cannot even *itself* duplicate its own legislation so as to punish the citizen twice for the same offense.

That if Congress cannot do so directly it cannot indirectly. If it cannot do so itself it cannot by an agent. This is a fundamental maxim pervading human laws and government in every land where civilization is the oast of its people.

In view of these propositions and principles which we believe to be incontrovertible, we respectfully submit; that, if the citizen cannot lawfully be punished by both the national and territorial governments for the same act or offense, then the passing of the bill under consideration in any conceivable form would simply be a delusion and a snare, supererogatory and presumptuous, and not even excusable as a conciliatory measure to appease the demand of factional demagogery.

A further consideration presents itself, and one to which we attached due weight in our deliberations, to-wit, admit for the sake of argument, (which we do for that purpose only) that this is a rightful subject of Territorial legislation; that the bill is not unconstitutional in principle, in spirit, or in practice, still we are confronted with the grave and serious question which legislative bodies can not rightfully ignore: Is it just? Is it wise? Is it humane and expedient?

If it is not unconstitutional in its operations it must be because under it the citizen can not be twice tried for the same offence. If he is only amenable to one law or the other and can only be punished by the government first acquiring jurisdiction of the offence, what would be the effect if the Territory should first obtain jurisdiction of the offender and try him for a violation of the law? Would the United States be ousted of its jurisdiction and could the offender in the United States courts plead in bar the acquittal or conviction in the Territorial court? To the last question there can be but one answer. Every man of ordinary intelligence will answer emphatically, no; there is no escape from the dilemma prescuted The citizen is liable to be tried twice and twice punished for a single offense. This attempt has heretofore been made in another form under the existing laws of the United States prohibiting these offenses.

The Supreme Court of this nation unanimously repudiated the attempt, and relegated the Territorial courts to a jurisdiction within the limits of the Constitution.

In view of these principles, and in view of the hardships, injustice and oppression that might and would be entailed upon the people of Utah should this bill become a law, we sincerely recommend its rejection; and recommend in lieu thereof the accompanying resolution as the sense of the Assembly upon the question involved.

THURMAN, Chairman."

CELESTIAL PHENOMENA FOR 1888.

Astronomers have announced five eclipses for 1888. The first was an eclipse of the moon which occurred on the 28th ult. The second of the five eclipses occurred on February 11th, the sun being partially eclipsed, the phenomenon was invisible in this country, but apparent to dwellers in the southern hemisphere.

The following is from the *Scientific American*:

Little interest attaches to thise clipse except that it forms one of the five eclipses of the present year. These five eclipses are the return of the five eclipses of 1870. A cycle of eclipses has been completed since that time. The ancient astronomers knew that after the lapse of a certain period the sun and moon returned to nearly the same position in regard to each other, and learned to compute eclipses from data thus obtained. The period was called the Saros, and takes, on the average, 18 y. 11 d. 7 or 8 h. for its completion, when a new cycle of eclipses occurs under nearly the same conditions.

The time, place of visibility, and the magnitude of the eclipse vary, but the general law is invariable. The eclipses of 1870 are repeated in 1888.

I. The total eclipse of the moon of January 28 was the same eclipse that occurred January 17, 1870, the interval being 18 y. 11 d. 8 h. 33 m.

II. The partial eclipse of the sun, February 11, repeats the eclipse of January 31, 1870, the interval being 18 y. 11 d 8 h. 12 m.

III. The partial eclipse of the sun of July 8 and 9 repeats the eclipse of June 28, 1870, the interval being 18 y. 11 d. 6 h. 44 m.

IV. The total eclipse of the moon of July 22 and 23 repeats the eclipse of June 28, 1870, the interval being 18 y. 11 d. 7 h. 10 m

V. The partial eclipse of the sun of August 7 repeats the eclipse of July 28, 1870, the interval being 18 y. 11 d. 7 h. 4 m.

[From Friday's Daily, Feb. 17.]

YESTERDAY'S DRAMA.

IT is a subject for congratulation that the popular indignation felt against the land jumpers whose high-handed acts have agitated the community for several days past, is not confined to any class or section. With the exception of a few pot-house frequenters and a very limited lot of other growlers who are always "agin" the local government, the sentiment is, so far as we have been able to learn, universal.

While the "Mormon" part of the population felt as deeply and keenly concerning the thieving outrages as did respectable non-"Mormons," the latter have been, as a rule, much more forcible in their denunciatory expressions concerning the perpetrators.

This unanimity to sustain the local government when it is clearly in the right is a healthy indication, and must have a salutary restraining influence upon dishonest adventurers who are inclined to commit robberies of the kind in question.

Here and there has been exhibited, to a very limited degree, however, a sort of reluctant expression against the jumpers, manifested by sickly but abortive attempts to throw a shadow over the action of the city government for the vigorous way in which it defended the rights of the corporation and consequently the rights of the citizens. It may be safely stated that every upholder of good government will in this matter uphold the hands of the municipal authorities.

It is universally admitted that the jumpers have not the ghost of a claim to the land in question. Its title is in the corporation, and therefore in the people of the municipality as a body. Had the custodians of that property stood supinely aloof and awaited the probable slow course of events, made more tardy by inaction, they would have been derelict to an extent that would have brought upon their heads the just condemnation of the community. In a matter so flagrant, when dremises are seized by forcible detainer by persons who have no individual right to the land in question—a fact that is universally admitted—who are entitled to the nine points of the law proverbially said to be on the side of the parties in possession? To what points of advantage are such reprehensible characters cutitled in any regard? None whatever!

What a spectacle of imbecility the city government would have presented dha it stood on one side and allowed the people to be the plaintiffs in a legal suit against a clique of marauders, permitted to hold possession in the capacity of defendants. To admit the propriety of such a procedure in a case of the character in question, and to allow it to be carried to its logical issue would be destructive of good government and the right to property. If it could be done in one instance it could in others. All that dishonest men would require to enable them to cause no end of trouble, expense and vexation to *bona fide* owners of property would be to watch an opportunity when the latter were personally off the ground, take advantage of that bare fact by assuming possession and thus become defendants at law while the hapless proprietors would be compelled to sue for what on the very face of the facts belonged to them.

The position was properly reversed yesterday by the act of the city government. If the jumpers imagine they have any rights in the premises, the courts are open to them. Let them pursue. It is decidely proper that they should work on the outside of and not in possession of property to which they have not a spark of title. If they have a disposition to spend their money in the hope that the courts propose to award other people's property to them, no one will find any fault "A fool and his money is soon parted." But that they shall without resistance be permitted to seize by forcible detainer that which does not belong to them is an Utopian idea the illusory character of which will be dispelled by stern and, to them, unpleasant facts.

Sickly attempts have been made from the quarter from which such aspersions usually come, to attribute to the officers who ejected the jumpers from the Arsenal Hill property, coarse, brutal and profane language. The writer of this was a personal witness of what took place, and he heard no unbecoming language from the lips of the Mayor, Marshal or Sheriff, nor any of their aids. The first named official directed the proceedings, as the chief executive officer of this city, and had he seen or heard anything of the kind referred to he would have put a stop to it. Interlopers upon the corporation grounds were, at each point, ordered off the premises. The command was unequivocal. Those who were discreet obeyed without hesitation and simply departed. Those who refused were assisted to go, and that was all there was of it. The officers had ample facilities for meeting any emergency that might have arisen in case of violent resistance, but as none of that character was offered the whole affair was peaceable, although by no means tame. It was a necessary measure for the protection of the public against a class held everywhere in almost universal detestation, and while executed with commendable promptness and activity, was entirely free from any element of brutality so far as the officers were concerned.

We understand that the jumpers made an attempt yesterday to induce Marshal Dyer to exercise his official authority to reinstate them upon the land from which they had been evicted. Surely they must give that officer but small credit for good sense to make such an application. Fortunately he possesses much more judgment than they attribute to him, and he very properly declined to interfere.

Every person who favors good government and the general prosperity will hope that land-jumping has, by the events of the last few days, received a knock on the head that will relegate it to the category of the lost arts, so far as Salt Lake City is concerned.

INSOLVENCY BILL.

AMONG the measures now pending in the Legislature is one of considerable public interest, concerning which there is a diversity of opinion among members as well as among the general public. We refer to Marshall's insolvency bill, which is a revival of some of the features of the old national bankrupt law. It provides that a debtor who is unable to pay his debts may, by surrendering his entire estate for the benefit of his creditors, and complying with the further provisions of the law, become absolved from all financial obligations. Probably the chief objection to the bill would be the ease with which a debtor could transfer his property in a manner which, while it would enable him to make the requisite showing of insolvency, would also enable him to regain his property, or its value, after the judicial decree relieving him of his debts, should be made.

The bill has several phases which attract attention. It aims to be a protection to all of the creditors of an insolvent debtor, in that it seeks to give to all of them a portion of his estate; hence to that extent is in the interest of the creditor class. It is in line with the liberal tendency of later times in the direction of leniency in the treatment of insolvent debtors, which began by relieving them from imprisonment for debt, and has gradually increased until, in all of the States, certain property is placed by law beyond the reach of creditors. This bill is also in harmony with that policy which would base all business transactions upon honor rather than upon law, and which has many advocates among business men, and even among commercial lawyers.

But the laws of Utah which relate to the collection of debts are so framed at present as to be very equitable towards both the debtor and creditor classes. While affording the latter reasonable protection, they prevent the undue oppression of the former. They exempt from execution a portion of his property which is calculated to be sufficient to prevent suffering on the part of himself or family, but give the creditor a chance to secure the remainder and a portion of his earnings. In respect to the tendency of that generous public policy towards debtors, which has steadily increased in strength during the last fifty years, the present laws of Utah are abreast of the times. Under them a book account outlaws in two, and a note in four years. On the whole it is likely that a majority of the Assembly will hardly deem a revolution in the commercial laws of the Territory advisable at the present time.

LOCAL OPTION.

IN response to petitions, bearing thousands of signatures, and coming from citizens who belong to various creeds and parties, and who reside in different parts of the Territory, the House committee on elections have promised to draw and introduce a local option liquor bill. The principle of local option is eminently democratic, and in harmony with all forms of popular government, especially where the power is ostensibly vested in the people. It is difficult to adduce a sound argument against it, and no doubt the Assembly will yield to the urgent existing demand and give the Territory a local option law.

But care should be exercised in framing such a statute. Its aim is to restrict the domain of a monster of vast power and great determination and perseverance, and its parts must therefore be strong and well put together. Models from the statutes of other states, which have been tested and perfected, would be far safer to use than a statute original with the committee. The day of originality in the drawing of statutes has nearly gone by, and adaptation is now the almost universal rule.

The liquor traffic brings burdens not only upon registered voters, but rather upon property taxpayers, and therefore a local option law should vest in the latter, rather than in the former, the right to say whether or not saloons shall exist in their locality. We would favor the extension of the local option privilege to the smallest legal subdivision of the Territory, and the giving of the power to the property taxpayers of each school district to say whether or not a saloon shall exist within it.

UNGENEROUS AND UNJUST.

A DISPATCH was sent from this city recently by parties belonging to the anti-fusion faction of the non-"Mormon" population. It appeared in several leading New York papers.

As a matter of course its allusions to the proceedings at the turbulent Liberal meeting were unfair and misrepresentative. The Governor seemed to be the special object aimed at in that regard, remarks being attributed to him that he never made. The most ungenerous statement of all, however, was to the effect that his reason for supporting the minority representation or fusion proposition was that it would enhance business prosperity.

We are familiar with what the Governor did say, and clearly perceived his meaning. The matter of the enhancement of business was advanced by him as a primal incident which he held would effect a secondary result beyond, that he contended was all-important. His idea on this point—clearly expressed—was that the prosecution of public improvements within the municipality of Salt Lake would naturally increase business prosperity. This effect would induce an increased influx of non-"Mormon" population which would, in his opinion, ultimately overcome the present majority and bring about a change that would, as he put it, be exceedingly desirable from an anti-"Mormon" standpoint. That seemed to be the kernel of the Governor's speechmaking and the central idea which he sought to sustain by all the argument he could bring to bear on the subject.

No matter how widely we may differ in many respects from Governor West, we despise misrepresentation by the tortuous twisting of remarks made by him, that were never intended to convey the meaning so ungenerously attributed to them.

In the same dispatch C. W. Bennett, who was one of the most bitter and absurd opponents of the fusion proposition and of Governor West, is given a fulsome puff. Although it does not appear on the face of the telegram that it was sent over the wires by Mr. Bennett, the least that can be said regarding it in that connection is that it was evidently forwarded by parties closely associated with him.

While upon this topic it may be proper to point out the absurdity of Mr. Bennett's position, as indicated by this sectional telegram. At the time the Chamber of Commerce project took shape, its leading supporters stated unqualifiedly that it was to be based upon and conducted according to purely business principles. Religion and politics were to be eschewed. In the chamber all were to be on an equal footing; the central idea was to bring about business amalgamation between the "Mormon" and non-"Mormon" population, or at least those of them engaged in the various avenues of trade. At the initial meetings C. W. Bennett was one of the most pronounced speakers. He expressed himself as unqualifiedly in favor of the movement, going so far as to assert, in substance, as broadly as it could be done, that his only object in coming to this country and being in it was "to make money." If that is not the centralization of the soul upon cold business, what can it be called? According to this self-declared position whatever attitude is assumed by the person who makes it his rule of life, be it fusion or anti-fusion, mere money-making is the sordid and inspiring cause of the assumption.

We believe we have been cognizant of the fact that the wires have been resorted to times without number by parties of the same bent as those who sent the dispatch so properly complained of by a portion of the non-"Mormon" population. Heretofore the misrepresentations and tortuous twistings have been almost exclusively aimed at the "Mormons." Not often, however, has one outside of the ranks of the injured parties ever said, even in the mildest tone, "This is unjust and unfair." There may have existed a disposition among some to do so, but the fear that as their heads became visible they would receive a tremendous blow from an anti-"Mormon" club has deterred them. When the wrong is wrought upon those who are within the ranks of the other side it both stuns and cuts. The fact that those on whom the lash is now laid are far from being, according the way men generally view matters of that kind, entitled to any consideration in that regard from this quarter, we unhesitatingly say it is unjustifiable and ungenerous.

The cowboys of the west frequently dye their dogs different colors. The most brilliant specimens of dyed dogs are colored a supurb tint of sky blue. The dye ends with artistic precision in a sharply defined line on each leg leaving the foot white and around the head leaving the nose, eyes, and entire mask the natural color.