

fully translated and considered them thoroughly, many objections were raised, and at last an objection was raised to the penal clause of the statute. Well, we could not imagine why they should object to that, for a statute of that kind without a penal clause, we understood, would be quite useless, because in the language of the commentator, "None but the good would obey," and we desired to know their ideas on the subject. They said, "You make a statute, and fine a man, say, ten dollars, for violating it; according to our ideas that is not right. Why? Because a man, knowing the law will only fine him ten dollars for the offence of violating it, will perhaps stop and consider, and say, 'If I can afford to pay that sum, I will shoot away and pay the fine,' and the law is violated, and you can only fine him that sum if he is a rich man. The law discriminates between the rich and the poor." We said then, "What is your idea of a penal statute? How would you reach it?" "Well, we leave it to the judge to administer such punishment as he sees proper in every case." "We can't consent to that," we say, "because the judge might order the death punishment, or imprisonment for an offence committed by one person, for which another is set free, or very slightly fined. We are not willing to entrust that much to the judicial mind, it is placing too great a power, according to our ideas, in the hands of the gentlemen who occupy the bench." There you see the difference between their ideas and ours of a criminal statute, theirs being that it should contain no penal clause, but that offenders shall be arrested and the tribunal of justice shall mete out such punishment as it sees proper in each individual case. Thus you see by this illustration what a departure they are making from their preconceived ideas of statutes and the administration of justice if they should adopt our code, or even assimilate their own with ours. And it is to harmonize their ideas with ours that they come here, and any work on the part of any gentleman of the Bench or Bar that will assist in throwing light on this subject, on their minds, will be conferring a boon not only on them but on the thirty-five millions of people to whom they will have the administration of justice.

Thanking you, gentlemen, for the personal courtesy shown to me, and much more for the courtesy extended to these men, I bid you good day.

GOVERNOR WOODS, ASSOCIATE JUSTICE HAWLEY, JUDGE HAYDEN, MAJ. HEMPSTEAD, and Chief Justice McKean, being called upon, responded with speeches.

Mr. DeLong

Arose and spoke as follows:

With the permission of your Honor I rise to say a few words. I promise, first, that I will make known to them, fully, all that has been said and done here to-day; and I will make known to them, further, that what has been said has been said in all earnestness of spirit. Another purpose for which I rise, after first thanking the gentlemen who have so kindly eulogized me, is to disclaim to a great extent the merit which they would attach to any efforts of mine. It is not due to me, it is due to the spirit of this people who, by the mistaken laws of seclusion, were locked up within themselves for unknown centuries of time, but having had those gates opened they are found to possess intact all of that light, spirit and fire which once made them masters of the Orient. It is their readiness and their ability to grasp the march of progress; and in the efforts which have been made to lead them in this march, the credit is due, as much as it is to me, to my colleagues, the representatives of the powers of Europe, who have joined with me in attempting to show to them the superior advantages of our institutions in some respects. I have played but a very humble part in this important work. It has not been the result of diplomacy, it has simply been the result of advising with them as a friend and brother when my advice has been sought, of being candid enough to tell them I knew nothing about a thing when my advice was asked upon a subject upon which I was uninformed, and truthful enough to give my best judgment on such matters as I believed myself competent to advise upon. That has been all that I have done. It has been simply the diplomacy of the Pacific Coast, — a man trying to act equitably and fairly with his fellowmen where he had anything at all to do with them. That

has been my aim continually. I feel proud and happy that you take an interest in the efforts of this nation to advance itself. A great movement, arising within the last three or four years, as if by a miracle, and none are as much surprised at it as the old foreign residents of Japan. A nation of men dropping their implements of war and changing them for ours, changing their dress, seeking to organize the judiciary system and code of laws in conformity with the civilized powers; instead of closing their ports and punishing with death the sailor and adventurer who might touch on their shores, not even entering their land, as formerly, they are now lining their coasts with lighthouses and beacons to guard and light the commerce of the world into their ports, and they are proving by every means a nation can give, their earnest, honest and candid desire to put themselves squarely and fairly upon the platform upon which we, and the civilized powers of Europe stand. How poor and mean must be the soul of that man who will not do all that lies in his power to take them by the hand and lead them on the proper road. (Applause.)

Chief Justice McKean.

Minister DeLong has shown his wisdom and worthiness to hold the place which he so well fills, by adopting the new principle of diplomacy — to tell the truth and nothing but the truth.

After a personal introduction of the members of the Bar and others to the gentlemen in whose honor the Reception was given, the Court adjourned.

THE speech of Minister DeLong at the judicial reception of the Japanese Embassy on Thursday was the most interesting and instructive of any that we have read in connection with the visit of the distinguished party to this city. The honorable gentleman's descriptive and narrative statement of the peculiarities of Japanese and Anglo-Saxon ideas of legislation and of the administering of law and justice, is well worthy of careful consideration and sober reflection.

It has been too much the custom for the Latin and perhaps especially the Anglo-Saxon races to arrogate to themselves all the virtues, and especially to the depreciation of far eastern nations; all the virtues, socially and politically, legislatively and executively. Whereas, the fact is that the eastern nations possess many excellences which have practically little place or influence among the western nations, who claim the character of progressionists of the first class and front rank.

There is one great common error connected with judicial matters, say in this country. Court matters are talked of as places of justice, and judges as ministers of justice. Sometimes they are, but very frequently they are not. To speak with more propriety we should say courts are places of law, and judges are ministers of law, and sometimes, but not so frequently, even that would be a mis-nomer. Law may be intended for justice, but very frequently it is anything but justice. The law is the letter which killeth, but justice is much more like the spirit which giveth life.

According to Minister DeLong's statement, the Japanese are much more comprehensive, sagacious, and perfect in their grasp of this difference than are the Anglo-Saxons. The judicial administration of the Japanese is organized with a view to the administration of justice, which can never be measured by perplexing tomes of written law, and therefore they depend not on the letter of the law, so much as they do on the spirit of justice in the administration. The Anglo-Saxons are afraid to entrust so much discretion to their judicial officers, and unfortunately that fear is frequently too well founded, as our citizens have learned by abundant and painful experience. The Japanese can trust their judges. The conclusion, therefore, that we naturally arrive at is that in judicial matters, both in theory and practice, the Japanese are in advance rather than behind the Anglo-Saxons, particularly the American branch.

#### THE TERRITORIAL LEGISLATURE.

Thursday, Feb. 8.

COUNCIL.—Council met pursuant to adjournment.

Councillor Jesse N. Smith presented petition of John Hamilton and twenty-five others, citizens of Hamilton, Iron County, praying for the establishment of a free school system, which was read and referred.

"An Act establishing estray pounds, and

prescribing regulations for conducting the same," was taken up and read as amended. Section fourteen was further amended.

"An Act changing the name of Reuben Andrew Robison," was taken up and read and passed.

Councillor Woodruff presented "An Act for the protection of Game and Fish and defining the duties of the County Courts in relation thereto," which was received, read and laid on the table to come up in its order.

"An Act recognizing the common law as a rule of decision in civil cases," was taken up and read, and tabled.

"An Act to provide rules for the working and development of mines," being a substitute for "An Act relating to the discovery of Gold and Silver Quartz Lodes and other mineral in rock in place and the manner of their location," was taken up on its second reading, amended and passed.

Councillor Cannon gave notice that tomorrow he would introduce a bill for "an Act appropriating money to defray the incidental expenses of the Convention elected to frame a Constitution with a view to admission of Utah as a State." Leave granted.

On motion of Councillor Jennings, the Council adjourned till Friday.

Feb. 8, '72.

HOUSE.—The financial reports of Juab County were received and referred.

The bill for an act providing for reclaiming lands by irrigation, diking or draining, was taken up and re-referred, to the end that it might be ascertained whether or no the provisions thereof are in accordance with the laws of Congress on the subject.

A Petition from Mount Pleasant, Sanpete county, for free schools, was read and referred.

The committee on Election, to whom was referred the applications for the office of Notary Public, reported that said offices were elected by joint vote of the assembly.

The petition for the repeal of Willard city charter was reported upon adversely.

The Estray pound bill was received from the Council with amendment, which was concurred in.

An Act authorizing and requiring the Auditor of Public Accounts to procure a seal and attach the same to warrants and other documents issued from his office, was passed.

A report was made in relation to the expediency of further legislation pertaining to the sale of University lands.

A bill for an Act to define the duties of County Recorders, was read the first time.

A bill for an Act to change the corporate limits of Ogden city, was read and referred.

The bill for an Act in relation to locating mines, was reported upon unfavorably.

The bill for an Act relating to the discovery of Gold and Silver quartz lodes and other minerals, was reported with recommendation that the same be printed.

House adjourned till Friday at ten a. m.

Feb. 9th, 1872.

HOUSE.—"An Act to provide rules for the working and development of mines," was read and referred.

The committee on elections were instructed to ascertain what officers, if any, are to be elected by the joint vote of the Legislative Assembly, and report at an early day.

The chairman of committee on municipal corporations reported back the bill for "an Act amending the charters of incorporated cities," with amendments. The amendments were accepted and the bill passed.

Adjourned till 2 p. m.

Friday, February 9.

COUNCIL.—Council met pursuant to adjournment.

Councillor Smoot presented a joint resolution to defray certain incidental expenses of the Legislative Assembly, which was laid on the table to come up in its order.

Councillor Cannon presented a bill for "An Act appropriating money to defray the incidental expenses of the convention elected to frame a Constitution with a view to the admission of Utah as a State," which was read, and laid on the table to come up in its order.

"An Act concerning the property rights of married persons," was read as amended and passed.

"An Act for the protection of game and fish and defining the duties of the County courts in relation thereto," was taken up and referred.

"An Act authorizing and requiring the auditor of public accounts to procure a seal, was read and referred to a select committee, with instructions to examine the great seal of the Territory, and if necessary, incorporate in the same act, provisions for procuring a new one.

The President appointed Councillors Jennings and Thatcher said special committee.

"An Act appropriating money to defray the incidental expenses of the Convention elected to frame a Constitution with a view to the admission of Utah as a State," was read and passed.

The amendments to (C. F. No. 12), "an Act providing for the solemnization of marriages," was read, amended, and Sec. 3 not concurred in.

Councillor Woodruff, from committee on claims and appropriations, reported back joint resolution "to defray certain incidental expenses of the Legislative Assembly,"

with amendments, and recommended its passage as amended. Passed.

The amendments to "an Act to amend an Act to regulate civil cases in courts of justice in this Territory," were read and referred.

"An Act further amending an act prescribing the manner of assessing and collecting County and Territorial taxes, and for other purposes," was read and referred.

Councillor Cannon gave notice that tomorrow he would introduce a bill for "an Act relative to the assessment and collection of school and other special taxes in certain counties of Utah Territory." Leave granted.

Owing to the indisposition of Councillor Harrington, the President appointed Councillor Thatcher to act with the House committee to examine the Auditor's and Treasurer's books and compare them with the redeemed Auditor's warrants.

On motion of Councillor Smoot, the Council adjourned till Saturday at ten a. m.

HOUSE.—The bill for an Act providing for diking or draining of swamp lands, &c., was reported upon, as being, in the opinion of the committee, in conflict with the laws of Congress.

The bill amending the civil code passed with amendment.

A petition from the Territorial treasurer for a safe, was read and referred.

The committee on judiciary reported back the bills in relation to the solemnization of marriage. The council bill on the subject was passed.

A bill for an Act concerning the property rights of married persons, was read and referred.

The bill for an Act to authorize the secretary to receive fees in certain cases, was reported back and laid on the table to come up in its order.

The committee on revenue reported a bill for an act further amending the act prescribing the manner of assessing and collecting territorial taxes, which was passed.

The committee on Library reported that they had examined the librarian's report and recommended that the amounts for rent, and binding books be placed in the Territorial appropriation bill; report endorsed.

A bill for an Act appropriating money to defray the incidental expenses of the convention was passed.

Mr. Thurber presented a bill for an Act in relation to auditing accounts; read and referred.

Adjourned till Saturday at ten a. m.

Saturday, Feb. 10.

HOUSE.—A Committee of Conference was asked on "An Act in relation to the solemnization of marriage."

The Committee on Agriculture, Trade and Manufactures reported back the reports of the Agricultural Society and recommended that \$1,500 be inserted in the appropriation bill to enable said society to hold a fair and pay premiums; also that said society have one thousand dollars to offer as a premium on ten tons of iron made from native ore.

The Committee on Agriculture, &c., was instructed to bring in a joint resolution authorizing said society to expend the means in their hands for the purposes named.

The petition of Amasa Tucker and 84 others, citizens of Fairview, Sanpete County, praying for a city charter, was laid over, there being no boundaries designated in said petition.

A bill for an Act authorizing the U. S. R. R. to close the State Road at the point of the mountain, read and referred.

A bill for an act amending the charter of Corinne City, Box Elder county, was referred.

The petition of Lewis Tucker, of Iron county, praying to be appointed a Notary Public, was read and referred.

A joint resolution authorizing the D. A. and M. Society to use the funds in their hands for holding a Fair and paying premiums, was read and adopted.

The committee on claims reported favorably on the joint resolution to pay contingent expenses of the Assembly.

House adjourned till Monday at ten o'clock a. m.

Feb. 12, 1872.

HOUSE.—A committee was appointed to act in conjunction with a like committee appointed by the Council to examine the seal of the Territory and report.

The committee on municipal corporations and town sites reported adversely on the petition for the extension of the corporate limits of Moroni city; report accepted.

The committee on private incorporations reported back the bill for an Act authorizing the U. S. R. R. Co. to close the State road at the point of the mountain between the valleys of Salt Lake and Utah, and recommended the passage of the same; which was passed.

The bill for an act for the protection of game and fish was amended and passed.

Adjourned till 2 p. m.

At Panaca, Jan. 31st, by Judge D. Stanton, Wm. S. Atchison to Mary E. Lee, all of Panaca.