

pose, and their conclusion is binding; but this does not alter the more important fact that a series of circumstances which produce a certain conclusion in the minds of listeners and readers should not, under ordinary conditions, have a dissimilar effect upon twelve of their fellow citizens who have been chosen for the purpose of giving voice to the natural effect. That there will be here and there an obtuse or weak-minded or obstinate person who cannot or will not see the logic of the case and is carried along by a popular current which he cannot overcome, is beyond contradiction; but that a dozen men selected from all ranks and conditions with special reference to their fitness for the task in hand, should all be obtuse or obstinate or weak-minded, seems preposterous to any reasoning person. Yet when the verdict of a jury is squarely and wholly in diametrical opposition to that of the united populace outside the jury box, it follows that either that is the case, or else that they have been corrupted or that all the rest of the community is in one or the other of those conditions—an impracticable if not impossible condition of things.

It thus follows that when men are placed in a responsible position and disappoint their employers, there is as a result more or less friction, gauged to the importance of the matter at stake. In the case of Hong Di, the Chinaman who murdered the lady in whose household he was employed and tried to kill two or three others, the circumstances were peculiarly aggravating. It is well known, and by none better than the citizens of California, in which State this crime occurred, that the Mongolian has a disposition to throw off restraints of all kinds, and when angered by even a trifle, is apt to be a dangerous customer because of taking vengeance into his own hands and at once; hence the necessity of dealing with him at once in a spirit of fairness coupled with firmness, and when he commits a crime, more particularly a capital one, in quest of his savage satisfaction, his punishment should be no less certain nor yet vindictive than that of the white man. No claim of insanity was set up for Hong Di; on the contrary, the defense was very intelligently and shrewdly contrived out of an array of alleged facts showing extenuation, but to the careful thinker so suggestive of afterthought as to be worthless for any other purpose than a merely formal defense; while the points elicited by the prosecution showed a degree of depravity and recklessness seldom equaled in even the Asiatic races, and everybody acquainted with the case and whose mental condition was not as previously described, must have said that the "Chinaman must go," not necessarily for vengeance, but because his life was a menace to the living and a reproach upon the dead. The people in the neighborhood of the murder were of course greatly incensed and with difficulty restrained from setting aside the authority of the law then and there; but better counsel prevailed, and the usual routine in such cases was permitted to obtain, the more wrathful thinking perhaps that it was only a question of a short time, that no jury could be impeached that would not send the murderer to the scaffold, and they would thus be relieved of the odium attaching to lynching. But how must they have felt when the "twelve good men and true" filed into court after fourteen hours' deliberation, and announced that, while finding the defendant guilty, they fixed the punishment at imprisonment for life! Then the cauldron boiled and bubbled again more furiously than ever; with nothing but an ordinary wall between the prisoner and freedom, attaining which he could again gratify his bloodthirsty disposition by an assault upon the first unprepared white person he met, was probably the trend of thought that swayed their minds; so the next morning before daylight, the jailer was overpowered, the jail broken open and the culprit taken out and hanged.

This was natural enough, all things considered, but it was fatally wrong and should not only not be countenanced but such punishment as the law provides meted out to the perpetrators. The murder committed by Hong Di, bloody and unprovoked as it was, did not justify murder on the part of a mob. It was a hard state of things to bear, truly; but men exhibit their manhood by accepting of hardships when they come clothed in the forms of law and order. It is dangerous to overthrow safeguards; once done, it is difficult to replace them. The remedy of the people in the case cited was patience and a very close inspection of the public conduct of the men composing that jury.

EFFECT OF A GOVERNMENT PATENT.

The following letter of inquiry is addressed to the News by three citizens of Springville:

"We wish to obtain definite information through the columns of your valuable paper, for the benefit of ourselves and the public at large in such cases. We had taken possession of a deposit of gypsum in the foothills of this vicinity and having located the same with monument, etc., had the

same recorded at Provo City on June 7th, 1887, from which time we have continued to work assessments on the same. A person comes forward and claims that the deposit of gypsum lies within his farm entry, and belongs to him, he holding a patent from government to a homestead right. Can he claim this deposit on those grounds?"

If the mineral character of the land embraced in a homestead claim is unknown at the time dual proof is made and the government patent is issued, but is discovered after the issue of the patent, the patentee owns and is entitled to the possession of any mineral deposit discovered on his claim, or contained within its boundary lines. In popular phraseology, the patent conveys to the patentee the title and ownership of everything within the boundary lines of the patented land, "upward to the sky and downward to the centre of the earth."

If, however, the land was known to be mineral in character before the making of dual proof, the proper showing of that fact will vitiate the patent, as mineral lands are not subject to homestead entry. From this statement of the law, the Springville parties may easily ascertain their respective rights.

It is for the purpose of obviating rather than encouraging litigation that the News, from time to time, replies to correspondents who seek legal information.

"INCOMPATIBLE WITH A REPUBLICAN FORM OF GOVERNMENT."

The opponents of Statehood for Utah exhibit the weakness of their cause by carping criticisms of simple phrases in the Constitution, and endeavors to attach to them a meaning foreign to their import and intent. For instance, much has been made of the opening sentence of the section in reference to the practice which has been proclaimed the great barrier to Utah's admission into the Union. It says:

"Bigamy and polygamy being considered incompatible with a republican form of government, each of them is hereby forbidden and declared a misdemeanor."

It is asked, why are these practices any more incompatible with a republican than a monarchical form of government, and why should the "Mormon" members of the Convention formulate such a prohibition? It is very difficult to satisfy persons who are determined to be dissatisfied, and impossible to make those whose living and pleasure depend upon determined hostility to Utah's political advancement agree to anything fair and rational relating to the movement. Objections are to be expected, and some of them foolish and fallacious, but these are so silly as to be beyond anticipation.

The State of Utah and the National Government have nothing to do with monarchical antipathies or affinities. The United States have to guarantee to each State "a republican form of government." This is provided in the national Constitution. It has been claimed, as an objection to Utah's Statehood, that bigamy and polygamy are incompatible with a republican form of government. Whether this objection is reasonable or foolish has nothing to do with the fact. The objection has been raised. It has been quite common. The only constitutional objection that could be interposed to Utah's admission into the Union is one founded on that constitutional provision.

All that Congress is really required to do in the matter of admitting new States into the Union is to see that they have a republican form of government. Religious questions may not be interposed. They are outside of the purview of the government. Whether citizens are "Mormons" or Methodists, Catholics or Protestants, Puritans or Infidels, has nothing to do with their political status. The government of each State must be republican in form and spirit, and anything in it that appears to be antagonistic to this requirement may be considered as an objection.

We have not stated that polygamy is either incompatible or out of harmony with a republican form of government. The convention did not pass upon the truth or falsity of the theory. That body made no affirmation or negation of its correctness. The convention recognized the fact that such an objection had been raised, and to meet that objection the prohibitory provisions were inserted in the Constitution. The object was to frame an unexceptionable instrument as the fundamental law of the new State, one that could not be reasonably assailed by the strictest sticklers for Utah's conformity with the laws and institutions of the several partners in the Federal compact. We believe the Convention succeeded. And it cannot be urged that its work was not thorough, direct, comprehensive and complete.

If bigamy and polygamy are not incompatible with a republican form of government, the objections to Utah's admission into the Union are responsible for the declaration that they are incompatible, and not the members of the Constitutional Convention. If they are incompatible, then no objection can reasonably be raised against the sentence complained

of. In either case, the Convention is not to be blamed and the criticism is groundless.

As to the religious status of the members of the Convention, that should cut no figure in the argument. It was a political body. It was not in any sense ecclesiastical. It had to do with political questions, and all its acts had relation to civil matters. It was not providing for or against a Church. It formally declared that the State should have no union with or domination from any religious organization. The members were not polygamists. They were all registered voters. They had taken the oath provided in the special legislation for Utah. They proceeded in the line of that legislation. They were differently situated from many of the members of preceding conventions. They were consistent in the position they took, and in good faith sought to remove the barriers raised by the opponents of Utah's Statehood.

It is a significant fact that the papers and persons who have made the most clamor and the strongest demands that the younger and monogamous men of this Territory should take hold of affairs, and remove the alleged obstacle to Utah's political advancement, are now the bitterest denouncers of the members of the Convention for doing what was demanded. It proves that the requirement was a sham, and that nothing which gives the faintest hopes for fairness and justice to Utah will suit her malignant enemies. The only thing that will satisfy them is the turning over of this Territory, its offices, its treasury and the lives and fortunes of its founders and builders and thrifty population, into the hands of a very few and comparatively recent incomers, who lay claim to a monopoly of all the loyalty, intelligence, education and right to control, but many of whom have not a stake in the country and no qualities to recommend them but invincible impudence and some knowledge of political wire-pulling and intrigue.

The situation is this: Utah has many times sought admission into the Union as a State. The cry has been raised, "Polygamy exists in Utah; it is incompatible with a republican form of government; no State can be admitted with any recognition of the practice; provide against it and there is no reason why Utah should not come in." The fact of the objection has been recognized, the provision demanded has been made as thoroughly and unchangeably as is possible in any Constitution, and now the opposers find fault with the removal of the obstacle which they pretended to want taken out of the way. Is anything consistent to be expected of the enemies of the honest and peaceable citizens of the United States who have built up a great commonwealth in the deserts of these mountains?

THE IMMIGRANT QUESTION.

From causes that are not quite clear, an extensive discussion of the immigration question is being engaged in by the press of the country, and participated in by prominent journals in every State. So far as appears, the only circumstance that has happened to call forth such remarkable interest in this subject, is the publication of figures indicating an unusually heavy influx of immigrants from Europe this season.

It is gratifying to note the good sense, liberality and patriotism that characterize the utterances of the large majority of the newspapers that have treated this question. They nearly all favor immigration unrestricted save by the exclusion of paupers and criminals. Many journals, even, favor the repeal of the laws which exclude "assisted immigrants." While there is a general expectation that legislation looking to the restriction of immigration will be attempted during the next session of Congress, the sentiment of the country will probably not brook the enactment of any measure that savors of bigotry, or even of unnecessary strictness.

NAMELESS AND NONDESCRIPT.

The People's Party has an antagonist to contend with in the coming election which is both nameless and nondescript. It is comprised of elements that defy description by any single appellation. Heretofore the opposition has centered its forces under the name of "Liberal," a gross misnomer, for a more illiberal and tyrannical political organization would be hard to find. But the name "Liberal" is scornfully repudiated by an influential element of the opposition to the People's Party, which has not, however, adopted a distinctive title of its own. Then there are the cadaverous remains of an organization which, a couple of years ago, assumed the name of Democrats. Then there are the self-styled "loyalists," and now and then a sporadic Republican, who urges the recognition of some doctrine, or alleged doctrine, of the dying national party.

The "Loyal Leaguers," with their fifty cent leaders, probably constitute the hardest formation among the strata that seek to impede the progress of the People's Party. But they float no flag, and wear no uniform. They are a sort

of guerilla genus, who fear each other as much or more than they do any common foe. They know each other too well for any great amount of mutual confidence to exist.

As a matter of public convenience, it is desirable that the enemies of the People's Party should be christened; otherwise unintentional offense is likely to be often given, by applying to these appellations which they object to. For example, what name could be given to the organization in the fifth precinct, this city, that recently nominated Messrs. Marshall and Hodge for the Legislature? It has already expressed its scorn of the name "Liberal," and its contempt for that of Republican. It is not known to have been, to any extent, Democratic, and the absence from its councils of certain leaders of the "Loyal League" satisfies the public that that order has not fattered it.

The political What-is-it that is attempting to place the two gentlemen referred to in the Legislature, should assume a name. No delicacy regarding ancestry should occasion further hesitation. The same may be said of the foes of the People's Party in other parts of the Territory. That abandoned female, "Anti-Mormonism," seems to have been breeding a family of waifs to whom she has given no distinctive cognomens; and a family falling-out has scattered her offspring, and severed every bond of sympathy and relationship between the members of the former household, save the desire to injure the People's Party, which is still more or less common to them all. Even though all other features of religion be disregarded, should there not be some christening done at once, among this disrupted family?

JEFFERSON DAVIS' BLUNDERS.

JEFFERSON DAVIS, President of the defunct Southern Confederacy, is the only conspicuous reminder in daily life that there ever were two governments upon this soil. There is more said about him now, one way and another, than in the palmy days of 1859-60, when he commanded the applause of a listening Senate and through it the admiration of the cultured world. He was simply a statesman then, among the foremost in the land and in some respects more brilliant than any; but in that sphere his own bright light shone alongside that of a number of his immediate predecessors such as Webster, Clay and Calhoun, and numerous contemporaries in the persons of Seward, Douglas, Breckenridge and Foote, all of whom, as well as all the others of that day, have gone hence, leaving Davis the solitary figure, whose prominence is emphasized by his connection with the Lost Cause. Always dignified to the verge of haughtiness, with scholastic and natural intellectuality and as eloquent as Herodotus, he was fitter to counsel and advise than to be placed in supreme command of any cause, more particularly one in which the arts of the politician pure and simple were less required than the keen penetration of the man of the day and the elements so wanting in the ex-President—animal magnetism. He had courage in abundance, but was in a place during the whole of the struggle where the veriest cowardice would have served him just as well; he was not destitute of firmness, but this quality took on too often and too abundantly the characteristics of stubbornness and petulance; nor was he lacking in knowledge of the art of war, but even in this, where the counsel of the principal warriors in the field should have been sought and heeded, he was arrogant and exhibited favoritism in almost every movement that was ordered during the latter stages of the struggle. The trouble seems to have been that, while well supplied with the materials out of which great men are made, the sudden elevation to what he conceived to be the loftiest position on earth—the very pinnacle of renown—made him giddy and thoughtless of the more material and indispensable things he had left below, and from his lofty pedestal he gave directions to his subordinates with the air of an imperious sovereign. The people liked this kind of thing for a while, just as Washington's soldiers liked him the more for his refusal to receive a communication from the British commander addressed to plain "George Washington," not opening it until finally it came with the words "Commander-in-Chief of the American forces" attached to the name; they looked upon it as becoming dignity in the presence of an enemy bent upon conquest and humiliation, and rallied around their leader the more enthusiastically because of it, causing him in turn to become more fixed in his methods and habits. But the glamour of adventurous knightdom soon drifted away from his presence when the Federal forces fell upon the valorous hosts of the Confederacy like a wolf on the fold and rained showers of death and disaster wherever they went; the carpet-warrior period was past and now deeds of valor with man looking into the eye of man and streaming up against floods of fire and billows of steel were all that could avail the cause which Mr. Davis sat serenely at the head of. On came the invading hosts, turned back now and then in dire disaster by efforts of the men in gray that deserve to rank with the greatest warlike deeds of history; but such disasters were but in-

cidents in the onward march of the inevitable; one stronghold after another fell, the enemy was so near the citadel that his colors could be seen and were only held back by the narrow line of men determined to hold out to the last—and still the President of the Confederacy quibbled with his cabinet and quarreled with his generals, still unwilling to become a citizen or a soldier President, but determined to fall, if fall he must, from the lofty plane upon which he had been given the opportunity to place himself. And when the end came, and all was lost, his dignity and imperiousness seemed to have gone too. At the time when these qualities were needed and would have stood him in better stead than all things else, they were thrown aside after having accompanied him unwaveringly during the four previous dark and disastrous years.

Of course, his disposition has undergone something of a revolution now; he no longer attacks his opponents with flashes of wit and rhetorical flourishes, the epigrams of the sage or the keen logic of the statesman; instead, we hear of criminalizations and aspersions against all who criticize or contributed in any way toward his overthrow. He is not great enough to forget nor grand enough to forgive; he lives only in the past, and it would have been a generous thing to him and to those who today cherish a feeling of respect and admiration for what he was, if the past had buried its past and he had forever preserved a discreet silence as to public affairs.

SUNDAY SCHOOL UNION.

Proceedings at Last Evening's Meeting.

The monthly meeting of the Sunday School Union of this State occurred in the Social Hall on Tuesday evening, July 12th, 1887, presided over by Assistant Superintendent R. S. Horne.

The opening singing exercises were rendered by the choir of the Second Ward Sunday School, led by Brother Bassett.

Prayer was offered by Superintendent George K. Rees, of the Second Ward.

The secretary called the roll of the schools of this State. Nearly all the city schools were represented, and one county school—Big Cottonwood.

Minutes of the June meeting were read and approved.

Assistant Superintendent Aveson, of the Twenty-first Ward school, being called upon, gave a short address on the duties of Sunday school teachers. He urged that a teacher's life and conduct should be strictly exemplary, so that his teachings may have the desired effect upon the minds of the children, so that a moral influence might be ever felt in his presence. The observance of the Word of Wisdom, the keeping of the Sabbath day holy, were duties enjoined upon every teacher. Punctuality was necessary, the speaker thought, to successful Sunday school work.

A quartette, by members of the choir, was very beautifully rendered.

John Robinson, of the Second Ward school, read a very interesting essay on the subject of "Cause and Effect." The speaker urged that every act of man should be weighed and the outcome or result of it duly considered, so that his action may be governed in wisdom, with a due consideration of the effect upon others as well as upon himself.

The congregation sang, "Did You Think to Pray?" led by Brother Thos. McIntyre.

Elder Joseph H. Parry delivered a short address on subjects pertaining to the work of making the Sabbath schools attractive to the children. Teachers who desire success in their labors must seek to make all the lessons interesting and attractive by their newness and novelty. Lessons should be taught by illustrations and anecdotes. The speaker cited the manner of instructing the multitudes by the Savior, either by parable or anecdote. In touching upon the duties of superintendents he suggested that at the teachers' meetings, which should be held once a month, the superintendent should drill his teachers and show them how best to conduct their classes. To avoid so much sameness and monotony in the Sunday school, superintendents could with profit make an occasional visit to other schools and learn new methods and gather suggestions for the benefit of their schools. No teacher could successfully perform his duties unless he had the lesson thoroughly studied, and understood it in his own mind. The speaker suggested that one great drawback to the attractiveness of Sabbath schools were long prayers and long addresses, something that should never be indulged in before children.

Congregation sang another hymn. Assistant State Superintendent R. S. Horne made a few suggestive remarks to superintendents to encourage their teachers, and others laboring under them, to make school attractive.

Adjourned till the first Monday in August.

Choir sang an anthem. Benediction by Elder E. F. Parry. JOSEPH H. PARRY, Secretary.

—The death sentence of H. J. O'Donnell of Silver City; and Jasper Thompson of Socorro, N. M., were on the 9th inst. commuted by Governor Ross to imprisonment for life in the penitentiary at hard labor.