It was also shown that when the affair occurred it was a time of Indian war; that in all the settlements, citizens congregated into little towns or villages and had forts, and guards out every night. These guards were some of those who assisted in the pursuit of Jones. Hancock assisted and the other witnesses for the prosecution anddefense whowere present at the time of the shooting of Jones also testified that he had nothing whatever to do with the occurrence; that he was walking by the side of one of the guards when the shot was fired, without his knowledge or thought of the intention of any one to shoot, and that he was simply present.

For the purpose of connecting the defendant with the shooting of Jones, (which the defense insisted was an improper one), the prosecution produced evidence tending to show that on this same night, several hours earlier, the mother of Henry Jones was killed at another place in Payson, and that the defendant was the man who committed this murder also, thus introducing testimony tending to prove two distinct offenses of murder at different times and different places. Much other testimony was introduced, it was alleged by the defense, for the sole purpose of inflaming the prejudices and passions, and having no tendency whatever to prove the indictment.

It was conceded that Hancock had been, eversince the date of the alleged murder, one of the most prominent citizens of Payson, well known to all the officers and others, that he had during all those years borne a good character, and had a high standing in that community.

Among the errors relied upon, constituting the assignments of error, are that the court allowed evidence of other crimes to be proven for the purpose of aggravating the one described in the indictment; that it charged on the facts of the case; and also erroneously charged as to the law of good character in rejecting the testimony of Warren N. Dusenberry, Benjamin Bachman, D. T. Clark, and others, as to the character, standing, deportment, and life of the defendant from the time of the alleged homicide up to the time of trial. Further, that the court erred in charging the jury upon the facts as to the belief to be attached to witnesses who testified to the exact language thirty-two years after the transaction; also in charging that time does not run in favor of a murder, and that "no lapse of time washes out the stains that the blood shed by the murderer makes."

In the course of his argument on behalf of the appellant, Attorney Brown urged, in substance, that if there had been a gross murder committed at the time alleged, it was fair to presume that the grand jury, or some prosecuting officer, would have taken notice of the fact, unless it was impossible for some reason to procure an indictment. Such reason would be either that the crime was a secret one, and that the defendant secreted himself, that the witnesses were secreted, or that there was some state of public feeling which prevented their prosecution, or some other adequate reason. Unless there was such reason, it was incumbent upon the prosecution to prove such facts. No attempt was made to do it. No reason had been stated why, during all the thirty-two years when the witnesses were living when the evidence could be procured to show who was guilty and who was not guilty—the defendant was not prosecuted if there was any occasion for that step. It was proved on the trial that there were many persons present—quite thirty or forty. Whether Hancock took any part in the killing, whether he used the words "Slip it to him, boys," or in any way incited the killing of Henry Jones, was the essential and all-important fact to be determined. It could be determined when all these witnesses were alive, and when it was fresh in their mind, and not at any other time.

Under this state of facts counsel submitted that instruction No. 21, as requested by the defendant, should have been given to the jury. This reads as follows: "If the jury find that at the time of the alleged killing, nearly thirty two years ago, there were present a large number of witnesses, by whose testimony the truth of the facts relative to the killing could have been established, and who were known to the prosecuting officer, or who could have been known by slight inquiry, and that the defendant has been openly living in this county all the time, and the officers representing the people knew of the charge, and neglected to bring defendant to trial for thirty-two years, you would be justified in believing that the testimony of absent and deceased eye-witnesses would have been favorable to the innocence of defendant."

In any civil cause, if the plaintiff—although there be no statute of limitations applicable to the case—left his case for thirty-two years, until the witnesses of the transaction were dead, or gone, and then undertook to maintain his case, no matter upon what equity or what justice it may be founded, the court said it was stale and ought not to be heard at this time. Why should not the same rule, he asked, be applicable to this criminal case? It was a case in which the people were preventing a fair trial by neglecting and failing to bring the indictment. The defendant could not procure himself to be indicted for the purpose of substantiating his innocence. It would appear by his presence, during that long period, that he had not dreamed that anybody could believe him guilty of crime. Yet thirty-two years after the time, when the power to establish his innocence—which might have been as clear as daylight—had passed away, the prosecution were permitted to find an indictment and convict a man on the testimony of one old, impeached, dishonest witness. The usual rule of evidence as applied to such old cases should be applied to this criminal case. If the defendant suppressed evidence, concealed evidence and procured the absence of witnesses, that had always been considered evidence of his guilt, of the strongest character. Here the prosecution had prevented the defense having the evidence of the eye-witnesses by waiting until they were dead or absent.

District Attorney Varian then replied on behalf of the People.

AN IMPORTANT LECTURE.

ELDER JAMES H. ANDERSON, formerly city editor of the NEWS, is now engaged in conducting the *Millennial Star*, under the direction of Apostle Brigham Young, President of the European Mission. Elder Anderson was invited, a little over two weeks ago, by the Ethical Institute of London, to deliver a lecture under the auspices of that organization, which is composed of progressive thinkers mostly belonging to the wealthier classes of the metropolis. The subject is a comprehensive one—"The Religion, History, Present Condition and Future Prospects of the Latter-day-Saints." The lecture, which was to be delivered on Sunday last, is to be published in a book entitled "The Religions of the World."

The theme is of great importance, and the chief effort in its preparation would be to make it *multum in parvo*. But condensation is one of Elder Anderson's strong points, and as he has a well-stored mind, especially on the topic he was to treat, with the blessing of God, he would, doubtless, be successful in presenting a strikingly interesting array of facts.

ITALY AND THE M'KINLEY BILL.

ONE European country at least is satisfied with the McKinley Bill. That country is Italy. Some time ago a commission was instituted specially by the Italian government for the purpose of considering what effect the much talked about American tariff law would have on Italian products. This commission has made its report, which shows that 48 per cent of Italian exports to the United States are admitted free of duty, 36 per cent at a reduction of duty beneath the old rate, 12 per cent at precisely the old rate, and 4 per cent at an advance on the old rate. Signor Crispi, the Italian prime minister, in reviewing the report, says that Italy has no cause for complaint against the McKinley bill.

The *American Economist* contends that the customs duties will be reduced $70,000,000 a year under the new law. It also maintains that 50 per cent of all imported articles to the United States are absolutely free.

The San Francisco *Chronicle* says:

"We may expect that the declaration of Italy will soon be followed by similar statements from other countries, but not from England. The export trade of England in many kinds of manufactured articles has been affected by the tariff, but England's loss is our gain, since we make the same kind of articles here and supply them to the consumer at less cost, and are continually increasing our product of such articles under the shield of protection to American industries."