

If the new arrival needed any other sight than the floating bodies of his erstwhile companions to chill him to the marrow, it was found in the barrow rock which stood in the ship's fairway as she entered the harbor. This rock was and is called Pinchgut. It was on this place the convicts were put who broke the regulations. They were exposed to the weather and fed on bread and water until their torturers were satisfied. Five men, it is stated, were thus kept on the rock for three months. Sometimes the men would attempt to swim ashore, and stories are told of the sharks, which infested the waters, and their efficiency as sentinels. On the summit of this rock once stood a gibbet, and for some time the skeleton of a murderer swung in the breeze and was doubtless one of the first objects that met the gaze of many an early convict. When the ship reached port the chains were struck off the convicts and they were marshaled on deck. An official from the colony read off an indenture every convict's name, offense and place of conviction and sentence. Those whose trades made them useful, were claimed by the government. The officers of the New South Wales corps had the next choice and afterwards the residents, according to their residence and position. Such residents who received them used them on farms or other work. Labor gangs under overseers were sent out into the country, roadmaking or farming. Many of the overseers had been criminals and were men of the worst types. It is said they would often flog a man for complaining of his oppression, and many of them, from accounts told, must have been men without a scintilla of pity or sympathy. The old haunts where they exercised their unrighteous domain can only be spoken of with a cold shudder. Government regulations set apart a certain amount of work to be done in a given time. The persons to whom convicts were assigned gave this out to the convicts by the day or week or month. The convict was to be paid a certain price for what he did beyond the stipulated quantity. If any were idle and did not do the required amount of work "it was only necessary," says the writer, "to take him before the magistrate and he would order him twenty-five lashes with the cat on the back for the first offense, fifty for the second and so on, and if that did not do, they would at last be put into the jail gang and ordered to work in irons from morning till night."

There were humane men who treated the convicts with tolerance, but they were few. Under such men there were many convicts who became good and useful members of society. Some became wealthy, too. Many, many more died inch by inch from oppression—the most miserable of all deaths.

Just a quotation or two regarding the floggings of those days. Perhaps an apology is needed for making any allusion to so painful a subject. My object in writing of it is to give the Elders of Israel a faint idea of the early history of an island where a number of Elders are endeavoring to sow Gospel seeds. It may be the convict leaven still working that helps to make the amount of immorality one sees on every hand. However that may be, it is a fact that men and women were flogged in those days of trivial offenses. Flogging was carried out at the cart's tail or at the triangles. A Botany Bay down meant twenty-five lashes. It is stated that as many as 1,000 lashes have been administered to one person at one time. One would wonder how any one could stand it. Men have died from less. It was unlawful to give anybody more than fifty lashes unless a doctor was present.

An eyewitness says he has seen children of the times practicing flogging on a tree, as children play horses.

Brought up in such environments, they grew to look upon it as natural. Hangings and floggings were of too frequent occurrence to cause much comment. It is said that 197 persons were hung in the settlement in one year. Many instances are recorded of the cruel floggings. Perhaps Dante could have drawn from the early convict life a lower deep than is found in his "Inferno." I shall only give one quotation. A number of men were goaded to rebellion. They plotted. Their plot was detected and of course the men were sentenced to be flogged. And says one man, "We marched to Toongabbee, were all the government transports were kept, who were called out to witness the punishment of the prisoners. One man was sentenced to receive 300 lashes, and the method of punishment was such as to make it most effectual. The unfortunate man had his arms extended around a tree, so that flinching from a blow was out of the question—for it was impossible for him to stir. Two men were appointed to flog—namely Richard Rice, a left-handed man, and John Johnson, the hangman from Sydney, who was right-handed. They stood on each side, and I never saw two threshers in a barn move their tails with more regularity than these two mankillers did, unmoved by pity, and rather enjoying their horrid exercise than otherwise. The very first blows made the blood spurt out from the man's shoulders, and I felt so horrified and disgusted that I turned my eyes away from the cruel sight. Suffice it to say, the man received the 300 lashes without a groan, during which a doctor went up to him occasionally and felt his pulse, saying with a smile as he did so, "Go on, this man will tire you both before he falls."

WM. ARMSTRONG.

Sydney, June 28, 1898.

WILLIAM TUNBRIDGE.

Under date of July 25, a correspondent at Levan sends the "News" the following facts concerning the tragedy at Levan on that day, as well as a short biographical sketch of the career of Wm. Tunbridge:

The saddest event in the history of our little settlement occurred here this morning, just as everybody were preparing to spend an enjoyable time in the celebration of Pioneer Day. The committee who had the matter in charge had prepared an excellent program to be rendered at the M. I. Hall, the same to be preceded by a street parade. The parade had already successfully taken place and was just drawing up in front of the hall when Andrew Hendricksen, who had been following the parade on horseback, and to all appearances representing a scout, spurred up his horse to the front and deliberately shot and killed Brother Wm. Tunbridge, who had charge of the Mormon Battalion. The gun used in the bloody work was a breech-loading shotgun, and at the time Hendricksen fired the hellish shot, the muzzle of the gun could not have been more than a foot from the victim's head, and as a result the full charge entered the top and left side of the head, blowing out the brains from the front. Death was instantaneous, but the sight was a horrible one, especially in the presence of women and children.

Hendricksen's motive for the rash act is unknown, for after firing the shot he turned his horse and started back on Main street. He was immediately followed and chased into his father's house, some three blocks distant, where he was found in the cellar. An indignant crowd soon gathered on the outside, and threats of violence were frequently heard, but the officers succeeded in quieting the disturbance without further trouble.

Hendricksen was taken to Nephi to

the county jail in charge of Sheriff Christensen and some of the local officers. All further proceedings for the day were stopped, and people returned to their homes. A gloom is cast over our entire settlement, as hundreds of people witnessed the sad occurrence.

Brother Wm. Tunbridge, the deceased, was about 62 years old, being born at Steeple, County of Essex, England, Oct. 27, 1836. He went to sea when a boy, and while a sailor he became a convert of the Mormon faith. He was baptized Nov. 12, 1856. He emigrated to this country in 1863. He first settled at Springville, but shortly after came to Levan. He took an active part in the Indian scrimmages of 1865 and 1866, and was a prominent figure in the Black Hawk war of 1867. He was called to go to Arizona during the attempted establishment of the United Order and took an active part in the same. On being released he returned to Levan and has ever since been one of our most prominent citizens, occupying places of trust, taking an active part in all labors of a public nature. He held at the time of his death several important positions, both religiously and politically, being president of the Seventies' quorum, superintendent of the Sunday school, justice of the peace and school trustee. In fact, the settlement had few men whose loss it would have felt more keenly; and all people unite in extending their sympathy to the bereaved family and also to the relatives of Hendricksen, as they are a large and well respected family.

OLIVER CHRISTIANSEN.

HOMESTEADERS' RIGHTS.

Justice Miner some time since delivered an opinion in the case of Elias S. Kimball and Luella W. Kimball, appellants, vs O. J. Salisbury and Sheriff T. P. Lewis, in which the judgment of the trial court was set aside, with directions to enter a decree in conformity with the prayer of the complaint.

The decision is a very important one, affecting as it does every householder in the State. It furthermore sets aside previous rulings and gives a more proper and accurate definition of the law under the revised statutes.

Action in the first instance was brought to quit title in two pieces of land in Salt Lake City, claimed by Mr. Kimball to be his homestead. The ground is ten rods front by nine rods deep, situated on North Temple street between East Temple and State streets. Three by nine rods of this ground was the piece of property in dispute. It was sold under an execution issued upon a judgment against Elias S. Kimball in favor of defendant Salisbury, who was also the purchaser. The sale was effected in March, 1897, but before the certificate of sale was received by Salisbury, Kimball commenced action to remove the cloud from the title, and also notified the defendant in writing of his intention of filing his declaration of homestead.

The complaint alleged that Kimball inherited the land from his father in 1868, and that it had been used as a homestead ever since; that he had no notice or knowledge of the levy and sale; that for four years prior he had been engaged as a missionary in the Southern States; that his wife and three children accompanied him in his labors; that during certain portions of the year he would return to Salt Lake and live in the house adjoining the land in dispute for one month in each year, using the same as a homestead. The defendants offered no evidence except the execution, answer and return. Judge Hiles, before whom the case was tried, found for the defendants. From this decree Kimball appealed.

The court, among other things, found that the continued absence of the plain-