

was commemorated, may be cited as subjects for retrospective consideration.

The contemplative mind may well tremble as, from the verge of a new year, it seeks to read and forecast the events of the near future; but there is always this assurance that all things will work together for good to them that love the Lord.

AN UNEQUALLED RECORD.

THE issuance of another volume (the third) of the **DESERET WEEKLY** has begun, and now is the time to subscribe for that invaluable periodical.

Everybody recognizes the importance of the times, and the remarkable character of local and general events. The past year has been pregnant with striking occurrences and interesting changes. We venture to predict without the slightest fear of perpetrating a mistake, that the year just born will be more fruitful in the development of historical incidents of great portent. We also venture to state that no magazine published in this region possesses equal merits as a chronicler of current history to those of the **DESERET WEEKLY**. The most striking events, especially those in any way connected with the career of this community, are carefully collated and preserved in its pages, which in future will be scanned with an interest so deep that it cannot now be estimated.

People who are interested in what is going on at home and abroad, and wish to possess a record of it in convenient shape, indexed and bound, cannot do better than subscribe for our **WEEKLY**.

QUESTIONS ANSWERED.

A CORRESPONDENT writing from Cedar City puts the following questions:

1. Has a justice of the peace any right to rule upon the legality of a Territorial law or of a city ordinance?
2. Have there been any decisions of courts in relation to the validity of the manner of disposing of animals provided in sec. 2220, page 785, vol. I, Compiled Laws of Utah, and if so, where can such decisions be found?
3. Can subscribers to the **WEEKLY** get their papers bound at the News office, and if so, at what prices?

1. Yes. All courts have the right to rule upon the validity of the statutory provisions under which cases on trial before them are brought. This right is vital and

elementary, and a court would not be a court if deprived of it. If, however, a given statute has been ruled upon by a higher court, a lower one will generally be governed by that ruling.

2. Yes. Section 2220 of the Compiled Laws of 1888 has been ruled upon by Judge Zane in the Third District Court, and, if we recollect aright, by Judge Judd at Provo, and also by Judge Henderson at Ogden. The District Court clerks would probably furnish copies of the decisions.

3. The numbers of the **WEEKLY** will be bound at this office at subscribers may wish. The numbers for half a year are designed to be bound in one volume, and are numbered accordingly. The charge for binding one volume (twenty-six numbers, or half a year,) in cloth with leather back and corners is 75 cents. This is the usual style, but more expensive ones may be chosen if desired.

THE GILMOR-WALKEY HOMICIDE.

WE have thus far refrained from comment upon the North Point homicide. One reason for this silence was that an investigation of the killing had not been completed, and no judicial action had yet been taken beyond an expression of the Coroner's Jury to the effect that the deed was without justifiable cause. Another reason for refraining from comment upon the merits of the case was our belief that Charles Gilmor, who shot the poor lad, Joseph Walkey, to death, is a bad man. When such a view as that is entertained in relation to an individual the greater care should be exercised by those having it against doing or saying anything to the prejudice of the person toward whom it is directed.

The action of the United States Commissioner in discharging Gilmor, renders the case, at this stage, a legitimate subject for comment. It is a theme of public interest, because if the judicial officer was in error in his conclusion, the value of human life, more precious than any other earthly consideration, is cheapened and the safety of the people jeopardized.

We hold that the commissioner was decidedly in error and that he ought to have held the defendant over to the grand jury, in accordance with the request of the prosecution. His duty was to ascertain whether there was probable cause to believe that a crime had been

been committed. The evidence adduced before the magistrate gave ground for such a belief.

This view is based on the fact that a portion of the evidence was to the effect that the accused fired all the shots and the deceased none. The existence of that testimony, notwithstanding that there was other evidence in conflict with it, was sufficient to warrant the holding of the accused, that so important a matter as the taking of a human life might be further investigated. This action was even due the defendant, so that if he be really blameless, the fact might be placed beyond a reasonable doubt. It does not appear to us to be in that situation now.

This case developed an unusual feature during the investigation—the defense insisted that the prosecution place certain witnesses on the stand. They consisted of certain deputy U. S. marshals. This was declined by Assistant District Attorney McKay, on the ground that the defendant had caused the visit of the officers to the scene of the homicide for his own benefit, and if he wished them placed on the stand he could do so himself.

This declination was eminently proper. How plain this appears when it is remembered that the bullet that the Gilmors claimed was fired by Joseph Walkey was picked out of the mud by a son of the defendant very conveniently after the arrival on the ground of the officers and a newspaper reporter. They saw the boy stoop and then arise to an erect position, but did not see the ball till it was exhibited, covered with black earth, out of which it was fished.

With regard to this bullet there was a conflict in the expert testimony. For the prosecution it was asserted that such a missile fired from a distance of three hundred yards and striking the ground would have been more battered than that was. In rebuttal others testified that it might not necessarily be flattened more than it was. The doubt as to Walkey firing was also deepened by the evidence which went to show that he was the best shot, with one exception, in the district in which he resided.

A shadow of doubt was also cast upon the statement for the defense that Walkey was in the act of raising his gun to shoot Gilmor when the latter fired and killed him. Dr. Benedict, who examined the dead man's wound, stated that all of the