

And as to the District of Columbia, Congress is specially empowered to govern it directly and make all laws and regulations needful under that "exclusive jurisdiction." The District is not a Territory.

One more brilliant flash of Murray's plagiarism is the very startling proposition to close Castle Garden to the "Mormons" because they are "assisted immigrants." There is no need to discuss this. It has been talked of for a dozen years, and proofs have been plentiful that the "Mormon" immigration is not of the class intended to be barred by the laws. The ground has been gone over a hundred times, and it is strange that a talented correspondent will lend his aid to the dishing up of these mewed chestnuts for the public table.

As for the double headed lobby we shall see what it will be able to accomplish. A great deal of Bourbon will be "punished" and what is commonly called "a high old time" will be had, and it may be that some evil may be worked for suffering Utah, but we regard this as exceedingly doubtful.

#### JURIES AND CRIMINALS IN UTAH

IN SETTING aside the verdict of the jury in the Stocking case there is one more proof of the sense of justice and disregard of party influences which has been exhibited of late by Chief Justice Zane.

It will be remembered that the defendant was convicted of perjury, for making complaint against a man named Tarpey for illegal voting at the last municipal election. The verdict was astonishing, in view of the evidence adduced. To us it seemed clear that Tarpey was not entitled to vote and that he was improperly permitted to do so. But be this as it may, it was obvious that Mr. Stocking had ample reasons for the course he took, and it is a fact that everything to which he made affidavit turned out to be correct, and if it can be claimed that Tarpey was a resident of this city within the meaning of the law, at the most Mr. Stocking merely made a mistake.

To commit perjury a person must wilfully swear to that which he knows or believes to be false. This element of intent was palpably absent in the Stocking case. And when a jury of his political opponents convicted him of a crime that it was clear he had no intent to commit, disgust that partizan feeling should be carried to this ex-

tent was felt by all classes of the community.

Judge Zane stated that he was surprised at the verdict, and very properly, in our opinion, exercised his judicial authority to set aside the verdict, because it was clearly contrary to the evidence.

We hope to see the time when trial by jury will have its true significance and effect and force in Utah as the time-honored system was intended to have. After the municipal election several violators of the law ought to have been prosecuted. They were not then, because such tests as were made proved that there was no likelihood of bringing the criminals to justice. The juries were composed of partizans of the offenders, and in such cases as were brought the accused were set scot free.

The Utah Commission, when supplied with information concerning some of their appointees—whom they claimed to be "discreet men" of "honor and character"—which would have been proof enough if they were "Mormons" to have sent them to the penitentiary, mockingly referred their informants to the courts. The Commission knew as well as we that such an appeal at the time would have been not only a farce, but would have exposed the complainants to prosecution and perhaps a suit for libel.

What chance was there for justice, even from the grand jury? Would they have indicted the men who figured in the frauds perpetrated on the Rio Grande Western? Not likely.

Take the case of a minor offender. In the First Precinct H. E. Mitchell voted, was charged with illegal voting, and, by his own confession before the justice, had not been in the Territory six months before the day of election. He was committed to the grand jury Feb. 17, 1890. He was a "Liberal" and that "Liberal" body promptly ignored the case.

F. M. Wilson was before the Justice in the same precinct on Feb. 21, for illegal voting, and by a trifling technicality, "a mere scratch," escaped committal. A member of the grand jury subsequently met the Justice and, knowing nothing of the merits of the case, asked him what he had done with Wilson. When told he had been discharged he remarked: "Well you might as well, for we would have done nothing with him."

Take the case of the "Liberal" culprit Allen, who changed the votes as judge of election in the

Fourth Precinct. When first accused of the offense he started a suit against the gentleman who had been cheated out of his office by this impudent criminal's villainy. Allen was discharged by the Commissioner, but was virtually condemned by Judge Zane. If this course had not been taken by his Honor, it is not improbable that the gentleman who was proven to have been elected, instead of taking his post would have been placed at the bar in a similar position to that of Mr. Stocking.

A few such lessons as have been taught by Judge Zane's firm position, and the course of Prosecuting Attorney Evans at Ogden, will convey the idea that justice may be done in spite of the partizan feeling that is allowed to sway grand and petit jurors in Utah. We believe there is yet time to bring to bar the perpetrators of the frauds of last winter, and we hope to see them and their acts held up to the public gaze and dealt with according to public justice.

#### DEATH OF BISHOP ATWOOD.

BROTHER MILLEN ATWOOD, Bishop of the Thirteenth Ward, departed this life, from a complication of complaints, superinduced by old age, at his residence in this city, at 12:30 a. m., December 17th.

Millen Atwood was the son of Dan Atwood and Polly Sawyer, and was born at Willington, Tolland Co., Connecticut, May 24th, 1817. His father was a farmer and had but poor health. Millen's educational advantages were consequently but limited. He remained with his parents until he was 21 years old, when he went with his brother to learn the mason trade, remaining with him till 1840.

During the year last named he learned that the "Mormon" Elders were preaching in the house of a neighbor. He attended and listened for the first time to a discourse upon the principles of the Gospel as revealed through the Prophet Joseph Smith. The name of the preacher was Joseph T. Ball, and Millen at once became an ardent believer. Speaking of his conversion he said to the writer, in his characteristic way, "Something got down into me that has never gone out since."

On April 27th, 1841, having the spirit of gathering, he left his father's family and went to Nauvoo, arriving there on the 21st of May, when he beheld the Prophet for the first time. When he saw his genial,