

# DESERET NEWS:

## WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - JAN. 23, 1878.

### THE MESSAGE AND THE ASSEMBLY.

The message of Governor Emery, delivered to the Legislative Assembly in joint session, yesterday, and published in last evening's NEWS, seems to give general satisfaction. Rarely, if ever, has such a temperate yet able and suggestive document of this character been presented to the Utah public. The Governor of this Territory is placed in a peculiar position. In order to satisfy a certain party, very insignificant in numbers it is true, but very aggressive and totally oblivious to conscience, he is compelled to assume an attitude which is likely to be repulsive to the great masses of the people whose interests he is appointed to subserve. To keep peace with the agitators and at the same time not do violence to the feelings of the great majority, is a delicate task and one requiring some diplomacy and not a little firmness. Governor Emery has managed to discharge his duty to the Government he represents, touch on topics which the class referred to pretend are vital issues, and preserve an attitude of respect and gentlemanly consideration towards the legislators whom he addressed and the bulk of the citizens chiefly interested in his message.

We have no doubt that the members of both houses of the Assembly will endeavor to meet the Executive in a friendly spirit, and, as far as possible, act upon his suggestions. In a session of only forty days there is but little time to perfect and enact laws suitable to a comparatively new and rapidly growing commonwealth. On some points the law-makers and the people who have elected them to office are not in unison with the Governor. But, in the main, the subjects to which he has drawn their attention require legislative action, and deserve the thought and deliberation of the best minds in the Assembly.

The subject of education is of the utmost importance. The acquisition of the common branches of learning should be placed within the reach of every child of school age in the Territory, and the arrangement of a general school system designed to meet this desirable end is certainly within the purview of the Legislature.

Some changes in the law on irrigation are required for the protection of companies which have built canals at vast expense, as well as of securing individual rights. In a country where the water supply is so changeable it is a matter of great difficulty, well nigh impossibility, to fix by legislative enactment the relative rights of citizens to certain quantities of the irrigating fluid. The right of way for irrigating canals is not yet satisfactorily established. Provision is made in the law for the appointment of referees, when the owners of land and the trustees of irrigating companies cannot agree upon terms. But when the land owner refuses to appoint a referee on his part, the trustees are paralyzed, and the interests of a great body of people in a vast area of cultivatable land are left at the mercy of one stubborn or malignant individual. A change was made in the law at the last session of the Legislature but did not meet with executive approval. Something in this direction should be enacted at the present session.

The law in relation to the powers of justices of the peace needs amendment. At present a case of common assault and battery or of petty larceny cannot be adjudicated by a precinct justice, but must go to the District Court, because these offences are so ranked in the penal code that their maximum penalty is beyond the present power of justices to inflict. The question of filling vacancies in the office of justice during the interval between elections should also be considered, so that our laws may harmonize with the Statutes of the United States, if any conflict exists.

The fees of jurors in civil cases should be secured, and the Govern-

nor's ideas on this matter are shared by a large number of those who are familiar with the workings of court affairs, and others who know the hardship which the present lack of provision for such jurors works upon poor men, who are frequently compelled to serve without just recompense.

That the divorce law needs amendment we think all will agree. Advantages have been taken of its phraseology never intended by the framers of the statute, and this should be rendered impossible in the same way for the future. Divorces are necessary in consequence of the weaknesses and errors of human nature, but the law governing them should be so arranged that the rights of all parties may be closely guarded, and no opportunity be opened for fraud or the secret rupture of ties that ought to be most sacred.

A criminal practice act is necessary; a law on chattel mortgages was introduced last session and laid over as unfinished business, it is to be hoped that it will be brought up again and considered; the laws on bail, attachments, executions, compilation, &c., need careful revision. These and many other matters not mentioned in the Message will doubtless engage the attention of our law makers, and from our acquaintance with those gentlemen we are satisfied that they will do all that lies in their power, in the limited time allotted to them by law, to enact such statutes and make such amendments as in their united wisdom they sincerely deem for the best interests of this Territory, one of the most important sections of the country not yet admitted into the rights and privileges of a State in the Federal Union.

### LIMITATION IN CRIMINAL ACTIONS.

A BILL was introduced into the Council yesterday by Hon. Erastus Snow which has caused some comment, particularly among those who know nothing about its provisions. Its object, according to its title, is to "limit the time within which criminal actions may be commenced in the Territory of Utah."

To hear some people talk one would suppose this bill was "a new thing under the sun," and the Independent of this morning informs its readers that "there is no precedent for such a thing." Now we do not know why a measure should be condemned at once because it is not protected by a precedent, but persons who ought to know better seem strangely ignorant of the facts in this case.

Is there anything unprecedented in a statute of limitations? How many States are there in the Union where no such statute exists? And if there was no such law in the respective States, what is meant by the provisions on page 193 Revised Statutes of the United States?

Sec. 1043. No person shall be prosecuted, tried or punished for treason and other capital offences, wilful murder excepted, unless the indictment is found within three years next after such treason or capital offence is done or committed.

Sec. 1044. No person shall be prosecuted, tried or punished for any offense not capital, except as provided in section one thousand and forty six [relating to the revenue and slave trade laws] unless the indictment is found or the information is instituted within two years next after such offense is committed.

Is not this "precedent" enough? We have not seen the bill introduced by Councilor Snow, but will venture to say that nothing will be found in it, in its application to this Territory, which is contrary to the spirit and intent of the statute quoted above in relation to offences against the laws of the United States. Would it not be as well to hear a matter first and judge afterwards, instead of criticizing before it is explained? And before making decisions about precedents, would it not be as well for newspaper writers to read a little law?

Eighteen hundred and ninety business failures occurred in the Canadian dominion last year, the liabilities amounting in the aggregate to \$25,500,000.

### LATEST WAR NEWS.

THE announcement, as appears in our dispatches to-day, that in case Russia makes demands to which Turkey cannot concede, the Porte will unfurl the flag of the Prophet and permit the British fleet to pass the Dardanelles, if it proves to be official will cause great excitement.

The unfurling of the sacred flag means the inauguration of a holy war, in which all Mohammedans will feel constrained from religious motives to take a part, in defence of their faith and the maintenance of the power of the Sultan, as its representative. Millions in Asia would flock to this banner and support and defend it to the death.

The passage of the Dardanelles by the British fleet would be in violation of the treaty of Paris and would be the signal of war between England and Russia, in which other Powers would soon be compelled to take part. A British fleet in the Black Sea could commit great havoc on Russian ports, and troops could be landed which might turn the tide of war now threatening to overwhelm Adrianople and ultimately the Turkish capital.

The negotiations are to take place between Adrianople and Philippopolis which are about 100 miles apart. The latter place has been burned by Suleiman Pasha, and the desperate Turks seem determined that nothing shall fall into the hands of the invader that they can either defend or destroy. The war goes on.

### THE LICENSE OF THE PRESS.

SENATOR Pierson's bill in relation to libel has passed the California Senate. Its object is to check the stream of personal abuse which flows from a certain portion of the press of that State and particularly of San Francisco. Measures of this kind are sadly needed in other portions of the Union besides the Golden State.

The license of the press in this country is a disgrace to the nation. Freedom of speech and of the press is one of the principles of American liberty dear to every progressive mind. There should be no fetters to bind the free expression of thought on any subject affecting the welfare of humanity. What may be spoken with propriety may, ordinarily, be printed with propriety. And nothing that one man could not and should not say to another ought to be put into type and published to the world.

There is a great deal of cowardice in that apparent courage with which some newspaper writers attack the private character of public officials. They stab with the keenest of weapons at unarmed and comparatively defenceless persons. Retaliation in the same degree is almost impossible. Any contest is entirely unequal. The newspaper assailant has all the advantages on his side. Even if the laws against libel are appealed to, the assailed victim has small chance of redress, because the average jurymen or judge is scared by the idea of interference with the freedom of the press.

The infamous attacks on private character indulged in by a great many newspaper scribes are actuated by no good motives. When public men are assailed it is generally pretended that the public welfare is the object in view. But this generally has no foundation in truth. The aim is to sell papers. The public appetite craves sensational food. That appetite has been created by these manufacturers of libel. Scandal is called "spice" and attacks on reputation "lively reading." And unprincipled journalists pander to this depraved public taste, which they have chiefly helped to arouse, for the patriotic and worthy purpose of making money. And the excuse offered for assailing public men and laying bare their private affairs to the gaze of the multitude cannot, be alleged in the case of ladies and gentlemen who though well known are not in an official position. Yet there are papers which make a specialty of opening their domestic affairs and ventilating matters with which the public have nothing whatever to do, and

when no actual materials are at hand, of inventing the most scandalous falsehoods, often too prurient for respectable persons to answer or notice in any way.

All this is entirely foreign to the idea contained in the constitutional provision for the freedom of the press. It is running to such lengths that unless it is stopped by legal methods, violence and bloodshed are likely to be the consequence. There is no proper redress in such cases. Resort to the law is so expensive and uncertain, that few persons have the means and the temerity to attempt a defence of reputation and the punishment of the slanderer in the courts, and if they succeed in vindicating character it is at the risk of the ruin of fortune. To reply in the public prints keeps up the controversy, makes the libel more wide-spread and accomplishes what the character assassin aims at—the selling of more papers.

The legislators of this country should take this matter in hand. Private character should be legally protected from the murderous assaults of literary braves. Public acts of public men should be ventilated and discussed, and the official course of the servants of the people commented on and praised or condemned according to their actual doings. But false accusations wilfully faamed to injure should be made easily punishable by law, and the penalties should be heavy for those infamous assaults on private character which are foul stains on a great portion of the American press.

Mr. Pierson's bill, though not fully equal to present requirements, is a step in the right direction, and we hope to see an interest aroused on this matter in every State and Territory in the Union; for, a depraved and licentious press is one of the most powerful engines for general debauchment and final national destruction.

### THE CRISIS.

NEGOTIATIONS for the settlement of the war between Russia and Turkey are now in progress. From our dispatches to-day, it appears that Turkey is prepared to make considerable concessions. But her powerful enemy has advanced too far towards her capital to be put off with the terms specified. However, it is not to be supposed that England will permit the Dardanelles to be opened to the war vessels of Russia and Turkey alone, as it is reported the Czar requires as one of the conditions of peace. England will certainly regard this demand as a *casus belli*, and if the statement proves to be correct we may look for hostilities to be commenced at once, and for the outbreak of that vast and terrible conflict which those who have watched the war have dreaded from the onset.

The belligerents may make arrangements which will satisfy the Russian and be consented to by the Turk, but there are other Powers who are interested in the solution of the questions involved in this sanguinary struggle, and a settlement between Russia and Turkey cannot by any means be regarded as a settlement of the difficulty. The question has approached the last point of a crisis.

### ARRIVAL OF THE NEEDLE.

BRITANIA has at last got hold of her needle. This morning it arrived in the Thames opposite Gravesend, and by the time this is in the hands of our readers it will be within the port of London.

Cleopatra's needle, a monolith or obelisk, presented by the Khedive of Egypt to the British Government, was brought to Alexandria from Heliopolis (called On in the Bible) a distance of one hundred and thirty miles, some time during the first century of the Christian era. It was erected sixteen hundred years before the advent of the Savior, and when removed was placed in front of the temple built to Augustus Cæsar.

In order to transport to England the ancient relic which has been gazed upon by Moses and Aaron, Ramezes, Darius, Cambyzes, Alexander, the Ptolemies, Julius Cæsar, Cleopatra and Mark Antony, to say nothing of more modern cele-

brities, a vessel was constructed to float it upon the ocean. It was successfully launched and towed by the steamship *Olga* until, during a severe storm in the Bay of Biscay, it was cut adrift and abandoned. It was subsequently recovered by the *Film Maurice* and taken to Ferrol, a Spanish seaport, where it was held for salvage fees. A law suit has grown out of the occurrence, but pending the decision of the courts, bail has been given, and Mr. John Dixon, who built the cylinder float *Cleopatra*, in which the needle was conveyed, contracted to deliver it in London for £500. He has succeeded, and now Britannia can take her needle and set it up where all the world may go and see it freely.

### Local and Other Matters.

FROM WEDNESDAY'S DAILY, JAN. 16.

**Mule Stealing.**—A span of mules has been stolen from Mr. J. R. Poole, of Ogden. Efforts are being made to track the thief.

**Fire.**—About noon yesterday the assay office of the Old Telegraph Company, over Jordan, was destroyed by fire. Water being scarce, it was with great difficulty that the main buildings were saved.

Owing to the insufficiency of the water supply the furnaces have closed down for the present.

**Cold.**—The folks in Salt Lake have been enjoying exceedingly mild weather throughout the winter thus far, compared with what some of their near neighbors have been treated to. At and around Coalville lately the mercury ranged from 16 to 18 degrees below zero for some time. It is a good thing there is plenty of fuel in that locality.

**Mystery Cleared.**—A mystery in relation to the body of an infant, found last evening, in the eastern part of the city, has been cleared up. The child (a premature birth) was still-born, and the mother was attended by one of the physicians of this city. The remains were given to a negro to take to the cemetery, for burial, but he failed to do as he agreed.

**Bereavement.**—An obituary notice in another part of the paper states that an infant son of William and Sarah Ann Bassett departed this life on Monday. This is the third bereavement of the same kind that this young couple have suffered, the child that died on Monday being the only one they had left. Much sympathy is felt for the parents by all familiar with those facts.

**Shouldn't Do It.**—Recently some of the boys of the 18th and 20th Wards have dammed the water in the main ditch in that part, causing an overflowing upon the streets, for the purpose of making good skating and sliding places. The boys should remember that "the wicked walk in slippery places," which they may discover to their disadvantage, as the watermaster of that locality intends prosecuting them if they don't desist from that practice.

**Opera.**—A very large and respectable audience attended last evening to witness Donizetti's fine opera, "Lucia di Lammermoor." Madame Ilma de Muska exhibited the powers of a thoroughly cultivated voice of great scope and the skill of a finished actress. She received enthusiastic applause, and at the close of the third act in which she thrilled the audience in the mad scene, she was called before the curtain. Of the support very little can be said by way of commendation. To-night Il Trovatore will be presented, which will doubtless draw another big house.

**The Late Fire.**—A card from a couple of insurance men appears in our morning contemporary, the *Herald*. It contradicts, in justice to Mr. Cameron, a report that he had insured only a few days before the fire of last Sunday. The fact that the fire broke out on the premises of Mr. Gardner, and not those of Mr. Cameron ought to be sufficient to show that the latter gentlemen had nothing whatever to do with its origin. Neither does it appear that Mr. Gardner was to blame, the aperture for the stove-