

# VARIAN'S BLOOD IS UP.

The District Attorney on the Subject of Executive Pardons.

HE THROWS IN A PROTEST.

The Matter Sprang on Account of the Efforts to Secure Malachi Dillon's Release.

U. S. District Attorney Varian has addressed the following letter to the Ogden Standard:

SALT LAKE CITY, Feb. 5, 1903.  
 Editor the Standard:—In your issue of last Sunday, you devote much space to the matter of application for the pardon of Malachi Dillon, and incidentally connected therewith you furnish some information from the governor's office concerning pardons. I am sorry to find that the governor's office is so grossly misinformed as to the nature of the pardon power. I am sorry to find that the governor's office is so grossly misinformed as to the nature of the pardon power. I am sorry to find that the governor's office is so grossly misinformed as to the nature of the pardon power.

But it is not with the purpose of discussing the merits of this application that I address you on the general question involved, but to direct attention to the serious question of the administration of justice, which result from the unrestrained use of pardoning power in this Territory. Laws are designed to regulate human conduct and to restrain the evil actions of men. Courts are created for the purpose of passing upon and determining all questions involving life, liberty and property. The rules prescribed for the determination of the guilt or innocence of a person charged with crime, if not absolutely just in all particulars, are specially designed for the protection of the accused. Twelve men of a grand jury of fifteen must concur in finding an indictment. Twelve men of a trial jury of twelve must concur in finding a verdict of guilty, and each one of the twelve must be satisfied beyond a reasonable doubt of guilt. The verdict must then pass the inspection of the presiding judge, who is called upon to review, not only the rulings of law made during the trial, but upon the sufficiency of the evidence to sustain the verdict. The case may then be reviewed in the supreme court. As a general rule it is safe to assume that a verdict of guilty, which shall be approved by the judge, is right and that it stands. Upon this foundation the law itself pronounces the judgment and fixes the penalty—generally within certain limits. Under our system it was not intended that the executive, in whom is vested the power to pardon, should sit as a court of errors and appeal and review verdicts of juries or the judgments of courts. Nor is it the great and sacred prerogative of a personal one. It is a great personal trust, which should be regulated by fixed standards and governed by the limitations of general rules. Where a conviction is had, guilt is to be assumed, and, except in exceptional and striking cases where subsequent events create a doubt of the guilt of the accused, the innocence of the accused, the pardoning power should not interfere on this ground. Nor, when the judgment of the law fixing the punishment is once given, should this great prerogative be exercised, except in cases where the severity of the punishment is so pronounced as to carry a conviction of infamy. I am speaking now, of course, of the ordinary crimes which disturb society, and not of offenses in the commission of which whole communities are concerned, and in the disposition of which other considerations are involved. It is within these lines generally, I apprehend, that the pardoning power should be exercised; the welfare of the community and the safety of society demand it. It is not perceived that petitions or requests of clemency, however exalted their station may be, should change the application of these rules. The request of governors of other states, of distinguished citizens of this Territory, do not change the fact that the man was guilty of violations of our law; nor should the recommendation of juries prevail, except in cases within the limitations heretofore stated. The finding of the jury upon his oath that the defendant was guilty beyond a reasonable doubt, should be weighed by his subsequent statement or request given at the solicitation of the interested party.

It is time that the community should be aroused to a just appreciation of a necessity for the certain enforcement of the laws. No man should request the governor to pardon a convicted felon because he has a good substantial reason for so doing, if he does he is subject to the governor and subject to the community. Eight years ago the territorial legislature have been granted since July 4, 1893. Many of them upon the point of hearing and without the knowledge of the presiding officers. In some of these cases imposition was practiced upon the governor. In others the reasons were manifestly insufficient. But in many it is probable a different result would have been reached had a full hearing been accorded.

Permit me to supply some omissions in your statements concerning the Dillon and Loomis cases. Griffin was pardoned while the case was pending on appeal to the supreme court, and before the judges had an opportunity of passing upon it. Judge Henderson, the true recomander of this pardon, but Judge Henderson was the cause, for the pardon. There was a question between the assistant attorney and the defense in relation to the clearing of the plea, which it seems was determined upon the statements and evidence produced by the defendant's counsel. You state that the justice who convicted Griffin filed affidavits before the governor that the impression that the Homer plea had not been filed because of the defendant's knowledge, was the hinge point upon which the conviction was secured. The difficulty about this excuse is, that it assumes as true a contrived fact; further the judge who tried the case and the judge of the supreme court who could review all the testimony, were better able to determine, first, whether the fact as alleged was true, and second, if true, whether it was material fact. The extraordinary proceedings of an application for a pardon while the case was pending on appeal, would seem to indicate a lack of confidence in the point of relief of Griffin, because a pardon is not granted to an innocent man. Two truths in this case are denied: a fact of opinion as to what was the true point in the case, and it will serve no useful purpose to discuss the evidence.

here. Your statement, however, seems carefully to omit a very prominent fact, viz., that Griffin left Homer, went away and armed himself and returned to the saloon where the homicide was subsequently committed. Loomis was pardoned against the emphatic protest of this office. Without any official notification of the application, the fact of the application was suddenly brought to the attention of the district attorney. Your statement of facts in this case might well have included also the further statements, that Loomis in his retreat fired upon the pursuing officer, inflicting his desperate character. That your local officers, including your city marshal, took the pains to unearth the past record of Loomis, and presented the same to the judge, to the effect that he was an expert and professional burglar and criminal, and had served a term in the penitentiary of another state. That position for his pardon came from Ogden, simply illustrates the unreliability and worthlessness as a general rule of such requests. What does the people of Ogden know about the criminal whose first introduction into that community was in the capacity of a convicted burglar.

My excuse for their traveling you find in the fact that upon my office devolves in part, at least, the responsibility of administering the criminal law of the Territory. It is a mistake to assume that there is no crime here. There is a great deal of it. Nothing as the public sentiment permits the consideration of justice to be obstructed and neutralized by the well-meant but mistaken efforts of kindly disposed persons in behalf of convicted felons, so long with the good order and safety of society be in peril.

As far as Dillon is concerned, it may be remarked that the question of his guilt or non-responsibility now sought to be tried upon the ex parte statements of persons not under oath, was fully and carefully presented by the district attorney and professional witnesses at the trial. The verdict passed the challenge of the trial judge and the supreme court. The question of his pardon should not be made to depend upon this matter, which has been litigated and determined in the only way provided for by our law. If there are other reasons sufficient to move executive clemency, the case will present a different aspect.

Respectfully,  
 C. S. VARIAN.

Some Hay Questions.  
 What is the shrinkage in the weight of hay? Is more profitable to sell directly from the field at \$15 or after lying in the barn three months at from \$15 to \$20? "do we mean as it comes from the lot or after seasoning in the stack or now?"

The foregoing questions were answered not long ago in The Rural New Yorker.

A. M. Lagrange said: "I prefer to sell hay after it has been in the barn as then there is more time to handle it. In my opinion it shrinks very little until cold weather. A yield of two tons to the acre means one of seasoned hay from the mow. I have passed hay over thirty years, and I find that to take the chaff out as much as possible and keep it at home for the cows and sheep pays better than to put it in the bale, as the consumers do not want it for their horses. I label my hay and sell it a little above the market price."

D. C. Lewis said: "It would be more profitable to sell hay directly from the field at twelve dollars per ton than to keep it and risk shrinkage and handling. When we say 'two tons per acre' we mean hay taken from the mow for market. It would be better, or at least as good, to sell hay from the mow immediately after the sweating process at twelve dollars as to sell it the next winter at fifteen dollars."

Charles Chapman replied: "As nearly as I can tell, in hay cut before it is in full bloom the shrinkage has been about one-sixth. From this I follow that it would be more profitable to sell directly from the field at twelve dollars per ton than three months afterward at fifteen dollars, as fifty cents per ton would not pay for the extra handling of the hay after allowing for the shrinkage. At eighteen dollars per ton the case would be reversed, as I could handle the hay and stand the shrinkage for six dollars. When I say 'two tons per acre' I mean as it comes from the mow after seasoning."

Artificial Ovens Heating.  
 A. W. Taita expresses himself thus in The Agriculturist:  
 If I allow my bees to follow nature or their instinct I should have very few bees left and should have to go to the woods for honey. I much prefer to force all my queens by the artificial method, then I know exactly the pedigree and can control the line of descent of my royal lineage, the queen. If I cannot do for myself the queen, I have over 100 colonies, and of that number only three come up to the standard from which I would like to rear my queens.

I rear about 100 a year to require my money, as I do not find that it pays to keep queens over the second winter, and they rear too many drones, and I do not think that they winter as well as bees from vigorous young queens. If I attempt to rear all those queens during the swarming period, I should have to keep 100 more instead of thirty, as I do now. Those three from which I wish to rear can no swarms this season, so there are no cells from them by the natural method. I find by experience that queens reared by the artificial or forced method give the best and most satisfactory results in queen bees and honey, and consequently dollars and cents.

Manfacturers and Repairers Silk, Satin and Hosiery.

UTAH'S ONLY HAT FACTORY.

PATRONIZE HOME INDUSTRIES.

TAYLOR THE HATTER

216 North 2d St., Between Adams and Second Streets.

Thomson & Taylor Spice Co.,

Importers and Manufacturers of the FINEST SPICES

FLAVORING EXTRACTS KNOWN TO THE TRADE.

Proprietors of the Famous Brand of RED 'X' CROSS 'L'YE.

Michigan Avenue, Cor. Lake, CHICAGO.

SAPONIFIER

FOR ALL KINDS OF KNITTING SILK.

SUPERB WASH COLORS.

"CORTICELLI" ROLL DRESS BRAID.

ABSOLUTELY PERFECT.

WE KNOW OF NOTHING THAT CAN COMPARE WITH THE

GRAEFENBERG PILLS

AS A FAMILY PILL, THEY ARE NOT ONLY MILD BUT EXCEEDINGLY EFFECTIVE.

THE BEST HEADACHE PILL.

THESE PILLS CURE ALL FORMS OF MALARIAL DISEASES, BILIOUSNESS, LIVER AND KIDNEY TROUBLES.

THE BEST PILL FOR—

WEAKNESS AND NERVOUSNESS.

Sold by All Druggists.

GRAEFENBERG CO.,

311 Chambers Street, N. Y.

UNDERTAKERS.

ESTABLISHED, 1868.

Joseph E. Taylor,

Planoir Undertaker of Utah.

COFFINS AND CASKETS.

Full Line of Coffin Furnishings kept constantly on hand.

Telephone and Telegram orders promptly filled. All orders guaranteed in their District. Cash without extra charge.

OPEN DAY AND NIGHT.

Factory and Warehouse: No. 293 E. First South, Salt Lake City.

One and a half blocks east of Theatre. Telephone 26, 70.

PLEASE REMEMBER!

That we still carry a complete line of

Diamonds' Celebrated Saws,

CONSISTING IN PART OF

Cross Cut, Drag, One Hand, Upright, Mill, Hand, Rip, Panel, Tenon, Planing, Compass, Mortar, Cook, Keyhole, etc., also

Circular, both Solid & Chisel Point Tooth And TRIUMPH.

For Felling Trees with, and are selling at LOWEST PRICES THAN EVER.

Also a Full Stock of Saw Ground RASPS and FILES always on hand.

HEADQUARTERS FOR LOW PRICES!

SALES OF EVERY VARIETY.

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

They Get There Just the same, AND SO DOES

CLAIRETTE SOAP.

MADE ONLY BY N.K. FAIRBANK & CO. St. Louis

"CORTICELLI" ROPE SILK, Wash, Embroidery Silk, SPOOL SILK.

Three are the goods, in blue and in red, Made for the smoothest, strongest of threads. The silver thread, that every one calls "Woolen" the Mills "Cortice" silk.

C. H. SAMPSON, Agent.

FOR ALL KINDS OF BOOK BINDING, PAPER RULING, BOOK AND JOB PRINTING AND STEREOTYPING.

SEND TO THE DESERET NEWS PUBLISHING COMPANY, Salt Lake City, Utah.

RUPTURE PERMANENTLY CURED OR NO PAY.

No detention from business. We cure you to \$100 patients in the State of Colorado and six National Banks in Denver, also McCook & Co., Denver, Salt Lake.

Invaluable and method. Written guarantee to allow taking cure all kinds of RUPTURE of both sexes, with the use of KIDNEY PILLS, and the matter of long standing.

EXAMINATION FREE.

THE O. E. MILLER COMPANY,

Room 21, 22 and 23 Corner Main Street, Salt Lake City. Also Branch Office in Ogden, Utah.

FOR THE MINE FOR THE MILL

Tool Roll, Nails, Handles, Toot Steel, Fuse, Caps, Powder, Candle Sticks, Hollows, Power Drills, Blowers, Anvils, Blacksmith Tools, Turn-Table Steel, Sledges And Striking Hammers, Merchant Iron, Shovels, Picks, Pick Steel, Candles.

Belted, Hoar, Packing, 3 "A" Compound, Brass Work, Speed Indicators, Lubricating Oil, Pipe and Pipe Fitting, Engineers' Tools, Machinists' Tools, Oakum, Cylinders, Hoisting Tackle, Machine Bolts, Waste, Cardage, Cast Washers, Lay Screws, Sledge Remover & Precenter, Asbestos Preparations.

E. C. COFFIN HARDWARE CO

—PROGRESS BUILDING—

JAMES-SPENCER-BATEMAN CO.

(Successors to David James & Co. and Spencer-Bryson Co.)

PLUMBERS, TINNERS, Steam and Gas Fitters.

We carry a complete line of GEM AND PENINSULAR STOVES AND RANGES, Gasoline and Oil Stoves, Tinware, Granite Fireworks and House Furnishing Goods.

Office and Warehouse 1075 WEST GLOBE, Nos. 31 and 33 WEST TEMPLE STREET, S. O. Box 996. Telephone 422.

No. 67 MAIN STREET.

1850. 1890.

THE DESERET NEWS.

Pioneer Paper of the Rocky Mountain Country.

DESERET EVENING NEWS

EIGHT PAGES, SEVEN COLUMNS EACH.

PRINTED EVERY DAY, EXCEPT SUNDAY.

Has an Extensive and Increasing Circulation.

As a Newspaper and Advertising Medium.

IT HAS NO SUPERIOR.

—ITS CIRCULATION SURPASSES—

FULL TELEGRAPHIC REPORTS, RELIABLE LOCAL ITEMS, MORE CORRESPONDENCE, FOREIGN CORRESPONDENCE, EDUCATIONAL, AGRICULTURAL, RAILWAY AND DOMESTIC NEWS.

DESERET SEMI-WEEKLY NEWS.

EIGHT PAGES, EIGHT COLUMNS EACH.

Published Every Tuesday and Friday.

—HAS THE—

LARGEST CIRCULATION IN UTAH

The Adjoining States and Territories of any Paper Published.

And has advantages which command it to all who cannot afford or are not content only situated for taking a daily paper. It contains a summary of the news of the week, Telegraphy, Local, Miscellaneous, Domestic and Foreign News, Editorial Articles, Copy Transferring From.

APR 16 IN EVERY PARTICULAR.

A STANDARD HOUSEHOLD JOURNAL!

DESERET WEEKLY

Established June 15, 1878.

is published every Saturday, as a 32 to 48-page Magazine, and as a CURRENT HISTORY OF THE CHURCH, and of the interesting scenes through which the people of this region are now passing, is without a rival. The volume, when bound, is

INVALUABLE AS A WORK OF REFERENCE.

TERMS FOR THE DAILY:

One Copy, One Year (including Two Volumes).....\$12.00  
 Six Months.....6.00  
 Three Months.....3.00

TERMS FOR THE SEMI-WEEKLY:

One Copy, One Year (including Two Volumes).....\$6.00  
 Six Months.....3.00  
 Three Months.....1.50

TERMS FOR THE WEEKLY:

One Copy, One Year (including Two Volumes).....\$2.00  
 Six Months.....1.00

THE NEWS

BOOK AND JOB PRINTING OFFICE

The Most Complete in the West!

Being well equipped with the LATEST AND BEST TYPES OF TYPE AND FRAMES, and other desirable material, we are prepared to do

ALL KINDS OF JOB PRINTING in the BEST STYLES, WITH PROMPTNESS AND DISPATCH, and at REASONABLE RATES.

POSTERS OF ALL SIZES, from the Smallest Handbill to the Largest Banner.

We are prepared to print.