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SALT LAKE CITY, - JUNE 22, 1900.

## WHAT IS THE LAW?

There are two causes that have been carried up on appeal to the Supreme court of the State, which possess peculiar features and are of general interest. They are the Graham and Roberts cases. They are in some respects echoes of the old tumults, occasioned by the conflict between a portion of Utah's people and the special laws enacted in compliance with popular demands. But they bear a technical complexion which ought to be judicially examined, that a settlement may be made of some pertinent questions.

In consequence of relations formed under past social customs, which cannot be altogether dissolved, there are a number of men and women in Utah who have to face legal provisions that, when construed strictly according to former rulings, leave them in apparent conflict with State regulations which they do not desire to combat. They want to be in harmony with the civil law, and at the same time do no violence to religious vows and convictions of right, nor to covenants and contracts which to them are sacred and eternal.

They, and many just people who do not agree with them as to matters of faith, take the ground that the changed conditions, which the whole community recognizes and of which judicial notice may be properly taken, require changes in the old rulings suggested by the old situation. How far this can be consistently effected remains for the highest court in the State to determine. It is hoped that this will be carefully considered when these appealed cases come up for adjudication.

There is one point in both which some lawyers look upon as important, and which others do not seem to regard as of any great consequence. To us it appears vital, as a technical objection to the complaint and indictment. It can, not be ridiculed out of court nor made less prominent by sarcasm. Technicians are usually the very cause of legal disputes and reversals of verdicts and decisions. That point is the charge that the defendant, in each case, committed the offense of which he was convicted, in Salt Lake County. The evidence showed to the contrary.

The facts elicited in the Roberts case were that the accused lived with a lawful wife in Davis county, and that he had a plural wife in Salt Lake County, with whom he had associated to the extent of recognizing her as such, so that it was a matter of public repute. The legal offense is cohabitation with more than one woman as wives. But, as we have stated, he was charged with committing this offense in Salt Lake County, and that was not proven but the testimony showed otherwise.

Under our statutes, when an offense is committed partly in one county and partly in another county, the jurisdiction may be in either of those counties. But is it an offense, or part of an offense, to live with a legal wife in any county? Is not that in itself wholly and perfectly lawful? Can a man be legally charged with cohabiting with more than one woman in Salt Lake County, when, even if the mere "habit and repute of marriage" is to be termed "cohabitation," it is certain that this only occurred with one woman in that county?

Observe, the complaint and indictment, so we understand, do not accuse the defendant of committing the alleged offense partly in one county and partly in another, but charge him with committing it in Salt Lake County. This is a mere technicality, of course. But persons convicted of murder and other great crimes have been released on mere technicalities, and this question is to be decided on principles of law, not on prejudice.

Apart from this technical issue, the proper and consistent legal definition of the term "unlawful cohabitation" is of importance to a number of Utah's citizens, who at heart are not law-breakers and who are endeavoring honestly to live within the law according to its just intent, but who are placed in such conditions that they appear to be law-breakers. The action of the Supreme court will be awaited with much public interest.

## "DO WHAT IS RIGHT."

It is gratifying to know that there is a disposition in the better part of the dominant power in Kentucky, to abolish or amend the objectionable system inaugurated there under what is known as the Gobel law. It virtually puts the State in control of the leaders of a political party, places the legislative power above the judiciary, and enables the majority in the legislature to set aside the verdict of the people at the polls.

It is not fairly disputable that indignation at the operations of the law that bears his name, caused the assassination of Gobel. This is no justification of the cold-blooded murder of the man, it simply shows a reason for the intense feeling, that found vent in the

crime which was committed under its influence.

Excuses may be found for almost every lawless act, but they do not count either before the courts or the unbiased tribunal of the great people. They may palliate crime in the minds of extreme partisans, but they fail utterly when analyzed in the light of law and justice. It cannot be fairly denied that Kentucky has lost caste through the tragedy at Frankfort, and that the Gobel law is viewed by the country as a stigma on the party that adopted it, and took advantage of it in the recent political contest. Its abolition, or radical amendment, would do much to restore that gallant State to the position which it held before the murder of Gobel.

No political party, however powerful, can afford to condone crime or to take advantage of its position, and enact and enforce measures that virtually deprive its opponents of the rights and privileges of American citizens. They may flourish for a season, but they cannot long prevail in the glare and force of public sentiment.

The Gobel law must go, and the party now in power in Kentucky will gain greatly in popular favor, by sweeping away its objectionable features, and making possible the free exercise of that elective choice, which belongs to all citizens in this great republic and that decision which rightly belongs to the majority as expressed by a free ballot.

## NOT FIRE AND BLOOD.

It is time to think about guarding, as much as possible, against the dangers of the celebration of our national holiday. Every year witnesses accidents, more or less serious, as a result of the careless handling of fireworks on the Fourth of July. The so-called cannon crackers especially have obtained a reputation for maiming and killing people. They are admittedly dangerous, being loaded with a potent explosive, and they should really not be handled except by experts in the business of setting off fire crackers.

It is, perhaps, not possible to do away entirely with the fiery feature of the celebration, although fire worship, even in its most modern form, hardly belongs to a country like this. Young America likes the noise and the smoke. But parents and guardians can see to it that the little ones are not playing with toys that may cost themselves and playmates life or limbs.

The national holiday has become one of riot and lawlessness in many respects. This should not be. It should be celebrated with dignity and earnestness. Only so can it commemorate the birth of liberty to a nation, and to the world. There is danger that in the din and the noise and the disregard of law, the very purpose of the holiday may be defeated, and its effects on the young generation be worse than lost.

No objection is made to the magnificent displays of fireworks, that are properly managed; nor to the innocent amusement of children with comparatively harmless fire crackers. But we do believe that the latter should not be permitted to play with dangerous explosives, or to endanger the lives of other persons. It is high time to check the modern tendency to transform Sundays into sin-days, and holidays into hell-days. If the nation's day must be a fire day, it should, at least, not be a day of both fire and blood.

## CHINA AWAKENING.

An exchange calls attention to the remarkable fact that the population of China, although numerous as the sands on the beach, and occupying one of the richest countries of the globe, are so immeasurably far behind the rest of civilized humanity, in arts and sciences. The Chinese had an organized government, an educational system, and philosophers of no mean reputation, long before the European countries were civilized. The art of printing, the mariner's compass and gunpowder were known in China long before the rest of the world.

The Chinese were, at one time, leaders in civilization, while at present they are far in the rear. In China the sciences are stagnant. Their method of mathematical notation, though based on the decimal system, is cumbersome. Their astronomy is mostly astrology and superstition.

The Chinese are familiar with such mechanical appliances as the wheel, the lever, the axle, and the wedge, but they show no ingenuity in their application. For instance, they put a number of slings under a heavy stone, and carry it off bodily on poles, while they might make a low car and roll it away, at half the expense of human power. In chemistry and metallurgy they perform many operations with a fair degree of success, but they have practically no knowledge of the scientific principles underlying these processes, and they are excelled as metallurgists by their neighbors, the Japanese.

In medicine, the Chinese are said to be about on a level with the savage aborigines of this continent. The Chinese doctors go through all the outward motions of intelligent medical practice, but without knowledge or intelligence. They have a complete theory of anatomy, but never dissect the human body, and as their theory is absurdly erroneous it does their practice more harm than good. The Chinese always resort to medicine instead of incantations, in treating disease, but their superstition where health and life are involved is dense.

If the question is asked, what is the cause of this stagnation among a people that has demonstrated its ability for intellectual advancement, the reply must be sought in the governmental methods of the country. The Chinese were conquered by the barbarous Tartars, and are still under their domination. The conquerors who feared that their victims, influenced by foreign ideas, would rise against their tyrannical masters, decided on a policy of exclusion. Thus China was closed to the rest of the world. Its people were thrown back on its own resources, and while the rest of the world were marching on, they were kept where they were. Stagnation and retrogression were the natural consequences.

The present Emperor of China is making a last stand for the policy of her

barbarous predecessors. She is endeavoring to maintain the exclusiveness against the foreign intruders. But against her stand not only the foreigners, but a large class of her own Chinese subjects. Western ideas, western learning have been sown among them, and the seed is commencing to bear fruit.

Prof. Robert K. Douglas, an authority on Chinese affairs, recently wrote in the Nineteenth Century, that the demand for western literature has increased all over the empire. He says the "Society for the Diffusion of Christian and General Knowledge Among the Chinese" has issued over 150 different works. These are sold, and the demand for them has increased remarkably. Thus when a popular edition of Mackenzie's Nineteenth Century was recently brought out, 4,000 copies were sold within a fortnight. The society's agents have made particular efforts to circulate their books and pamphlets among students. A stock is maintained at each of the 200 centers of examination in the empire, and the sales have been steadily rising.

Another striking feature is the circulation of native newspapers. Prof. Douglas says in 1895 there were only nineteen in the whole empire. In 1898 the number was quadrupled. He believes the Japanese war, with its shock and surprise of defeat, was the means of convincing even the most complacent mandarins that their country must learn of western civilization or perish. In 1893, before the war, the sales of the society's books amounted to only \$817, but in 1898, after the war, the demand had grown so much greater that \$18,457 was realized. Travelers into the remote interior have been astonished to find these imported books eagerly sought after, and to meet officials in distant provinces who "can talk glibly on new scientific discoveries," and who are intimately acquainted with the constitutional histories of western nations.

The movement now on foot, Mr. Douglas thinks, has checked for the time being the new advance of civilization, but not for ever. When the uprising against the foreigners has been put down, the opportunity for the reformers will come. In the whole movement towards better things, which will undoubtedly be resumed, the professor sees the hope of an ultimate regeneration of China such as Japan has wrought out for herself.

There is much to learn of this brief bit of Chinese history. It proves that civilization, unless continually cared for and fostered, will revert back to barbarism. Like a noble plant, it must be continually cultivated, or it will go back to its wild state. Even the highest civilization can get lost under the government of tyranny, and when once started on its backward course, no power inherent in man, or in civilization itself, can reverse it and start it anew in the opposite direction. Civilization can come only as the result of the labors of outside agencies.

There is also this to learn from China, that her multitudes are capable of rapid progress under favorable circumstances. In all probability they are as apt as the Japanese. And the transformation of these little shreds of a miracle. What will happen, if during the next century western proficiency in the arts of war and peace is imparted to the myriads of China? Let imagination draw its own pictures as to that, and they will probably fall far short of actual facts. Problems of immense magnitude seem to be forming for the statesmen and nations of the civilized world—problems which probably can be solved by nothing but the application of the principles of the Gospel of the Redeemer.

## SHEEP ON FOREST RESERVES.

The question of sheep grazing on the forest reserves is being agitated again, and this time will probably reach a settlement so far as concerns permits to graze on government reservations. Some forestry men assert that sheep are an injury to the forest growth, while others take a different position. The probability is that the effect of sheep grazing differs in various reserves. However this may be, the secretary of the interior, in view of the controversy, has made a request from the department of agriculture for a thorough investigation, to be undertaken during the present summer by the division of forestry. Representatives of the department will be sent to the reserves of Arizona, New Mexico, California and Washington, to the Big Horn reserve in Wyoming and the Uintah mountain reserve in Utah. Mr. Gifford Pinchot, forester of the department of agriculture, and Mr. F. V. Coville, botanist of the same department, are already in the West organizing the work. They will personally examine one of the reserves in Arizona, where the public feeling is most intense and where, consequently, the necessity for an early settlement of the question is of great importance. The Denver Stockman, voicing the feeling of the sheep-growers, believes the investigation will be strictly impartial, and that its result will be to settle the controversy satisfactorily and beyond dispute.

The weather bureau says that showers are possible this evening. Maybe so; but if it could have said probable, a lot of people would have found comfort in the anticipation.

However others may view it, the Republicans of the country are notably unanimous in their approval of the presidential ticket named by the party's national convention at Philadelphia.

The Chinese reform leader says Russia has fomented the whole trouble in China. More foolish the Chinese, to allow the fomenting to work them up to an effort against the civilized world.

Philippine rebels are now talking terms of peace with American sovereignty. They are beginning to see the consistency of the position assumed by this country, and the wisdom of getting in harmony therewith.

It is clear that the situation in China is very serious, and that heavy fighting is going on in which the contending parties have lost severely. The bombardment of Tien Tsin is by Chinese regulars, which may be operating

against the allied forces, but that is doubtful.

The South African war seems to be about over. From Lord Roberts' latest report, there are not enough hostile Boers in the field to make any serious resistance. This will liberate a large body of trained British troops to take part in the Chinese affair when it develops.

There is some doubt as to the truth of the story from Japan, that 15,000 foreigners have been massacred at Tien Tsin. Outside of troops and marines, there are less than 15,000 Europeans in China, and there are not 15,000 in all Tien Tsin, unless all from Peking have reached there; and these, with the number of relief force necessary to make up the figure given, would be in sufficient strength to prevent a massacre. Possibly the massacre figure should be 1,500.

The U. S. commissioner-general to the Paris exposition is in a peck of worry, which is likely to increase. When the French president visited the American pavilion on Thursday, Mr. Peck was five minutes too late to fulfill the appointment made, and M. Loubet was gone before the commissioner-general reached the place. Again, the display in the American pavilion is far from satisfactory, and American visitors are expressing disgust at its being inferior to that of other nations.

In some parts of the country farming may have been a losing business the past few years, but it is not so everywhere, as this showing from an Oklahoma ranch will tell. The Miller family operate the 101 ranch, nine miles southwest of Ponca City. The ranch has 40,000 acres of land, that is divided in half by the Salt Fork river. Of this land, 6,000 acres is in wheat, 1,100 in corn, 200 in oats, 600 in sorghum, 1,200 in hay and 1,100 in watermelons and muskmelons. Four years ago the ranch proprietors were in debt, with no cash on hand. Now they have \$50,000 in the bank, while 150,000 bushels of this year's crop is contracted for another \$50,000 that will be a clear profit after hauling, and will go to swell the bank account. The expenses of operating the farm part of the ranch are paid by the other crops raised this season. There's nothing poor about a big farm well tilled in Oklahoma.

## THE VICE PRESIDENCY.

New York Evening Post.

The question who shall be nominated for Vice President occupies a large space in the newspapers because the nominations for the Presidency have been settled beforehand. Yet there is hardly any public interest in the matter. What little there is centers in the person of Governor Roosevelt. According to all indications, the New York machine is just as much set upon nominating Roosevelt for that office as it has been at any time. The reason for this persistency probably is that the corporations which have heretofore furnished oil for the machine have refused the usual supply if Roosevelt is renominated as Governor.

Boston Herald.

The trouble with the politicians is that they are in the habit of regarding importance solely in its bearing on the assumed popularity of their ticket. They do not seek men of the first order of talent for these places, but those who, they think, will commend it to certain States or certain sections of the country, or contribute to the expenses of the campaign. The people are not nearly particular enough on this point. They are apt to vote for a ticket that has their favorite at its head, without much regard to the man in the second office, unless they happen to like him personally, or he appeals to them on some other ground than that of superior talent. We have recognized these conditions as existing, but we are far from approving them.

Chicago News.

But as to the Vice Presidency, the country is taking a profound interest in it. It is a question of no small importance, because everybody concedes that there is no question as to who shall lead the ticket, but chiefly because the people are anxious, even determined, that no more figurehead a man of affairs but with no pretense to statesmanship, shall be given the second place this year. The older traditions of the republic gave to the Vice Presidency greater honor than it has received in recent years.

## THE ENGLISH PRESS ON AFRICA.

London Times.

To the whole world the capture of Pretoria is a well understood sign of our definite success. It is a momentous occasion and it will be so under God throughout the empire. Even the most ignorant dupes of Kruger's organized mendacity will now comprehend the hopelessness of the struggle into which he plunged them. With the banner of England flying at Pretoria and their chosen leaders in ignominious flight the Boers cannot fail to perceive that they have been nurtured on lies, and that everything in which they trusted has been swept away.

London Standard.

The entry of the British into Pretoria makes an epoch in history. It is the end of the Dutch republic and the beginning of the career of South Africa united under British rule. There are few British hearts that will not beat lighter at the thought that the viceroy has disappeared forever from the city in which nineteen years ago the flag of England was hauled down in circumstances of unforgotten ignominy.

London Morning Post.

The achievement of the army under General Roberts is one of the most notable in its splendid history. The war has cost Great Britain dearly in noble lives and there is little likelihood of indemnity from the Transvaal for the enormous outlay which the overweening ambition of its leaders made essential, yet the British are richer than ever before in the consciousness of a united empire.

London Telegraph.

The campaign is one of the swiftest, most certain and most brilliant in the annals of arms, and General Roberts is an incomparable veteran, who proved himself the man of the empire at an age when ordinary careers are done. He has placed his name on the roll of British commanders with Cromwell, Marlborough and Wellington.

## RECENT PUBLICATIONS.

The announcement is made of the publication, by Mr. James W. Dilley, of a brief history of the Scofield mine disaster. The book professes to be a true and correct record of the scenes and incidents that occurred during the time of the disaster, a record of the dead and where buried, funeral train, and names of the contributors who responded to the call for aid for the widows and orphans. It is illustrated by 64 engravings and published for a benevolent purpose.

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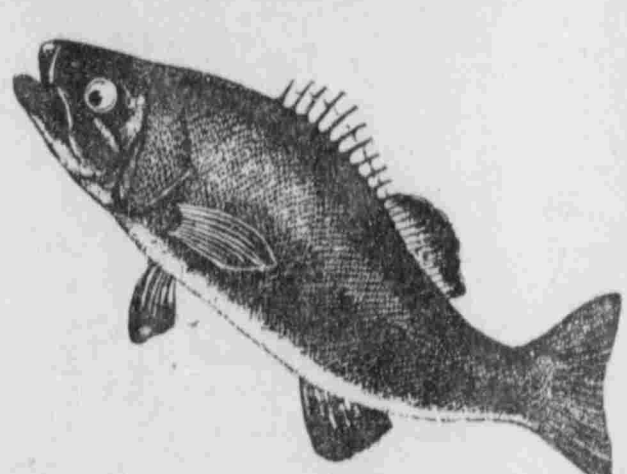
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