We do not believe that it is impossible to save Utah; we do believe that it is impossible to save it by the Edmunds laws, or by United States troops. We can treat Mormons in a Christian fashion without subscribing to the sentiments of Joseph Smith.—*New Haven Register.*

SUGGESTED BY THE CRIMINAL CALENDAR.

On Monday last (Sept. 12th) we published the settings of criminal cases to be called for trial during the present term of the Third District Court.

That calendar tells a tale of cruelty and suffering infinitely more broad and deep than can be comprehended by the uninitiated. It opens up a theme for contemplation which is a blot upon the civilization of the age. It is capable of recalling to the minds of the informed upon the subject an epoch of barbaric treatment of an honorable and devoted people, that should cause a reaction in their favor without delay. For the moment, however, we will confine our consideration to the list in question.

In number the cases are 56. Of these 38 are, with a few exceptions, those of Latter-day Saints charged with unlawful cohabitation under the Edmunds law. These cases are double in number all others combined. In all excepting those in which the charge is unlawful cohabitation, the defendants are, so far as we know, non-"Mormons." This applies even to the two cases of polygamy. There is not a solitary case of what some people call "Mormon" polygamy. The solitary charge against any Latter-day Saint, so far as we have information, is that first-named in this paragraph. What is exhibited in the calendar of the Third District is a fair index of the situation in the other judicial divisions of the Territory, there being practically or, at least, comparatively speaking, no cases of polygamy in the Territory. They are so few and far between that, in comparison, they are numerically not worthy of mention.

It is to be presumed that the legal raid inaugurated in 1884, and conducted with great ferocity, was instituted for the purpose of suppressing polygamy in the future. The penalty for that offense is very heavy. Whether or not the pains involved in a breach of the statute has had the effect of checking infractions of it may be inferred from the paucity of the number of cases. They have for a considerable time past been so few that they have practically had no place upon the calendars of the district courts.

People outside of this Territory have scarcely a remote conception of the situation here in a legal sense, and as relates to the condition and attitude of the people. When they hear of Latter-day Saints being herded into the penitentiary by scores they, not knowing the facts, jump at the conclusion that the victims have all been guilty of polygamy in the full sense of the term, and that the offenses of which they have been convicted relate wholly to the present. It is naturally inferred from this that the offense against which a popular sentiment has been planted, worked up and nourished is rampant in Utah. This is a false view. The great bulk of the brethren cast into prison have been thus treated on account of relationships that have been formed from periods running down from forty years back. Therefore they are being mercilessly punished if not for conduct that transpired years before the enactment of the statute under which they are convicted, at least for actions resultant from past associations. This being the case the element of *ex post facto* punishment enters into cases of that nature.

The victims of this mistaken and barbaric policy have asked in every accessable quarter, including the court of last resort, what was the scope of the law in relation to cohabitation, and what conduct on their part would conform with its requirements. Their appeals have been in vain. They have asked for bread and have been given stones. Notwithstanding that some hundreds of men have been thrust into loathsome prisons for unlawful cohabitation, no clear and authoritative definition of the offense has ever been given as a guide to people who had, in bygone years, assumed the polygamous status.

Families have been dragged into court to testify against husbands and fathers, tender women and children have been terrified and insulted, their health injured and death hastened, in this cruel crusade, and for what purpose? Has it been to prevent the increase of polygamy? Ostensibly so, but in reality the idea is preposterous. If polygamy increases it can only be by the multiplication of new cases—the consummation of fresh plural marriages. Finding that practically no cases of that kind could be found, the cruel warfare has been conducted against associations formed in the long ago, and which cannot be sundered without the production of shocks and suffering that it is inhuman to inflict. But notoriety and fees and political capital have been furnished by those proceedings.

Take a glance at the calendar, and there will be found evidence of the strained and vindictive application of the law that has obtained in the local courts, during the last three years; there will be found traces of malice that should bring an uncomfortable sensation to those who exhibited it. It suggests the cases of men who were thrust into prison for terms in which the penalty presented by the law was doubled, tripled, and and even quadrupled. Some cases of that kind have not yet gone to trial, and the multipiled counts for one offense are upon the calendar, all but one in each case awaiting dismissal on call.

Sure enough, as some prominent journals assert, it is time that a kinder and more persuasive policy were adopted toward the "Mormons," who are entitled to better treatment than they have been receiving. It is about time for a reaction to set in, that there may be a reciprocity of more sympathetic sentiments than those that have prevailed for some time past.

QUERY REGARDING WATER.

A CORRESPONDENT, "D. S.," writing from Clover, Tooele County, on the 9th inst., propounds the following:

"Has a recently organized irrigating district a right to claim and appropriate water that springs up below its dividing dam, said water having been used by other parties for twenty years without any person or persons having laid claim to said water during this period? Can said water be taken from original users without their consent?"

If the water "springing up below the dividing dam" flows from a natural fountain, then it belongs to the person or persons who first appropriated it, is their property as fully and in the same sense as is the land they own and irrigate with it, and they cannot lawfully be deprived of it without their consent. This statement of ownership applies to that portion of the water flowing from the natural source which they have appropriated. Thus if they put to an actual use half of the water flowing from a spring, only that half is theirs, and the other half belongs to the parties first appropriating it.

But if the persons referred to by our correspondent appropriated all of the water flowing from a certain source, then it all belongs to them, and no part of it can lawfully be taken from them without their consent, any more than a portion of their farming land can be. If the water referred to by "D. S." is seepage from a canal, the case may wear a different aspect, but the law in relation to it could not be safely stated without full information relative to the facts.

The rule by which to determine the ownership of water is simple. It belongs to the first appropriator, or his successors or assigns. It is subject to sale, transfer and inheritance, the same as other property, real or personal. A newly organized irrigating district or company must either obtain water for its use from some natural source not previously utilized, or it must purchase water from those whose title to the same is based upon prior appropriation.

SHOULD RECEIVE THE EXTREME PENALTY.

RECENTLY a pure young lady was lured under a deceptive pretense into a low dive in St. Paul, and was assaulted by a human fiend with intent to rob her of her virtue. She ended a long and frightful struggle by leaping from a third story window to the pavement, prefering an almost certain chance of death to the loss of her honor. At about the same time another shocking case of assault with similar intent and better success on the part of the villain who made it, occurred in the same city. Commenting on these two felonies the *Pioneer Press* says:

"The crime passes most that are known to the law. It stands with murder, in that there is no possible reparation in this world. Its punishment should be measured accordingly. None of the excuses which may palliate seduction can be admitted here. For attempted rape the penalty should be life imprisonment, without possibility of pardon; for accomplishing rape the law should decree death to the offender, and it ought to be executed without hesitation. We deal too leniently with this particular crime. The sense of outraged justice nowhere else so frequently defies the law and metes out swift vengeance to the criminal as here. There should be no apology for lynchings, because the law should be as swift and as remorseless as Judge Lynch himself."

THE RACE QUESTION IN THE SOUTH.

THEY are having a dispute down in Georgia over the race question in schools. Such subjects have engaged the serious attention of people in other sections—nearly all the South and parts of the North—for a generation past, and there seems no general available remedy. It is hard to discriminate on account of color when the law forbids it, though few there be who respect the law if they are not inclined that way, and they need not openly violate it either. They have only to ostensibly submit to it while really circumventing and rendering it practically a nullity. Where mixed schools are provided for, the "mixing" is accomplished by a certain number of white children and black ones' names appearing indiscriminately on the rolls and they going to the same institution; but they are taught in separate rooms and have separate playgrounds. This is reported as "classification," which it undoubtedly is, but not in the sense the trustees would have it understood. Shortly after the passage of the civil rights bill, which forbade discrimination of whatever nature as between the races in hotels, all the principal ones in the South at once became "private boarding houses," and as such drew the line as strictly as before. Thus the farcical character of all laws against nature and our better understanding is well illustrated.

What is the destiny of the colored man is a question which fades in immediate importance as another and correlative question becomes prominent—What is the destiny of the white man? Figures, particularly those of the census taker, are becoming startling in this connection. Each succeeding ascertainment of increase of population shows the ratio to be much greater on the side of the colored people, and as things are going it will not be long till they are in the majority.

Apart from the fact that the political supremacy of the Caucasian is menaced, there is a more important question existing. If it were merely a case of getting and holding the offices, it might be contemplated without serious apprehension. But the negro as a political and social entity has too frequently demonstrated that freedom and suffrage with white espionage is as far in the scale of human progress as he can be permitted to go with safety, if commingling with our people and practices. Something of his nativity generally clings to him despite all education and surroundings, and his proverbial fondness for acquiring petty personal property without exercising legal methods to do so, is pretty well understood; it is also the case that he has not yet recovered from the effects of the sudden transition from enforced servitude to absolute freedom, and is disposed in many cases to still construe the latter as freedom from toil, contracts and the general restraints of law. This is not the case with all, we know. Some former slaves have completely outgrown their slavery of body, and added to the disenthrallment thus accomplished culture of the mind and acquirement of the arts, but these are only here and there. When they are supreme and their former rulers become the ruled, it is not putting it too strongly to say that a good many old scores—real and fancied grievances—will be paid in full with liberal interest.

The two races were not intended by the Creator nor qualified by nature to "herd together" without let or hindrance, upon the one showing itself to be the inferior creation. Clashing will invitably result, with more or less serious consequences. The negro is not to be despised, and he should never have been abused, for these things may intensify the course of events if ever the time should come when they arise against their former masters with intent to do evil and power to consummate it.

SUCCESSION BY DEATH.

THE death of Governor Washington Bartlett, of California, which occurred at 5 o'clock on Monday afternoon, makes R. W. Waterman the chief executive of the State. This method of rotation was hardly looked for by those who chose those two gentlemen to their respective positions, but it is one that happens with remarkable frequency, as is readily understood by those who keep track of such things. Not only in State governments has it happened that those who were chosen for the second place in the government have attained to the first through the instrumentality of death, but in the national government as well, three being recorded within the present generation. These cases were when Millard Fillmore, as Vice President under Zachary Taylor, succeeded to the Presidency on the death of the latter on July 10th, 1850; Andrew Johnson's accession to that office by the death of Abraham Lincoln on the 15th of April, 1865; and when Chester A. Arthur was elevated to it by the death of James A. Garfield on September 19th, 1881.

There was a good deal of political sagacity, if not wisdom, shown by the delegate at St. Louis who seconded the nomination of the late Thomas A. Hendricks for the Vice Presidency on the ticket with Samuel J. Tilden. He said—"We are going to win this time, and while I hope nothing serious may happen to Mr. Tilden, something might, and in that event we want as good and able a man as he is ready to take his place." It was also a lofty and well-deserved tribute to Mr. Hendricks.

It is the unscrupulous milk dealer who thinks three scruples of water make a dram of milk.

TERRITORIAL ITEMS.

CULLED FROM LATEST EXCHANGES.

The Laramie *Boomerang* of the 8th says: "The west bound passenger train last night had a pretty close call just after it left Laramie and it is a wonder that it escaped a dreadful wreck. Just beyond the river bridge, two miles from the depot, it encountered a band of horses belonging to Gaynor & Sanford, who have some 400 head in pasture out there. They had broken down the wire fence and were grazing along the track when the express went speeding out of town to make up for lost time. A collision was unavoidable and while, fortunately, the train kept the track the effect among the herd was disastrous. Two fine mares with sucking colts were killed and two valuable horses so crippled that one had to be shot last night and the other was shot today by Captain B. W. Towner, the stock inspector. Several other animals were badly hurt and two colts had their legs broken, but dragged themselves away with the herd, which bolted through the wire fence, breaking down about twenty rods of it.

Some parties, whose names we have not as yet been able to able to ascertain, camped at Sandy, last Tuesday night, near Frederick Olsen's farm. After unhitching their teams they turned their horses into Olsen's grain and they doubtless thoroughly enjoyed themselves through the night. They had hitched up and gone before Olsen was awake the next morning. But they failed to cover up their tracks. Consequently, Olsen found the nail prints from their shoes and traced them to his house, and then found that he had been the loser of some articles around the residence, such as shingles, grubbing hoe, etc. He found that they were traveling south and telegraphed Sheriff Turner to arrest them. This he could not do, as he had no warrant of arrest, which fact he let Olsen know. Consequently Olsen came to Provo Wednesday evening and swore out a complaint, and Sheriff Turner and Deputy Sheriff Fowler started south the same night after them. The teams went through Provo Wednesday noon and were noticed by several people.—*Territorial Enquirer.*

Winnipeg, Sept. 6.—Advices from Calgary report that trouble is feared among the Blackfeet Indians. About ten days ago an Indian was shot at by a white soldier for some trifling cause and seriously hurt. His tribe were much incensed, and at one time it was thought they would attack the assailant. After a few days the wounded Indian died, and the news was sent through all the tribes. Simultaneous with this another Indian named Deerfoot escaped from jail at Calgary and reached the reservation. The police demanded his return, but the young braves refused to divulge his hiding place. Consequently, on the morrow two large detachments of mounted police, under Col. Herchmer will proceed to the reservation from Calgary and Fort McLeod and effect Deerfoot's capture. Another force has been detached from Regina as a reserve. With the present excited state of feeling among the Indians serious trouble is feared and the residents of Calgary feel the most lively alarm. The Blackfeet are the most powerful tribe in the northwest and would be a terrible foe if they went on the war path. There is also no doubt but if they break out the other tribes, notably the Crees, will follow them on the war path.—*Butte Miner.*

Santa Rosa, California, September 5th.—An Italian nemed Ralph Guarre met with a horrible accident, which resulted in his death, at Guernes & Murphy's logging camp, near Guerneville, Sunday. According to the most accurate reports received, Gurrie, with a number of his fellow countrymen, was standing on an empty flat-car which was moving slowly through a narrow defile between two steep, high banks. At the narrowest point in the pass he attempted to spring upon the bank, which was scarcely eight inches from the side of the car, but slipped and fell. The space being too narrow to permit of the passage of his body, his legs were caught below the knees between the bank and the side of the car, the movement of which caused his body to maintain a whirling motion at a velocity proportionate with the speed of the car. His body, in its rapid revolutions resembled an auger as it sank lower and lower. His companions were powerless to relieve him from his agony. As the auger-like motion continued it appeared as if the internal organs were being crowded upward and must fined an outlet. Every drop of blood seemed crowded into his head and neck, the veins swelling in great knots, the flesh changing to a dark blue and the eyes on the point of bursting from their sockets. As the wider and firmer parts of his body near the shoulders came in contact with the car it acted like a wedge and stopped the train. His mangled body was extricated with great difficulty and brought to this city on the afternoon train and taken to the County Hospital, where he died soon after. Deceased was aged 34 years.

Anaconda, Montana, Sept. 5.—We have to chronicle another distressing accident on the Montana Union, which occurred this afternoon, near the depot. One of the switching crews which had been taking ore up on the high line came back after the last two cars at half past 2, and the brakeman, A. J. Leopold, had thrown the switch and given the signal to the engineer and foreman to come ahead, as all was right. He was standing at the switch, and the engine and cars were three car lengths from him, and he attempted to jump on the first ore car, when his foot caught between the two rails, and having no sure place to hold on to the car, he fell, and the first pair of trucks of the heavily laden ore car passed over him before the engine could be stopped. The cars did not move over thirty feet after striking him. His body was horribly mangled and death must have been instantaneous. Leopold was a young man not over 32 years of age. He came to Anaconda but recently and had only been at work in the yard two days when he was killed. He had a mother and 3 sisters in St. Paul; and a letter found in his pocket which was only received a few days ago states that his youngest sister was at the point of death. In his inside vest pocket was found three cabinet pictures of a young lady taken at different times; the corners had been broken off and the inside picture was stained with his blood. A coroner's jury was at once summoned, and after hearing the evidence, returned a sealed verdict. The verdict will not be made public until after the county attorney is consulted. What it will be it is hard to say, but it is thought that they have held the railway company in some manner responsible. The remains are now awaiting word from the young man's mother.—*Butte Miner.*

THE "HAY RACKET."

Caution to Hay and Lucern Buyers.

Editor Deseret News:

It would be to the interest of persons who buy hay and lucern if they would, when buying by weight, see that they get and keep the weigh bill. There are no doubt many who sell hay and lucern who are honest in their deal, and quite likely there are very few exceptions; but I think the public should be informed of cases that lately came under my observation, that they may protect themselves accordingly.

In one instance hay was sold by weight to a party who took the word of the teamster that there was so much, and paid a stated price per ton for it; but by accident the actual weight was afterwards learned, when it was found there was over half a ton short on the two loads.

In another case, the teamster brought in a very heavy load of hay, sold it to a party and got his money. Then he bought a smaller load on the street and delivered it to another party from whom he had an order to deliver a load, but he collected from the last named for the weight of the first load, presenting the weigh receipt, which was about 1,000 pounds more than the load actually delivered.

Now, if the first party had demanded the weigh bill, the second party would not have paid for 1,000 pounds too much. Excuses have been made by teamsters that they had to take the weigh bill back to the party they bought the hay from, so they could settle with them, but if buyers would in such cases give the teamster a note saying they had received and paid him for so much hay, the teamster would not then be able to use it on another person or with a lighter load of hay. If purchasers would demand the weigh bill they would protect themselves against another class of swindling cases, where teamsters have got the parties at the scales to throw off four or five hundred pounds from the weight of the hay on the ground of its being wet, and the parties buying it have taken the word of the teamster, who has only paid the party he hauled it from for the weight as shown by the weigh bill.

Yours respectfully, J.

The foregoing relates to a cause of common complaint. The facts in the instances cited were all carefully verified, and the parties were only saved from prosecution on giving satisfactory assurance that they would go and sin no more.

Bennett Confesses.

Express Messenger Bennett, who has been in jail about three weeks for robbing the company of a $10,000 package of which mention was made in these columns before, has squealed and given the whole thing away. Eight thousand two hundred dollars were recovered several days ago, and Sheriff Taylor took him to Huntington Wednesday night to unearth the remaining $1,000. We understand that in squealing he implicated another party in the crime.

LATER.—Sheriff Taylor has returned with his prisoner, but without the money. Bennett could not find the spot where he buried it in that wild sagebrush country.—*Idaho News, Sept. 10.*

Arrested.

Yesterday D. B. Bybee, of Hooper, was arrested at Taylor's mill by Deputy Whetstone, on a charge of unlawful cohabitation. Mr. Bybee was on his way from Hooper to Ogden Canon to do some work. He was taken before Commissioner Rogers, pleaded guilty and was bound over in the sum of $1,000 to appear before the Third District Court in Salt Lake City. Two witnesses were also required to furnish bonds of $200 each. David Kay and Brigham Stowell furnished the necessary securities.—*Ogden Herald, Sept. 13.*