

far? "This," he declares, "has been taught to the people of Utah for lo! these many years and it has made a peace-loving people of them; but it would appear that in some cases at least they have got to thinking that it is better to suffer wrong than to do right."

The correspondent ends his communication with an admission that while the merciful are blessed, he would prefer to have even-handed justice. Neither the admission nor the preference is at all out of the way so far as relates to general transactions in this life; but in this connection they seem to invite a little examination and comment.

The case cited is one that is not calculated to stimulate good feeling and is of itself a condition of things that ought not to exist. But even our correspondent, as indignantly just as he seems to be, has failed to suggest a remedy. His reference of the subject to the Legislature, without pointing out to the solons how they are to act, is ineffectual, for they have weaknesses and shortcomings of their own and would probably in every case refuse to go far aside from the beaten paths established by a long series of precedents and practices. One of the things hinted at by our Parowan friend is the reconstruction of the statute relating to debtors so that it would be equitable. Of course he means equitable in its dictionary sense, for being a justice of the peace he understands that transactions clearly definable and defined by law are not adjustable on equitable bases. How would he, for instance, arrange things so that a fuller measure of equality (a better word, this) could be made to obtain in such cases? By ignoring the great fundamental principle that all people are equal before the law and providing that a creditor may strip the debtor of anything or if needs be all things that he hath to satisfy the obligation? This proposition suggests an antithesis to that of our friend: Why may we not suppose a fortunate creditor and an unfortunate debtor, the former with plenty and the latter with little, as is oftener than otherwise the case; would it be "equitable" to take the debtor's little which he needs and turn it over to the creditor, who may or may not need it? In such case we can at best but aid one of the parties, with the chance of not materially aiding him, while the certainty exists of inflicting an injury on the other. In plain terms, we simply transpose the phases of the injustice complained of, and how much does the cause of humanity or the moral or substantial welfare of the body politic gain by that?

Again: There must be some remissness of duty or misunderstanding of the law in the neighborhood referred to, or such a state of things as that cited would hardly be. If B., C. and D. have horses, wagons and cows which were bought on credit and are not paid for, they have no title in the goods (unless this, too, was surrendered), and these are recoverable. A judgment against them, or either of them, in favor of A., would be a lien upon so much of ownership in the property as they possessed, and if it would sell at forced sale for more than was due on it with costs, the balance could go to the creditor; if not, of course he would be without remedy as to that. But the correspondent gives out the idea that B., having two horses, ought in justice to be compelled to give one to A., who has none. If he means the horses which B. bought on credit and has not paid for, we say no; the title remains in the seller, unless he willfully surrendered it, and it would be if anything a little worse, under the circumstances, to defraud him than A. If they are not the same horses, then manifestly B. must have

four, in which case two of them at least would be subject to execution under the law as it now stands.

"Justice" should consider the whole ground when considering at all. It is manifestly impossible to make a special law to fit each individual case, the best that the lawmakers can do being to make general statutes designed for the protection of all parties and let it stand thus, no matter who may be specially favored or who specially disfavored thereby. It is a philosophic as well as Christianlike doctrine that those who have nothing wherewith to pay are badly enough off, without subjecting them to other deprivations. It used to be the case that the debtor could be sent to jail in default of payment—a savage and brutal relic of former days which has long been discarded in all parts of this enlightened country. Would our correspondent have it otherwise and put us on the high road to a return to such condition? We hope not, and yet we cannot do as he suggests without taking a step in that direction. Besides, it is pretty generally understood that those who have much or even a little have been pretty well cared for by the law. They are not compelled to sell or lend, and can make themselves—under the law—amply secure when they do so. The rest must remain a matter of personal honor or ability, with the former of which the law cannot deal, and with the latter it has gone and will go as far as is consistent with the rights of humanity first, the principles of business next.

A GOVERNOR INDICTED.

Grand juries, like supreme courts, are presumed to "know something," and that one which has just indicted the governor of the state of Illinois receives the benefit of that conclusion. But it, like most other bodies composed of human material, is liable to make mistakes, does make them in fact. The indictment in this case grows out of the late terrible riots at Virden in that state in which so many men were killed and injured and so much property was destroyed. The governor is indicted on three charges, being in substance failure and refusal to send troops to the assistance of the sheriff, each indictment being identical in respect to this cause of action but differing as to specifications, the whole amounting under the constitution of the state to what in general terms is malfeasance in office through neglect of duty.

It is a very serious matter and if properly proceeded with, as it may be later, might cause the executive a great deal of annoyance, if not something expressed by a more ominous word. It appears, however, that he is losing no sleep and his flow of spirits is unchecked by the circumstance; in fact, that he is giving it very little attention. While he is known to be a nonchalant sort of person, it is not to be concluded that this accounts altogether for his indifference. He is something of a lawyer himself and knows, no doubt, that the correct procedure in all cases except actual felony is first to make him a private citizen. In other words, the commission of "high crimes and misdemeanors in office" is widely distinguishable from committing such offenses out of office, the former being a ground for impeachment by the legislature, the result being in every case, if found guilty, removal from office, which may or may not be a finality as regards the punishment. When the offense is one that is punishable per se without reference to the person who committed it, removal from office is no exemption from trial and punishment by the courts; but if it be an offense of omission or commis-

sion which could not have been committed if he were not the governor, the impeachment and removal from office end the matter conclusively.

We are very much inclined to the opinion that the indictment against Governor Tanner is demurrable on the ground of want of jurisdiction in the court in which the complaint was found and filed.

PUSHING UTAH ENTERPRISES.

Hon. A. W. McCune has just returned from a trip to the southern portion of the State, where he has been looking after the present and prospective interests of the Utah and Pacific railway. The "News" has had occasion many times to add its mite of encouragement to this great enterprise, which must in the long run and perhaps at an early day be of widespread advantage to the people at large as well as a source of considerable profit to the projectors and stockholders. Direct connection with southern California would be a boon for it as well as for us, for while we are slowly but surely moving toward the front as the greatest of the coal producers, the lower part of our western neighbor is practically coalless and for a long time to come will consume all that we can send there at figures which by comparison will be profitable both ways. Of course this is but one of many features of commerce that would be inaugurated and grow with a steady growth, while the passenger traffic would assuredly be something immense.

There are other considerations still, such as cause the road to mean a great deal to the people of Utah. Iron county is well named, having the greatest and richest iron deposits in the West, perhaps in the United States, and developments might show them to be equal to any in the world. In many places the metal exists almost in a state of purity and the ore is everywhere greatly above the average in percentage of iron. There are no means of estimating the worth of these wonderful deposits, because they are so extensive even above the formations as to baffle computation; what they would amount to if must remain incomputable so far as if their lower ramifications were known this generation at least is concerned. At present they represent one of the greatest paradoxes known to mankind—property that is worth millions and yet not worth a cent. It is understood to be a part of Mr. McCune's plan to run a branch of the Utah and Pacific into Iron county and reach the marvelous resources referred to, putting in at the same time or shortly after all the necessary smelting works and machinery for the production of pig iron and its manufacture into the various articles of commerce chiefly in demand, also for its conversion into steel rails and other things incidental to iron and steel working.

All this has the right kind of sound. Too many resources in our midst are lying idle and awaiting but the magic touch of enterprise fortified by capital to expand and develop into wealth-producers of great capacity. It is gratifying to know that those who have such matters in hand have not only the business experience and native sagacity but also the necessary coin of the realm with which to give them shape and expansion. The iron county proposition takes on all the more the form of feasibility with the prospect of subsequent profit from the attendant fact that coal is as abundant and accessible as iron. All that is wanting, therefore, is the railroad and the attendant development, both of which are now well assured, being in hands which