THE EVENING NEWS.

Saturday, . . Sept. 13, 1873.

Personal Defense of Life and Honor.

Our readers learned through our dispatches last week that a Grand Jury in San Francisco had ignored the indictment against Charles de Young for the attempted killing of Napthaly, but that Judge Stanly had refused to discharge the accused, ordering the case to await the action on another county inquest. In what we propose to say of this matter we shall speak only on general principles, without any feeling toward the De Youngs save that of entire indifference. And first, though according to the letter of the written law De Young is doubtless guilty, still we predict that no indictment will ever be found against him, and had he killed the man he sought to kill, no jury in San Francisco could ever have been impanelled that would convict him. And we hold that Judge Stanly and the press of California, when they assert that this Grand Jury either violated their oaths or neglected their duty in ignoring this indictment against De Young, speak thoughtlessly, and take into consideration only one side of the case. There is no sanctity in the written law beyond these two attributes: First, it is supposed to be founded on justice; and, second, through the customs of years, or maybe of ages, a sort of veneration has become attached to it. But, after all, it is only the highest expression of enlightened public opinion, and no law can long survive when public opinion decides that it is wrong. There are some things which Courts are permitted to take judicial cognizance of; there are other things which communities take cognizance of; some rules in the conduct of man toward man, which have been laws in the human heart since the commencement of civilization, which will continue unrepealed until the end of time. The right to protect one's life against assault is so plain that all written laws admit it. But the right of that law is not more apparent to the human understanding than is the right of that other law which justifies the slaying of one who wantonly assails the character of a helpless woman, and which, if unavenged, carries with it *prima facie* evidence of its truth and attaches a stain to a family forever. We think we can interpret the feelings of the jury which was called upon to investigate the charges laid at the door of De Young. Every one said to himself, "Had I been in De Young's place, I would have done as he did. I would never have rested on earth, my bones would not have lain quietly in my grave, unless this insult to my mother had been wiped out; and De Young has no more violated the law than does the man who crushes the head of a poisonous serpent violate the law for the prevention of cruelty to animals." And the jury was right, for the law of society is as sacred as the written law. The latter is but the highest wisdom of the human mind, while the former is the instinct of the immortal soul. The men who contemn De Young would do as he did under the same circumstances. That Napthaly was justly incensed against his enemies, is no excuse for his conduct. If he had a difficulty with the De Youngs, it was but man against man and did not extend to defenseless women. We are aware that what we have written is but the outspoken sentiment of society, but it is, nevertheless, the governing power in the hearts of men, and invariably decides cases of this kind as the grand jury decided the case of De Young; and though it be appealed a thousand times and presented under a thousand devices, the verdict will be the same in every case, and would not be different if in the written law there was this clause: "If any person, in defence of his own life, or in defense of the life or honor of his sister, his mother or his wife, slays a fellow man, the act shall be deemed justifiable homicide."—*Virginia, Nev., Enterprise, Sep. 10.*

BREVITIES.

What is life, brethren and sisters, without a fast horse?

A new Hampshire woman, when dying, made her husband swear on the Bible that he would never marry a woman with a sharp nose.

Robert Watts, Professor of Systematic Theology, wants to "argy tho pint" with Huxley "before an Ulster audience." He knows who Ulster believes in.

It is easy enough to make people believe you love them less than you do, but very difficult to make them believe that you love them more.—*Belgravia.*

"An' are ye Mrs. McLood?" said a Highlandman, on being introduced to a certain lady of that name. "Ye're no an ill-lookin' woman ava, if ye hadna been sae awfully pittit wi' the smallpox."

An eminent Bostonian regarded an advertisement in a newspaper as a personal invitation to call and always feel certain of a cordial welcome from the members of an advertising firm.

The Washington *Chronicle* assumes for itself an unusual amount of conscientiousness. It says: "If thievery in journalism were punishable with death we should be the sole surviving journalist of this unhappy country."

"I should like 'Courtship and Marriage,' and 'The Best of Husbands,'" said a pretty girl, tripping into a Broadway bookstore. "I think I can fill that bill, Miss," replied the dapper young salesman. "Have you 'Ten Thousand a Year?'"

Jerry Harmer, of Springfield, Ohio, swallowed a sponge. Five doctors, armed with the destructive engines of their trade, besieged him for four hours, until he finally yielded, and threw up the sponge. That's where the doctors "held over him," as chaffee would put it.

When the late General Thomas, U.S.A., was asked for a furlough by a backwoods soldier, in order that he might visit his wife, to whom he had been married but three months, he replied, "Why, my dear fellow, I haven't seen my wife for three years." The backwoodsman stared incredulously at the General for a moment, and then broke out. "But you see me and my wife ain't that kind."

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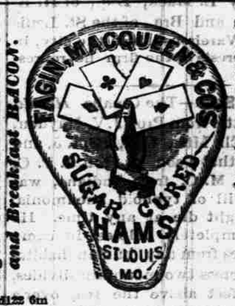

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