

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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AN IMPORTANT RULING.

In criminal trials there are generally questions of fact to be determined and also questions of law. The theory usually laid down in respect to these two different issues is that the jury decides the former and the judge the latter. If the facts alleged be admitted by the defence, the judge proceeds to pronounce on the law involved in the case and, sometimes, there being nothing left for the jury to deliberate upon, he directs them as to their verdict.

A recent decision of the United States Circuit Court in Kansas, however, enunciates a different principle. It is of considerable importance. If it is correct the common rule does not hold good. To direct the jury as to the verdict is all wrong. We will state the case in order that the opinion of the court may be understood.

It was a prosecution under the prohibition law of the State. The defendant was charged with selling liquor in violation of that law. He admitted the fact of the selling, but pleaded that what he sold was merely "a tonic composed chiefly of alcohol," and was therefore not liquor within the meaning of the statute. The judge before whom the case was heard, ruled that the article sold was prohibited by law; that it came within the meaning of the statute, and no question of fact remaining to be determined by the jury, he directed them to bring in a verdict of guilty, which they did without leaving their seats.

The case was appealed to the United States Circuit Court which ruled that this was judicial usurpation, that the decision must be made by the jury, not by the judge, and that the judge has no right to exercise any function of the jury. The court declared that the Constitution of the United States, which guarantees to every accused person the right to a speedy trial by an impartial jury, "does not deal with the form but with the substance, the essence of the trial, and therefore requires a submission of the case to the jury for their consideration and decision upon it. There can within the meaning of the Constitution be no trial of a cause by a jury unless the jury deliberates upon and determines it."

From this it appears that the Court may lay down the law to the jury, point out its application to the cause on trial and explain its bearings, but may not direct the jury as to their verdict. In answer to the objection which those who maintain that the Court is the sole judge of the law may urge, that this theory gives the jury power to render a verdict contrary to both law and evidence, the Kansas Court argues that "a verdict of acquittal cannot be set aside, and, therefore, if the Court can direct a verdict of guilty it can do indirectly that which it cannot do directly."

This, it appears to us, is quite sound, but it is also new light on an important principle of criminal jurisprudence.

TERRITORIAL FAIRS.

THE question has been frequently asked: Are we to have a Territorial Fair this year? It appears from the annexed document that the answer must be in the negative. This is much to be regretted, as the Fairs that have been held under the direction of the Deseret Agricultural and Manufacturing Society have always been productive of good to the community, as well as conducive to the pleasure, information and enjoyment of many thousands of people.

The following report has been made to the officers of Zion's Board of Trade by the committee specially appointed to report on this subject:

To the President and Members of
Zion's Board of Trade:

Gentlemen—Your committee on Territorial Fairs, Fair Grounds and Exhibition Buildings, appointed in April last reported their doings up to October, 1881; further time was then granted the committee, and instructions given to petition the Legislature for an appropriation to purchase grounds and for the erection of suitable buildings for exhibition purposes. A petition was presented to the House of Representatives and was referred by that body to an appropriate committee. A meeting was called by the chairman of said committee, Hon. W. B. Preston, and the whole matter was thoroughly discussed and a sub-committee appointed to petition the City Council of Salt Lake City asking that "Washington Square," in said City be appropriated for the purposes named. The City Council, after mature deliberation, appropriated the east half of said square on condition the Legislature would appropriate the necessary funds for the erection of suitable buildings for exhibition purposes. A bill was prepared and passed both branches of the Assembly, appropriating \$15,000 for the purposes aforesaid. However the bill was vetoed by Governor Eli H. Murray, consequently all our efforts failed and we are left without land or buildings, or the means to secure them. The result is that we see no way open to continue our annual Fairs at present, having no capital to operate with, and the only eligible building and grounds, hitherto occupied by us, having been leased for a term of years, cannot be obtained for this purpose.

Very respectfully,
JOHN R. WINDER,
Chairman.

JUVENILE DEPRAVITY.

NEW YORK journals frequently dilate upon the consequences of polygamy, taking it for granted that they must be evil and be manifested in the degradation of the offspring, and any lapse from the strict path of right in a boy or girl is at once set down as "the fruits of polygamy." It is demanded that Utah must come into harmony with "the civilization of the age," and the ultimatum is laid down that until she does there can be no probability of her entering the Union as a State. Well, just ponder on this extract from the Boston Herald, in relation to affairs in "Christian" Gotham:

"There is a temperance lecture, a score of them, indeed, in the presentment of the grand jury made to the New York court of general sessions, Thursday. They find that there are about nine thousand licensed liquor dealers in the city, and from two thousand to three thousand and unlicensed places that are no worse than the licensed ones. About three-fourths of the cases before the grand inquest were charges against juveniles from twelve to eighteen years old, and in a majority of cases the trouble was caused by rum. And this is the business which Boston liquor dealers hope to make as honorable and respected as any other."

This juvenile depravity, understand, is the product of society that is strictly monogamic, and that looks upon a community where men marry all the women with whom they cohabit, with a holy horror truly indicative of advanced "Christian" piety. What an illustrious example does Gothamite juvenility afford for "Mormon" imitation! Children from twelve to eighteen years old forming three-fourths of the number of indicted criminals. Hide your heads, ye benighted polygamists, before this startling evidence of the superiority of monogamic institutions!

Here is a clipping from the New York Star which shows that the great commercial city is not alone in forcible examples for taboored Utah to imitate:

The criminal news of a single week makes a sad showing of boyish depravity. A boy of Belleville, Ill., killed the girl who rejected his addresses on account of his dissipation. Two Arkansas boys quarrelled over a rabbit hunt, and one slew the other with an axe. A St. Louis boy stabbed the playmate who teased him for his ignorance of English. A West Virginia boy shot his rival in a girl's affections. A Virginia boy confesses the poisoning of two persons. A Texas boy shot a little

girl because she refused to put down a nail when he ordered her to. A Kansas boy is on trial for intentionally drowning a playfellow. Two Wisconsin boys maltreated a child nearly to death. Three boys pleaded guilty to highway robbery in Chicago. An Iowa boy is a forger. A Missouri boy set fire to a house. A New Mexico boy shot a baby. A Colorado horse thief is aged eight years, and none of the other criminals mentioned was over ten.

The Troy (N. Y.) Standard talks in this strain:

The times must be sadly out of joint when nearly all the criminals in this county are young men and boys. Monday afternoon in the court of oyer and terminer, 18 male-factors were arraigned and requested to plead to indictments which had been found against them. Among the number were several burglars, a rape fiend, a murderer and two highwaymen! Most of them were beardless. Why is it that so many young men go astray? We have schools and churches by the score. We have laws compelling parents to keep their children in educational institutions until they have reached a certain age, and we have hundreds of good men and women who devote their leisure moments to attempt to lead the coming voters into paths of virtue, integrity and sobriety. Why is it, then, that so many of them develop into criminals?

If such a state of affairs existed in Utah, the answer would be at once, "it is the result of polygamy; what else could be expected?" But this is in civilized New York, a State of the Union too pure and "Christian" to associate politically with a community in which some of the men have more wives than one and where the young people, with few exceptions, obey the laws and are trained in the faith of their fathers. Here is an extract from a lecture by Anthony Comstock, reported in the New York Tribune:

"Last year I gathered the accounts of boy and girl criminals under 20 years of age. Thirty-three between the ages of 8 and 23 were guilty of larceny; 25 between 7 and 21 of burglary; 7 between the ages of 9 and 21 were guilty of murder; 11, the oldest 16, committed highway robbery; 29 under 20 were arrested for gambling, and 2 boys and girls committed suicide. It is a fine employment for our stalwart policemen to catch a cub in one hand and a schoolboy in the other. The figures for the present month more than bear out what I say. There have been 34 arrests, the eldest only 21, for larceny, 5 murders by boys between 9 and 14, one girl shot her father, and four suicides under 18. And these are not all poor boys, but often from some of the best families, like the son of a wealthy judge, who ran away, stabbed an adversary, and afterwards died in prison, confessing that he used to spend his time reading books of adventure."

If we had space and the inclination we might duplicate statements of this character respecting other parts of this great country, from which the cry is often raised for special laws and mob violence against supposed evils of a social character in Utah. We are willing to compare the family fruits of plural marriage with those that grow on the monogamic tree in any part of the world, and to place "Mormon" society, with all its imperfections, side by side with nineteenth century civilization, and have no fears of the contrast.

What errors and vices exist in Utah—we do not pretend to anything like perfection here—are not the result of polygamy but of the weaknesses of frail humanity not brought into subjection by the rules of righteousness, the influences of religion and the laws of the land. We do not say that the abounding evils of the world are the outgrowth of monogamy. But we claim that if the little irregularities in Utah society are chargeable to polygamy, then the monstrous vices and corruptions of Christendom, by the same reasoning are traceable to monogamy, and our accusers ought to be willing to allow their rule to work both ways.

[From Wednesday's Daily, June 21.]

WELCOME HOME.

HON. GEORGE Q. CANNON, who is expected to reach the city this evening, has accomplished everything expected of him by the people who elected him to the office of Delegate to Congress. Having to cope with a deep laid conspiracy conducted by

persons destitute of any scruples of conscience, he proved himself fully equal to the emergency, and with great odds against him in the fight, routed the new and bought them signal discomfiture. Not one of them has gained either money or prestige in the conflict. The plan to steal the seat in Congress was defeated and not a dollar was recovered to meet the expenses. The lawyer failed to get the expected fee; the bogus Delegate made nothing but paid much for his pain and the official who issued the fraudulent certificate was sat down upon without ceremony by Congress and the press, and gained neither reward nor reputation.

Our Delegate was prevented from taking his seat by a plain violation of the established rules of the House of Representatives, and by the operations of prejudice and partyism. That he was duly elected that he is a citizen of the United States, that he possesses all the constitutional qualifications of a member of Congress, had to be acknowledged alike by friend and foe, and he was further pronounced, in the qualities of a gentleman, the peer of any man in the House. Yet he was excluded to satisfy the clamors of religious mobs and to make party capital, although he was accorded full pay and mileage up to the time of the vote upon his case in the House. His own frank acknowledgment of his marital relations—which, however, contained no proof that he had violated any law of God or man—was the chief point used against him in the illogical, unfair and unprecedented action taken to deprive him of his rights as a Delegate from Utah.

That the people of this Territory are now unrepresented in Congress is no fault of his. That they are not misrepresented by a fraudulent Delegate, unelected and an enemy to their dearest interests; is largely due to Hon. George Q. Cannon, his indefatigable exertions, his parliamentary knowledge, and his personal influence as a gentleman of known integrity and ability.

The thanks of his constituents are due for the gallant manner in which he has fought their battles at the seat of government, and there is no public servant in this great Republic who has gained as much as he the affection, esteem and thorough confidence of the people who supported him by their suffrages. He is welcome home.

THE TREAT FOR THE OLD FOLKS.

PREPARATIONS FOR A FINE TIME.

A delightful programme is being prepared by the committee for the Old Folks. The grand concert will open at 10 o'clock a.m. in the Tabernacle, next Wednesday. We are enabled to give a forecast of the proceedings.

The American Fork brass band will play a selection, and the Tabernacle choir sing "Coronation," when prayer will be offered by Apostle W. Woodruff.

The scenes of by-gone times will be brought to the minds of the veterans by the performance of "Auld Lang Syne," by Croxall's silver band. An address of welcome will be delivered by Mayor Jennings; Music by the Ogden brass band; address by President John Taylor; song, "The Lord God Omnipotent Reigneth," dedicated to President Taylor, Miss Laura Newker, Mrs. E. S. Grow and Mrs. W. H. Foster and Joseph Morgan; "Old Folks at Home," by Croxall's silver band; address by Bishop Edward Hunter; song, Mrs. Careless. Organ solo, Prof. J. J. Daynes; address, President Angus M. Cannon; Song, "My Old Wife and I," W. C. Dunbar.

At this point the veterans will each be presented with a bouquet of flowers from the hands of the juveniles of the Primary Associations.

The Tabernacle Choir will sing, "Jerusalem, My Glorious Home," which will be followed by an air by the Ogden brass band.

On the afternoon of the same day (Wednesday) at 3 o'clock, the Old Folks will attend a free performance of "Queen's Evidence," at the Theatre, by the Home Dramatic Club, who generously tender their services gratuitously for the occasion. President Taylor also gives the free use of the house.

On the following day (Thursday) there will be a gala time at Liberty Park. The party will assemble at 10 a.m., when there will be music and other exercises, including general instructions from the commit-

tee. At noon the guests who have passed the threshold of seventy will sit down to a sumptuous banquet provided by the ladies of Salt Lake City.

The terminal portion of the day's proceedings will consist of a variety of exercises by the "old folks," including foot races and other competitive games, the successful in which will be awarded suitable prizes.

Altogether the affair promises, besides its novelty, to be one of the finest treats ever given to the old folks of any community.

UTAH'S MEMORIAL IN THE SENATE.

THE Delegates from this Territory to present to Congress the State Constitution and Memorial asking for Utah's admission into the Union, have lost no time in getting down to their work. On Thursday the documents were introduced in the Senate and referred to the Committee on Territories. Unless some unusual action is taken, it is improbable that any report will be reached during the present session. The press of business is great and the time before adjournment short and most likely nothing further will be done in either House, than that which is urgent and necessary, until the re-assembling of Congress in December. However, we may rest assured that if anything more can be accomplished in the desired direction it will be done. The Delegates now in Washington are prompt and able and have the spirit of their calling and appointment. They have the confidence of the people who selected them to represent Utah's rights and claims, and are fully competent for the onerous duties imposed upon them.

LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, JUNE 23

Third Company.—The third company for the season of the Latter-day Saints' emigration from Europe left Liverpool on Wednesday, June 21st, on the S. S. Nevada.

Crushed.—On Wednesday evening, a man named Woodruff, about 55 years old was seriously injured at the Central Pacific stock yard, at Ogden. He was caught between a post and a car. Four ribs on his right side were fractured, his breast was crushed, and his back badly bruised. If the post had been higher, it is believed that his head would have been broken and his brains beaten out. So we learn from the Ogden Herald.

Silver Motor.—Mr. J. W. Silver has paced one of his unexcelled water motors in Armsong's mill, near the mouth of City Creek Canyon, about a block north of the Eagle Gate. It is doing all the work of the mill to a charm, gives ample satisfaction, and requires the use of not more than one-fifth of the water that was needed by the old wheel. The new motor is fully 16 horse power.

The article has been photographed by Mr. C. R. Savage, and we are obliged to Mr. Silver for a portrait of his invention.

Release and Arrivals.—From the Millennial Star of June 5th:

Edward John T. R. H. is released to return with the June 21 company.

The S. S. *Abyssinia*, which arrived in this port Sunday morning, May 28th, brought the following named missionaries from Utah: Ward E. Pack, Jr., Willard F. Smith, James Melick, George Croft, John Bernhardt Hesse, J. Alma Smith, Jos. Wild, Charles C. Harris, Charles Weatherston, Wm. S. Tanner, Wm. G. Nowers, Matthew McCune, G. E. Bjarnason, Peter Valnardsen, Jones Anderson.

In addition to the above, the following visitors arrived by the same vessel: John Oswald, Jos. Howells and E. Olafson.

Appreciative.—It appears our old friend, Brother J. E. Johnson and family, have been tendered a hearty old-fashioned ovation, previous to his departure for further south, judging from the following card, over the signatures of a committee, which is before us:

"Social Farewell Party. No formality, but old-fashioned sociability. The pleasure of the company of— is requested at the Court House, St. George, on Monday, June 19th 1882, at 7:30 p.m. to meet Bro. J. E.