

EXECUTIVE OBSTRUCTION.

The first bill of the session has been vetoed by our Federal obstructionist, Eli H. Murray. It is the bill introduced by Mr. Joseph A. West, of Weber County, providing that in all cases appealed from the lower courts, except murder, bail shall be allowed as a matter of right. It is now a matter of right in cases wherein a fine only is imposed as a penalty, and in other cases is left to the discretion of the Court except in offenses punishable with death.

The necessity for the proposed change in the law is obvious. We have heard no argument against it. It is not a "Mormon" requirement, it is common in various parts of the Union, and is for the benefit of every person who is improperly placed in the clutches of the law.

Governor Murray's excuse for vetoing the measure will be found in the minutes of the legislative proceedings. Reasons he does not advance. He intimates that he has "other reasons," but does not present them. If the bill had been too broad in its provisions to suit him, he could have recommended some additions to the exception provided for. The Supreme Court sustained the present law, of course; nobody disputes its validity. But that does not argue that a change would not be more conducive to justice and the preservation of the rights of citizens.

The discretion of the courts might be quite right with some judges and in almost any other place but Utah. Here where there is a strong animus against one class of the community, a determination to strain every point of law against defendants of that class, and a disposition to impose the full penalties in every case, and to deny any protection that the law leaves within the discretion of the court, it is needful in the administration of justice that the law, instead of its instruments, should specify the rights of appellants from alleged illegal convictions and vindictive rulings and sentences.

Of what use is an appeal in a case of misdemeanor if bail is not allowed pending the appeal? A defendant may serve out his sentence before his appeal can be adjudicated. And if the conviction proves to have been illegal, what reparation can be made to the person who has been illegally imprisoned? The idea that a defendant may appeal his case and yet be punished while the legality of his conviction remains undecided, is absurd and monstrous.

Take the case of Apostle Lorenzo Snow. He has been convicted under three separate indictments for the same offense, and in each case the evidence for the prosecution proved him completely innocent of the charge. Not only was there no evidence to establish or give color to the charge, but what the prosecution adduced clearly showed that he was not guilty. The charges of the Court secured his conviction. And they were in direct conflict with the rulings of the other District Courts and of the Supreme Court of the United States. The Judge allowed bail in his case, in the exorbitant sum of \$15,000, which in many instances would have been equivalent to refusing bail altogether, being so excessive as to nullify the grant. But suppose the Court had refused bail. Then the venerable defendant would have had to go to the penitentiary to be treated as a malefactor and mingle with felons, while the inconsistent, diverse and manifestly ridiculous definitions of the lower court were being considered by the higher.

In districts where courts have no bias for or against any class or individual, the discretionary power over bail in appeal cases might be judicious. It is probable that "discretion" there would have its proper signification. Here it means a denial of justice to a section of the community, and a doubtful exercise of power in any case unfavorable to current prejudices. The action of the Executive is well understood. It is in keeping with his petty nature, narrow mind and vindictive disposition. The excuse manufactured for him is shallow and insufficient, and proves the willingness of his opposition to the people's representatives. That the motion or inertia of such an individual, foisted upon the people by an arbitrary power, can render void, without remedy, the united voice and will of an organized commonwealth through its elected representatives, is a standing reproach and a blasting shame to a government calling itself republican.

The veto of the first bill of the session is a sign of the policy which the Legislature may expect from the Executive. Yet they should perform their duty and let the responsibility for the lack of needed legislation rest where it belongs. The people's legislators should pass such measures as they consider necessary without regard to piggish obstruction, and refrain from enacting anything inimical to the general good, without care as to popinjay displeasure.

CONGRESSIONAL IGNORANCE.

"The fitness of some members of the present Congress for private life is shown in the fact that, among the nearly four thousand bills which have been introduced, many are identical in their provisions with bills which passed both houses of the last Congress and received the signature of the Presi-

dent. It would not be surprising to see one of these statesmen introduce a copy of the Constitution with an emergency clause."

The above from an esteemed eastern contemporary exhibits some of our National legislators in a rather unfavorable light. Would it be sacrilege to say that it shows their consummate ignorance of subjects with which they ought to be familiar. Imagine a Utah legislator introducing a bill providing for or against something that had passed into a law at the previous session. He would be held up throughout the country as a sample "Mormon" law-maker, and the general ignorance of the "Mormon" people would be considered as thoroughly demonstrated.

But if the facts above related reflect upon the intelligence of new members of Congress, what shall be said of the old fixtures in the Upper House who gravely pass bills to repeal laws that have no existence. Take Senator Edmunds for instance, the Green Mountain sage, the quintessence of constitutional wisdom, the bookbinder of legislative information, the chief authority on "Mormon" legislation. In his latest bill, which he views as one of the greatest efforts of his life "in the direction sought," he provides for the repeal of several laws which he supposes are of "Mormon" enactment, which neither he nor any one else can find upon the Utah statute books.

Before much fun is poked at the new members of the lower House who have put their foot in it for lack of knowledge, let the long-experienced fogies of the Senate get their share of badinage, if the matter is of sufficient moment to provoke censure, seeing that it only relates to Utah and the unpopular "Mormons."

THE OPPOSITION TO DAKOTA.

It appears that the opposition of Senator Vest and other Democrats to the scheme for the admission of Dakota, is not without good reason. The plan now in progress is to divide the Territory in twain and so arrange matters that Dakota will thus send four Republican Senators to Congress. The people of Dakota are not united on this proposition, many of them being strongly opposed to the division of the Territory, and the officers elected and sent to Washington to work for this movement are not elected by the people of Dakota; they do not represent the Territory, but are simply the officers of a faction, not a majority of the citizens.

It is claimed that the Democratic members of the United States Senate do not oppose the admission of Dakota as a whole, but are against the party scheme to bring in four Republican Senators from Dakota, and also the principle of recognizing as representatives of a Territory seeking admission into the Union men who only speak for a section, a fragment, which has no political existence.

This puts the matter in a different light. If Dakota wants statehood, the demand for admission should come from its people by the proper methods, and when the whole Territory, or a majority of its citizens, present an adopted constitution, the new State should be admitted whether it favors the views of one political party, or the other, or neither. It is time that the name of Territory should be abolished and that this Government should be truly the United States of America.

A CAPITAL CRIME.

The shocking outrage perpetrated at Provo, particulars of which will be found elsewhere in this paper, is one that arouses the most intense indignation in every home and heart. It is such occurrences that seem to justify the most extreme retribution. Ruffians who will drug and violate virtuous girls are not fit to live. Their crime ranks with wilful murder. The penalty of the law should be similar.

Society condones the offense when a brother or parent avenges the honor of an outraged virgin, and endorses the slaying of the seducer. This shows that the law is lame on this matter. Private vengeance is wrong. Revenge should not be encouraged. The individual ought not to inflict that penalty which it is the province of the law to pronounce. Society makes laws and provides for their execution. Penalties should be adequate to crimes and their enforcement made certain. Then no man would be justified in retaliation and no life would be forfeit except to the law.

The persons charged with the foul crime said to have been committed at Provo should have a fair trial, and their side of the story should be heard if they have any defense to make. Public feeling becomes so intense when an outrage of this character is reported, that the disposition is to resume a hearing and resort to summary proceedings. Justice, fairness and the public interest demand restraint, and the law should be allowed to take its course. If the accused are guilty they should receive the full punishment that the law allows. It is imprisonment in the

penitentiary for for not less than five years. The doors of liberty should be closed against them for life. We shall see whether there is any punishment for the class to which they belong. The offense of which they are accused is unexpressly heinous, and the sympathies of the public will go out, with ours, to the victims of the heinous outrage and their immediate friends.

GLADSTONE AND THE IRISH QUESTION.

The Tory Government of England has been short-lived but it has administered public affairs with vigor and credit. Its foreign policy has been worthy of the party's prestige, and during its brief career Great Britain regained much of the respect abroad which it had begun to lose while the Liberals were in power. Lord Salisbury was made Premier on a side issue, and he has lost his place by a similar contingency. He went in on beer, he goes out on allotments. An amendment to the bill raising the tax on beer and spirits defeated the Liberal ministry; an amendment to the allotment reference in the Queen's address has overthrown the Conservative ministry.

The way appears to be open for another term of office for Mr. Gladstone, England's greatest living statesman. The overshadowing question which confronts him at the threshold of his entrance to the Premiership is "What shall be done with Ireland?" He cannot evade it, and it is very doubtful if it can be met and successfully disposed of. His own party are seriously divided on the question, and he cannot hope for any support from dissatisfied Tories. The help of the Paracelites becomes essential, and that it is not likely to be had on any measure that will be endorsed by a considerable number of Liberals who are opposed to Home Rule.

"The Grand Old Man" has a most difficult task before him. It will probably be the last if not the greatest effort of his active and useful parliamentary life. If he can devise a scheme which will relieve the Emerald Isle of the intense pressure now bearing it down, accord some modicum of political freedom to its oppressed people, loosen the grip upon the tillers of their soil, and at the same time preserve to a reasonable extent the rights of the landowners and the integrity of the Empire, and can so manipulate his forces in the House as to master sufficient strength to pass such legislation, he will crown a splendid career with a fitting diadem and may then repose from his prolonged, triumphant and patriotic labors.

It will take but a short time to test the force of his Irish policy and the following which he can command in its support. And there will be either the birth of a plan for the gradual emancipation of the "gem of the sea" or the death of the Gladstone administration. The rejection of his policy in Parliament would necessitate an appeal to the country, and another election would ensure the success of the Gladstone measure or the utter defeat of the Gladstone ministry.

The great statesman is old but not feeble. His cultured mind is full of vigor, and the experience of a lifetime has fitted him for the position which he is about to resume, better than any other man in his country. His home measures and policy are wise and liberal, and it is only in foreign affairs that he has seemed to fall behind the demands of the times and the British people. And this is more on account of a wish to avoid war and a due regard for international rights than from any real weakness or lack of determination. If it were not for that natural selfishness which actuates the English proprietor of Irish soil, and the fear that if the fiery Celts are given an inch of home rule, they will grasp for an ell of national independence, justice might be meted out to a brave and suffering race, and the coming Premier might be known in history as the liberator of Ireland. But as the matter stands, it is very doubtful whether the Irish question will be settled without the throes of a revolution. British politics for the next few weeks will be watched with much more than usual interest, and the centre of the world's attention will be the stately old commover, W. E. Gladstone.

THE LATE VICE-PRESIDENT WILLIAM JENNINGS.

T. G. Webber and J. R. Winder, a committee appointed by the directors of Zion's Co-operative Mercantile Institution at their meeting on the 16th inst., to draft resolutions of respect to the late Hon. William Jennings, Vice-President of the Institution, have made their report, which has been accepted and adopted, as follows:

Preamble and Resolutions of respect to the late Honorable William Jennings, Vice-President of Z. C. M. I.

WHEREAS: On Friday, the 15th day of January, 1886, it pleased the Almighty Creator and Father of all to remove from our midst, by the hand of death, Hon. William Jennings, Vice-President of this Institution; and

Whereas, He was closely connected with this Institution from its inception, having been appointed a director in the winter of 1863, holding that posi-

tion continuously till November, 1873, when he was elected Vice-President, an office he retained until his demise; he also held the office of Superintendent from 1881 till 1883; and,

Whereas, In all these important positions he has manifested a deep interest in the welfare of Zion's Co-operative Mercantile Institution, which is largely indebted for success and prosperity to his capable efforts, his judgment in all commercial matters being necessarily—owing to his unusual experience and ability—of great value; and

Whereas, While bowing submissively to the decree of an All-wise Providence, we have a keen sense of the loss that Zion's Co-operative mercantile Institution has sustained by the death of so energetic and able a supporter as Hon. William Jennings. It was not alone in a business capacity that we prized him, but also in the closer bond of personal friendship, as he was endeared to us by his many noble traits of character, general kindness of heart and lavish hospitality being among the amiable qualities of his nature; nor are we alone in placing a high estimate upon the value of our late departed friend and brother, the community having lost the presence in their midst of one who has acquitted himself honorably and efficiently in the public service, as a member of the Territorial Legislature, as Mayor of Salt Lake City and in many other prominent positions; therefore be it

Resolved, As the sense of the officers and directors of Zion's Co-operative Mercantile Institution, that in the death of Hon. Wm. Jennings we have not only been deprived of the services of an honorable, energetic and capable business man, but association with a loved and esteemed brother, and properly considering ourselves as among his intimate, personal friends, and viewing his many excellent qualities of head and heart with admiration, we not only hold his memory in the highest degree of respect, but accord to him a foremost place in our affections; also

Resolved, That our heartfelt sympathy be tendered to the bereaved family who, in the departure from this life of a loving husband and affectionate father, have suffered an irreparable loss; also

Resolved, That the above preamble and resolutions be spread upon the minutes of this board meeting in full, and that a copy thereof be engrossed and presented to the family of our late esteemed associate and friend

LOCAL NEWS.

FROM WEDNESDAY'S DAILY, JAN. 27

Run Over.—Yesterday Mr. F. Sorensen, roadmaster of the Sappete Valley Railway, while going up Salt Creek Cañon, hitched his hand car behind the train. When he went to uncouple his car he fell forward on the track and was run over by the trolley, receiving severe injuries. He was taken to his home in Nephi, where medical assistance was rendered.

A Successful Institution.—One of the most successful co-operative institutions of the Territory is the store in Paradise, Cache County, which is conducted by Sister Emma Shaw. The store is entirely free from debt, purchases its goods with ready money, and has its bins filled to overflowing with grain, thus doing for the people what they have been for years past counseled to do—to store up breadstuff against a time of scarcity. This flourishing institution was founded by our citizen Brother David James while presiding over the little settlement as its Bishop. We are promised a history of it for publication at an early date.

A Filthy Wretch.—About 4 o'clock yesterday afternoon, a lady living near the Sixth Ward bridge over the Jordan River was passing along Seventh South Street, near Sixth West. In the street there, is a copse of willows, in the old bed of the creek, and the nearest house is fifty or sixty rods distant. As the lady was passing through the willows, a man of medium height and light complexion, well dressed in a suit of light clothes, stepped out and seized her by the arm. He began using the most filthy language, and made an indecent assault upon her. The lady struggled and screamed, and succeeded in freeing herself, when she soon regained the open roadway, where the villain did not dare to follow her. She hastened to a house near by and related what had occurred, but the vile wretch had got beyond the reach of those who were searching for him, and made his escape. This, we are informed, is the second time a lady has been intercepted at this place. If he finds like the one described were caught and summarily dealt with, their punishment would be well merited.

High School in Springville.—From a resident of Springville who is now on a visit to the city, we learn that a graded school has recently been started in that flourishing and enterprising settlement, with Bishop C. D. Evans, of Salem, as principal. It is established in the fine new hall which was recently built by the Seventies and Elders of that place, at a cost of about \$2,500, and is supported entirely by tuition fees. The object aimed at in the project is to afford facilities for those who are over the legal school age to receive practical training not only in the higher branches of common school education, but in

theological studies as well, and it is quite gratifying to learn that so many young men and women of Springville are on hand to avail themselves of the advantages offered. The school has an attendance already of upwards of sixty pupils, and under the able management of its principal bids fair to accomplish much good.

Another notable improvement lately made in Springville is the erection of a large and well appointed hotel by Brother George Harrison, who is likely to prove a success as "mine host."

The Hampton Case.—The case of the People vs. B. Y. Hampton, on appeal from the Third District Court, was taken up in the Territorial Supreme Court this morning. One and a half hours was allowed each side in which to present the arguments. For the defendant Hampton, Hoge & Burmester and Sneeks & Rawlins appeared, and District Attorney Dickson represented the prosecution.

The grounds on which the appeal is taken are, that, at the time of selecting and summoning the jury, the Marshal was biased and prejudiced against the defendant, and had formed and expressed an unqualified opinion that the defendant was guilty of the offense charged; he intentionally omitted to summon any person as a juror who was a member of the "Mormon" Church, for the reason that the defendant was known to him to be a member of said Church. That the indictment is insufficient in that the facts stated do not constitute the offense sought to be charged, or any offense against the defendant. And that the court erred in overruling the defendant's objections to certain testimony at the trial, and in the charge to the jury.

Prohibition Movement.—The sentiments of the Latter-day Saints generally of both sexes on the subject of prohibiting the sale of intoxicating liquors, is well understood, for it has been made known in the form of protests and petitions in numerous instances, but here comes a movement started from a non-"Mormon" source on the subject, which we doubt not will meet with general support from the public and will probably be acted upon favorably by the Legislature. Following is the

PETITION:

To the Legislative Assembly of the Territory of Utah:

Your petitioners, the wives, mothers and daughters of the citizens of Utah, deeply sensible of the wide-spread evils caused by the sale and use of intoxicating drinks, ask you to pass a law prohibiting the sale of spirituous or malt liquors within one mile of any school house or place of worship in this Territory; and your petitioners will ever pray.

Will every woman in sympathy with the above petition cut it out, get as many signatures as she can, and forward it to the Legislative Assembly at once?

A WIFE AND MOTHER.

Kanab.—From Hon. John Rider, of Kanab, who represents Kane County in the House branch of the Legislative Assembly, we learn some interesting particulars concerning the region of his home. He is one of the heaviest losers by the disastrous floods that have visited Kanab during the past few years, his farm and grist mill being above the town where the water was cut off from them entirely by the earlier washing away of the canal. His mill was left high and dry and unable to run for two years, until last fall, when it was operated for a short time and again stopped through a break in the canal. It will not again be started till spring.

Notwithstanding the heavy losses the people of Kanab have met with as the result of the freshets, they are not yet discouraged, and, strange as it may appear in the face of the fact that the last heavy freshet, which occurred there last summer washed out their canal, and cut off the water from their fields, they raised more grain than during any previous year, the amount harvested being between 5,000 and 6,000 bushels.

Last summer's freshet washed the bed of the creek out twenty-five feet deeper than it formerly was, so that it is now about seventy-five feet deep, and in many places an eighth of a mile in width.

The point at which the canal for the settlement branches off from the creek is too high up to be affected by the washout, being four miles above Kanab, and its dam being located upon a ledge of rock, which is the upper extent of the washout. The canal itself, however, has been maintained with difficulty, being located upon a side hill, and for one and a quarter miles has been paved with rock.

The deepening of the bed of the creek has greatly increased the volume of the stream, and the extra water is to be utilized in establishing a new settlement, about nine miles south of Kanab, to be called Stewardton. This will be in Arizona, as Utah extends only about three and a half miles south of Kanab. The site is a good one, and the soil excellent, being a sandy loam. There is an abundance of land, but it is thought that the present supply of water will not warrant more than twenty-five families settling there. The land is fast being taken up by residents of Kanab, Orderville and other places in that region, and crops sufficient to fully utilize the water will be planted in the spring.