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CHARLES W. PENROSE, EDITOR.

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A BOGUS "JUSTICE."

UNDER the decisions of the Third District Court, one of which is appealed from the Supreme Court of the Territory, and under a decision of the latter court which settles the general principle involved, six of the present alleged City Councilors are occupying places to which they were not elected. The people of each municipal ward or precinct are entitled by law to elect the municipal officers for that ward or precinct. These Councilmen claim their places under the vote of the entire city and the provisions of a law that was obsolete when they were elected. That is a specimen of "Liberal" law and "Liberal" politics. Also an exhibition of the respect which "Liberals" pay for the rulings of courts.

Of course there is nothing new in all this. But there is something connected with it that seems to have escaped general notice. The same law which provides that Councilmen shall be elected by the voters in each ward in cities of the first class, also provides that each ward shall elect its own Justice of the Peace. As two wards have been so far cheated out of their legal representation in the City Council, so they have been hitherto swindled out of their legally elected Justices of the Peace.

There is something more. The Justice selected to sit as Police Magistrate, and who seems to have done very well in many respects, is now absent. His place is filled by a person who has no lawful right to act in it. Mr. Kesler comes from the Third Precinct to act in the Fifth. He was not elected by the voters of that precinct. Therefore he has no legal right to the office of Justice in any precinct.

We do not say his official acts are void. He appears as the *de facto* officer. But it was bad taste, to say the least, to push forward into this important position a person who, while possessing no special qualifications for that office, has no legal right to it if the judicial decisions mentioned above are of any value. But this is another indication of "Liberal" respect for public decency and the rulings of the judiciary.

UNDER FALSE PRETENCES.

IT is customary for bookmakers, newspaper correspondents, preachers and lecturers who can manage to make the tour of the continent, to call on their way at this city, spend from twenty-four hours to a week or so in resting, looking around and asking questions, and then embodying in their publications, as information gained on the spot, the stuff with which they are crammed by persons who take delight in victimizing travelers.

Communications of this kind to the press are so common, that it would be impossible, even it were profitable, to notice a tenth of them. Once in a while we pay a little attention to something of the kind that calls for comment.

A lady who signs herself Mary Grant Major has been writing up her experiences in Utah, and these have been published with illustrations. Among them is an account of the "home for polygamous wives" in this city, which contains a great many inaccuracies, not made intentionally by the writer, perhaps, but resulting from her credulity and the deception practiced by persons who appeared to her to be reliable.

We do not intend to take up the article seriatim, and once more refute the old false statements it echoes, but will merely refer to one item of information afforded by the writer. She gives the name of a person from whom she obtained many of the points she has presented. It is Mrs. Dykes, daughter of Mrs. S. A. Cooke, whose anti-"Mormon" proclivities are pretty well known in Utah.

Our reason for mentioning this is that Mrs. Dykes is spoken of as having "just returned from a tour through Utah, having gone among the Mormon people to tell as many as she could reach about the Home." We are told that this person has been traveling ostensibly as a business woman to introduce some dressmaking or other improvements, and has been well treated by the Latter-day Saints. That is all right, if she has not been acting with duplicity. If her real purpose was to advocate the beauties of the "Industrial Home," an institution founded and fostered to falsehood and malignity, then this business cloak was simply a cover to the real purpose she had in view. And the misinformation imparted to the writer of the article, indicates the spirit and purpose of the informant to be hostile to the people who have extended to her their courtesies.

There is no objection to the employment of women to go through this Territory and drum up recruits for an institution that has been an ignominious failure from the beginning, except in deceiving Congress and obtaining public funds in large amounts. The empty rooms and mournful echoes of the big and useless building are evidences of the folly and shame of the whole concern. The article to which we refer says:

> The only females of the Industrial Christian Home, as the building is called, are an aged grandfather, who sits placidly at one window all day, a young woman, who teaches three children with her, a Danish woman, who is soon to return to her own country, and three little children whose mother was driven insane by polygamy. These, with the matron, her son, and the Chinese cook, Ah Wing, form the little household."

So that there is really need for agents to go forth and persuade people to come in and keep up some show of life in the affair, that Uncle Sam may be periodically bled still further for its support. But they ought not to do this under false pretenses. Let the soliciting be performed in a mannerly and shameless way. No "footlicking" and "blistering" to make believe that they are "Mormons" mingling among "Mormons" for purely business purposes. And no pretensions of friendship and fraternity one day and defamation and hostility the next.

These newspaper contributors, as a rule, collect just such scraps as will probably suit the public taste. Therefore they look for them in the places where they are likely to be found. If they wanted facts they would go where the truth could be obtained. But truth is usually too simple and common place for their purpose. Therefore they accept the idle yarns of the weaver of fictions, and the highly colored utterances of the soured malignant and angered slander, and spread them before the public still further embellished if not improved.

If other communications from Mary Grant Major prove no more reliable than this, her contributions to journalistic history will be of little value, and will not have even the merit of originality. It is astonishing that the papers as well as the public are not tired of this sort of second hand jabberism.

DEVELOPMENTS OF THE JOHNSON INQUEST.

THE investigation into the mysterious death of Richard M. Johnson, who was found dead in the city jail last Sunday morning, has developed a disgusting state of facts. The deceased was arrested on Friday night, on a charge of drunkenness. On Saturday morning he was by the police justice adjudged guilty and a fine of five dollars was imposed. He requested Mr. O'Reilly, the desk officer in the City Marshal's office, to notify his brother, Edwin Johnson, that the latter might appear and pay the fine and he be liberated. Mr. O'Reilly states that he spent some time in an attempt to find Edwin Johnson, and failed.

The next morning Richard M. Johnson was found dead on the floor of his cell. The Marshal was informed of the fact and looked at the body. The Coroner was notified and also gazed on the corpse, but decided that an inquest was not necessary. Dr. Measham was sent for and viewed the remains and gave it as his opinion that death had ensued from acute alcoholism. The body was consigned to undertakers Evans and Ross, and by them conveyed to the city cemetery, where it was buried on Monday morning. The first intimation that Edwin Johnson had of the death of his brother was through the columns of the Monday issue of a morning paper, which announced the fact.

The feelings of this relative of the deceased may be pronounced by those who care, in imagination, to put themselves in his place. At his instance the body was exhumed and an inquiry, which ought to have been made before burial, instituted. At this investigation it was developed that the body had been consigned to the grave in a nude state with the exception of a shirt and a pair of socks, and in a filthy condition; also that there were two cuts or incisions of considerable length in the region of the abdomen.

In a nutshell, here are some of the disgraceful and disgusting features of this affair. The Coroner failed in his duty in not holding an inquest. If anyone needs any more evidence to convince him of this then the facts of the exhumation after burial and the subsequent investigation, he must be hard to satisfy. The genius, and we think the letter of the law, also sustains this view.

The deceased, who was a native born American, had resided in this Territory thirty-five years and had two brothers living in this city. It does not appear that any effort was made to find those relatives and inform them of the death of their brother. In connection with this neglect of a plain duty it should be remembered that it was known at the city hall that the deceased had a brother in town, and Officer O'Reilly tried to find him on the day before the death occurred. The latter has stated also that he informed several of the officials concerned of the fact. Such neglect has not only the aspect of ordinary carelessness, but of downright inhumanity.

The rude and comparatively filthy condition in which the body was interred, reflects no credit upon those to whom it was consigned for burial.

Now comes another striking feature of the case. Marshal Young, Coroner Harris, Dr. Measham and the undertaker saw the body, as a matter of course. All of them testify that they did not see the cuts in the abdomen, and some of them positively swore that the incisions were not there when they examined the remains. As a matter of course if the cuts were made while deceased was alive it would prove positively that the coroner and city physician were guilty of criminal neglect. It was their plain and direct duty to examine it. If the cuts existed and they failed to observe them they made no examination whatever. The cuts certainly were made this side of the cemetery, because there was no opening of the coffin after it left the undertakers. Hence if they were inflicted after death it was done in the city jail or in the office of the undertakers, those being the only places where the body was retained, except when being conveyed from the former to the latter point, and from the office of the undertakers to the cemetery.

With regard to those cuts discovered subsequent to the examination of the body, however, there is no relief for the officials connected with the affair, whether they were made before or after death. If before dissection an examination of the body would have disclosed them; if after death, they were made without authorization, and the person inflicting them would be guilty of mutilation of a corpse. Our theory is they were made before death, but not by any of the officers. Notwithstanding this opinion, we also hold, viewing the occurrence as a whole, that the officers immediately concerned are responsible for a glaring neglect of duty and for an offense against the better instincts of humanity.

THE BLACK DEATH.

THE appalling intelligence reaches us from Europe that "Black Death" has appeared once more in eastern Russia. In the 14th century this terrible scourge desolated the world. It was given the name of black because of the spots of that color which appeared on the skin in one of the stages of the disease. These spots indicated that decomposition had already set in even before death.

In Europe the period of the most terrible ravages made by this pestilence was between 1348 and 1351. London alone lost over 100,000 persons. Fifteen of the other European cities lost in the aggregate 500,000 souls. Germany lost nearly 1,000,000, while Italy lost one half of its entire population. It is estimated that in Europe alone 25,000,000 human beings were carried off by this fearful malady.

In the Oriental countries it is calculated that upwards of 40,000,000 people were swept away by black death.

The symptoms of the disease were boils on the thighs, arms and face; in many cases black spots all over the body. In some other cases affection of the head, stupor, and palsy of the tongue, which became black; burning and insatiable thirst; putrid inflammation of the lungs, attended by pains in the chest, expectoration of blood and a fetid breath. After two or three days the victim perished. Many when affected with spots and boils did not wait for death, but killed themselves.

The history of this malady is involved in obscurity. However, it is generally accepted that China was its birth-place, but the date of its first appearance there is unknown. In 1333 A. D. China was wrecked from centre to circumference by earthquakes, drought, famines, floods and other calamities, and then followed this terrible scourge.

About this time Europe also experienced climatic phenomena. The order of the seasons seemed inverted. In 1342 a mild form of the disease appeared but created no alarm. In 1346 it broke out in its most virulent form. The course of the plague was tracked directly from China by means of the caravan routes. It appeared first on the northern coast of the Black Sea, next in Constantinople, then in Italy, whence it spread to Germany, France and Scandinavia, and finally to the British Islands.

One writer says:

> The mortality caused by the plague was, however, only one of the evils to which it gave rise. Its moral effects on the survivors and the frame of society were less momentous. Many died of fear, which among the living dissolved the ties of kindred; mothers forsook their plague-stricken children; the worldly become quickened to a maddening sense of sin; the religious fixed their eyes more steadily on eternity; all rushed to sacrifice their means to the Church, while the priests drew back from the gold accumulated over their walls as being tainted with death. Superstition finally banded multitudes together by common means to work out the common safety. In Hungary, and afterwards in Germany, rose the brotherhood of Flagellants, who undertook to expiate the sins of the people, and avert the pestilence by self-imposed offerings. Originally of the lower classes, they gathered to their order as it swelled onwards all the high-born, both men and women, and marched five in city as jail, robed in sombre garments, with red crosses on the breast, back, and cap, and their heads covered so far as the eyes; they went chanting in solemn processions with banners, with down-turned faces, and bearing triple scourges with points of iron, with which, at stated times, they lacerated their bodies.

In place of helping to avert the plague these peculiar fanatics only helped to spread it. They created panic and confusion wherever they went. In addition to this a rumor was started that the Jews poisoned the wells, and this gaining hold of the popular mind, the most terrible feature of the scourge was inaugurated. The people rose up to exterminate the Hebrew race. 12,000 Jews in Strasburg alone were murdered. All through Europe, wherever a Jew was found, murder immediate and horrible was his doom.

There were dreadful days. A repetition of them in our time would be awful. And great that such may not be the case.

Dr. John Cowan, general superintendent of the Western Union Telegraph Company, is in the city.

A MYSTERIOUS MURDER CLEARED UP.

A MYSTERIOUS murder in San Francisco has lately been traced to its perpetrator. The victim was Samuel M. Jacobson, a young merchant, who was shot and killed on the 15th of last August, in front of his residence. The assassination was for a long time enveloped in mystery. At last, only a few days ago, detectives succeeded in discovering the assassin.

It appears that two persons were concerned in the murder, Sidney Bell and Edward W. Campbell, both employes of the Singer Sewing Machine Company in San Francisco. At the solicitation of the first named, Campbell joined him in the furtive business, as a side scope of money making. Young Jacobson stepped from a street car near his home, when Bell pointed a pistol at him and told him to throw up his hands, at the same time calling to Campbell to do the searching part of the transaction. The latter was frightened, refused to assist and stood off some distance. Mr. Jacobson resisted and seized Bell. A struggle ensued, in which the unfortunate merchant was shot immediately below the heart, death resulting.

Bell and Campbell are both in jail and the latter has made a full and detailed confession.

INTERESTING JEWISH STATISTICS.

THE Eleventh Census returns reveal some curious facts in relation to the Jews, when it is understood that the Jewish nation is politically extinct and in the Christian sense of the word Judaism is not a religion.

No common authority binds Jews in the religious sense. There is no court in existence before which a Jew can be tried for heresy. A council or synod has no power to decree what is Jewish belief or unbelief. Any ten adult Israelites can form a congregation and appoint their own rabbi. It is not infrequent to find congregations without a rabbi. Nor have the Jews any authorized creed, except that written by Maimonides during the middle ages, if it may be so considered. But this forms no part of the Jewish liturgy.

Here then we are face to face with a people unidentifying an individuality in race and religion yet without a country or a creed. This is one of the strange paradoxes of our time.

The census returns show that certain data were collected relating to 10,618 Jewish families, comprising 60,030 persons resident in the United States on December 31, 1890. There are altogether in this country about 500,000 Jews. But a special form of schedule was prepared and sent to heads of Jewish families whose names were furnished by rabbis and other leading men. Complete returns relating to vital statistics have been received in this way from 10,618 families.

The social condition of this number is shown by the fact that 8,622 families kept one or more servants, while 3,996 kept no servant at all.

The latter class averaged 3.25 per family, while the richer class averaged 5.38. The annual average marriage rate per thousand of the poor class was 7.94, that of the rich 7.25. The average number of births per thousand of women between 15 and 50 of the poor class was 99.92, and of the rich 78.32. The average annual number of deaths of the poor was per thousand 7.29, of the well-to-do 5.26.

Of the 60,030 persons which comprise these 10,618 families, 31,604 were males and 28,426 were females, making a proportion of about 100 males to 100 females. Of this 60,030 persons 19,930 were born abroad and 40,000 in the United States.

Of the total male population above fifteen years of age 18,931 had definite occupation. Among these there were 255 lawyers, 173 medical men, 389 teachers and authors, 3,041 clerks, 452 bankers and brokers, 2,147 merchants, 1,797 commercial travelers, 5,977 retail dealers, 183 cigarmakers, 387 jewellers, 534 tailors and 111 farmers and gardeners.

The profession of the law does not seem to agree with the Jew. The annual death rate among lawyers per thousand was 1.68 and among wholesale merchants 1.31; physicians come next to the lawyers, 7.14 being the death rate of the tobacco workers.

The death rate from diabetes among Jews born in the United States is 1.5 per 1000, while among Jews of German birth it is 9.2. In nervous diseases the death rate among American born Jews is 17 per 10,000 and of German born 34 per 10,000.

Dr. John S. Billings, in an article on this subject in the *North American Review*, says:

> "We cannot yet see the full bearing of many of the results obtained by the introduction of the data relating to these Jewish families, because the data collected by the Eleventh Census relating to persons of Irish, German, French, Italian or Scandinavian descent residing in the United States have not yet been compiled into corresponding tables, and are not available for comparison. It is, however, evident that these Jews have a much lower death rate and decidedly greater longevity than the rest of our people, and that their marriage and birth rates are below the average. It also seems probable that they possess a peculiar immunity from and a special liability to certain kinds of disease; that which prolonged residence in the United States their death rate is increasing, and that their natural increase is somewhat greater in the South than it is in the North. The data are not sufficient at another or to produce evidence to warrant more than the statement that it is rather more than an even chance that these last conclusions are correct, but they certainly give rise to questions which merit extended and careful investigation. The great majority of the peculiarities in these vital statistics appear to be connected with the occupation, social relations and mode of life of the people rather than with special race characteristics, and they will therefore tend to disappear so far as the Jews' mode of life becomes assimilated to that of their neighbors. In Europe the Jews have been kept apart from other races, partly by religious and other ties acting from within, and partly by compressive persecution acting from without. In this country both of these causes of segregation, and of consequent hereditary transmission of physiological peculiarities, are becoming weaker; the latter much more so than the former."

OUGHT TO BE CREMATED.

THE papers in various parts of the country which delight in the style of portraiture that has come into recent fashion, are printing pictures of the lamented Emma Abbott. They are ghoulishly miserable wood cuts of the cheapest kind, or electrotypes that ought to be battered to pieces. Each is a contradiction of the other and all of them are a libel on the dead singer's countenance. If no better or more artistic portraits of the gifted lady can be found than these, no attempt should be made to display her charms of face and form. And her friends would do her good service when the body is consumed, by strolling the fire which is to turn her earthly remains to ashes, with the sickly, common and repulsive looking caricatures that are being printed as her living likenesses.

SUPREME COURT.

A Question of Assignment.—Appeal From the First District Court at Ogden.

The Judges on the bench in the Supreme Court today were Chief Justice Zane, and Associate Justices Anderson, Blackburn, and Miner.

ASSIGNMENTS OF ERROR.

United States Marshal E. H. Parsons appellant, vs. G. E. Specht and David Ray, assignees of V. H. Harding, respondents.

The only question presented by the record arose upon the assignments of error. Counsel for the appellant contended that the Court below erred in admitting in evidence the deed of assignment from Harding to Specht and Ray, and also in charging the jury, as a matter of law, that the same was valid and vested the title of the property therein described in the assignees. It was held that the Court erred in the foregoing particulars for the reason that the deed of assignment was void within the meaning of the Territorial statute, which declares that every conveyance or assignment in writing, or other o'bse, of any estate or interest in lands or in goods, made with the intent to delay, hinder, or defraud creditors of their lawful suits, etc., shall be void. Hence, under the authorities, if this instrument conferred upon the assignees the power, either expressed or implied, to sell the assigned property upon credit, it would be void to its validity. A power to sell on credit would "hinder and delay" the application of the debtor's property to the liquidation of his debts, and if such a power could be fairly inferred or implied from the language of the instrument such instrument itself is void.

The case having been argued was submitted to the Court.

AN ODDS CASE.

The case of the Southern Pacific Co., appellants, vs. Maida Pool, respondent, next occupied the Court's attention.

The original complaint was filed on May 26th, 1889, plaintiff being the widow of Joseph S. Pool, who in September, 1888, was employed as a painter in the shops of the defendant company, at Ogden. While following his occupation in the yard there, on the 12th of that month, it is alleged that, through negligence and carelessness, an engine and cars were run with considerable violence against the car on which Pool was working, causing him such injuries as resulted in his death shortly afterwards.

In their answer the defendants denied the allegation of carelessness or negligence, but, on the other hand, urged that the injuries plaintiff's husband received were due to his own carelessness and disregard of the company's rules.

The action was tried in Judge Henderson's court on April 8th, 1890, and ended in a verdict for plaintiff for $10,000, for which amount judgment was entered. The case now comes to the Territorial Supreme Court on appeal from such judgment, and from the order overruling the defendant's motion for a new trial.

Marshal and Hyde are attorneys for the appellant and Messrs. Kimball and White and E. M. Allison for the respondents.

The case was under argument when the NEWS went about.

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