

THE GIST OF THE WHOLE MATTER.

We clip the following, as evidence that all the sophistry and clap-trap, by which the friends of Eli H. Murray and the supporters of Allen G. Campbell have been endeavoring to surround the only real question in the certificate fraud, does not hide it from the sight of people with their eyes open. This paragraph is from the columns of the New York *Tribune*, a stalwart republican organ, and one of the very foremost journals in the country:

"The Women's National Anti-polygamy Society, who have been justifying Governor Murray's action in issuing a certificate of election to Campbell, are not to be blamed perhaps for knowing as little of the law as he seems to know or to be willing to observe. But it is a pity that the opponents of polygamy should give their adversaries any advantage by taking a clearly untenable position which must be abandoned. The unbroken tenor of precedents in this country is that the ineligibility of the candidate having the larger number of votes does not elect the person having the smaller number. The House will be compelled, as a matter of course, to refuse Campbell his seat, following the decision of the Senate in the case of Mr. Abbot, of North Carolina, and the decision of the courts in many States, and the opponents of polygamy will have the mortification of a defeat which need never have been inflicted."

THE MAIN QUESTION.

On the 9th inst., in the Third District Court, Judge Sutherland, as attorney for the Acting-Governor in the mandamus case, moved for an extension of time for the defendant to show cause. The attorney was very mild and equally modest. He only wanted the time extended to the 14th of March, when the certificate would be of very little use as it is required before the adjournment of the present Congress. After some remarks from Mr. Cannon's attorney, Judge Hunter postponed the time from the 14th to the 21st of February. The Acting-Governor will either have to issue the certificate according to the order of the Court, or appear on that day and show cause.

We see by the press dispatches that Mr. Murray is still harping to reporters on the question of Mr. Cannon's citizenship, and that he is joined by the dulcet strains to the same tune of the attorney for the minority candidate, who indeed led our small-minded Governor into the terrible blunder he has committed. They both dwell upon the alleged lack of evidence of Mr. Cannon's naturalization, but they neither of them attempt to touch the main question, that is, why the Governor assumed judicial functions, and why he violated the law which commands him to give the certificate to the "person" having the greatest number of votes.

This is the point involved in the mandamus case. The law requires a certain thing to be done which has not been done. The Governor has failed to perform a duty required of him by law. And whether Mr. Cannon is a citizen or not, the Governor is not authorized to decide the question, but has assumed to do so and on a false assumption has done something contrary to law. All the dust he can raise around this simple question, will not cover it up from the gaze of the press or the public.

A BIG STRETCH.

The pleadings of lawyers and the rulings of courts are very peculiar, especially in this part of the American republic. In the cattle stealing case before the Third District Court Friday, all the "Mormon" jurors were challenged for implied bias because, it was argued, as members of the Church they would be likely to decide against the defendant, the stolen cattle being Church property. The court sustained the challenge, so the jury must be composed of persons who are not members of the Church. Now, as the ancient church saying is certainly true in relation to the modern Church, "he that is not for us is against us," and this community is divided into "Mormon" and anti-"Mormon," how can a fair jury

be empaneled at all? For if the Church members have of necessity a bias against the defendant, the opponents of the Church have equally a bias against the plaintiff.

The challenge, we suppose, is founded on the position that the Church is a corporation. This being granted, it does not follow that its members are biased towards it in any way than in regard to its doctrines and formulae—which do not enter into this case. It appears to us that the jurors would have to be personally interested as shareholders in the capital of the corporation for the usual rule to apply in their case. They have no such shares, because there is no such capital stock. This proceeding looks like stretching a technicality enough to snap it in twain.

LOCAL AND OTHER MATTERS.

FROM FRIDAY'S DAILY, FEB. 11.

The people of Lake Town, Rich County, want a good school teacher.

The David Thomas who had a hand in the Ogden ear-biting scrape a few days ago, is not David Thomas of Lynne.

The feminine propensity for discharging the mind of its contents at the first opportunity, was well illustrated the other day. A certain family of this city were at breakfast, when a neighbor's girl rushed in breathlessly and exclaimed, "I come to see if I could get some buttermilk. Mother's going to shorten the baby."

Brighton Irrigation District.—The trustees of said district give notice to all parties owning water-claims therein that all assessments must be arranged for and settled by the 15th of March, 1881, and all labor on the canals performed on or before April 1st, 1881. All claimants of water must hand in their claim by the 1st of April, 1881, to the Secretary so that a proportionate distribution of water can be made in time. Those not complying with the above requirements will forfeit their right to use water for 1881.

FREDERICK SCHOENFELD, President.

EDWARD SCHOENFELD, Sec'y.

FROM SATURDAY'S DAILY, FEB. 12.

The trial of Fred Hopt, *alias* Welcome, for the murder of John F. Turner, will take place on Wednesday next.

It looks rather bad for the defendant in a grand larceny case when his attorney has to demand a Gentile jury before he can safely proceed to trial.

Mr. Daniel Gamble would like to hear from the party who, about 15 years ago, borrowed a fine book from him, entitled "The Drama of the Earth." Mr. Gamble can be found in Ogden.

At the former trial of Henry Keyser, when the defendant was convicted of the larceny for which he is now having another investigation. Judge Van Zile, who conducted the prosecution, in an eloquent speech, declared that he had found the "keystone of the arch" of cattle and horse thievery, and intended it should be pulled out that the arch might fall. The question now is: Will the "arch" fall?

The Keyser Case.—A Gentile jury in the Keyser case has been empaneled and the trial is now proceeding. Nothing new is adduced in evidence. The witnesses are catechised principally from the evidence taken down at the former trial. The present one is nothing different from the other, excepting that it has a non-"Mormon" jury. It will probably be finished up on Monday.

A Bad Blow.—The *Sentinel* of the 9th inst. has this:

"Yesterday the children of Milford met at Malloy's hall for the purpose of having an exhibition, and recitations were the order of the day, but only for awhile, as two boys got into an altercation and one received a severe stroke over the head with a 'sling shot.' It seems that these two boys had on divers occasions quarreled and had also exchanged blows, but this time they were fighting for 'blood,' as it is termed. The boy had prepared this slugger, and when they met, dealt the other a terrible

blow, cutting his head open to the skull for at least three inches long. The boy has had his wound sewed up by Dr. Bailey, and is at present doing finely, but it was a close call for him, as the blow dealt a little higher on the head would have killed him. We withhold their names by request, but would say that it is time that such a boy as would commit this crime were in a reform school, or when he grows older the 'pen' will catch him sure."

A Big Enterprise.—The editor of the *Logan Leader*, in the last issue of that paper, describes a recent visit to the works of the Logan, Hyde Park and Smithfield canal, now in course of construction. After driving to the point where the canal emerges from the mouth of the canyon, and takes a bend to the north across the level bench land, closely skirting the foot of the mountains, the describer says:

"We followed the line of the canal as it entered the canyon, and found ourselves on a steep, rugged, jagged mountain side, some 300 feet above the bottom of the canyon, the very last place on earth, one would suppose, to think of running a canal. The mountain here takes a half mile bend, almost a semi-circle, is very steep, and seems to consist of solid limestone. All along its sides, are jagged points and precipices, and the canal is being constructed in the side of this natural wall, for such it may be termed. For a mile and a half the line of the canal is marked along the face of the mountain, from the point where the Logan River is tapped to the point where the canal emerges on to the level plain. For the greater portion of this distance, the canal will have to be constructed by blasting the rock. The work is now fully under way, and vigorous efforts are being made to complete it by the time the irrigation season shall commence. To accomplish this there is great need of promptness and energy on the part of all who have taken contracts, or who expect to pay for water rights by working on the canal."

The capital stock of the company is \$50,000; \$20,000 of which will, it is expected, be expended on that portion in the canyon. Col. Ricks is superintendent of construction, and he is anxious to see a large force of men at work from now till the canal is finished. About 75 are now at work, but twice that many are wanted."

Missionary Experience.—Elder Benjamin Isaac, whose address is P. O. Box 102 Hyde Park, Lackawanna County, Pennsylvania, writes to his brother, John P. Isaac, of this city, under date of the 1st inst. He is at present laboring conjointly with Elder John H. Williams, in Carbon County, in a district never before visited by "Mormon" missionaries, and finds it much easier to get a hearing there than in other places where the gospel has been preached for many years. Considerable excitement, he says, has been caused by their preaching. Many people are delighted with the doctrines they teach; seven persons were recently baptized and a branch of the Church organized, with fair prospects for other conversions. Brother Isaac states that a few days previous to writing, a young woman, daughter of the Rev. John E. Jones, Pastor of the Welsh Congregational Church, came to the house where he (the Elder) was staying, and tried to induce a young lady of the house to make a bowl of soup and put poison in it for him to partake of. Nothing came of it, and though several people endeavored to persuade him his life was in danger there and to leave and take up his residence with them, he remained at the house, having all confidence in the honor of its inmates. Some time previous to this, the brethren paid a visit to the Alms House and Asylum of Schuylkill Haven, and were courteously shown through the institution. One of the patients there was a man 103 years of age, who had not arisen from his bed for 21 years. Connected with the establishment was Dr. Benjamin Becker, an elder of the Church of Jesus Christ of Latter-day Saints, a man over 90 years old. He has been a "Mormon" many years, is still in full faith, and expresses his intention of ultimately moving to Utah. Quite a number of Saints have emigrated from that region during the last year, and numbers more are preparing to do likewise next summer. Persons having friends in that locality can communicate with Elder Isaac, at the address given

above, and learn matters concerning them if they choose.

FROM MONDAY'S DAILY, FEB. 14.

More snow yesterday.

The hearing in the Cannon-Thomas mandamus case comes up a week from to-day.

A good school teacher, lady or gentleman, is wanted in the Second Ward. A. M. Musser, Esq., is our informant.

Apostles F. M. Lyman and John Henry Smith will shortly start on a tour through the southern parts of the Territory. They will be gone until Conference.

Still Going On.—The Keyser case is still progressing in the District Court. Witnesses were testifying to the defendant's character, this afternoon. The trial is drawing to a close.

Seventies' Meeting.—The Seventies are hereby notified that their general meeting will be held on Wednesday, February 16th, at 7 p.m., at the Council House.

ROBERT CAMPBELL, Clerk.
In behalf of the First Council of Seventies.

Sentenced.—George McCarthy alias McCracken, the defendant in the case of attempted rape tried in the District Court last week, was to-day sentenced by Judge Emerson to two years imprisonment in the Utah Penitentiary. We were called upon this afternoon by two gentlemen giving their names as J. C. Mortimer and L. Wetzel, acquaintances of McCarthy's who give it as their opinion, which they desire published, that the verdict and sentence on McCarthy are unjust. They assert that he proved a positive *alibi*, and furthermore that he does not answer the description of the man who attempted the rape, the latter being described as having a full beard, while McCarthy never had a full beard in his life. It appears, however, that the jury thought otherwise.

Funeral Services.—The last offices of respect were paid to the remains of the late Minnie Grenig, at the residence of her parents, 13th Ward, yesterday morning at 10.30 o'clock. The house was filled to overflowing with the friends of the deceased and a large crowd was outside. The services commenced with singing, by a portion of the 14th Ward choir. Elder Samuel W. Richards offered the opening prayer. The discourse was delivered by Elder Charles W. Penrose, and Elder Henry P. Richards pronounced the benediction. A long concourse of vehicles followed the corpse to the place of interment. The deceased so we learn from her father, caught her death while doing an errand of mercy. An old lady, who was in the habit of calling and receiving little comforts from her hands, had failed to appear as usual, and Minnie, fearing she was sick, went to her house with her usual offering of charity. While out she caught a cold, which never left her, and finally caused her death.

Seventies Organizations.—The Presidents of the Ward organizations, so far as effected, are requested to prepare lists of the names and nationalities of all the Seventies in their respective Wards, who are qualified and worthy in every way, to preach the gospel to the nations, according to the "Letters of Instruction" they have received, and submit them for the endorsement of their respective Bishops. After which these lists should be forwarded at once to the president of the Stake organization of the Seventies in their respective Stakes.

The presidents of the Stake organizations of the Seventies, when organized, should complete the reports, submit them to the President of the Stake, and forward them to Robert Campbell, Box 357, Salt Lake City, not later than March 1, 1881.

If they do not receive all of the Ward reports by that time, they should forward as many as then received.

JOSEPH YOUNG, SEN.,
In behalf of the First Council of Seventies.

ROBT. CAMPBELL, Clerk.

EDITORIAL NOTES.

The Washington *Post* is authority for the statement that General Sherman has so conducted himself as to gain the ill-will of the President, General Grant, General Sheridan,

and the friends of General McDowell. It is suspected, however, that Tecumseh will survive.

The Providence (R. I.) *Star* asks the following pertinent question: If the 50,000,000 Christian people of the country can't Christianize and civilize the few thousand Chinamen who come here, how do they expect that a score or two of missionaries can Christianize and civilize 350,000,000 Chinese in their own country, where all the influences are hostile to Christianity?

An exchange says: "It will strike terror to the souls of the Mormons when they learn that an organized opposition to polygamy has broken out in an eastern city, and that city is Brooklyn." Of course. We are all in a tremble. But the sort of people who either uphold or wink at certain peculiar social practices in Brooklyn, are the very kind of folks who cry out the loudest against "Mormon" polygamy. We expect their opposition; we should be sorry to have their approval.

"And there were giants in those days." So we read about early times. The race has not yet died out. Four members of a family named White, living in Whitehall, New York, are remarkable for weight and stature. The father is six feet and one inch, and weighs 203 pounds, while David, the third son, who is just out of his minority, has the same weight, but acknowledges six feet five inches. The united weight of the father and three sons is 751 pounds, and their stature measures an aggregate of twenty-four feet seven inches. There are five younger sons from eleven to nineteen years who foreshadow proportions similar to their elders.

A case of general public interest in the light of recent railroad accidents, has been entered in the Supreme Court of the United States. A young man named Price, a government postal clerk, was badly injured in an accident on the Pennsylvania railroad, and was awarded \$4,000 damages by the court of common pleas of Allegheny county. The railroad company appealed to the Supreme Court of Pennsylvania, which reversed the decision of the lower court, and held that Price was not entitled to damages because he was a quasi employee of the railroad company. The case has now been appealed to the Supreme Court of the United States.

During the recent high waters in California there were many cases of great suffering. Among them is the following, related by the *Napa Reporter*, of a family living in the lower part of that town: They were compelled to tear the ceiling out of the house and climb upon the rafters to keep out of the water. All the food in the house that was not destroyed by water was soon consumed, and being unable to procure more, they suffered the intensest hunger. Sweet oil and like matter was consumed voraciously, and for a time helped to satisfy the cravings of hunger, but this was soon exhausted, and before the waters receded the family suffered greatly.

A cattle sale which is said to be the largest that has ever taken place in the world, was consummated the other day by the Hall Brothers, the New Mexico cattle-kings, who disposed of their ranch and stock in Colfax County, for the immense sum of \$400,000. About a year ago one of the brothers, of whom there were then three in partnership, sold out to the other two his interest, receiving, if we remember correctly, \$100,000 and 6,000 head of cattle. He then removed to Texas, where he still is. The two other brothers continued the business till the present time, and may now retire to private life with the snug little bank account of \$200,000 each.

It will be remembered that the artificial production of the diamond made last year by a Scotch chemist looked very much as though small diamonds had been fractured. None of these specimens were perfect. All of them were fragments. A step in advance has been made, however. Dr. Marsden has lately been able to effect the crystallization of carbon in the cubical form. Possessors of the most valuable of natural gems need not be alarmed as yet. Dr. Marsden says his crystals are so small that they are of no commercial value whatever. The fact that the perfect diamond can be produced, no matter how small, is a notable event, and when the paper describing the process by which the end was attained is published, it will command general attention.