## EVENING NEWS Published Dally, Sundays Excepted

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CHARLES W. PENROSE, EDITOR.

the second s June 13, 1984. Friday,

REMARKABLE PROCEEDINGS IN THE HOPT CASE.

THE case of the murderer Frederick Hopt alias Welcome, will be celebrated Supreme Court of the United States vorite expression with a certain class, the judgment of the lower courts has | nullification of the law, full and combeen sqt aside on technicalities. And plete? now a third appeal is taken and the

prisoner's life is spared a little longer. This time the delay in the execution of justice is effected through the case intelligently it will be necessary to explain the law and the situation. The Congress of the United States, in the so-called Poland law of June 23d, 1874, provided that:]

"A writ of error from the Supreme Court of the United States to the Sp-preme Court of the Territory shall lie in criminal cases, where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy." In the Act on Criminal Procedure

passed by the Utah Legislature in 1878, it is provided that:

"Sec. 360.-An appeal to the Supreme Court from a judgment of conviction stays the execution of the judgment, upon filing with the Clerk of the Court in which the conviction was had, a certificate of the Judge of such Court, or ing position, the responsibility for of a Justice of the Supreme Court, that in his opinion there is probable cause for the appeal, and not other-

When the third trial of Hopt resulted in conviction, application was made to Judge Hunter for a certificate such as is described in the Utah statute, but this was denied. A little thought, without much legal learning will show that in spite of the local law, the right of appeal is secured to a defendant in the cases named. The superior law-the law of Congress, says the appeal or writ of error, "shall lie" in cases of ed to capital punishment. The appeal from revenge or any maliclous motive. then is made by the blube a matter of right, and it cannot be lawfully denied. A person convicted of bigamy or polygamy or sentenced to death by a District Court in Utah, has the undisputable right to appeal until his case reaches the court of last resort. The justice or good reason for the provision in our statute does not appear in a very strong light. For if an appeal should be allowed from a District Court to the Supreme Court of the Territory, in any case, the power to prevent ought not to be vested in a Judge who may be prejudiced against the accused. But. however this point may be viewed, it is clear that an appeal in those cases provided for in the Poland law cannot. be denied or prevented by failure to obtain the certificate of a Judge. The case of Hopt was taken before the Supreme Court of the Territory, and a stay of proceedings demanded while an appeal was taken to the Supreme Court of the United States. But this was dealed on the ground that the not be taken at ali. A writ of error to to the Supreme Court of the United weigh upon the judicial mind. States was then sued out, and an application made to the Supreme Court of the Territory for a stay of execution while the appeal was pending. But day was, in our opinion, characterthis was denied on the ground that ized more by unreasonable sentiment the matter had passed out of the than cool and consistent argument. telegram was sent to Justice Mil-ler of the Supreme Court of the United States, and he replied that he violence; that there was no real cause had no jurisdiction in the case. The of appeal in the Hopt case; and that Acting Governor was appealed to for a the law should take its course without reprieve but in vain. The matter was any reprieve. The faliacy of all this is again brought before the attention of perceptible at a glance. For fear of mobthe Supreme Court of the Territory, violence a judicial murder is to be by several leading attorneys of this committed. If there is no real cause city, who considered that under the of appeal, then Hopt's doom is certain. circumstances, the execution of the in a short time. And how can the law prisoner would be nothing less than which provides for appeals take its judicial murder. But the Court still course if you kill the appellant? claiming they had no jurisdiction, denied | We hope there will be no more exthe application for a stay of execution citement over this affair. We are surand recommended that the Executive prised that public men should take grant a reprieve. These are most remarkable proceedings. The prisoner stands in risk of his life because of the course of the Territorial Supreme Court. Thequestion of guilt should not figure at all in this investigation. A principle is involved apart from any feeling for or against the murderer. It can be made right is left to him unexercised. We as applicable to an innocent person as to a guilty one. Supposing an innocent man has been convicted and takes an appeal, but the Court will not grant a stay of execution pending the appeal, and the man is put to death pending proceedings that might have cleared him. Would not that be judicial murder? Well, the same principle is involved in any case, and it seems absurd to a common mind that an appeal should be granted, and the appellant Is it not better that a guilty person be punished for the offence with which shall evade for a time the just penalties be punished for the offence with which he is charged before he can obtain the benefit of the appeal. The course of the Court is the more extraordinary from the fact that in two innocent persons? And does not cominstances before, in the same case, a mon sense declare that if Hopt has the stay of execution had been actually right of appeal, which no one can issued, and the prisoner [kept in cus- deny, he has the legal right to live until tody until the appeal was heard and that appeal can be adjudicated? To him, as he is not only capable in that determined. If the Court had power grant a convict an appeal and kill him line, but in every way trustworthy. He determined. If the Court had power grant a convict an appeal and kin him in the two previous instances, why not in the third? We do not think there would be a travesty on law and a in the third? We do not think there mockery of justice, which we hope no He can be heard of by communicating to the basinese, or if in the third?

from term to term, until the mandat. of the Supreme Court in the case is re-ceived and entered upon the records of such lower court. In case of affirin-ance by the Supreme Court, the court rendering the original judgment, shall appoint a day for the execution there-of, and in case of reversal, such further proceedings shall be had in the lower court as the Supreme Court may direct." change there is in the family of Brothe nav direct

Parley. When I first knew him he had This does not directly govern Courts in the Territories, but the Organic Act has the following as its closing clause: "And be it further enacted: That the Constitution and laws of the United States are hereby extended United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same, or any provision thereof, may be ap-Heber C. Kimball was the author, and he went so far as to say it should be a son, and his name "Parley." It seem-ed a most unlikely thing that this deli-cate lady could have a child, sha be-ing about 40 years old and very feeble.

But putting aside all these consider-There was considerable interes in the judicial annals of this Territory. Three times has the accused been con-victed of the wilful murder of John F. Turner, son of Sheriff Turner, upon evidence that has thoroughly convinced the public as well as the juries that tried the case that the defendant was guilty, without a shadow of a doubt. guilty, without a shadow of a doubt. Surely no one can deny this proposi-Yet so far he has been able to evade tion. How absurd, then, and wicked, remarked that he, Parley, was that the legal penalty of his crime. This and destructive of natural and legal the legal penalty of his crime. This has occurred through no flaw in the rights, to deny the only means by evidence, but in consequence of errors which the law can be made to have effect. Is not such denial, to use a fa-tin the proceedings. On appeals to the fect. Is not such denial, to use a fa-Supreme Court of the United States vorite expression with a certain class, she had gone to another sphere, when their contenances fell. "How about the promised babe?" they inquired. "Oh," said I, "that's all right, he is safe." When they heard this, their faces beamed with joy and faith sprang up in their souls.

The shifting of the responsibility upon theActing-Governor we view as a clemency of the Acting Governor; it is piece of cowardice, that is in the highdone as an act of grace instead of a est degree censurable. It was a matmatter of right. In order to judge this ter for the Court, and the Court alone, to determine. It was a judicial proceeding. It was not a case for the exercise of judicial clemency. It was a matter of right. Innocent or guilty, the prisoner Hopt had the right to all the safeguards which the law provides

in such cases and to every legal remedy. The law places the power to stay execution in cases of appeal, if at all, in judicial hands, and it, is something foreign to the duties of the Executive-But we consider that Acting-Governor Thomas did exactly right under the circumstances. If he had not interposed, the responsibility would have

been thrown upon the Marshal, who being duly notified of the appeal to the Supreme Court of the United States, would have bean placed in a very try-The question here arises, what could have been the motives governing the the family were then given, and a gen-

Court in this extraordinary course? | eral good time enjoyed. An organiza-Can it be doubted, that if there had not | tion was effected by the appointing of been an intense popular feeling in a committee consisting of Parley P. favor of the execution, the stay would Pratt, Milando Pratt, Alma Pratt, Behave been granted as in former cases? linda Musser and Larinda Wethe. Pandering to pop ular passion is exe- The committee were instructed to crable in a Court. The judicial mind take steps to have a family reunion" should be lifted far above the clamors every year from this time. Milando of a crowd. No considerations but Pratt was chosen custodian, of the those of law and justice and duty | Pratt family record, after which the should influence the bench. AI- party retired to their homes, cheered most everybody desires that and comforted by the association and conviction for bigamy or polygamy, or Hopt should suffer the extreme meeting together. penalty. But he should not be slain

family. I am pleased to be associate

England. These mothers have striven



XCURSION PROVO Will leave the U. C. Railway Depot, Salt Eake City, at 7:30 a.m. on

SATURDAY, JUNE 14.

A cordial invitation is extended to the Public.

## FARE for the Round Trip, \$1.75 CHILDBEN UNDER 12 YEARS, 90c.

TICKETS GOOD for TWO DAYS. over

> The Proceeds will be used for the Benefit of Two disabled Employees.

The 16th Ward Beast Band and a ull Quadrille Band will accompany to Excursion

GRAVES' GROVE

Has been secured for the accommodation of the Excursionists, and every preparation made for an enjoyable time. Dancing Croquet, Swings, etc., etc. Grand Bas, Ball Match between the Red and Olympi

Tickets are for sale at D. O. Calder's Mu ic Store, Savage's Art Bazar, Daynes 3 coniter's Music Store, and at Utah Centra tailway Depot.

TWO BUILDING LOTS

HOR SALE, NORTH OF EAGLE GATE. Apply to D. C. YOUNG, d165 lw 18th Ward. Brother Orson was more fortunate in his case. His first wife had a large

ESTRAY NOTICE.

T HAVE IN MY POSSESSION :

family. I am pleased to be associated with you and to know that you cling to the faith of your fathers. I have no-ticed that the boys are 'true to their covenants, and when called to fill mis-sions they go; I think there are several now performing labor of this kind, viz: Helaman, in Mexico; Milson started yesterday to India and Moroni L. is in Yardand. These methors: bare striven

One brown MARE, about 6 years old, twice white feet, white in forehead, branded with something reasembling O with a dash under it on left thigh. If not claimed and taken away within ten days from the date hereof, will be sold to the highest responsible bidder, at the Brighton estray pound on Theeday, the 2sth day of June, Jes, at lo o'clock a.m. THEO. MCKEAN, JR. District Poundkeeper. Brighton, June 13th, 1884.

to bring you along in the right way. God bless them. They like many others have not had the easlest time while their husbands were filling missions in the farthest parts of the earth.

I rejoice that you are following in the footsteps of your fathers. May you honor virtue and pursue a noble course OLDEST AND BES' and increase in every good that will commend you to the righteous, that the name of Pratt may be perpetuated in the earth. I could ill spare the time to come out to-day, as I must leave to mercar but U manted to save you ERN CON to-morrow, but I wanted to see you and becomd acquainted with the chil-dren of my old associates. They have left us some time, but their works will Contraction 1 follow them. God bless you all. Amen. Speeches and songs by members of 1 2 1 . 1 PURE LINSEED S.OIL COURS

For sale at Salt Lake City by Z. C. M. L. S. F. Teasdel, Clark, Eldredge & Co., G. F. Culmer & Bro., Stewart & Chislett, Moore Allen & Co. AF Also at Ogden by Z. C. M. L., William Driver & Sou, McNutt & Hurlbut and dealers generally throughout the Territory. & and & soaw LEGAL NOTICE.



SALT LAKE THEATRE. 7-8 JERSEY BULL CALF

GOOD PASTURE.

ENGAGEMENT &

LANUINI



## SALT LAKE CITY, May 15th, 1884.

H. S. Eldredge, Esq., Supt. Z. C. M. I.,

DEAR SIR.-I am the owner of a Miller Wrought Iron Range, No. 18, with elvated oven shelf, which I purchased from your and consider it just capital. I believe it consumes less fuel than the ordinary No. 7 Stove; it is roomy, and large enough for a family of thirty persons; it bakes well and has the best attachments for hot

thirty persons; it bakes well and has the best attachments for hot water I ever saw, requiring no extra fuel to keep forty gallons at boiling heat, it takes up but little room, is plain, and consequently easily kept clean, in fact it is homelike and comfortable. When in Cincinnati in January last, I learned from one of Mr. Miller's salesmen, they had just taken in exchange for a larger one, the first Range they ever made, which, after being in constant use for over sizteen years, was apparently as good as new. I only know of three defects with it, it has to be set in place, it has to be cleaned occasionally, and you have to buy Coal or Wood for it; if you can find something that obviates these inconveniences, do so, if you cannot, then buy a Miller, and you will always find your wife happy, and your food well cooked. Tours truly, E. H. PARSONS, 647 Second South Street E,

E. H. PARSONS, 547 Second South Street E.

SALT LAKE CITY, May 19th, 1884

GENTLEMEN.-The Miller Wrought Iron Range I purchased from you, gives the greatest satisfaction as regards its Baking and Cooking qualities and also its Water Heating Apparatus; I do not believe its equal can be found, and as an economizer of fuel I can cheerfully JOHN H. GROESBECK.

SALT LAKE CITY, April 25th, 1884. VIBILIST

GENTS .- The Miller Wrought Iron Range I purchased from you nine years ago, is still in use and giving entire satisfaction; I would not sell it at any reasonable price if I could not get another of the same kind. I would recommend all wishing to get a First Class Range, to buy the Miller. Yours truly, WILLIAM NAYLOR,

WILLIAM NAYLOR, Thirteenth Ward, Sait Lake City

SALT LAKE CITY, April 20th, 1884.

GENTLEMEN.-I cheerfully recommend the Miller Wrought Iron Range as by far the Best Cooking Range that we have ever used, our experience embracing several kinds. As an Economizer of Fuel it is apparently perfect, and as a Boller Attachment Heater, I know

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BENJAMIN HAMPTON Twelith Ward, Salt Lake City.

GENTLEMEN .-- I take great pleasure in endorsing Mr. Hamp-ton's Testimonial, from a grateful experience during the past year. Yours respectfully, GEO. T. ODELL.

Twelith Ward, Salt Lake City, of Grant, Odell & Co.

He must be executed lawfully, or not atall. He deserves an ignominious death, but he is still in the hands of the law, and the law must be vindlcated in every particular or his-killing will be murder. The demands of the populace should make no mark on the

minds of the judges. Another reason that, it is thought, had an effect upon the decision of the Court was the possibility of another reversal of its rollings. By far the great majority of cases that have been appealed to the Supreme Court of the United States from this Territory have been reversed. This does not speak very highly for the learning and judgment of the judiciary of Utah. The possibility of another proof of their unwisdom may have had some effect in the decision, to prevent any further investigations in the Hopt case. Where so much feeling and prejudice and blas exist as have been exhibited in Utah courts, it is not at all mavellous that errors prevail. And we may not reasonably expect that the decisions of our application was possibly not made in good faith and that an appeal might be higher court, while such antagonisms as exist here are permitted to

> The action at the mass meeting toof the Court. A Particulars will be found in our local

> > part in any proceeeings looking to the destruction of that protection which

demand. We believe in Hopt's guilt. We join in the wish that he may be made to suffer death for his crime. But we do not imbibe the spirit of vengeance which prompts the passionate cry for his execution while one legal ask the public to remember that if his right of appeal may be rendered abertive on such iflimsy pretexts as have been advanced, the life of an innocent man may next be sacrificed, or some person accused of crime by a packed grand jury and convicted by a packed

petit jury, may be slain or imprisoned pending an appeal, which the law provides for but which a pre-Judiced judge may completely nullify.

PER WESTERN UNION TELEGRAPH LINE. AMERICAN. LATEST BY LIGHTNING. Stocks.

WALL STREET, I3.—Stocks higher; prices rose ½ @ 1%; Missouri Pacific, Lackawanna, Western Union, Union Pacific strongest. All leading shares in good borrowing demand and some bidding for cash stock. Failures.

Failures the last seven days in the United States 204, Canada 25, or 13 in-crease over the preceding week.

FOREIGN. LATEST TRANS-ATLANTIC DIS-

PATCHES.

The Rioters at Brussels BRUSSELS, 13.—The excitement re-sulting from the liberal defeat of Tues-day continues. The streets last night were thronged with turbulent crowds, is probable the Senate, where the liberals have a small majority, will be

Tichborne Claimant.

LONDON, 13 .- The Tichborne claimant will be released to ticket of leave. Berber.

CAIRO, 13.—Opinion here favors the theory of the massacre of Berber. The Winner.

> LONDON, 13.—The Alexandria plate was won by Mantrose's Cowie Roy: Duke Beaufort's Faughaballah, second; Victor's Donald, third. The last betting stood 7 to 1 on Cowie Roy.

Gaul. PARIS, 13.—Prince Hohenlohe, Ger-man embassador, declares that the public feeling of Germany is envenom-ed against France by constant provo-cation from the French press.

The Paul Revere Statue .-- Yesterday, Mr. C. E. Dallin, the talented

from friends of his in Boston. It contains news regarding the Paul Revere statue. The committee sent for his all accused persons have the right to model, and asked for Mr. Dallin's address, as they wished to communicate with him about the statue. Of course

the decision of the committee as to who will be the fortunate artist to whom the execution of the important work will be awarded is not known, but Mr. Dallin has a prospect of receiving the commission. We trust that the choice will fall upon him. This desire will be echoed by the many

admirers of his artistic skill. Wants Work .- Among the immigrants who arrived with the last company was Brother James Hamilton who presided over the Glasgow branch of the Church for some time before leaving his native country. He was

of the law he has broken, than that a principle shall be violated which may involve the lives and liberties of many Order to show Cause.

T APPEARING TO THE JUDGE OF said Court by the petition this day pre-sented and filed by Z. Snow, the Adminis-trator of the Estate of Richard Bush, de-ceased, praying for an order of sale of Bea Estate, that it is necessary to sell the whole or some portion of the real estate to pay the debts outstanding against the de-ceased, and the debta, expenses and charges of administration.

ceased, and the debts, expenses and charges of administration. It is therefore ordered by the Judge of said Court, that all persons interested in the estate of said deceased, appear before the said Probate Court on Tuesday, the 17th day of June A. D., 1894, at ten o'clock a.m. of said day at the Court room of said Pro-hate Court in the County Court House in Salt Lake City, to show cause why an order should not be granted to the said Adminis-trator to sell so much of the real estate of the said deceased as shall be necessary, and that a copy of this order be published at least ten ancessive issues in the DESERT. EVENING NEWS, a newspaper publish and printed in Salt Lake City.

Dated May 31st. 1884.

ELIAS A. SMITH. Probate Judge. I, John C. Cutter; Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of the "Order to Show Cause" in the mat-ter of the Estate of Richard Bush, deceased, appears of record in my office

In witness whereof, I have herounto set my hand and affixed the seal of said Court, this 2nd day of June A. D., 1884. [SEAL.] JOHN C. CUTLER, Probate Clerk.

d164 10d CHAPTER XXV. OF LICENSES.

An ACT authorizing County Courts to grant

Licenses. SECTION 1.—Be it enacted by the Governor and Legislative Assembly of the Territory of Utab. That on and after the first day of April, eightsen hundred and eighty four, no person abail be persitted to carry on the usiness of merchants, retailers, peddlers, and the section of the territory of the county court in their respective counties, as hereinafter provided. BEC 2.—The county court in their respective counties, as hereinafter provides. The counties are hereby authorized to pro-vitab for the granting of licenses, as conten-philed in the first escion of this set. They will also provide a suitable book of printed forms with stuby, said stubs that contain a they indicate copy of all licenses issued, and county courts a hall fir the price shall be indicate for any one license of a indicate the price first for a quarter phylicete the price first for a quarter indicate the price first for a quarter indicate the price first for any one license of and shall not spres first for a quarter indicate the price first for any one license of any business first and and the sect for a quarter phylicete the price first for any one license of any business first and the section of the same class and shall not spres first for a quarter by indicate the price first and and county is courts shall be mande the price for any business first first parties payment for all is price for any locate and the same the de-and shall not the same price for a quarter is price first and a license shall be transfer. sculptor of this city, received a letter

year. SEC. 3.—No such license shall be transfer-able, unless such transfer shall be sanctioned by the county court or probate fudge. SEC. 4.—If any person shall violate the provisions of any of the preceding sections of this act, he shall be guilty of a misde-

meanor. SBC. 5.—Nothing in this act shall be con-strued to apply to peddlers of perishable fruits and vegetables, nor to any person car-rying on business in an incorporated city. Approved March 13, 1984.

ORDER

Relating to Lice License pursuant to chapter zzv., Laws of Utah, 1884.

PURSUANT TO PROVISIONS OF the Arts of the Governor and Legis lative Assembly of the Territory of Utab. entitled "An Act sutheriting County Courts to grant licenses," ap-proved March 13th, 1386. It is ordered by the County Court of Salt Lake County that every person, firm, company or corpor-ation who wishes to obtain a license to carry on in Salt Lake County the buseness of . engaged for twenty-five years on railroads, entering upon that service when a mere boy, and during that time was injured in the leg and foot, the result being a permanent lameness. He is out of employment, and any one in want of a man to attend to a stationary engine could not fail to be suited with

Of Williams & Hoyt's make, in Goat, American and French Kid,

Sandals, Ties, etc., also an endless variety of

adles' Grain, Goat, American and French Kid, High and Low Out Shoes, Kid and Satin Slippers, at Sacrificing Prices, as I am Closing out this entire line of Ladies', lisses' and Children's Shoes.

NEW STOCK OF CLOTHING! AT LESS PRICES THAN EVER.

WHICH WILL ASTONISH THE NATIVES.



