

less of reason or suggestive of the possession of common sense than this could be said on the subject. Who is there to approach such a body with a bribe? How would he proceed in the accomplishment of his task? He would not dare to make an offer in open court, and if the judges on the bench are so approachable, why was not the money used at an earlier stage of the proceedings, thus avoiding the necessity for so much bother and expense later on? It is one of the most absurd things in the world, the statement that a judicial body second only in importance to the Supreme Court of the United States, could be used in any such way. They are all comparatively independent, financially considered, have the largest salaries of any similar body in the nation, stand high among the jurists of the land, have excellent reputations as citizens, and yet the covert charges suggested above are already made against them; these being unchecked may blossom into direct and positive accusations. Nor can it be said with propriety that they are ignorant or vicious; that class of men may and often do attain to lofty political positions, but very rarely to judicial ones where the people's will is consulted in the matter of their appointment. The proper thing to say of them is not that they had the hardihood and courage to brave the tide of popular clamor which flowed up to them from the purlieus of New York City, nor that they were so weak or vicious as to be led astray by meretricious methods; but that upon a full and fair hearing of the case, and after giving it due attention and deliberation, they arrived at the conclusion that the defendant had been tried by legal methods too little and by other methods too much; and if improper procedure elsewhere caused them to enter more seriously, studiously and impartially upon the investigation of the matter in hand, that, we believe, was as far from the beaten path as they permitted themselves to be taken at any time or from any cause. Sharp undoubtedly gets a new trial because the old one was not legal, and that portion of the New York judiciary which is removed from the field of active participation in *vis prius* affairs merely records a degree in accordance therewith. They did not have a case before them in which the social belief as well as the public and private practices of the defendant were forced into the issue—such a case as Judge Gary had before him when he tried the Anarchists and was sustained in so doing by the Supreme Court of Illinois; public policy in general was not permitted to exercise dominion over concrete law in detail in the Sharp case, and the result is before us.

It is a sterling, patent fact that evidence was admitted for the purpose of convicting Sharp which had no proper place in the proceedings. The proceedings before an informal tribunal when he was not on trial and where rules were not closely observed, could not according to accepted methods enter into the investigation. Such evidence was objected to and protested against, but all to no purpose. The defendant had to be convicted, and the Court deemed it a material point in the accomplishment of "high public policy." The court of review must also have thought it material, so material that its office in connection with a criminal proceeding was mischievous in that it was in derogation of correct principles.

A CONTRADICTION SITUATION.

THE trial and conviction of Herr Most, the notorious anarchist, exhibit some interesting features. The charge in the indictment was inciting to riot. The offense was alleged to have been committed in a speech delivered on a specific date. While the accused was on the stand as a witness in his own behalf, the prosecution questioned him in relation to expressions attributed to him as having been made on other occasions than in the speech for the alleged incendiary part of which he was indicted. He objected to answering on the ground that he was not on trial for anything that was outside of the facts for which he was on trial.

The court overruled the objection and permitted the questions, but afterwards instructed the jury that the answers were not to be considered as evidence to the detriment of the prisoner. The court also instructed them that there was no expression in the speeches presented in the trial that came within the statute. This was almost if not quite equal to an instruction to render a verdict of acquittal, as it was tantamount to a declaration of his innocence before the law. In the face of this the jury returned a verdict of guilty.

There are some points that are conspicuous in this case. It has always been understood in this part of the country that the jury is bound by the construction put upon the law by the court. It is not so in this instance, as the interpretation of the judge and the verdict of the jury were in direct conflict.

It is evident, however, that although the judgment of the court was the antipodes of the action of the jury, the sentiment of that functionary was in keeping with it. He permitted the introduction of matter in the evidence that he knew from the start was not germane to the case. It was of a char-

acter, however, that was calculated to prejudice the jury, for almost all men are influenced by what they hear and observe. The only object that he could have in allowing the irrelevant questions to be put, and then declaring the facts they adduced to be improper evidence, appears to have been a willingness for the jury to find a verdict that he could not directly sustain as a lawyer and judge.

Such procedure is unfortunate, because it only serves to create sympathy for a dangerous element in society that should be suppressed by every legal means within the grasp of the government. Our theory is that if the law as it at present stands is inadequate for the purpose, let it be amended to the extent of the Constitutional limit. To go beyond that boundary is unsafe and out of harmony with our institutions, but appropriate legislation on this question may be properly carried to the fullest extent of the popular organic compact.

UNSETTLED EUROPE.

THE French situation is approaching a solution, while that of Germany and Russia is a trifle more complicated than before. While in Berlin the Czar was treated to a curtain lecture by Bismarck, in which the latter wished it distinctly understood that no menaces by Russia anywhere along the German frontier would be tolerated. The despot made haste to assure the Chancellor that he hadn't thought of such a thing, when the latter became more explicit and wanted his guest to understand that what was said regarding Germany applied with equal force to her allies, especially Austria. There could be no mistake regarding the meaning of such language, and then the pledge was given that Russia had no designs upon Austria. If this understanding could only have been clinched with words it would now be a solid compact, but the chances are it didn't linger long in the royal tympani either way; that Bismarck is on the alert for a Russian assault and that the Czar will make one wherever and whenever he thinks proper. That is about as much as a diplomatic interview ever amounts to; having no binding force, the parties go into it for the purpose of being as pleasant as possible for the time being.

It seems that the "Iron Chancellor" has been looking some distance ahead in another direction. He wanted the Crown Prince Frederick William to arrange for possible occurrences of a character concerning which the heir to the throne must be more or less disinclined to discuss, and that the former has been quietly preparing the son of the latter for the position which is likely to devolve upon him at an early day. Hearing of this, the Crown Prince quietly but effectually put a stop to the proceedings. We should suppose he would. But it illustrates the self-reliant, self-contained, determined character of Bismarck as fully as any recent event can.

The forged letters purporting to have emanated from the Orleanists of France, in order to involve that nation in the more northern complication, added to the change in the executive department about to occur, do not help matters greatly. On the contrary, the principal powers of Europe were never in a more muddled, uncertain, watchful and watched condition than at present, and what it will all result in no man can tell.

NOT LEGITIMATE BUSINESS.

OUR attention has been called by Mr. J. A. Goodhue, who has, for a number of years represented the Geneva Nursery in this region, to a small handbill which we are informed has been widely distributed throughout the Territory. It is a curiosity in its way, and the object which prompted its issuance is too palpable to be mistaken. It is headed "Utah Nursery Company," an organization which, we understand, constitutes the agency in this part of the country for the aforesaid Geneva Nursery. It also presents the names of the stockholders of the association as follows: Phillip A. Dix, Justin A. Goodhue, Charles S. Varian and Frank Pierce. The third name on the list is, for obvious reasons, rendered conspicuous by underscoring with a heavy black line.

The remainder of the handbill is devoted to an explanation to the effect that "C. S. Varian" (with a heavy line under the name), "associated with Mr. J. A. Goodhue, who has been representing the Geneva Nursery Company," did on a certain date make a statement derogatory to the "Mormon" Church. Mr. Varian's expression, which it is unnecessary to reproduce, is given verbatim.

It is hardly needful to state that the handbill is anonymous, because it will be patent to any person who will give it a moment's consideration that it is not such a publication as an ordinary individual would have any appreciable eagerness to affix his name to. Being of that character it can only be properly viewed with contempt.

We cannot sustain any process that is not direct and straightforward, and there can be no justification for an at-

tempt to build up a business on the ruins of another.

In expressing this view we believe we give utterance to the sentiment of the Latter-day Saints at large. It cannot be admitted to be the legitimate province of private individuals to, anonymously or otherwise, drag into business matters the public utterances of other persons for the ulterior purpose of increasing their pecuniary profits. Such a process is imbedded in selfishness, with no reference to the public good.

So emphatic is the News on this point that if application had been made to have any publication printed here of the character of the one in question, it would have been respectfully declined, on the ground that this office could not give to it, even in a business way, the color of its approval.

An appeal to the prejudice of the community to further private ends, is highly improper, and can have no ultimate beneficial effect upon the interests of those who resort to it. Mr. Varian's views are his own property and there is a legitimate method of dealing with his public utterances. That is not the method employed in this instance, and we have given this prominence to it because the public manner in which it has been treated, by the distribution of handbills, has made it public property, and we do not wish an idea to gain currency that such doings have the sanction or countenance of the community of Latter-day Saints.

Arrivals and Appointments.

The following named missionaries to the European Mission arrived in Liverpool on Friday the 4th instant, per S.S. Nevada, of the Gulon Line: James Booth, Thomas Beard, L. T. Thomas, William Bench, James M. Flake, Henry Wintch, Richard Morse, Wm. L. Hansen, John A. Hendricksen, Jas. Spencer, Ferdinand Jacobsen, Rasmus Larson, O. J. Levenson, Olaus T. Nilson, John Staheli, Olof Jensen, A. Mortensen, Angus J. Cannon, Jonas Ostlund, and Julius Johnson. Sister Urie and son George accompanied the missionaries, on a visit to her friends.

Those appointed to the British mission have been assigned to the following fields of labor: James Booth and Thomas Beard to the Manchester Conference; Richard Morse and Lorenzo R. Thomas to the Welsh Mission; Jas. M. Flake to the Glasgow Conference; James Spencer to the Nottingham Conference; William Bench to the Birmingham Conference. — *Millennial Star*.

Taken Home.

Yesterday afternoon the well-known stockman of Logan, Joseph Davidson, reached Ogden by the Union Pacific passenger, and was taken north at 1:30 p.m., on the U. & N. accommodation train. He has been in a critical condition for about twenty days past, as a result of an accident which occurred to him in Denver, Colorado. It seems that on the occasion mentioned, he was coming down the steps of a hotel in that place, when his leg struck against a railing, and a piece of rusty iron was run into the hip, just below the thigh. Blood poisoning set in, and an abscess formed on his body, and the unfortunate gentleman has experienced terrible pain during the greater part of three weeks he has been sick. He is in the care of Mr. Wm. McAllister, of Logan, and is slowly improving.

Mr. Davidson had been east with a large herd of stock, and had a pleasant trip until the occurrence of the accident above related. — *Ogden Herald*, Nov. 26.

Dynamite Suspected.

A few days ago we published an account of the explosion of the boiler of a saw mill near Prescott, Arizona, which resulted in the killing of several men. The following from Prescott, dated November 22, suggests a terrible suspicion:

The bodies of the victims of Saturday's explosion, except that of Akers, were buried yesterday, and the attendance was the largest ever seen here.

The funeral of J. B. Akers took place today under the auspices of the Masonic order.

A new aspect has been put on the explosion. Witnesses at the inquest swore that they heard two explosions, one closely following the other. It is now thought that dynamite or some other terrible explosive was placed in or upon the boiler, and caused the disaster.

A man named Louis Beck is suspected of doing this, and he and Mr. Wilson, the proprietor of the mill, had had some trouble over some land owned by Beck, and from which he claimed Wilson was cutting timber. Beck was very bitter toward Wilson. Witnesses testified that the boiler was tested a minute before the explosion and found to contain plenty of water. Emphasis is added to this theory by the fact that a mill was burned before on this same spot, and Beck was suspected of that crime.

The coronor's jury failed to arrive at any verdict as to the cause of the explosion. The theory that dynamite was introduced into the boiler is rapidly gaining supporters. A number of expert engineers testified that steam could not cause the explosion and the breaking of the boiler into a number of pieces, as it did. Several expert engineers will visit the scene of the explosion and test the strength of the boiler, which was new and had only been used a short time.

The survivors of the late explosion

were very indignant, and would, no doubt, have lynched Beck had not the Sheriff been present.

LAST NIGHT'S LECTURE.

Well Preserved Mummies Exhibited at the Theatre.

The Theatre was well filled Monday evening on the occasion of the lecture on "Ancient American Races," by Prof. Charles H. Robinson. The interest aroused by the exhibition of the five mummies recently unearthed in Arizona was the cause of the large attendance, and the view of the curious remains was gratifying to the audience, who were permitted to inspect them at the close of the lecture. Mr. Robinson's effort did not reach what was expected from him as a lecturer, on account of delivery being too rapid, and although a solemn stillness pervaded the audience, he spoke in such a low tone that many were unable to hear. The matter of the lecture was principally compiled from the work of various writers on the antiquities of America. The speaker held that the preserved bodies, which had been on the Rio Gila, near the eastern border of Arizona, in a sealed cave, were the remains of Olmecs, the oldest of the Nahua nations, which had lived in the region embracing Utah, Arizona, Colorado, New Mexico and Northern Mexico. This conclusion was drawn from the fact that the bodies were not those of Indians, but of a white race, and the cement with which the cave where they were found was sealed was identical with that which belonged to the age of the Olmecs, prior to the advent of the Toltecs, who preceded the Aztecs. He cited their traditions of having come from the north to Mexico, their former capital city being, as near as it could be located, in the vicinity of the Great Salt Lake. Mr. Robinson also stated that within the past month, Prof. Cushing, who had been sent out by the Smithsonian Institute, had discovered a city in the region where the mummies had been secured, and had found therein about 2,000 skeletons of the ancient inhabitants.

The remains, which are evidently ancient, are among the greatest curiosities it has ever been the fortune of the people of this city to have an opportunity to inspect. The bodies have never been subjected to the process of embalming, the evidence that they had not been dismembered, and that the brain had not been removed, being indisputably present. The fact that they are the remains of white people is self-evident; the contrast between their appearance and the arm of a red man, also exhibited, was most striking.

The bodies are five in number, two men, two women and a female child, the latter having reached the age of probably four or five years. They bear the evidences, so far as their physical structure can afford it, of having been intelligent and cultivated. A person conversant with the theory of phrenology and who believes in it would not hesitate to so assert. One of the men must have been over the average height, broad shouldered, and powerfully built. His head is lofty, what is termed the intellectual lobe being unusually large, the cranium high above the ears, and the latter are set well back. There is on the head a quantity of brown hair, of fine texture, the color indicating that this ancient person had died at but little beyond middle age, while the quality of the hair is indicative of a refined physical organism.

The other male is of very different appearance, but the head is well balanced, and its possessor was very likely a man of more than ordinary abilities.

One of the females is in a sitting posture, with the head bent forward. The appearance of the other woman is much less repulsive, the head being beautifully formed, and the observer may almost imagine that he can yet catch a faint glimpse of an expression of gentleness remaining upon the parched and withered, half-dead face. The child retains no trace of the countenance, but the form or the basic part of it is more or less perfect.

It is easy for a cold and unimaginative person who is destitute of the mental constructive faculty, to see nothing but ugliness in these remarkable relics. Such people make comparisons according to their strictly realistic dispositions. If they could but reflect and consider how much beauty their forms would exhibit under similar conditions, probably many centuries after death, their criticisms upon these remains would perhaps take a milder form. The idealistic observer can gaze upon such relics and, in his mind's eye, clothe them with life and beauty. To such fruitful minds these bodies are a source of absorbing interest, for they can link them, by the same process of mental creation, with scenes and circumstances of a bygone age.

Sudden Death.

Richard Preston left his home in American Fork several weeks ago, accompanied by his family, for some place in Nevada, where he has been making a home. Nobody had any idea but that he was getting along nicely there, until a message was received in American Fork early Friday morning stating that the family were returning home, bringing a corpse with them. The surprise of those who met the train may

be easily imagined when the corpse turned out to be the remains of Richard Preston. No particulars, as yet, have been obtained as to the cause or causes of his death, his bereaved wife, who accompanies his body, being in such a heart-stricken condition as to render a statement of facts impossible. The funeral took place Saturday, at 2 p.m. Deceased was a young man, well respected by all, and leaves a family plunged into the deepest agony by his death. — *Provo Enquirer*.

Burglars Foiled.

Last Thursday night, says the Wyoming *Chieftain* of the 24th, an attempt was made by burglars to crack open the safe of Chamberlain & Small on lower Main Street. As far as any benefit to the midnight marauders the attempt proved futile, for after blowing off the outer door an effort to drill a hole over the lock of the inner one was given up after a vain trial. Had they been successful in this last attempt no benefit would have accrued to them even then, for all the money which had previously been contained therein was removed the day before. It is thought that the men engaged in this nefarious piece of work were local parties, or at least pretty well acquainted with the town. Some of their material was left on the premises, and the whole proceedings give evidence that the burglars were novices at the business. No clue as to their identity has as yet been discovered. Aside from the damage done to safe, and a few broken panes of glass, Chamberlain & Small suffered no loss.

ELY'S CATARRH Cream Balm

Cleanses the Nasal Passages, Allays pain and Inflammation, Heals the Sores, Restores the Senses of Taste and Smell.

TRY the CURE

A particle is applied into each nostril and is agreeable. Price 50 cents at druggists; by mail, registered, 60 cts. ELY BROTHERS, 235 Greenwich St., New York.



LEGAL NOTICE.

In the Probate Court of the County of Salt Lake, Territory of Utah.

In the Matter of the Estate of Mary A. Hooper, deceased.

Order to show cause why Order of Sale of Real Estate should not be made.

L. S. HILLS, THE ADMINISTRATOR of the estate of Mary A. Hooper, deceased, having filed his petition herein, praying for an order of sale of certain Mining Claims of said decedent, for the purposes therein set forth, 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 Thursday, the 29th day of December, 1887, at 11 o'clock in the forenoon of said day, at the Court Room of said Probate Court, at the County Court House, in the City and County of Salt Lake, Utah, Territory, to show cause why an order should not be granted to the said administrator, to sell so much of the real estate of the said deceased at private sale as shall be necessary, and that a copy of this order be published at least four successive weeks in the DESERT WEEKLY NEWS, a newspaper printed and published in said City and County.

Dated November 25th, 1887.

ELIAS A. SMITH, Probate Judge.

TERRITORY OF UTAH, County of Salt Lake, ss.

I, John C. Cutler, 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 Order to show cause in the matter of the Estate of Mary A. Hooper, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 25th day of November, A. D. 1887.

(SEAL) JOHN C. CUTLER, Probate Clerk.

LIGHTNING HAY KNIFE

This OLD and RELIABLE KNIFE continues to gain in public estimation, and is POSITIVELY THE BEST

Hay Knife known for cutting HAY and STRAW from the Mow, Stack or Bundle. It is a rapid, easy cutter, the blade of the best quality of cast steel, spring tempered, and it is easily sharpened by grinding on the corner of a common grindstone. The invention patented by WEXMOUTH is a sword-shaped blade provided with operating handles, the edge of the sword blade being provided with knife-edged serrations or teeth. We hereby CAUTION all persons interested against buying or selling knives bearing above description, other than the genuine "Lightning," as we shall prosecute all infringers to the full extent of our ability and the law.

For sale by the Hardware trade generally.

THE HIRAM HOLT COMPANY, EAST WILTON, ME.—Oct. 1, 1887.

