

record we are to presume official integrity and propriety, rather than the contrary. No case is presented in this record for reviewing the discretion of the court below. If that could be done, the facts upon which the discretion was exercised are not before us. The question presented to us is whether we shall issue a peremptory mandate requiring the court to proceed to inflict this penalty. We think not, especially in view of the fact that the writ would require another judge than the one that heard the evidence and presided at the trial to pass the sentence. While we have no doubt, as before stated, that it is the duty of the court in which a conviction is had to proceed to judgment within the limits prescribed by law for the exercise of its discretion, and that it cannot rightfully exercise the pardoning power by refusing judgment, but that where the statute prescribing the punishment for a crime only fixes a maximum punishment, thereby expressly authorizing the court in its discretion to fix any degree of punishment from such maximum down to a purely nominal punishment, and it is apparent from the record that the court, in the exercise of such discretion, has determined that the lowest possible punishment should be inflicted, the failure of the Court to pass judgment is more a matter of form than of substance. The mandate of this court would only require the performance of a technical duty, for this reason. We do not think we are called upon to interfere by issuing the writ asked for.

The writ should be denied.

Zane, C. J., concurs.

Anderson, A. J., concurs.

STILL IN THE SNOW.

The worst season ever experienced by railroads in Utah!

That is the verdict of railway men as well as others acquainted with the difficulties which the present winter has brought to the railroads. First it was snow, and the trains had to be dug out. Then it was ice, and the slip, slip, of the wheels on the rails caused the trains to fall hours behind schedule time in a run that takes but an hour in good weather. And now it is a combination of snow and ice that proves too much for the iron horse and his masters.

Of course the Central Pacific has been blocked for over a week, and now, after the strongest efforts that could be put forth on that line, which in ordinary winters effectually copes with storms that would close down most other lines, the announcement is made that the road is in a worse condition than ever. The heaviest storm of the season in the Sierra Nevadas began yesterday, and still goes on. On the west slope rain has commenced to fall, and the streams are already overflowing their banks. This has had the effect of opening the road to the extent that one west bound train was liberated today, and made its way to Sacramento. But the

other trains are still beyond hope of relief for some days to come.

This storm is wending its way eastward, and Cache Valley has already received a visitation. On Monday and Tuesday the Utah & Northern was cleared, only to be blocked up again almost before the news of its being open could be given to the public. There is a freight train near Mendon, so deep in the snow that no definite idea can be given by the railway officials when it can be dug out so that trains can be moved. The northbound passenger got to Logan Thursday night, and learning of the condition at Mendon wisely remained at the Temple city rather than take its passengers and dump them in a snowbank. And as for the coal famine, the people of Cache valley will be compelled to bear it for some time. Fortunately there is no prospect of intense suffering for lack of fuel, but many families, it is reported, will have to burn wooden articles, which will incur considerable expense.

On the Union Pacific, east of Ogden, the trains are reported almost any number of hours behind, with the report from each station showing them still farther in the rear. Then a train is reported abandoned, and the train of the day before is marked down as on time, only to fall back again. Progress is made, however, and traffic is kept moving by the occasional arrival of a train at its destination.

The announcement is made from the Union Pacific office in this city that tomorrow afternoon's train for Park City has been abandoned. It is also stated that a temporary change in time has been made. That is, the Park City train will leave the Utah Central depot at Salt Lake at 7:30 a. m., on and after Monday next, and will endeavor to reach the Park at 11:55 a. m., returning, leaving Park City at 2:15 p. m. to arrive in Salt Lake at 6:35 p. m. This arrangement is made in the hope that the trains will be able to get through by daylight each way. The train which should have left Park City this morning concluded not to do so. The reason for this was that a terrific storm had set in; the snow was drifting in immense heaps along the track, thoroughly blocking it. Even if the road had been clear, the wind was blowing a perfect hurricane, making it positively dangerous for a passenger train to attempt to make the run on the slippery rails. With this combination of ice, wind and snow, no start will be made until the storm abates.

Inquiry for the Salt Lake & Western train brings the response "stuck in the snow." Yesterday, the train started for Tintic, but couldn't get there, and no effort was made to start another today, there being sufficient to do in the way of trying to release the one already en route. It is not likely that any train will start for Tintic before Tuesday, if one does then. The snow is still coming down and drifting heavily.

Between Salt Lake and Provo the way is kept open with considerable

difficulty, and trains cannot make time. When the hour for arrival comes, and the train is asked for, the reply is invariably "At the Point of the Mountain." This means that the way is being literally dugged through the snow that has blown into the cuts, and as the train moves forward a short distance at a time, the cuts passed are again filled from the mountain sides. Last evening's train on the Utah Central made good time from Provo, getting into Salt Lake five hours late.

The R. G. W. also has an immense amount of work on hand, and like the Union Pacific keeps moving slowly, but still getting through fairly well under the circumstances; but no trains are able to run to the schedule.

The Utah Central division between Salt Lake and Ogden fares no better than the rest. The fast mail should reach this city at 2:30 a. m., and started from Ogden almost on time. But it only got a short distance before trouble was encountered. The wind sweeping over the sandridge filled the cuts with hard packed snow, and about seven miles out from Ogden all progress was checked. The train got through this afternoon, and the Utah Central is now open on the direct line from Ogden to Frisco.

One effect of the railroad blockades is the scarcity of coal in the Salt Lake market, and dealers are busy in trying to satisfy the needs of their customers by partially filling orders, so as to make the supply reach over the present emergency. As to weather indications the Signal Service office predicts that the falling barometer means a downfall of snow in a short time—probably a part of the storm that is now going on in the mountains around us.

CURRENT EVENTS.

Edmunds Law Prosecutions.

United States vs. Wm. S. Gibby; adultery; plea of not guilty.

United States vs. Jens P. Holm; adultery; defendant arraigned and pleaded not guilty.

United States vs. Samuel G. Spencer; unlawful cohabitation; plea of not guilty.

Moses Wilkinson, of East Mill Creek, was arraigned in the Third District Court Jan. 25 on an indictment charging him with unlawful cohabitation. He was allowed till Tuesday, Feb. 4th to plead.

United States vs. Joseph E. Taylor; unlawful cohabitation. Six counts were in the indictment against Mr. Taylor, under the illegal segregation scheme, the period in each being six months. The wives of the defendant are named as Louisa R. Taylor, Jane Maria Hanks and Lizzie Williams; in one instance the name of one of the ladies is said to be Jane Maria Shaw. The indictment runs from Dec. 2, 1883, to Nov. 30, 1886. The warrant was issued April 2, 1889; warrants were issued on Dec. 12, 1889, for the arrest of Annie Taylor, Jane Maria Hanks and Lizzie Williams as