

formed into mud puddles, sinking deep into the bosom of our mother earth, to rise again in fertile gifts, to labor's sons.

Last night was a stinger in the way of frost, we found ice this morning nearly an inch thick. Again in many instances "procrastination" is shown to be "the thief of time," for many have for a long time been "going to pick their apples" and did not, and now Jack Frost has put his claim upon them, and regrets are plentiful.

Mr. James C. Owens and family, who have been residing here for two years past, are already to start back to their former home in Woodruff, Arizona. Their son, Clark Owen, his wife and two children, who have been in Salt Lake City doing Temple work, accompany their parents back to their home.

The municipal political pot has but an intermittent simmer here. A \$25 per year's office, whilst it begets some abuse, does not enthrust to a high degree.

A. BIRD.

BRAVE "OLD IRONSIDES."

Springfield Republican, Oct. 22: Boston has made an important affair over the centennial of the old frigate Constitution, whose hulk, that has long survived all usefulness, still carries in its hold the precious freight of patriotic memories of service when this young nation needed great work done to establish it among the nations of the world. There can be no doubt that the navy that brought down the power of the piratical Barbary states, and humbled the flag of England in its unjust war thirty years after the Revolution ended, was of the highest value in this respect; presidents might have proclaimed and Congress resolved forever to no avail, but the guns of the Constitution and the seamanship of its commanders,—to single out "Old Ironsides"—the representative of that navy,—were emphatic and proved unanswerable. This, too, showed the great wisdom of George Washington, when in his last message to Congress he advised the building of a navy and the founding of a naval academy. It is wonderful that we can go back so often across a full century and find that clear and lucid mind of the general of American liberty and the first President of the United States indicating the continuing necessities of his country, just as vital now as when he gave his word.

The Constitution was one of the six ships which began the American navy,—the Chesapeake, the Constellation, the Congress, the President and the Philadelphia also have their names surrounded with fame, but none save the Constitution was preserved even to the days of our fathers, sixty years ago. This fine old frigate was built at Boston, but her timbers were fetched from the long stretch of the seaboard; its keel came from Georgia, its masts from Maine, Paul Revere made its copper bolts and spikes, its anchors were forged in the Old Colony, and Mrs. Ross of Philadelphia, who wrought the first flag of the Stars and Stripes, made also the ensigns, pennants and signals of the Constitution. It was a national ship in every respect, and when she went to sea, she was manned by Massachusetts men, who had been trained in seamanship on fishing boats and trading coasters, and seasoned to their work, besides being patriots, warm from the war of Independence. That her battery was all from England showed our youth, for we had not developed great gun-shops. These very guns, or some of them, were turned against England in 1812-14, and the mother country did not enjoy the effect the Yankee gunners produced from their sturdy metal. The Constitution was a "lucky" ship, so sailors

thought, and yet we read that it took three attempts to launch her, for miscalculations defeated the first two. But although there were forebodings at the time, the ship gave the lie to them.

There was no luck about the Constitution's success. Evidently, as one studies the history of sea and land fights in comparison, the personality of the commander counts for more on board ship than on the field, and very naturally, for his area is circumscribed and he can reach every point of action in a moment. The commander is not only the planner and the overseer, but he is the absolute center of action; from his word proceeds all that is done, and no general can possibly enjoy his tremendous opportunity of personal impression. On the other hand, naval antagonists are more on a level than two generals can be in this very respect of seeing the whole problem before them in close limits, and it is a direct contest of relative merit to a degree that cannot happen in land battle, where an error in a remote part of the field may ruin the best plan of a general, because he cannot discover it quickly enough to retrieve the mistake. The commanders of the Constitution were all men of vigorous and striking personal force. Nicholson made no record for her, though he made one for himself in other service; Preble had superb mettle and showed it at Tripoli; Isaac Hull made a magnificent record both in his skilful retreat from a British fleet off New York harbor and when he destroyed the first-class Guerriere under Capt. Dacres—whose bragadocho was well taken down in that 40 minutes conflict—Bainbridge showed grand seamanship as well as fighting genius in the engagement with the Java; and Stewart's victory over the Cyane and the Levant in 1814 was one of the most magnificent displays of skill and courage in both lines of duty that have been known.

The old frigate was saved from being broken up in 1834, as every one knows, by the splendid lines of Holmes then a mere boy, a student in Cambridge, beginning, "Oh, tear her tattered ensign down,"—which, copied all over the country, induced the authorities at Washington to rebuild the ship, and then there was little of her timbers above the water line that was saved. The Constitution was transformed into a quiet cruiser, and eventually became a practice ship on which the cadets of the Annapolis naval academy were exercised. She lay at Annapolis when at the outbreak of the war Gen. Butler and the Massachusetts Eighth regiment took possession of her and saved her from going into the service of the rebels against the Union she had so greatly served. Some years later once again it was proposed that the Constitution should be broken up; once again the lyric of Holmes went all over the Union, and the newspapers united in voicing the popular feeling for her preservation; and the expression was still effective. The Constitution was saved, but ignominiously saved; she has been long since an inmate of "Rotten Row," the refuge of old hulks at Portsmouth navy-yard. Roofed over with a shabby shanty of boards she has long been a melancholy object of outworn value and disrespect.

Boston has made a local glory of the centennial of her launching in her harbor in 1797, but can Boston procure her perpetual existence by many a rebuilding? For seaworthy she can never be again if any part of her original timbers are to be kept, and she is a mere show of the past. Better by far the fate of the Kearsarge, which went down on the Key of Roncador in the Caribbean sea a few years ago. Is it not the time for Holmes's alternative:—

Oh better that her shattered hulk
Should sink beneath the waves;
Her thunders shook the mighty deep
And there should be her grave.
Nail to the mast her holy flag,
Set every threadbare sail,
And give her to the god of storms
The lightning and the gale!

In which case she should be provided with a great dynamite charge in her bowels, set by a time fuse, because nothing could be more unfit for the end of this great warship than to linger a derelict on the face of the waters, endangering friend and foe without port or purpose.

SALE OF INTOXICATING LIQUOR.

Acting Attorney General Ben-nex X. Smith submitted two opinions Saturday, one on the powers of county commissioners in regulating and fixing the rate of licenses for the sale of intoxicating liquors, and the other the rights of impecunious defendants in civil and criminal cases.

The first opinion is addressed to County Attorney Joseph Eckersley of Loa, Wayne county, and is as follows:

"We have considered your favor of recent date asking for a construction of sub-division 26 of section 21 of the laws of Utah of 1896 which empowers the board of county commissioners to license for the purpose of regulation and revenue all and every kind of business, not prohibited by law and transacted and carried on in their respective counties outside the limits of incorporated cities, and to fix the rates of license tax upon the same and provide for the collection thereof, provided that a person deemed worthy and who is unable to obtain a livelihood by manual labor may be given the privilege to hawk, peddle and vend goods and merchandise, except intoxicating liquors, without the payment of any license fee whatsoever. And whether, under the provisions of this section, the county commissioners of your county would be authorized to fix the rate of license tax for the sale of spirituous or intoxicating liquors at less than \$600 as the same was provided for in section 2158, Vol. 1 of the Compiled Laws of 1888.

"Chapter 17, Vol 1, of the Compiled Laws of 1888, a part of which is the section last above referred to, contains a legislative restriction upon the sale of intoxicating liquors, the inspection of the same and a definite manner of procedure in issuing licenses and regulating the traffic in intoxicating liquors. And under said law, the commissioners, after a proper petition, statement and bond have been filed with them, are authorized to determine the amount of the license to be paid, provided that the rate shall not be less than \$600 nor more than \$1,200 for one year.

"Section 21 Page 521 of the laws of 1896 authorizes the board of county commissioners of the several counties to exercise jurisdiction and powers under such limitations and restrictions as are prescribed by law. Subdivision 26, first above referred to is a general grant of power to the commissioners to license business generally. The laws of 1896 do not expressly repeal, so far as I have been able to find, the law of 1888. The question arises, does the latter act, the law of 1896, being directed to the general subject, alter or impliedly repeal the law of 1888 upon this subject which was directed toward a special object. The general rule is, that unless there be something in the latter law, so far repugnant and irreconcilable as to indicate an intent to repeal the former, they should be read together, and the general statute should be so con-