

THE HERALD. SALT LAKE CITY, UTAH.

FRIDAY, December 27, 1890

THE DAILY HERALD is published every morning, Monday excepted, at THE HERALD BLOCK, corner West Temple and First South streets, Salt Lake City, by THE HERALD COMPANY.

Subscription price, in advance, \$10.00 per annum, post paid.

THE SUNDAY HERALD is published every Sunday morning, price, in advance, \$1.50 per annum, post paid.

THE SUNDAY HERALD is published every Sunday morning, price, in advance, \$1.50 per annum, post paid.

Subscribers will confer a favor by forwarding information to this office when their papers are not promptly received. This will aid us to determine where the fault lies.

All communications should be addressed to THE HERALD, Salt Lake City, Utah.

CITY DELIVERY. By the year (invariably in advance) \$10.00. By the month, 1.00. By the week, .35.

Parties removing from one place to another, and desiring papers sent, should change their former as well as present address.

Entered at the Postoffice at Salt Lake City, Utah, for transmission through the mails as second class matter.

GOVERNOR THOMAS' POSITION.

"Some Federal agency should be authorized to appoint the following county officers: Selectmen, clerks, recorders, superintendents of district schools and assessors."

THE PEOPLE'S POSITION.

"The basis of free government is the right of the people to govern themselves."

COLONIZATION.

NEPHI, October 28, 1889.

O. W. Powers, Esq., DEAR SIR:—The bearer of this wants to vote, look after a job for him.

JOHN WITMER, TONY, Levan, Juab co., Utah.

THE SYSTEM TO BLAME.

The jurors who tried the CHONIX conspirators in Chicago are coming in for a severe scoring at the hands of the press of the country.

Very little is said in their favor, the condemnation being general and the denunciation very bitter.

It doesn't seem to occur to these writers that perhaps the jury system is quite as much to blame as the jurors.

We regard that system as responsible for the failure of justice in this case, as it is in so many cases which are decided in the courts every year.

As we understand it eleven of the CHONIX jurors were agreed that the defendants were accused and should be hanged.

The accused were either guilty and deserved the extreme penalty of the law, or they were innocent and should have been discharged.

They were not partly innocent and partly guilty; hence the life imprisonment which they must suffer will be a great deal too much, or will fall far short of satisfying the law.

One of the jurymen, however, insisted that guilt had not been clearly established, and he would not, therefore, assent to a verdict of murder in the first degree.

He was firm and determined. No argument could move him. The most that he would do would be to improve his imprisonment.

If he could not have his way there would be a disagreement and another trial, with all its annoyance, trouble and expense, even admitting that it was possible to procure another jury in the county.

All this was laid before the twelfth juror, CRIVEN, but it was without effect on him.

Then the eleven came to his terms, and as they have explained, agreed to the lighter penalty rather than permit an entire failure.

It is urged that they should not have yielded; that by giving way they confessed a weakness unworthy good citizens, and demonstrated what was not brought out during their examination for jurors, that they were unfit to sit in the case.

The argument is all well enough, but looking at the matter in the light of common sense, did not the eleven do the very best for society that could have been done under the circumstances?

The law in regard to murder was made a mockery of, but was it as great a mockery as would have been a disagreement involving, as the latter might and probably would have done, the discharge of the accused after a year or so when it had been shown that it was impossible to give them a second fair trial?

The eleven, in our opinion, really acted for the best, everything being taken into account, though it can hardly be claimed that their verdict was in strict accordance with the law.

That such verdicts can be returned, and they are returned in four cases out of five—we mean compromise verdicts—is due to the jury system which encourages them.

As long as we insist that twelve men shall agree on any proposition, shall see with one pair of eyes, hear with one pair of ears, and consider with one mind, so long will there be jury disagreements, compromise verdicts and failures of justice.

In the very nature of things this must be so. The remedy for what all admit is an evil will come when unanimous verdicts shall not be required. Right and justice will be arrived at as regards both the community and individual suitors when two-thirds or three-fourths of the panel can find a verdict, and the one stubborn, ignorant or corrupt juror cannot bring to naught or to his terms the efforts of the court and the eleven intelligent, upright men.

Let us not condemn the eleven CHONIX jurors who thought it better to obtain some results from the long and expensive trial than to have all the work of themselves, the court, the officials and the community come to nothing. Let us rather add this case to the long list which cries out for a change in the almost absurd jury system.

THE RIGHTS OF MINORITIES.

It ought to be pretty well understood by this time, if it is not, that raw recruits have a small chance in a conflict with veterans.

It matters but little whether the conflict be a civil or military one, the rule holds just the same.

And it has had a great many exemplifications in our day, of which we can take notice by observation, as well as the innumerable host of examples which have descended to us from history antique and recent, and which we only comprehend through intellectual association.

Never, perhaps, was there a more striking example of this condition of things—at least in recent times—than is afforded by the present House of Representatives at Washington.

The speaker is a man whose skill in tactics relates more to the floor than to the chair, and he finds himself confronted by the best organized minority that ever appeared in that body.

Of course he is an extreme partisan and thus disposed to construe all doubtful points, and all other points where the thing can be done without an absolutely indecent display of partisanship, in favor of his political friends; but as soon as he crosses the line he gets into deep water and is reminded of the foundation and limitation of his authority by an abrupt call to a consideration of the rules by the already jubilant Democrats of the House.

Say a recent number of the Philadelphia Times:

Mr. REED, the former Republican leader of the House at Washington, has been made speaker, and Mr. CHARLES, the speaker of the last House has returned to his old post as the Democratic leader.

Under these circumstances the advantage possessed by the Republicans, with their narrow majority, is more apparent than real. They were made very manifest yesterday, when Speaker REED undertook to help his party friends from the chair by recognizing Republicans with the introduction of bills. The Democrats out-generaled before the latter realized what was going on.

There are two ways open to the Republicans under the circumstances. One is for Speaker REED to coach McKIMLEY or some other Republican member every morning before the session begins, so that he may co-operate with the chair in all attempts to secure partisan advantage. A better way will be for Speaker REED to recognize Republicans and Democrats alike, thus making good his promise to be an impartial presiding officer.

It is no wonder that Mr. REED and his party have a consuming desire to so amend the rules that the effect of points of order will be blunted, if not altogether set aside. Being unable to cope with the adversary in accordance with all along rules of conduct, nothing is more natural than that he should plead the baby act and seek to gain by adventitious assistance what he cannot accomplish through the instrumentality of parliamentary tactics and the cohesiveness of political numbers.

The position of REED and his cohorts is so strikingly reminiscent of the action of the Utah Liberals. They long since abandoned legitimate methods of controversy in order to gain supremacy in local contests, gave up appeals to the law, and the judgment of men in order to transfer themselves from the minority to the majority, and relied upon the assistance of Congress and the courts to cut down opposition and make themselves correspondingly strong. They are desperate. So are the Republicans in the House of Representatives. The best wish we have for either of them is that they may long continue so.

THE DAY WILL COME.

"It is plain as the noonday sun, that without constitutional morality every pretense of patriotism must be false and counterfeit. The man who says he loves his country, and yet blows a fatal blow at the organic law which her life depends on, shows his sincerity as Nero proved his filial affection when he killed his mother and mutilated her body."

So said the late Judge JEREMIAH S. BLACK to the judiciary committee of the House of Representatives in February, 1888. The language occurs in his great argument in favor of the rights of local self-government for the territories. It was a masterly presentation, and that it has been violently disregarded and that it has been violently disregarded can be accounted for only on the theory that men's prejudices overcome and destroy their judgment and reason, and their sense of judgment is subdued by their hates. How much of local self-government have we left here in Utah? Little indeed, and what remains will be taken away if some of the men who prate about their patriotism can have their way. The governor is sent to us to execute the laws, and no citizen of the territory has any voice in his selection. Indeed, if the majority of the people were to unite in a petition that a certain

An Autumn Idyl.

Yestereven, as the twilight shadows were gathering, I sat near the window with my head upon my hand, thinking those thoughts that ever and anon wander through great minds. I was full of sorrow for the falling leaves, and sad was I because, though many were the flirtations of summer, there was not one girl whom I could call my own.

As a rule the governors are selected on account of their known ability to the people they are to govern.

The people are permitted to exercise no influence in the selection of the judges who interpret the law, and the circumstance that a judge is disposed to be fair and just in his application of the statutes towards the majority class is regarded as sufficient cause for his removal. He is expected to show his enmity on all occasions, and if he can distort the law to make it oppressive on those it was framed to protect in their personal and property rights he is expected to do so.

Even the probate judges are now appointed against the protest of the people and from the minority class, and these officials select one-half the grand and petit jurors, the other half being named by the district court clerk who acts under the direction of the judge. All jurors being taken from one political party and that party's platform being violent and unreasonable opposition, in season and out of season, to the masses of the community trial by a jury of their peers is unknown to the people of Utah.

There are a few offices to which the people elect, and now it is proposed that these shall be filled otherwise than by the popular will. The governor says to the secretary of the interior in his annual report that "some federal agency should be authorized to appoint the following county officers: Selectmen, clerks, recorders, superintendents of district schools and assessors."

This recommendation is followed by the introduction into the Senate by Senator PARROCK of a bill in harmony with Governor THOMAS' suggestion, the "federal agency" to be authorized to appoint these officers being the governor himself.

In truth, there is very little of local self-government left in Utah, not even the semblance of the thing remaining as to administration in important or material matters, and this condition of things has been brought about by those patriots who are so plainly described by Judge BLACK in the words quoted above.

But we are not discouraged, nor are the people of this fair land by any means disheartened. Their faith and confidence in the final triumph of justice are firm and unshaken. They know that in the end right will prevail. Some day the American people will awaken to the great wrongs inflicted upon Utah, and then there will occur a mighty undoing of evil, a glorious reformation and recompense. We can all afford to wait, and afford it much better than can those who have caused these years of suffering and abuse, who are responsible for the temporary suspension of liberty and the denial of the great American principle of self-government.

THE WOODSACKER (R. L.) Reporter offers a purse of \$100,000 for SULLIVAN and JACKSON to fight for, but it makes the express reservation that the offer does not hold good if either of the principals survives the encounter. There is something very thoughtful and to the average civilized mind quite appropriate in this.

AN EASTERN paper has it that "as long ago as December, 1862, JEFFERSON DAVIS issued a proclamation declaring General BEN BUTLER an outlaw and directing that he be killed whenever caught. But General BEN still survives to take note of the funeral of the man who thus arranged for his speedy taking off." Is not this more nearly an evidence of the fact that a certain gentleman who need not be mentioned takes care of his own, than otherwise?

Awakened Painful Reflections.

Small Boy (looking at displayed advertisement)—Papa, what are all these things?

Papa (nate candidate for office)—Pictures of household implements, my son.

"What is this one?"

"That is a potato masher."

"What is this one, papa?"

"That is a griddle."

"And what is this other one, papa?"

"It is a tureen, Willie."

"What is a tureen, papa?"

(Brokenly)—"A tureen, my son, is—a—a dish for holding—for holding—run out and play, Willie!"—Chicago Tribune.

A Performance by Special Request.



"Oh, see that Hon. How I do wish he would roar."



He roars!!—Munsey's Weekly.

The Chronic Kicker. Don't love a man who always kicks, no matter what you do. Who kicks with most prodigious ease the whole long season through. Who kicks if anything goes wrong, and kicks if all goes right. Who kicks because he likes to kick, and kicks with all his might.

We know some awful kickers on this wicked mundane sphere. Who came on earth by accident and kick because they're here; They make themselves uncomfortable and other people sick. They drive their friends to suicide and still they always kick.

We know a man who kicks and kicks the blessed livelong day. And if there's naught to kick about he's kicking anyway; at times when things are going right and other men would smile. He kicks on general principles, and kicketh all the while. —Chicago Tribune.

What the Editor Said.

He was tall, thin and hungry looking, and when he told the editor he was a poet, the editor didn't say a disparaging word. But he didn't get his poetry in the paper just the same, and the man with the blue pencil and the preoccupied air made several remarks.

"Poets are born, sir," he said haughtily, as he rolled up his manuscript.

"And I've doggoned sorry for it," said the editor.—Merchant Traveler.

Counterbalanced. "Blinkins is a nice fellow."

"Yes; but he shows such a marked disposition to exaggerate."

"To be sure; but that is counterbalanced by one thing."

"What is that?"

"The general indisposition to believe him."—Merchant Traveler.

Her Father Was a Judge.

He—What makes you so quiet? My other girls have all been full of fun.

She (with dignity)—I would have you understand, sir, that this is a civil court!—Lowell Citizen.

BORN.

ARRIVED—December 26, at 11:10 p. m., to the wife of Joshua Arthur, a girl, tipping the beam at ten pounds.

Mother getting along well and everything as good as could be desired.

BUILDING LOTS

On First West Street and Second West Street and Ninth South Street, Salt Lake City.

From - \$427, 25 feet by 156 3-4 feet.

Half cash and half in one year. Thirty dollars discount for cash.

Fuller & Young, Agents.

NOTICE.

The Printing Department of my business is growing to the extent of demanding my entire time in its supervision. For this reason I shall sell out the Book, Fancy Goods and Toy Departments of my business.

The Stand at 72 Main street, two stories and part basement, will doubtless be for rent and fixtures for sale.

PRICES on all Holiday Goods, consisting of Dolls, Books, Albums, Children's Books, Toys and Fancy Pinch and Oxidized Goods, Fancy Perfumery and Toilet Sets, Stationery Boxes—Everything in Stock pertaining to these departments will be

CUT RIGHT DOWN.

Early Purchasers will have the benefit of these low prices.

"A word to the wise" is sufficient.

Yours truly, H. PEMBROKE.

No. 72 Main Street, Salt Lake.

Country buyers can pick up some bargains if they call early.

"CLOSING OUT SALE."

Now is Your Chance for Bargains.

C. M. DONELSON & CO.

Will close out their entire stock of Dry Goods, Notions, Ladies' and Gents' Furnishing Goods, Cloaks, Wraps, Etc. Also a fine lot of show cases, shelves, counters, cabinets, etc. Ward and country stores will find it to their advantage to call and examine our stock. We will sell in large or small quantities at less than New York prices, as the entire stock must be closed out by January 15, 1890. Also a 3,000 pound Safe, as good as new.

C. M. DONELSON & CO.

Greatest Clearance Sale on Record!

CLOTHING AND FURNISHING GOODS

Our Entire Stock Sacrificed!

Look at These Cut Prices:

Table listing various clothing items and their prices, including men's dress pants, boys' suits, school overcoats, and men's business suits.

We Guarantee to Sell these Goods at prices above before stock-taking.

Respectfully,

LIPMAN, WALLERSTEIN & CO.

175 and 177 Main St.

Furs, Furs, Furs. Seal Work a Specialty. Orders Promptly Filled. E. MEHESY, Practical Furrier, Fur Dresser and Taxidermist. Complete Line in Sables, Coats, Caps, Gloves, Boas, Trimmings, Etc.

WHITE & SONS CO., Proprietors Pembroke Meat Market.

We furnish the Choicest Meats the market affords. Family trade solicited. Prompt delivery and satisfaction guaranteed. Our Prices are as Cheap as the cheapest. Home-cured Hams and Pure Utah Lard a specialty.

WHOLESALE PRICES: Prime Beef in Sides, at 5. Second Quality Beef, in Sides, 4 1/2. Fore-quarters Beef, at 4 1/2 @ 5 1/4. Hind-quarters Beef, 7 1/2 @ 8 1/4. Mutton Carcasses, at 6. Telephone 282. 38 W. First South Street. JOHN H. WHITE, Manager.

THE SALT LAKE Abstract, Title, Guaranty and Trust Company,

(FORMERLY HARVEY, NEFF & CO.) 265 SOUTH MAIN STREET. CAPITAL, \$100,000.00. INCORPORATED UNDER THE LAWS OF UTAH TERRITORY. Makes Correct Abstracts of Title, Showing All Errors. TITLES TO REAL ESTATE and MORTGAGES THOROUGHLY EXAMINED and INSURED.

ELIAS & MORRIS Has a handsome line of Wood, Iron and Slate

MANTLES FLOOR AND ART TILES. Call and see the finest display in this line in the West. No. 21 West South Temple Street.