

# THE EVENING NEWS

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## WRONG, AS USUAL.

A FEW years ago the people of this Territory were expected to bow down in mute worship before the wonderful wisdom of the judicial trinity, exalted by the arbitrary power of the Federal Government to the position of U. S. Judges for Utah. To regard them with anything less than awe, or to venture an opinion in opposition to their rulings, was denounced as rebellion and quoted as proof of the contumacious and treasonable spirit of the "turbulent Mormons." But time and experience have manifested to all classes of the community the fallibility of the idols of the bench, and proven that they are not only subject to the errors common to common humanity, but are singularly prone to taking the wrong view of important subjects.

The latest demonstration of this indisputable fact is the case of Mary G. Hussey vs. John Smith, which has been decided by the U. S. Supreme Court. Mr. Smith had the right of possession under an old local statute, a piece of property in this city, which he mortgaged to Dr. Bernhisel. The mortgage not being lifted in due time, it was foreclosed, and the property was sold, under decree of court, by the U. S. Marshal. Mr. Jennings became the purchaser and he conveyed it to Mrs. Hussey. The land in this city then being entered under the townsite law, the right to this piece of property was disputed, and was decided in favor of Mr. Smith, who was allowed to file on it. The case came before the Third District Court, and subsequently before the Supreme Court of the Territory, and both courts affirmed Mr. Smith's title. The principal ground on which this decision was reached was the alleged lack of authority of the Marshal to make the sale.

There were two Marshals in this Territory previous to the passage of the Poland bill: the United States Marshal, who executed the process of the courts in United States cases, and the Territorial Marshal, who performed that duty in cases arising under the laws of the Territory. The District and Supreme courts here ruled out the latter office and put all his business into the hands of the United States Marshal. But the decision of the Supreme Court of the United States in the Engelbrecht case proved that this was wrong, and that the judicial trinity had made a terrible blunder. When this land case came up before them they recognized their mistake, but only to plunge into another which was worse than the first. For they not only remanded the United States Marshal to his proper place, but by their decision in this case repudiated the acts he had performed while the *de facto* officer of the court. This the Supreme Court of the United States declares was "a gross error," because

"During all this time the Marshal's acts were valid as being those of an officer *de facto*. They were as much so as if they had been done by him *de jure*. An officer *de facto* is not a mere usurper, but yet within the sanction of law, but one who colors official claims and assumes to exercise official authority, is reported to have it, and the community acquiesces accordingly."

The consequence is that the *de facto* Marshal's sale was valid, and therefore all right and claim to the property held by Mr. Smith passed to Dr. Bernhisel and so on to Mrs. Hussey.

It is curious and amusing to note the many instances in which the vaunted judgment and supernatural wisdom of those who assumed to be our judicial masters, have been proven lamentably weak and remarkably stupid. We presume that we shall no longer be expected to worship and adore them as the embodiment of legal light and learned majesty. Ishabod!

"MRS. PRESIDENT HAYES."

The New York Graphic, of March 8th, contains a well-written article on the position occupied by "Mrs. President Hayes." The remarks of the Graphic were prompted by the appeals that have been made to the President's wife on the polygamy question, and particularly by a two-column letter in the Chicago Tribune, addressed to Mrs. President Hayes, as the Graphic says, "by a person signing herself 'Mrs. Ann Eliza Young,' asking the lady to 'exert her influence against that vast and increasing crime.'"

The Graphic asks, "Are these persons so ignorant as to really think that Mrs. Hayes is President of the United States, that they appeal to her for aid in political difficulties?"

Or, finally, do they think that Mrs. Hayes would so far forget her dignity as to lobby against or in favor of measures of legislation pending in Congress or before the Executive?"

We do not suppose that the women who appeal to Mrs. Hayes reflect much upon the inconsistency of their course. They, no doubt, expect her to use a private influence over Mr. Hayes in his public capacity as President. American women have with nearly as great lack of wisdom made appeals to Queen Victoria for the passage of laws affecting their sex in England, ignorant, apparently, of the fact that the Queen has no actual legislative powers, but is a mere puppet in the hands of her ministry. There is some excuse for the nominal head of the nation as could do something in the desired direction. But Mrs. Hayes, though a most excellent lady, holds no official position whatever, and therefore the applications of anti-polygamists to her are simply ridiculous.

The Graphic alludes to the visit of two Mormon women to Mrs.

Hayes, asking her "to stand between the women of Utah and harm." We remind that paper that these ladies were delegates from Utah to the Woman Suffrage Convention, and called on Mrs. Hayes while at the capital, with other ladies. They made no appeal to her, officially or otherwise, but merely, in conversation, presented their side of the marriage question, in answer to appeals that had been made to Mrs. Hayes by an anti-polygamy society of this city.

The Graphic shows that if petitions on polygamy are tolerated, petitions on land grants, subsidies, appointments, etc., will become common, and concludes by saying: "We do not propose to acknowledge the existence of an Associate President, unknown to the Constitution or the laws, who is supposed to be keeper of conscience and complete master of the constituted Executive."

To all of this we say, Amen, and hope that the anti-polygamy fanatics will learn a little wisdom, and season their proceedings with a little common sense, though perhaps this is too much to expect of them.

## THE PLAGUE.

In view of the speculations and alarms that are rife concerning the breaking out of the plague in Russia, its origin, and the possibility of its spread over Europe and introduction into the United States, the following, from the official report for March 5th, of the Surgeon-General United States Marine Hospital Service, will prove interesting and valuable:

"Official reports of European medical officers in China show conclusively that true 'bubonic plague' has prevailed extensively in that empire during the 30 years preceding 1873, when it was supposed to be wholly extinct. The reports also show that owing to the meagre facilities for communication with Central Asia, virulent epidemics may ravage extensive districts of that country without any knowledge of their existence extending to Europe. The reports present records of the disease having prevailed in the province of Yunnan, to which it was first introduced from Burma, during 20 of the 30 years in question, varying in intensity in different parts of the province, and in different years. The appearance of the disease was coincident with the breaking out of the rebellion against the Imperial government, which was longer maintained, and suppressed with more violent measures in Yunnan, than in any of the other provinces, conditions which undoubtedly contributed greatly to its virulence, as did also the superstitious practice of burying the dead, who are exposed on a bier to the sun till completely decomposed.

The plague was very prevalent in Yunnan in 1871-2, and in the latter year suddenly reappeared in Mesopotamia and Persia, gradually extending its area until in 1877 it reached the shores of the Caspian Sea, prevailing especially at the town of Retch, which has a direct trade with Astrakhan. In May and November, 1877, a fever of intermittent type accompanied with glandular swellings, prevailed in the port of Astrakhan and in Welyanka and other villages of that province; and in November, 1878, a similar affection appeared in Welyanka; a few deaths had occurred up to this time, but about December 1st the disease assumed the malignant character that has marked the present outbreak. The report of the Russian Medical Service of the Interior for 1877, which has just been made public, announces that 241 cases of Siberian plague were reported to the government during the year, the mortality being 21 per cent.; the principal outbreaks occurred in the provinces of Yulia and Tobolsk, which are at a considerable distance from each other, and were contemporaneous with, or occurred soon after, the virulent prevalence of the disease in Persia.

From the above facts, which have been obtained from official sources, and are in the main well attested, it seems proper to conclude that instead of the late outbreak being due to the spontaneous regeneration of the virus of the plague in the Valley of the Volga, or at the farthest, in Persia, the disease was reintroduced from China into Persia and thence to Russia, local conditions in each instance probably favoring the development. Of these conditions no authentic account will be obtained until the International Commission of Experts who are visiting the infected district make their report. The return of cold weather, combined with the stringent means adopted by the government, seem to have confined the late violent outbreak to the limited district where it first appeared. The American minister to Austria and to Russia report that the disease has manifested such an extremely virulent and contagious character that great alarm exists in the whole of Eastern Europe, and urge upon the government the necessity of taking measures to prevent the possibility of the introduction of the disease into the United States. The measures already taken by this government for preventing the importation of goods from the infected districts, except under proper precautions, are, for the present, considered sufficient for this purpose, especially if the ports of entry are kept free from the unsanitary conditions that favor the spread of epidemic disease.

BY TELEGRAPH.

THE WALK-TO-GATE MONEY—THE EASTERN.

New York, 15.—It is estimated that the gate money at Gilmore's Garden will aggregate \$50,000 to-night, which would give the winner \$25,000 clear. It is asserted, however, that the speculators control the receipts, having furnished the capital, assumed all expenses, and guaranteed \$5,000 to each pedestrian covering 450 miles. Some apprehension is felt of a disturbance at the Garden should Rowell, as appears almost certain, win. The rowdy element and anti-English feeling is growing, and manifest in the vigorous hissing and threats when Rowell takes the track. The attendance of ladies and persons of social distinction was large yesterday. Among the visitors were Senators Blaine, Jones, Ewing, of Ohio, and others. The walking continues to permeate all quarters of the city, and little else is talked about by delicate ladies in fashionable parlors, business men in offices, and bar room ruffians, than the chances of the match.

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The Greenbackers.

The Tribune's Washington special says: None of the greenbackers seem to feel worried about the rumor that Clerk Adams will exclude the Iowa delegation, thus throwing out two of their members, for they expect if such a thing is attempted that the republicans will make common cause with them against it. The contest is a closer one than that in which Randall won at the beginning of the last Congress, but it cannot be said that he has become exciting.

Iron Steamships.

The three iron steamships building at Roach's ship yard, Chester, Pennsylvania, promises to be the most seaworthy vessels afloat. The largest, 3,000 tons, and 325 feet long is intended for Mallory's New York and Texas line. The next largest, 310 feet, is for Alexander & Sons New York and Havana line. She has three iron decks, besides a hurricane deck, and seven watertight compartments. The third vessel is for the Hawaiian line. Eight hundred mechanics and laborers are employed at Roach's yards, where also a small iron steamer now building for the Amazon trade. The contractor is a Brazilian, who contemplated going to England, but after visiting America for six days, decided to make a contract here. An order for another steamer will probably follow this.

The International Pedestrian Contest.

Harriman finished his 300th mile at 11:30 and then was on the track, a very much used-up man. Ennis came on at 11:37 looking very fresh, and started off, amidst great applause, at a rapid gait. He finished his 450 miles at 12:12, 15 minutes but 22 miles behind Rowell, and the excitement was intense. Rowell, who went off at 9:45, came on at 12:22, and commenced walking rapidly. Mr. Fraser, assistant trainer to Harriman, and a member of the Scottish American club, openly stated that, in his opinion, Harriman was driven by other means. The matter will be fully investigated.

The Score.

At 1 o'clock, this morning the score stood—Rowell, 428; Harriman, 390; Ennis, 436.

The score at 9 o'clock this morning was—Rowell, 457; Ennis, 433; Harriman, 418.

The score at 11 a. m. stood—Rowell, 463; Ennis, 449; Harriman, 420.

At 12 o'clock—Rowell, 471; Ennis, 443; Harriman, 433.

At 1 o'clock—Rowell, 471; Ennis, 447; Harriman, 437.

At 2 o'clock p. m.—Rowell, 475 miles; Ennis, 450; Harriman, 420.

As the day advances, Harriman marks up his miles, and at three o'clock he made 432; Ennis, 450; Rowell, 478.

Preparing for a Row.

The Times says: An extra force of police has been ordered on duty, to-day, with a special view to the large number of threats that have reached the ears of the authorities that Rowell would be prevented at all hazards from winning. It is also reported that one of the militia regiments has been ordered to hold itself in readiness for emergency. This latter story is corroborated by the janitor of the building. One of O'Leary's late trainers says he is still in the garden, but the employees say, and access to the rooms he occupied, yesterday, is barred and guarded by armed men, with instructions to let nobody pass.

The Visitors—Floral Presentations.

A greater number of persons were in Gilmore's garden this forenoon than at any previous morning since the pedestrian contest was begun. A very large proportion of those present were ladies who manifested decided preference for Harriman. It is believed that he will make the 450 miles and secure the third man's share of the gate money. This is all he will be before the race.

Among the visitors to the Garden, this morning, was the British Minister, Sir Edward Thornton, and wife. About 1:30 p. m. Ennis began his 450 miles on the run, and made it in 7 minutes, 16 seconds, the fastest mile of the match. About 11 o'clock, a lady presented Harriman with a large floral basket. Rowell, who was walking at a brisk pace, some distance behind, soon came abreast, and taking one side of the basket, walked with Harriman around the track. The cabin of the latter, where the basket was deposited. This incident elicited thunders of applause. Rowell was tendered a large crown of flowers and laurel. In the crown were two English flags, and surrounding them the Stars and Stripes. Rowell did not receive the tribute, and the laurel placed it at his headquarters. Ennis received his share of flowers. He looked strong, with plenty of walk run in him yet. He, like Rowell, encourages his wife to walk with him occasionally. He, unfortunately cannot be applauded as Rowell for his magnanimous conduct, as if he and Rowell only make 450 miles, Ennis receives but one quarter of the receipts; whereas, if Harriman makes 450 miles, Ennis will get 30 per cent. of the gate money.

Francisco, describing the reception of the President's veto of the Chinese bill in that city. The excitement there seems to have been less than at first supposed. The following are some of the extracts from the letter:

San Francisco, 6.

Let me disabuse your mind with respect to what is called the "anti-Chinese mob spirit" prevailing here. So far from there being a very general feeling adverse to the action of the President in his veto, I verily believe, if the opinion of the taxpayers could be had, a strong demonstration that a large majority is opposed to interference by law with the question of Chinese immigration, which regulates itself according to our necessities for labor. The city was raked over to obtain from the chamber of commerce a demonstration adverse to the veto, which present is a candidate for governor, but only a beggarly vote of 20 could be obtained for the measure, against which there were 15 votes. I do not believe that out of the 250 members comprising the chamber of commerce, there could be found 40 to condemn the veto, and the voice of the former in our State, would be at about the same ratio.

Unusual quiet has reigned since the veto, and the countenance of these people plainly indicate the sentiment. Well, does President Hayes. The congressmen who expressed fears of a riot knew that there was no danger of one. When Sargent said to Hamilton that the taxes paid by Chinamen did not, by \$12,000, pay their charges for administration of public justice, he failed to the extent of the trifling sum of \$2,500,000, an incident in accord with his general statement. Why did not some senator demand official figures from the government to back off the wholesale falsehoods so unblushingly indulged in by the advance guard in this unholy crusade? Thoughtful and intelligent men here are beginning to view the public men as imbecile or lost to every sense of truth and justice, when such falsehoods are so carelessly and wantonly uttered. He records uncontradicted. Is not the honor of the country worth, for its maintenance, a little study of the facts by legislators upon whose conduct so much depends? Is every sentiment of national integrity to be swallowed up in contention for party supremacy? The whole Chinese immigration question of the last 10 years has been 111,138, the departures 69,695, present 41,498. From these present deduct two per cent. per annum for each of ten years, and consider the increase in that time of 400,000 Caucasians, and it may easily be determined how ridiculous is the alarm about Mongolian ascendancy.

Killed in a Collision.

Pittsburg, 15.—Phillip Haas and Peter Friedrich were killed in the Empire collision, last night, by a fall of roof rock.

## FOREIGN.

GREAT BRITAIN.

The Szegein Flood Disaster.—Thousands starved and homeless. Anarchy and confusion.—The troops insufficient.

LONDON, 15.—The Lord Mayor of London, at the request of the Austrian Ambassador, has opened a subscription for relief of Szegein. A correspondent at Szegein telegraphed, on Tuesday, that 1,000 people were starving. The correspondent passed, in one of the relief boats, 400 persons who had taken refuge in a church. The boat was unable to afford them any help. There were hardly any services being held in the church, and a house, 1,500 people had taken refuge and were without food. Large numbers of boats, which were proceeding to aid the submerged city, had been stopped by the storm, which had cut off communication by the river.

A Vienna dispatch says: The authorities at Szentes, Vasarhely, and Csongrad, which towns contain an aggregate population of 80,000, have telegraphed to Pesth for aid. The dykes protecting them from the waters of the Danube. Sickness has broken out among the refugees camped on the dykes at Szeged.

A Szegein dispatch says: A fearful storm is still raging. The vast lake around the remains of the town is tossed like the sea. The inhabitants who have not yet been taken away are crowded in the citadel and upper stories of a few houses and in railway wagons. These people are fairly provided with provisions, but the houses are encamped on the dykes, and with those it is impossible to communicate. Four hundred corpses were recovered in the village of Szeged yesterday.

A correspondent at Pesth reports that the waters around Szegein are subsiding.

The Danube is rising rapidly and threatens New Szegein. Numerous villages in the vicinity are crowded with refugees. Anarchy and confusion reign here because of the insufficient number of troops. Several incendiaries have been summarily executed.

On Friday night a northeasterly storm drove the waves across the dykes protecting Csongrad, which contained 10,000 inhabitants, and the town was partially inundated. The people are actively repairing the damage and endeavoring to escape, as the storm has ceased.

Szentes, a town of 25,000 inhabitants, is engaged in a similar struggle with the waters.

Practising.

The Cambridge University boat crew, to compete with the Oxford in the annual race, began its practice on the Thames to-day.

RUSSIA.

Resigned.

ST. PETERSBURG, 15.—General Kauffman has tendered his resignation because of the failure of his Afghan policy. The report is confirmed that the Russians are moving upon Mero.

FRANCE.

The Imprecment Vote.

PARIS, 15.—The majority in the chamber of deputies against impeachment consisted of 183 republicans and 134 legitimists and Bonapartists. The minority consisted of 155 republicans and one Bonapartist. The government majority, taking the left alone, was thus only 25. Nineteen republicans were deterred by the views of some of their constituents from voting, with the cabinet, though they would not vote against it. It is believed that there will be more interpellations, a crisis, and in all probability further modifications of the cabinet before easter recess.

A Prairie Fire.

TOPEKA, 15.—A prairie fire, near Abilene, on the night of the 13th, came near destroying the town. The high wind which prevailed drove the flames directly into town, destroying a large amount of fencing, and causing a number of houses in the suburbs. A man named Lebold, a prominent banker, lost 7,000 bushels of corn and 10,000 bushels of wheat, which he stored just outside the city. The total loss of property will be more than \$100,000.

The Chinese Question and the Veto.

WASHINGTON, 15.—G. C. Kennedy, of this city, has received a letter from a prominent citizen of San

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