EVENING NEWS. ILY, SURDAY'S SECEPTED. D AND PUBLISHED BY THE DESERBE NEWS COMPANY CHARLES W. PENROSE, EDITOR . . . Feb. 8, 1881

## AN IMPORTANT STEP IN THE CONTEST.

TO-DAY at 2 o'clock p. m., applica tion was made in the Third District that has declare seen pelitionse is the the same day left and the self of the same day left and leaves the same day left and leaves day leaves day left and leaves day leaves day

certain specified duty which he has not performed and which he now refuses to perform—the Acting-Governor being now in fact the Governor-the Court therefore issues its writ to compel the performance of the required duty, or the production f sufficient reasons for the neglect refusal to do so. That the Court authority to exercise this power there can be no reasonable doubt; it is been done in a number of intances in more States than one.

It may be a question in some minds whether a mandamus will apply in this case, seeing that it was cided to be not applicable in the edent case of Assessor Robt. T. Burton. But in the latter case the plaintiffs sought to compel an officer to perform something contrary to aw, while in this case it is asked for to compel an officer to perform something which he is commanded

to do by law. According to the ing of the statute under which the Governor is required to act, the person having the greatest number of votes is to be declared duly elect-But the Governor took the words of another part of the law, relating to other and different offices than that in question, and by a singula cumbination of the two portions, made out a definition of one word not wurranted by the context. He construed the word "person" to mean "citizen." And on this con-s.r.stiou of language he predicated his ar unment to the disfavor of the U.t. a select. D.I. h. n-elect. It will be perceived that in the present application nothing is said about the citizenship of the Deleabout the citizenship of the Dele-gate. It forms no valid part of the inquiry. Taking up that extrinsic question with which he had nothing to do, caused the Governor to fall into the series of blunders wherein he is now floundering, one false step ever leading to more. The citizen-ship question is merely avoided be-cause it lies entirely outside of the present subject, not because there is any flow in the avidence of our present subject, not because there is any flaw in the evidence of our Delegate's naturalization, as will be fully set forth in due time. It may be asked, how can the Go-vernor be compelled by order of the person elected, when he has already ed one to another person? To which we reply, the Governor has not issued any certificate as required by Itw, but has done something of his own volition and in his own way contrary to that which the law commands him to do, so that pretended certificate is bogus and not worth anything more in fact or in law, than a counterfeit bank note or ponent saith not. forgel check or any other worthless piece of paper. That Hon. George Q. Cannon is lawfully and justly entitled to the certificate there is no doubt in the mind of any one who understands the matter. And a manifest injus-tice having been committed to his injury and the injury of the United States of America, }s.s. United States of America.
and the writ of mandamus having been introduced in jurisprudence, "to prevent disorders from a failure of justice," thenfore it is evident that the present proceedings ought of right to prevall, and the case being so plain and souple, all points but one having been con-ceded by the Governor himself there can be fittle doubt that that the writ will be made peramp-tory, and that the proper officer will be required to issue the certificate to Dolegate Caanon.
PETTION FOR MANDANUS.
The District Court of the Third Judicial District of Utah.
The People of Utah Territory
The Poople of Utah Territory
The Poople of Utah Territory
The People of Utah Territ

Court, before Hon. John A. Hunter, ed to said office of Delegate to the Governor on the same day left said

George Q. Cannon, being sworn, ays: I have read the foregoing peti-tion: I am the person making the same, and I know the contents thereof. The same is true of my own knowledge, except as to the matters therein stated on information and belief, and as to those matters, I be-

lieve it to be true, GEO. Q. CARNON. Subscribed and sworn to before me, this 26th day of Jauuary, A. D. 1881.

(Notary's FRANK GALT, Seal.) Notary Public. AFFIDAVIT OF JOHN T. CAINE. TERBITORY OF UTAH.

In the District Court for Third Ju dicial District, Salt Lake County. The People of Utah Territory, ] Ex rel., George Q. Cannon

Arthur L. Thomas, Acting Governor of Utah. BALT LAKE COUNTY, | 88.

John T. Caine, being duly sworn, says that he is the agent of George Q. Cannon above named, for the purposes of making the demand hereinafter set forth, and Arthur Brown is the attorney for relator for demanding and taking proceedings relative to the certificate of election hereinafter spoken of. That on the 5th day of February, 1881, deponent and said Brown to gether called upon above-named Arthur L. Thomas, and after stat-ing to said Thomas that deromant NEW YORK, 8.—A short time ago the 69th regiment of national guard announced a parade, reception of colors, concert and dance in the ar-mory, admission to be charged and the receipts to be given to the Jes-uit priests of this city for a' college. The Adjutant General ordered that the admission fee to the armory could only be collected for the bone could only be collected for the bene-fit of the regiment. The regiment then secured Madison Square Gar-den for the 23d inst., for the same gress of U. S., and requested him to sign and execute annexed certifi-cate, Ex. A. And the said Thomas then and there refused to decla said George Q. Cannon elected purpose. New Orleans Flooded. NEW ORLEANS, 8.—A crevasse in-the new and old canal levees has submerged nearly all that portion of the city west of Broad St., between scattering votes for other persons. And deponent further says that on the 7th day of January, 1881, he, as such agent of said George Q. Can-non, demanded of Eli H, Murray, Gevernor of Utah, that he declare smoke stacks and roofs of the houses building on Ballett St, were blown to pieces. The signal officer reports threatening weather, with easterly wind, which will have the effect of forcing more water into the city from the Lake and Gulf. The water in said George Q. Cannon elected to said office of Delegate to the House of Representatives of the Forty-Seventh Congress of the United States, which said Murriy declined and refused to do. And further de-

from the proper officers of the vari-ous counties to the Secretary of the said Territory, showing the vote foresaid; that the report officers of the vari-nur L. Thomas was such Secretary. That on the 8th day of January 1881, your petitions by his agents, demanded of Ell H. Murray, Gover-nor of U an, that he declares your petitions elected to and office of Delegate to Congress from Utah, which said Governor refused to do, as petitioner alleges on information unally supposes the room in which it first sees the light to be the utof a house, the house one of a street, PROCTOR,

which said Governor refused to do, as petitioner alleges on information and belief. That on the 8th day of January, 1881, Ell H. Murray, Governor of Utah, departed from that Territory, has not not yet returned, and that Arthur L. Thomas, the Secretary, became the Acting Governor of the Territory; that on day of January, 1881, petitioner by his agents demanded of said Arthur L. Thomas that he declare your petitioner elect. tres of companion systems that

a scheme of circling worlds, just as morning for the sale of Tickets. our, sun is the chief planet of our Admission, usual Theatre Rates. No

God as the Creator and Governor of

Witness the Hon. John A. Hun-ter, Judge of the Third District Court of the Territory of Utah, and the seal of said Court. God as the Creator and Governor of the universe. It should but awaken a more enlarged and correct concep-tion of the power and majesty of the universe. It should but awaken a tion of the power and majesty of

God, and of that wisdom which "passeth all understanding," by which he brings to pass his many BY TELEGRAPH wonderful works. The speaker PER WESTERN UNION TELEGRAPH LINE. then presented his theory of plane-AMERICAN.

tery life, or the birth, growth life and death of worlds; the first Whisky License in Congress. half of which he proceeded to des-WASHINGTON, 8 .- In the Senate

cribe. According to his theory, yesterday an extraneous discussion sprung up on the liquor license, and Conkling said Thurman had made it a party question, it was so agree-able to the democratic stomach, and was thought to furnish so much inworlds are continually being born and worlds are continually dying. The life of a planet is its process of cooling. Its first stage of existence spiration. Thurman replied he is called the glowing, vaporous stage, would vote for the license as he had in which the world, from intensity seen the effect of not granting li-censes in Ohio, where under prohibi-tion in 57 there had been at least two drinking places for one existing before prohibition. He would like the contribution of injuries to public costh unon which we live, and such morals and health, and would like to see whether republicans would is now the san which furnishes our



Two Loctures by the world-renown PROFESSOR RICHARD A.

SUBJECTS: lay-The Birth and Growth of Worlds " The Life and Death of Worlds."

To those who have read the works of this eminent man, or heard him speak upon this the grandest of all themes, no word is neces-

mry. The Boston Post says of him: "The interest in the astronomical lectures of Professor Protor does not lessen in the smallest de-gree. On the contrary, there is hardly one norming for the sale of Tickets.

FOR SALE. STUDENTS NOTE BOOKS AT DESERRE

NOTICE.



NOTICE.

NOTICE IS HEREBY GIVEN THAT the Trustees of the 19th School Destrict will sli in the 19th Ward School house on Wednesday, Feb 18th, at three o'clock p. m., is an equalization committee, to hear com-plaints, if there be any, and to equalize, if necessary, the assessed valuation of the taxable property in said district. PHILLIP P. PUGBLEY, HENRY ARNOLD, GEORGE NEBEKER,

Salt Lake City, Feb'y 7th, 1881. 464 2



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The Wonder of the World.

GOOD NEWS FOR ALL!

PROFESSOR HERMAN'S

WORLD-RENOWNED

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ng yet Discove

KILLING NATS, MIGE, INSECTS ON PORLTAY

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HAHRING.

PREPARATORY TO THE ARRIVAL OF

As a restaurant and SPRING STOCK

ABRANCE



CHAS EMMERICH & CO. as players and a fast samendal

A FRANCE MENTER & CEL FT ABA-USO MENDING AND



JOHN T. CAINE.

FORM OF CERTIFICATE.

EXHIBIT "A."

The damage to property by the sleet and snow at Chicago is not very heavy yet.

Evidently the powers have agree

Burnett, an old well known tele-graph operator, shot himself fatally inst night in Chicago.

It is reported that the overdue steamer Batavia was sighted in 30 west longitude and was all right. More Lancashire miners, have struck. Many thousands are now out. The weather is severe, cold and stormy.

The Birth and Growth of Worlds-

A large and intellectual and listened to Professor Richard A. Prootor, last evening, in the first of his series of lectures on astronomy.

and heat. In world would be utterly devoid of water, which could not possible rest upon its fiery surface. The second or flery stage in a world's develop ment is that in which it would have

become cooler and consist partly of liquid and partly of solid mat-ter. It would appear to in-crease in size, a phenomenon caused by the masses of clouds and the dense atmosphere of water in a vaporous state, which would surround the globe itself and seem to be a part of its proper magnitude. Jupi-ter and Saturn, the giant planets of the solar system, are of this de-scription. The third stage would be the time of mid-life, in which the world would have a solid crust, enclosing a fiery core, and with water on its surface which had settled down from the circumambient at-

down from the circumannoient at-mosphere. On such a planet, life would be possible; and so the third stage of planetary life is that through which our earth is now passing, the formation of its crust baying occu-pled tens of millions of years. It submerged nearly all that portion of the city west of Broad St., between the canals, and west of St. John St., and north as far as Ursuls Street, enbracing a hundred square miles. The streets and sidewalks are en-tirely covered with water. Great efforts are making by the authori-ties to close the break in the canal levees, notwithstanding the water at all points is rising. Shell road from New Lake End to Half Way House is two feet under water. Fences are blown down and the roof of the north end of Dryday's market is carried away. The roof of the are the offices of superintendent of education and of commissioner of immigration is blown off, and the suffered terribly, nearly every fence in town being blown down, also to pieces. The signal officer reports to pieces. The signal officer reports dence. This he did in the most in-genious manner possible. He said it was not the most pleasant view of the subject, that all the glorious worlds that were being born had eventually to decay and die, but in considering any subject it was the truth which should be 

II 2 ce wh It was his view, that even as man must die, so must the worlds he inhabits. The age of a planet, with respect to its fellow creations, did not depend entirely upon the lapse of time since its birth. The cooler a planet became, the older it was m 工品 of time since its birth. The cooler a planet became, the older it was called, and as it was a well known fact that large bodies, after being heated, cool much slower than smaller ones, it followed that while some worlds might be in one stage of development, others, larger. or smaller, though born at the same time, would be in earlier or later stages, and hence older or younger accordingly. The length of a planet's life was, therefore, the time it occupied in cooling. The lecturer in illustrating his theory, made use of the illuminated pictures and diagrams mentioned above. a Great Specialty for Seab and Tis

ng the planets mets of the ad described their motions ces upon each other. The co ion of the planets which wi place in June was exhibite be disasters which have bee

leted as the necessary result up ur earth, were declared by th urer to be baseless an instruction of the second se on our earth, lecturer to

had been made every quarter of a century, for the last 2,000 years, and in no instance had, the foolish fears



