T. SUBBAT'S EXCEPTED. FOUR O'CLOCK PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY. CHARLES W. PENROSE, EDITOR. Dec. 20, 1880

EVENING NEWS.

THE CONSTITUTION.

THERE is one recommendation in that part of the President's Message concerning Utab, about which little has been said. The President, after recommending a government for Utab, composed of a governor and induced of a governor and induced of a governor and that part of the President's Message Judges or commissioners' appointed | 1 r State." by the President, adds, "or a governby the President, adds, "or a govern-ment analogous to the provisional government established for the ter-outside of its limits? What right man's strengthening Sher-man's stood as strengthening Sher-man's stood as strengthening Sherritory northwest of the Ohio by the

as a probable measure of public pol- evolved the extraordinary theory, icy, or as likely to receive any seri- that Congress can do as it pleases icy, or as likely to receive any seri-ous attention from Congress, but for politically with the people as well as long it would doubtless be a severe the purpose of explaining it that it sile of an organized State to imore is yet to be made and I venture to may be clearly understood by our side of an organized State, to ignore may be clearly understood by our readers, many of whom are perhaps not familiar with the subject to which it relates.

The territory northwest of the Ohio was at the time of the passage of the ordinance very sparsely settled. Although of vast extent, all its population combined did not reach a sufficient number to justify organization into a common wealth; and therefore it was ordained by Congress that until that section should have "five thousand free, male inhabitants," it should be under the direction of a governor and three judges, who should "adopt and publish in the district, such laws of the original States, criminal and civil, as might be necessary and best suited to the circumstances of the district, and report them to Congress from time to time." This was declared to be merely "for the purposes of temporary government," and these laws, when approved by Congress, were only to be in force in the district until the organization of a general as-'sembly therein elected by the citizens; and when the people's Legisla-

ernment nor to people not organized, in the United States Senate, and he but to land, the absolute "property?" believed he had a fair prospect of a successful issue of his candidacy, but yielding to the judgment of his friends he had concluded to withviduals, either personally or as a po-litical body, cannot rightfully be considered. The adoption of the

term Territory for that imperfect porters. Foster's withdrawal falls like form of government called in the clap of thunder from a clear sky. Ordinance, a "State," has led to All last week his intimate friends insisted that under no circumstances confusion of ideas in relation to the would he withdraw from the contest territory or landed property of the until fairly beaten. For several Government. days the mails have been borne

This view is evidently correct from down with letters begging him to withdraw. In an interview this careful consideration of the secevening, Foster said: "I did not tion It provides for the admission finally conclude to withdraw until UTAH, THE ORDINANCE AND of new States into the Union and then specifies that:

"Congress shall have power to dispose of and make all needful as during the past few days. Letters have been pouring on me from some of the leading men in the country, declaring that if I persisted in remaining in the contest, it would bread bitter feuds which would re-sult in serious trouble in the future to the party. I don't attempt to advise by supporters to vete for any

man's position. He set his has Congress to "dispose heart on the senatorship and his

We do not refer to this now be of " free citizens? Yet, out failure to receive it will be a seve-cause we attach any importance to it of this simple clause has been re disappointment to him. He was greatly disappointed at Chicago and now if he should fail of election to which the original States were based, by the establishment of arbi-trary rules and regulations, by fore

ing upon the people officers having himself. Stanley Matthews waits no interests in common with them, for Justice Swayne's place on the federal Supreme bench. It is too and against the people's choice and late for Taft to start it. Sherman expressed desires, and while taxing will have a walk over. them for revenue, by depriving them of any real representation, their Delegate having no vote in Congress, and they having no vote

for the national Executive. framers of the Constitution is fur. ing to the bad weather. ther evident from the seventeenth that Secretary Sherman is hostile There is no truth in the report clause of Section VIII, which gives to the 3 per cent. bond. He favors the States or purchased 1y their pass.

consent. Over the district of Columpostmaster general in Garfield's cabia Congress has exclusive legislabinet. It is stated that Logan would tive power. But does this extend to get the position.

ture became organized, its members were to have "authority to alter the exclusive legislative power is in legal effect also its limit. And Investigating the Pomeas.

Suicide. - The following special came at 11 a. m.:

ST. GEORGE, Dec. 20. Editor Deseret News

John Empey committed suicide on Saturday evening by shooting himself through the heart. His wife died about three weeks ago, and since that happened he has been very low spirited. Before shooting himself he wrote full instructions concerning his property debts etc. concerning his property, debts, etc. He was about 20 years of age.

to-day. I suppose it will take my friends by surprise. My chances for Senator have never looked so bright musical instruments for the holidays. His windows are beautifully decorated and constitute quite an admire his extensive line of goods. He has all kinds of instruments. from a jewsharp to a plano, and oceans of sheet music, and offers excellent inducements to his customers. Calder's is evidently the place to get a bargain in musical

wares.

Auerbach's Display.-F. Auerhach & Brother's splendidly decorated windows present an unusually fine appearance this week. One of the handsomest displays of notions, dress goods, silks, satins, laces, and in fact everything to be thought of in the fancy dress goods line can be seen in his two magnificent show windows. The elaborate dressing is due to the taste and skill of Mr. Gabriel, of the establishment, and could not be excelled anywhere. Go and take a look at it.

A gentleman just from Mentor says: Gen. Garfield is in prime conamong the most prominent attractions is the establishment of Mr. S.P. dition, that he was overrun and Teasdel, the popular merchant. overworked which, as Richard There are seven show windows to Smith said, had brought on indiges-That this was not intended by the it. His visitors have fallen off ow- you try. In the two farthest north you try. In the two farthest north can be seen specimens of clothing, gents' furnishing goods, blankets, etc.; in the next, boots and shoes 'of Congress power "To exercise exclu-sive legislation in all cases whatsochildren's; and in the next window, ever" over a district ten miles be refunded, even 2 per cent. were hats and caps of all the latest styles. square, and other places ceded by will execute any law congress may Following down, a beautiful array of fancy dry goods and Congressman Ford is urged for notions of all kinds meets the eye; then a window containing pocket and table cutlery, lamps,

## LOST.

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organized incipient States, whose people are citizens equally with the residents of States having full politi-cal powers? This specified extenline of groceries. Mr. Teasdel is do-



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H. S. ELDREDGE, SUPT.

the exercise of arbitrary authority those laws as they should think fit." over the Territories, on the basis of a

oligarchy.

Previous to the organization of a General Assembly the Governor was to oppoint all the magistrates and other civil officers in each county or township, to be 'the commander-inchief of the militia, etc. One of his qualifications was that he should reside in the district and have,"a freehold estate therein, In one thousand acres of land, while in the exercise of his office." Each of the judges were required to have "a freehold estate in five hundred acres of land

in the district." The right of trial by jury, of habeas corpus and com- that if the princples which promptmon law jurisprudence were guaran- ed the establishment of the tempoteed to the people.

But as soon as the district contained five thousand free male inhabi- Utah Territory, the latter is en- steps may in their judgment be tants, they were to have authority titled to admission into the to elect a local Legislature, in the Union on an equal footing with other proportion of one to every five States, and that the only condition him two aides de camp to do cierical hundred citizens, the number to be imposed on us is that our con- work. of members to be increased stitution and government shall be

as the population increased, until republican in form. Also that The Indicted Prelates in England twenty-five members should be pending our admission into the Unielected, after which the Legislature on as a State, our Governor, Judges was itself to regulate the number of and other officials shall be bona fide its members," It was also ordained residents of the Territory, owners of and agreed that as soon as consis-real estate therein and thus iden ti-the Church of England. He says it 'tent with the general interest, not fied with the people whose interests will attract attention as the echo of less than three nor more than five they are appointed to subserve, and States should be formed in the dis- that "the inhabitants of the Territrict, and whenever either of these tory shall always be entitled to the ritualistic clergymen in that coun-States should have sixty thousand benefits of the write of habeas cor-States should have sixty thousand benefits of the write of habeas corfree inhabitants it was orda'ned pus and of the trial by jury, and of

be admitted by its delegates into course of the common law." the Congress of the United States The idea of applying to an orgaon an equal footing with the origi- nized territorial government with nal States in all respects what- laws and institutions of thirty years ever." . The only proviso to this establishment, and with a populaagreement was that the con- tion of about 150,000, the make stitution and government of those shift forms of a temporary States should be republican and government proclaimed on its face consistent with the principles of the as only suitable for an inchoate com- God." ordinance and, if in accordance munity with less than five thousand with the general interest, those male inhabitants, is a little too ri-States might be admitted into the diculous and impracticable for even condemned for wearing, as referred to in the indictment, shows that the ed the specified number. This ance in office and spurred up to antiagreement was made, so it was de- "Mormon" action by "forty parson clared, to fix and establish "the fun- power," to entertain with any indamental principles of civil and re- tention of serious endorsement. The ligious liberty whereon these re- power to make all the laws and ap- sengers who brought the electoral publics, their laws and constitu-point all the officers to execute and tions are erected," as the basis of administer them, in a Territory as "all laws, constitutions and gov-large and rich as Utab, and with Heretofore it has been 25 cents a

ernments in the said Territory." such vast and varied opportunities mile each way. In the last appro-It will be perceived that this tem-for spoliation and plunder, and the priation bill it was changed to 25 porary government was only adapt-ed to a district in the most primitive party malevolence as it affords, might political condition. It was consider- be very enticing to the minds which on 12 cents a mile, ed entirely unfit for a community jumped at the conclusion that it The vote of Georgia has not yet in which were five thousand male would be a fine thing to suggest to inhabitants. Further, the ordinance the President, but is too outrageous of New York was brought by John guaranceed the establishment and admission into the Union of free States as soon as the population treat as a measure for legislation, or reached sixty thousand, and an- even as a subject for serious debate. nounced that this was necessary for

the extension to the inhabitants of that district of the very fundament- BY TELEGRAPH al principles of civil and religious liberty on which the original States were founded.

issued the following request: strained, irrational and anti-republi-Executive Mansion, can interpretation of a constitutional Washington, Dec. 18. provision, was one of the first steps provision, was one of the first steps I request the following gentlemen of the national government towards to proceed to Indian Territory as that centralization and autocratic do- soon as may be and effect a conference with the Ponca tribe of Indians mination which disciples of true' de-

to ascertain facts with regard to the mocratic doctrine view with alarm, recent removal and present condiand which is gradually transforming tion, so far as is necessary to deter-mine the question as to what justice onr national system into a veritable and humanity demand should be done by the government of the United States, and report their con-

lusions and recommendations in Returning to the Presidential re-

the matter: Brigadier General Geo. commendation, it will be perceived Crook, U.S.A.' Brigadier General Miles, U. S. A.; Wm. Stickney, Washington, D.C.; Walter Allen, Newton, Mass. It is the purpose of the foregoing request to authorize rary government in the district northwest of the Obio are applied to the commission to take whatever

necessary to enable them to accom- GRAND CONCERT AND BALL Crook is authorized to take with (Signed

R. B. HAYES.

NEW YORK, 20 .- The Tribune prints the full discourse of Rev. F. C. Ewer, formerly of San Francisco, preached yesterday on the recent a rising protest in England against the imprisonment, or Dr. Ewer calls it "persecution," of offending

of the struggle within the Church of and agreed that "such State should judicial proceedings according to the tion of the ecclesiastical powers by England against the gradual absorpthe courts, to the formation of which the church did not assent, is a learned and forcible argument and will catch and keep the attention of those who take only a spectator's interest in the controversy. There is some caustic criticism of the occu-

pants of the bishop's beach in the House of Lords, who are said to be fathers in the law and not fathers in The call of the English Church Union upon its 250 members

Washington Gossip.

Washington special says: The mesvote of the different states here have been disappointed as to the cents for one way only. The mes-sengers growl at this, but there's no help. A man can travel comfortably

mint, will advocate before the meeting to-morrow, the re-imposi-tion of the melting and coinage charges. This accords with the re-commendations of Secretary Sher-nian, who suggested in his annual

WASHINGTON, 20.-The President and is succeeding.

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Music Committee. Wm. F. James, J. T. Lynch. M. C. Phillips. Floor Committee.

Allen Fowler, J. S. Stewart, J. S. Barnes, T. B. Clobecy, J. D. Coulter. M. H. Walker, Art. J. Lowe, F. E. Sargent.

to assume the vestments which the imprisoned clergymen have been

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not apply for it. Mr. Burchard, director of the

reached

Drums,"

report the propriety of imposing a melting charge in all cases of de-posits of bullion either for coins or refining. As to the charge for coin-ing, the secretary says: Experience shows that other circumstances be-AMBRICAN. This ordinance, be it observed, was an expension of the second of the se This ordinance, be it observed, was vial Fight. enacted before the adoption of the

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