THE EVENING NEWS PUBLISEED DAILT, SUNDATS EXCEPTED AT FOUR O'CLOCE.

Apiril 9. 1074 Thursday, . 1 DAVID O. CALDER, EDITOS AND PUBLISHER.

NEWS OF THE DAY.

JOHN Macaulay, brother of the great historian, the late Lo d Macaulay, is dead.

The steamer Europe, lost on the Atlantic a few days ago, was insured in London and Paris offices for \$600,000. Her estimated value, according to yesterday's telegrams, was \$1,250,000.

The latest news about the fight-ing priest, the cure of Banta Cruz, says he will, for the present, reside in Belgium.

A special from Calcutta to London conveys the news that five hundred persons have perished of disease and starvation in Hatcout.

A bill was introduced in the U. S. Senate vesterday, for the incorporation of railroads in the Territories, its object being to enable the people of the Territories to build railroads without applying for a charter to either the national or local legislature. It was re-committed.

The currency bill, now before the U.S. House of Representatives, will probably be disposed of to-day, as the time set for moving the "previous question" in reference thereto was 3.3) this afternoon.

Almost unprecedentedly cold weather for the season is reported. at Chicago.

Austin and San Autonio, Tex., was ent with the principles upon which The mail coach running between stopped by highwaymen last night, and the passengers robbed of \$3,000.

last night, which destroyed the oil overwhelming majority of the peo-There was a fire at Forest City and naptha works there, doing damage to the amount of \$40,000.

Damage and trouble are anticipated at New Orleans, the Mississippi having overflowed the levee in severalplaces.

J. H. Richards, an old and well known citizen of San Francisco, A REMARKABLE COINCI-DENCE. By an unusual coincidence, the NEWS of yesterday (April 8) con-tained, side by side, decisions of two of the three federal judges for the Territory in favor of local laws and local officer. Hereit chosen representatives. ed a resolution, requesting me to inform them of the amount of costs of holding the courts for the past year, distinguishing those which in my opinion should be paid by the general government from those payable by the Territory. With this request I complied, and gave the reasons of my opinion, acting on the principle that the reasons of an opinion are often of far more value than the opinion it-self. In so doing I laid before their chosen representatives. committed suicide yesterday. An amalgamation of interests is said to be in process of formation between the Panama an I Pacific

any sort of conflict between the "February 8, 1858. federal officials and the local offici-'To the Hon. Elisha Whitt'esey, Compt., de.

als or the people. The voice of the people should be respected. The

people should be respected. The people choose their local officers, but the federal officials for the Ter-ritory, generally, if not always, are appointed and sent here in utter disregard of the wishes or choice of the people. This is not right, it is not republican, it is not consistent with the Declaration of Independ-ence and with the Constitution of

ence and with the Constitution of for future reference. "After the receipt of yours I, in the United States. The official the taxation and certifying of costs, was governed by its principles, though, as I indicated to you in my letter of July 10, I had taken a difduties of the federal officials for Utah extend only over this Terriritory and the people thereof. The Governor governs only over Utah, ferent view of the matters, in some the judges have jurisdiction only respects, from what you had writ-

over Utah, the duties of the Secre-"In so doing, there were some costs which remained unpaid, owing to the fact that the Legislative taining to this Territory, and there-Assembly had not seen fit to pass any fee bill, nor to provide any method of liquidating and paying fore the people of the Territory are the persons who have the chief, the supreme right, to have their

"To enable you to fully underwishes consulted in the appointstand the present situation of things, before proceeding further, I ment of the federal officers to rule will inform you that the Legislaover them. To deny this right is tive Assembly passed an act, ap-proved October 4th, 1851, authors-ing and requiring me, for a limited time, to hold all the courts in the to deny the validity of the justification which the "original thirteen" States offered to the world for their insurjection against Eng-

time, to hold an Territory, but said nothing about jurisdiction, appellate or original. (See Utah Laws, p. 37.) "February 4, 1852, another act was approved, giving jurisdiction to the district courts in all cases, "The more than indicated that the "The more than indicated that the land. It is to deny the fight of those States to form a separate and independent government of their own. It is, as to the principle of it, the act of a national jelo-de-se. (See ib., p. 35, sec. 2.) The same law gave jurisdiction to the probate Therefore, if the people of a Tercourts, civil and criminal, also in chancery. (See ib., p. 43, sec. 36.) An act was approved March 3rd, ritory, a ch ar major ty of the pecple thereof, desire the removal of a federal officer appointed for that 1852, providing for the appointment Territory, he should be removed in of a Territorial Marshal, Attorney accordance with their wishes. Such General and District Attorneys, to attend to legal business in the disremoval would be perfectly consisttrict courts when the Territory should be interested. (See id., pp. the nation was established. On the

"I do not intend to be understood other hand, the ecutinuance of a as expressing any opinion in relaperson in office, who is obnexious tion to the legality of these several enactments, but I only mention them to enable you to understand to the majority of the people, to an ple, to whom his jurisdiction is conthe present views of the Legislative Assembly, as expressed in a report fined, is manifeste'y and undenito which I shall soon refer. This report was called out by reason of ably in direct violation of the principles upon which our forefathers the non-payment of these costs. I having referred the claimants to the Legislative Assembly, they procured my certificate of their cor-

founded this republic. This is the key, the only right and true key, to the solution of such difficulties as may exist be-tween the federal officials for Utah and the people of the Territory or such difficulties as may exist be-tween the federal officials for Utah

ed a resolution, requesting me to

world. It is a declaration, there-fore, that cannot be repudiated by this republic without its becoming recreant to the very undamental principles upon which it was estab-lished. Here, then, is a safe and sure clue to the policy that should be follow-ed in the settlement of the Utah question, so far as there may be any sort of conflict between the NEW ADVERTISEMENTS. t Lake Thutte Cor

"This report concluded by recommending that these costs, be refer-red to me, with the opinion of the

abolish the offices of Territorial Marshal, Attorney-General, and District Attorneys, so that the United States, by her judges, attor-neys, and marshals may execute the laws of the Territory. But, as this report was not made until a late day in the session, the laws were not so amended. Should the next Logialative Assembly in these

next Legislative Assembly in these

matters concur with this, the laws above referred to will most likely be repealed or modified.

"In my opinion, whatever may be the opinion of others, justice de-mands the payment of these costs. GRAND MATINEE!

I know of no principle in law, jus-tice, or sound morals, which re-quires men to spend their time or money for the public good, without a reasonable compensation, and being of this opinion I certify these MISS ANNIE GRAHAM

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DESIGNATED DEPOSITORY AND TH

its sit lo m

York in 1836, it is a part of the fee dilb im

bill in this Territory. See the laws referred to in my letter of July 10. I therefore conclude that the fees of the U.S. attorney and marshal and the fees of the clerk, in business arising out of the constitution and laws of the U.S., do not depend on

a law of this Territory. TO BE CONTINUED.

representation

costs to you for your consideration. "As I referred the cauncil to sev-eral laws of the United States, I shall now take the liberty of calling

was the fee bill of the northern dis-

trict of New York, as it existed in

my attention, found in the act of Feb. 28, 1799, sections 1, 3, and 4, evidently has reference to the courts of the United States sitting

in the States, not the Territories. See Statutes at Large, vol. 1, pp.62, and 25; sections 1, 8, and 4. But as this law regulated in part the fee

bill of the northern district of New

1836. The law to which you called

RAILROAD FREIGHT TRAFFIC FRANKLIN MAC VEAGH & CO. During March, 1874. UTAH CENTRAL.



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WILLIAM BUDGE is Presiding

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Georgetown, Henry Lewis, One Bennington, J. W. Moore.

Railroads and the Pacific Mail Company.

A terrific boiler explosion occurred last evening, at Pattensburg, N. J., by which four persons were instantly killed, and another fatally injured.

UTAH DIFFICULTIES.

The Pioche Record looks at things in this light-

"In reply to a written request of First District, was supportive of the Mormon dignitaries; Chief Justice McKean says he would neg-lect his duties if he complied there-ial Marshal and Attorney-General, lengthy, too much so for insertion with. The Salt Lake Herald says and of the law by which they were that the Judge's bitterest enemies never accused or dreamed of his elected.

This is pretty well for one day's performing his duty. We don't know but what the Herald is about NEWS. There is now only one half right. That man McKean has done his very best to entangle, em-bitter and embroil the public affairs of Utah, until their ways, like Solomon's celebrated proposition, is past finding out. It will be a good day for Utah when McKean and the rest of the Federal officials and the Mormon big boys of that Terri-tor ways are sent to two fights about the Mormon big boys of that Terri-tor ways are sent to two fights about the Mormon big boys of that Terri-tor ways are sent to two fights about the to two fights and the Mormon big boys of that Terri-tor ways are sent to two fights about the to two fights and the Mormon big boys of that Terri-tor ways are sent to two fights about the to two fights and the Mormon big boys of that Terrihalf right. That man McKean has judge, Associate Justice Boreman,

him.

tory are sent to the right about. You can get nothing out of either side by abuse for the other, and like the quarrelsome carpet-baggers in the Bouth, in most cases it is side by abuse for the carpet-baggers like the quarrelsome carpet-baggers in the South, in most cases it is well deserved. The best, the wisest, the only plan, is to send them all to the right about, and then put some decent intelligent men in office who will neither lie nor steal. Just the only plan, is to send them all to the right about, and then put seme decent intelligent men in office who will neither lie nor steal. Just have been equal to a cold water douche to the "ring." One about then expect the millenium."

The Record judges upon the general principle, as many people, who have only a superficial knowledge of a matter, commonly do, that "there are faultson both sides." To some extent this is true, perhaps, in every case wherein human beings compose both parties to the issue To err is human, and therefore absolute perfection, on either side of a case, is hardly to be looked for.

What are called by the Record "the Mormon big boys" are the persons chosen by the people to represent the people, and the voice the people is the tribunal of last resort in a republican government. With a proper

of last resort in a republic can government. With a proper respect for the fundamental principles of American government. The second se of officers to rule over them special-ly. That declaration was "the Unanimous Declaration" of the Thirteen United States of America in Congress assembled," and upon that declaration the Bepublic of the United States of America was founded, and justified before all the

and local officers. This is a circum-stance of such infrequent occur-you, and referred to such of the rence as to be worthy of a passing laws of the United States as in my note when it does happen. One of opinion had a bearing on the sub-the decisions, that of Chief Justice I also went minutely into the usual McKean, in the Third District, was officers of courts and expenses atsupportive of the municipal liquor tendant upon them, and showed

ordinance, and the other, that of Associate Justice Emerson, in the First District, was supportive of the legislativaly clasted Tarritor in this communication.

"This committee reported ad-versely to payment by the Terri-tory, but upon what principle I have not been informed. The subject was then referred to a judiciary

Judge Emerson may expect to be an object of the decided and virulent hostility of the "ring" here. Judge

facts here assumed are correctly stated. See my concluding re-mark in my letter of July 10. But decision of that kind may not hurt them very much, but they with this equitable consideration, I will not relish many such from the am unable to see what I have to do, though I can see its bearing when addressed to the political branches Chief Justice. If his Honor indulges in many more, he will have of the government by whom and to before him two dilemma horns to whom that matter was then adchoose from-one, to make some dressed. "They further, take the posi-tion_that the United States and counterbalancing rabid rulings the

other way; the other, to feel the Territory of Utah respectively must sustain and bear the expense, direct and incidental, of the officers an increasing and very sensible coolness in the sometime redand offices of its own creation, that the Supreme and District Courts were created, not by a law of Utah, but by a law of the United States, hot affection of the "ring" towards

and as such, by the Organic Act, they have jurisdiction, civil and criminal, in all cases not arising out of the constitution and laws of CORRESPONDENCE. Indicial Affairs in Utah in Early the United States, unless such ju-risdiction should be limited by a







