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CHARLES W. PENROSE, EDITOR.

Friday, March 6, 1891

A PLEA FOR POPULAR STULTIFICATION.

THERE is a feature associated with the bill creating a fourth judicial district in Utah that seems to demand special notice. In the original draft the authority to establish the new district was vested in "the territorial and legislative assembly." It was subsequently amended by striking out "legislative assembly" and substituting therefor "supreme court."

The House committee (mentioned in its report recommending the passage of the bill a correspondence which, on account of the quality of the discussion it embodies, is somewhat interesting, and it is consequently here inserted:

"LOGAN CITY, February 7, 1891.

"DEAR SIR:—In the absence of Mr. Lowe, and in response to a request to him of the 28th inst., we send you the national petition, which we have signed Mr. Lowe is circulating.

"It might have been as well to have noted in the petition the fact that one-sixth of Northern Utah have to travel from 70 to 140 miles to attend court, and that this great inconvenience will continue for a year unless your bill is so amended as to give the governor the power to say that a term of court shall be held at Logan in lieu of another, to transact a portion of the business that is now taken up in Ogden. In order that you may fully understand the situation, we attach the above fact to the memorial.

"It may not be out of place to call your attention to the fact that the right was given the governor of this Territory to "appoint the time and place for holding courts in each of the districts of the Territory" in the year 1852, the last session, United States, and it might be further noted that section 2 of the act of Congress of June 26, 1874, entitled "An act in relation to courts and judicial officers in the Territory of Utah," so far from conferring or supplemental or Revised Statutes of the United States, Vol. 1, does not interfere with the right already given our governor. It may also be found that the Utah Territory has passed enactments during the place of holding terms of court, but as this were never given the governor, and never given to the legislature of Utah, the said legislation on the subject by the legislature of Utah was without and contrary to authority, and consequently void. (Compiled Laws of Utah, Vol II, p. 415, Section 1908, Revised Statutes, United States, has a bearing upon this question also.

"We did not think it necessary to get many subscribers for the petition, and gave a list only of the leading men.

"Hoping that you will make the amendment asked, and confer upon the governor a power that is consistent with previous legislation on the subject by Congress and which will authorize him to exercise a power which is capable whether he now possesses, and thus confer upon the people of northern Utah a right long needed.

Yours respectfully,

CHAS. H. HART,
THOS. R. HIRN.

To Hon. Geo. C. Edmunds,
United States Senate.

There is one feature of the foregoing correspondence which is brought into prominence by its absence—modesty. Those young men who have exhibited such deep interest in the public local welfare and shown such feverish impatience at the mere prospect of a delay of benefits, inform the national senator from the State of Vermont that the passing of enactments by the Utah Legislature "giving the place of holding terms of court was a usurpation by that honorable body of a power given the Governor." This was a power "never given to the Legislature." Therefore the conclusion is inevitable—the enactments were "contrary to authority and consequently void."

This is, on its face, a strong plea for tyranny and autocracy, and a knock-down argument against popular rule. Unfortunately for its safety the gentleman who made use of it overlooked the necessity for the preservation of consistency of one part of their statement with the rest of it. Had they grasped this essential they never would have written the closing paragraph, which sets Mr. Edmunds—whom the Logan gentlemen seem to regard as the entire Senate—to wonder upon the Governor a power that is established with previous legislation on the subject by Congress and which will authorize him to exercise a power which it is doubtful whether he now possesses, and thus confer upon the people of Northern Utah a right long needed."

Such a statement as that after having previously asserted that Congress has already given such power to the Governor, and that to exercise it by the Legislative Assembly was consequently without authority and void, is, to say the least, a little absurd. If the senate senator from Vermont officially examined this document it would be interesting to know what he thought of the legal construction. He would hardly have been infatuated with its logic, although he has given ample evidence that he is in line with its sentiment—the substitution of home rule in Utah and its consultation in a few officials in whose selection and appointment the people have no choice.

The correspondents of Senator Edmunds appear to have forgotten that Congress empowered the Legislative Assembly to enact laws "on all rightful subjects of legislation." This certainly includes authority to designate the places of holding terms of court. Surely the representatives of the people might not be charged with usurpation for performing a duty so simple and so plainly within their right as that.

It is the duty of every patriotic citizen to contend for the rights of the sovereign people, opposing every encroachment upon their prerogatives under a pretentious form of government. This calendar should enter into the solemn debate, and it is regretful that any can be found in the community who, on account of creating local professional business, will urge a retention of popular rights and their removal upon an official who has exercised all the energy and cunning of which he is possessed to obtain a kingly power over Utah. He has also sought, by all his resources of fertile, to produce the disfranchisement of the majority of the people—including, we presume, the correspondents of Mr. Edmunds. No man should perform any act or utter a word that would in the smallest degree, tend to the production of letters which would shackle himself.

We will here introduce, as a fitting conclusion, a striking paragraph clipped from the *Deseret Sentinel*:

"If the citizens do not regard their liberties with a jealous eye, if they do not vigorously oppose the first indication of usurpation, if they do not resist the first steps to unjust taxation, if they do not antagonize the minor violations of the principle of religious equality, the time will come, and it may not be very far distant, when the rights of the people will be trampled in the dust. This is a danger that has been and is emphasized by the great events of our American statesmen. It is a trait of human nature too excellent to escape the observing mind. Some of the most important of the writings of our early statesmen since this warning to the American people, and the truth of their words is so evident to the lover of our institutions that we cannot disregard them with impunity."

DEATH AMONG ENGLISH ARISTOCRATS.

THE "old soldiers" of England has experienced quite a shock within the last few weeks. Two dukes and two earls died within a few days of each other, and after a very brief illness on the part of three of them. All four represented ancient and proud families. One was the Duke of Bedford, whose ancestor was raised to the peerage by Henry VII. Bedford represented the famous Russell family. He committed suicide, a very vulgar thing for a duke to do. But he did it, nevertheless, by blowing out his brains, or whatever matter existed where the brains ought to have been. He leaves a son, the Marquis of Tavistock, who is said to be a very eccentric person.

The late Duke of Bedford was both a rich man and a very learned one, but he enjoyed the distinction of being the most unpopular man in England. Before ascending to the dukedom, he was known as Hastings Russell, the tyrant and bad landlord. He is said to be the original of Anthony Trollope's "Phineas Finn," though the real duke is somewhat better than the original really was.

Another of the nobles who departed this life was the Duke of Somerset. The current story of his death can be traced back to the early Tudor kings. The last duke owned four country seats and a town mansion, yet he lived a solitary life in a half empty house in Berkeley Square, London, and spent most of his time walking about its empty rooms. He did not even keep a conveyance of any kind. And his parsimonious was such that the London citizens all knew him, and would not drive him, except when compelled by law.

One of the others who died was the Earl of Devon, known as Lord Courtenay. At one time he was popular and brilliant, but he fell into vice and extravagance. Few years ago he became bankrupt. Of late he used to make a railway station in London his headquarters, and was an object of curiosity to many. His title was one of the oldest in Europe. He traced his descent from the Plantagenets of England, and he was allied by marriage with a dozen of the English Kings.

The last of this "Big Four" was the Earl of Caithness, the family name was Sinclair, and his descent traceable to the oldest Chieftains and rulers of Scotland. The predecessor of the late Earl was well known in the United States as Lord Borrodale. He had a vast capacity for whiskey. When he died, he left his sister to a long pension. It was thought the title would become extinct, as no heir was known at the time.

A bank clerk was found in Aberdeen, who established his title and became 16th Earl of Caithness, but there was only a few hundred a year to sustain the splendors of Dunbeth. The man was far happier as a poor quill-driver, than as master of all the glories, honors and weaknesses of the historic baronies of the past. He died a very unhappy man after all. The son who is to succeed him as 17th Earl of Caithness was a poor farmer in Dakota, but it appears that he has cast the mind of that State off his feet and is now on his way to grasp the strawberry coronet, and to die unhappy as rich lords and American millionaires generally do.

The bodies of the two men buried in the mausoleum at Alva on the 6th inst. have been recovered.

HOLDING TWO POSITIONS.

AN interesting and altogether new question of a public and political character has arisen in the Empire State, bearing upon the duality or otherwise of the Governor's present office-holding. It will be remembered that about a month ago, the Chief Executive of New York, David B. Hill, was elected to the United States Senate and his credentials are now presumably on file in that body. His term as Governor does not expire for several months yet, and a large faction of his party (the Democratic) who are opposed to Lieutenant-Governor Jones and do not want to see him take Mr. Hill's place, hold upon it that the latter can properly hold on to the office until he takes his seat in the Senate. This view is mostly opposed by another faction, who take the ground that Mr. Hill becomes a United States Senator on the Fourth of March, when the Fifty-second Congress constitutionally come into existence. The fact that the House has not yet organized, they claim, makes not; it is chosen and only waits to come together to proceed with business; but the Senate, to which Mr. Hill is elected, is always organized; only one third of it changes with each Congress, so that there is continuously a quorum of members. Besides, they say, Mr. Hill's pay as a Senator began on the fourth of March at noon, when the present Congress expired and the new one began, and thus the gentleman under discussion is now under pay from the National and State Government at the same time—a decidedly anomalous condition of things. The New York *World* suggests that the Governor remove this objection by not drawing his pay as Senator during the interim, and holding on to the Governorship. This gives rise to another question—the Treasury will credit him with $480 and some odd a month from the 4th of this month, and what will be done with the money? It will stand there to the credit of David B. Hill whether that gentleman draws it or not; and when he applies for it, if he should, it will be paid without question, no matter what he may have received from other sources. It is a very nice question.

WEEKLY TRADE REVIEW.

ACCORDING to the report of Dun & Co., for the week ending Feb. 28, 1891, the condition of trade in the South and Northwest was dull. Business in general was slow during the week. The question of monetary legislation is settled for the present, though there may be a possibility of an extra session of Congress. Capital is discouraged, owing to the legislation pending in several of the Western Legislatures, regarding loans, mortgages, land titles and railroads. Farmers are experiencing much inconvenience owing to shortage of crops. They can't find means to buy the usual requirements. At the same time the collapse of the real estate "boom" which so wildly inflated prices throughout the West and South has affected business more than has yet been realized. Cotton is reported very dull at the South.

The report says:

"Business of Eastern cities has been irregular. The wholesale trade is strengthened by comparative scarcity, and prices of some grades are higher. The kind goods manufacturer has apparently gained some ground, and there is a good demand for cotton goods, which has rather well cleared, with a market never more bare of goods at the end of February. But retailers have bought much more cautiously than usual, and while some medium customers have sold well, and some fine goods have moved fairly, and for low grade goods the orders have been fairly liberal, yet continuance of purchases at more than the usual rate will be needed to make the season a satisfactory one in men's wear goods. Trade is serious in dull because the southern demand has dropped considerably. The cheap goods trade is satisfactory, some makers having advanced prices with those of woolen rubbers, which others have not. The glove trade is fair at Philadelphia and light at Philadelphia. More activity is seen in leather at Boston, but in general in Boston and Philadelphia there is decrease in building, as well as less outlay in the markets for raw materials."

The coke strike is causing an activity in the demand for iron, and should the strike continue much longer the price of iron products will be materially affected. Coal is dull; the output so far this year is 5,000,000 tons, an increase of 1,250,000 tons over last year's output at the same date.

"The price of wheat has not advanced, Western receipts continuing heavy, while exports are light. But corn has risen 7c. since last week, a speculative movement of over half a cent is seen also in coffee. The exports of merchandise from New York for the past four weeks have been 11 per cent less than for the same weeks last year, and imports also decrease about 9 per cent. Little disturbance is caused by the exportation of $600,000 gold to Europe, and as Treasury disbursements for pensions are just now excessive, the money markets are likely to be strengthened for a time. The Treasury has over $10,000,000 on balance yesterday, and has about $10,000,000 to disburse by the end of the month, while appropriations are so heavy that there is every reason to doubt whether, on a large Treasury surplus and any revenue, will the Sinking Fund and other reasons be given for an advance in stocks which began Thursday, and the movement is not unlikely to prevent serious shipping by foreign bankers. As a rule, the adjournment of Congress usually consider a cause of greater confidence."

Business failures as reported to Dun & Co. for the week mentioned were in the United States 230 and in Canada 34. For the corresponding week last year the United States had 207 failures and Canada 44.

THE telegrams have been silent lately regarding the novel and interesting contest in the Illinois legislature for a United States Senatorship. Gov. Palmer (now dated "Hill") was broken for the first time on the 3rd, through a Democratic member being detained on a due train; it was only once, however, and the next ballot showed the population figure, only one short of a majority; the Republicans have three of a majority. One hundred and thirty-five ballots have been taken.

IT is stated that General Lew Wallace, the author of "Ben Hur," has an infallible cure for rheumatism; it is certainly a very simple one, and result as sure even if it failed to accomplish any good. The remedy is the application of a poultice of mustard and goose to the foot.

"NEW WEST" IN HENNEFER.

Yesterday a copy of the Salt Lake daily Tribune, dated February 20th, was handed me. To my discomfiture an article written by John Reed of Hennefer (the same person who testified in the influential investigation of the alleged Endowment House oath). It speaks in high terms of the Rev. J. H. Kyle, who has recently been elected Senator of Beaver County.

As Mr. Reed states that the reverend gentleman established the "New West Mission" school in this place, which is correct, but I deny that Mr. Kyle met with any opposition other than the Latter-day Saints were allowed to patronize the district school as the proper place for their children to be educated, because to be taught no religion was preferable to having them imbued with ideas that are from their standpoint incorrect. This advice I claim was based on good evidence, and that not for the people alone but themselves.

I can speak of Mr. Kyle as being a gentleman, and can say he was treated as such by our people, while living in this vicinity. Mr. Reed claims that the New West school did a great amount of good. He says, "They are the means that gave the light to the Saints as to the improvement to the school system in Utah."

I will not presume to say what amount of "light" that society has thrown upon the school system of this Territory, but will state that as regards the town of Hennefer, they did practically no good whatever. The children who attended the New West, are not so far advanced as those who attended the district school, notwithstanding the advantages they had in the sessions attending the New West having an average daily attendance of about fifteen against seventy-five to one hundred going to the district school.

Mr. Reed states: "The Rev. Kyle since predicted that the Saints would see the time when they would have to take their polygamic families out of the district school of this place, and build them a good district school house." He is pleased also to say that this has been verified.

I heartily agree with Mr. Reed, "the saints" did votes tax, and they truly do build the school house; but it is a credit to themselves.

The Saints realized that if no one did more for the rising generation than those of our liberal "friends who have so much to say, educational matters would be at a sad discount. The Tribune article also gives no credit for having two "Gals" in the large raised teachers in our district school. If Mr. Reed means the word "Gals" to apply to the lady's companion, I must agree with him, but if meant to express her qualifications as a school teacher, the term is utterly inappropriate, and does the lady a great injustice. We have been fortunate enough to secure the services of Miss Marjorie Alston of Salt Lake County, as the principal of our district school, she is considered by all who know what constitutes a first-class teacher, to rank among the best in this Territory. A gentleman once remarked, after visiting our school, "If Miss Alston comes to Hennefer again to teach you will have no more use for the New West."

That gentleman was a prominent county officer, and was just as much of a prophet as the Rev. Kyle. As proof of this the New West in Hennefer has long been a thing of the past, and the people have almost forgotten that such a thing ever existed. The patronage mentioned in the Tribune article was only years ago in Mr. J. E. Brownlee, and is now noted for a liberal employer. The little schoolhouse stands in the corner vacant, and when every school day comes, a happy children play around it recess, or run at the call of the bell, to relieve the monotony. But it has given way to the superior teaching and methods of the Territorial district school system.

The other matter referred to is a good young man, who, during the winter months, when the school was at high tide, He is amply able to perform his duties at the week in the school room. Hennefer can boast of about 125 as bright, intelligent and healthy children, of school age, as can be found anywhere.

A heavy storm has been raging for the past week, sometimes rain and sometimes snow; it is now sleeting. Good health generally prevails among the people. SUBSCRIBER.

HENNEFER, Summit Co., March 6th, 1891.

NEWS IN A NUTSHELL.

The Canadian election on the 5th inst., resulted in victory for the Tories by a majority of 17, but ten ministerial seats yet to be heard from.

On and after April 1, sugar will be ten cents a pound less than heretofore. This is one of the benefits of the McKinley bill, and it is a good April fool joke.

As prepared by the clerk of the Senate Committee on Appropriations, the grand total appropriated by the Fifty-first Congress during its two sessions is $950,000,000.

A woman, says Sheridan, may be idle, but she is never a loafer. She cannot knock a man down, but she can break his heart; and when disappointed she goes to God, while a man goes to the devil.

In one of the states near a crossing which held about eight inches of liquid snow on its surface, a sign was put out yesterday which read, "Boats to rent, apply at the City Hall." Boats are really needed at present.

Reports from the Gila River country in Arizona are alarming. Houses, stables and fences have been carried away. Lives have been lost, but how many cannot yet be ascertained. The river was never known to be so high as it is at present.

Jay Gould was fined $250 on the 4th inst. for refusing to honor a summons to serve upon a petit jury. Sixteen others were fined $100 each, but Jay is an old offender. Next time he will have to appear in person and show cause for refusing to perform jury service.

Major Willes says that the Salt Lake, Hatty and Puget Sound Railroad is an assured reality. He has secured the backing to put the work through, and it will be built immediately. This is a road that will benefit both Salt Lake and the western country in general.

The city of Pittsburg has adopted new regulations relating to cremation. It appears that Simon Abbott's body was cremated unknown to all the city authorities. It was done two weeks ago, and the facts were not known until the 4th inst. In future a permit must be obtained for cremation the same as for burial.

About $25,000 from the National Treasury comes to Utah by order of the Congress just closed. Expenses of territorial courts in Utah are put at $40,000. The judicial, House $4000, salaries of Governor, Chief Justice, Associate Justices, and Secretary $10,000. The Utah Commission give $25,000 salary and $5000 expenses.

The Utah *News* (*Democrat*) just started in Ogden adopts as its chosen childhood for Utah. The Tribune thinks the demand a little premature. But then the Tribune, though managed by a Democrat, is of infinitely, in fact an infinite, infallible. Democracy is too progressive for the old moss-back "Mormon" organ.

The *Telegram* says that attorneys, true to their calling can be hired to do any infamous work. Of course, the Judge has been there, and knows what he is talking about. But he might have to be hard on his old trade. Besides it looks like a hint to that $10,000 gentleman, the plunder, Knights of Labor man and million fudge.

Comptroller Pickard is in the gap. He has instituted proceedings to prohibit the consummation of the boodlers contract. Now is the time for public spirited citizens to come forward, and by personal support and by financial aid help him in the fight. Let an organization of citizens for this special purpose be set on foot at once.

Fred Dixon, president of the Chamber of Commerce, has just returned from the East. He gives a woful description of Kansas and the Eastern States. Deserted houses, unroofed houses and deserted farms are the features in Kansas at present. Hence the people of Utah are more favored than any other in the country in the way of settling homes.

One hundred and fifty Senators and Representatives went into private life at noon on the 4th inst. Among these are the "big four" of the Republican caucus, Messrs. Allison of Iowa, Cullom of Illinois, Boyne of Pennsylvania and McComas of Maryland. They dined together after Congress adjourned, and sang "Don't you hear them bells."

Wimodaughsis is the strange name of an association attached to the women's contest which was in session in Washington last week. It is kindly pointed out that this word consists of the first syllable of the four words, wives, mothers, daughters and sisters, indicating the interest of its members. If this etymological test doesn't indicate the superiority of women's guess, what could?

Guthrie, Oklahoma, is decidedly excited. The new Republican officials are Farmers' Alliance people, the defeated ones were Republicans. Mrs. Cox Dodd was elected by the Farmers' to the office of Registrar of Deeds. The incumbent will not give over to her the offices, books and papers. Her friends are calling for ropes to hang the old officials. Cox is quite nervous, and she will get her office or die.

In gripe is getting in its work in Chicago. Only one official of the World's Fair Commission was able to be in his office on the 5th inst. President Palmer, Vice-President McKenzie, Secretary Dickson, and Director-General Davis are all down with the grip. Even Miss Phoebe Couzins the Secretary of the Ladies Commission is sick, and she was supposed to be inspectress to all the life which adorned Washington.

On last Friday the trainmen of the Pennsylvania Central, in the event of being refused an increase of wages, were prepared to strike. The Grievance Committee after a little investigation found that the company was prepared for a strike. Plenty of men to man all the engines, conductors and a private military force organized to protect the new men. The trainmen did not strike, but went to work without their promised raise.

Maj. C. L. Robinson of Nauvoo, one of the most widely known characters in Illinois, is dead at the age of 85. He was a soldier in the Mexican war, in Va., and came to Nauvoo in 1845. He resided in Fulton County for a time, and was lieutenant-colonel of the Thirty-second regiment of Illinois Infantry. He was married four times—his third wife, whom he married in 1846, being Mrs. Emma Smith, wife of the murdered Prophet, Joseph Smith. They lived at the lamb's old mansion house, which was often visited by relic hunters. Mrs. Smith Robinson died in 1879.

Dubois is a bigger man than President Harrison. At least so he thinks. He succeeded in persuading the U. S. Senate not to act on the nomination of Beatty. In this warfare on the President, Senator Dubois had the backing of Senator Stewart of Nevada. Stewart and Dubois endeavored to get boodlers and hoodlers into office in Idaho, but the President kept them out. The case in Nevada is somewhat similar. Dubois charged Beatty with being a drunkard and loafer, but he could not sustain the charges. The President sent Beatty to bed, and Beatty will be a judge after all.

Shoup, one of the present senators from Idaho, was at one time governor of that province. He did not recognize Beatty, who was then a lawyer of influence. Beatty got mad and never liked Shoup since. The Idaho senators, Dubois and Shoup, sent a message to the President for judge in Idaho. Beatty made application for the office personally. The President ignored the United States senators from Idaho and appointed Beatty judge, and sent his name to the Senate for confirmation. Senators Shoup and Dubois forgetting President on this issue. Of course, Dubois has gall enough to dictate to a dozen Presidents. His idea of a senator's duty is to procure offices for personal friends.

Z. C. M. I.

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NOTICE!

THERE WILL BE A MEETING OF THE Stockholders of the Utah Power and Light Company, at the office, No. 15 East First South Street, Salt Lake City, Utah, on Tuesday, the 10th day of March, A. D. 1891, at 11 o'clock, for the purpose of amending Article 7 of the Articles of Association, and for the transaction of such other business as may properly come before the meeting. By order of the Board of Directors.

JOHN W. WINDER, Sec.

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