

EVENING NEWS Published Daily, Sunday Excepted, AT FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE **DESERET NEWS COMPANY.** CHARLES W. PENROSE, EDITOR. Tuesday, Jan. 22, 1894.

An exchange says: Ketter must be in a cheerful frame of mind these days. To a friend who asked, "How did you spend Christmas?" the great press man replied: "Reading Luther Benson's 'Fifteen Years in Hell.'"

An exchange says: Joseph Cook says he does not wish to under-rate the Roman empire; but he would rather be an American boy than a Roman under Caesar. So would almost anybody. The Romans under Caesar are all dead.

In the three days after his return from London to Paris, a correspondent writes, Leases had to the Italian opera, three dinner parties, and went out daily to ride with eight of his ten children. He had besides got through all the office work that had accumulated in his absence, had been interviewed by journalists from all parts of the world, given cues to friendly editors, checked bookkeeper's accounts, and embraced a poetess who called on him to read a poem in 400 lines, of which he is the hero.

The Jersey Cow, Mary Ann of St. Lambert's, belonging to Mr. Falaszy E. Fuller, of Hamilton, Ontario, Canada, made the past summer 24 lbs. 13 oz. butter in one week, and 13 lbs. 4 oz. in the next half week, which is at the rate of 23 lbs. 8 oz. per week. Her feed during this time was grass only, and 5 pounds of ground oats per day. Forcing was strictly abstained from. This cow made 100 lbs. 12 oz. butter in thirty consecutive days, and 202 lbs. 24 oz. in sixty days.

Mr. Charles H. Smith, the Denver hotel-keeper who pulled a pistol on Sullivan and put the pugilist John L. Sullivan out of his house is a son-in-law of Public Printer Bounds, his wife being the eldest daughter of that worthy official. Smith is a young man not yet 30—but he is full of grit. In describing this young man the Chicago News says this remarkably western style of phrasemongery: "Ordinarily quiet, mild-mannered man, he is, when aroused, a roaring, fire-breathing, coiled catamount from Cherry Creek."

John H. Feldkamp saved his life by presence of mind. He is a cutter in a Cincinnati clothing store, while he was operating a machine a spring broke, and as he reached to pick up the detached piece, his long beard was caught and rapidly wound into the machinery, which threatened to draw in his head and crush it. Instantly he threw out his arms and braced them against the frame of the cutter, and thus he stood until his beard had been pulled out by the roots and a part of his cheek had been torn off, exposing the lower jaw.

Dr. James Fraser, in the Edinburgh *Chirurgical Pathological Journal*, gives the results of a series of experiments to determine the effect of the ordinary infused beverages, tea, coffee, and cocoa, on the digestion of albumen. He finds that all retard digestion, except for four instances, namely, ham and white of egg with coffee, ham and white of egg with cocoa, salt meat with cocoa, less so with tea, and least with coffee. Tea causes flatulence. Cream and sugar reduce the retarding effect of tea, but increase that of coffee. He recommends as a practical conclusion that albumoids, especially fresh meat, should not be taken with infused beverages, and therefore condemns meat teas.

The San Francisco *Report* very correctly says, under the caption "The murderer's dream": "Chas. Richards who was hanged yesterday at Auburn for the dastardly murder of Thomas Nichols, and who had previously been convicted of murder in Nevada and pressed the belief that he was going to heaven. Condemned murderers generally console themselves with this idea and they are encouraged in it by the sentimentalists who visit them during their confinement: 'The innocent victim who unexpectedly meets a murderous death is allowed perhaps to descend to hades; but the sanctified coward is taken to Abraham's bosom. So some suppose. But we are of the opinion that the souls of murderers, disengaging themselves with alacrity from their oscillating tumblers of clay, are sadly disappointed in the belief that they will be going to heaven. Condemned murderers generally console themselves with this idea and they are encouraged in it by the sentimentalists who visit them during their confinement: 'The innocent victim who unexpectedly meets a murderous death is allowed perhaps to descend to hades; but the sanctified coward is taken to Abraham's bosom. So some suppose. But we are of the opinion that the souls of murderers, disengaging themselves with alacrity from their oscillating tumblers of clay, are sadly disappointed in the belief that they will be going to heaven.'"

The outward bound passengers on the steamship *Celtic* are experiencing the pleasures of a long and shipy ocean voyage in midwinter. The ship broke her shaft soon after leaving New York, December 15. She was spoken by a steamer, also outward bound, soon after, but declined the latter's offer to take on her passengers and proceed with them to Liverpool. The latest report from the *Celtic* is furnished by the steamer *Bothnia*, which spoke her December 22nd, two weeks out, and only 3,000 miles east of Sandy Hook. At the rate she is proceeding, the *Celtic* will not reach Liverpool before February 1, when she will have been out six weeks on a voyage that ordinarily would have consumed ten or eleven days. The *Celtic* has on board 140 sacks of package mail, including many Christmas presents, and 116,000 letters.

The Pull Mail *Gazette* relates a remarkable incident of an unquenchable thirst for musical knowledge in a young lad. It says that the other day a little boy of thirteen arrived in St. Petersburg, having traveled about 1,000 miles on foot in order to obtain instructions on the violin at the Conservatory. The boy comes from a Cossack village, Vladivostok, where from the age of six he has given village concerts. Hearing by chance of the existence of the St. Petersburg Conservatory, he bravely set out alone for the capital, traveling alone by the railway lines, and living by the charity of others. Sometimes a good-natured guard would give him a bit in a canteen, but this was a rare occurrence. He slept in the open air, and was only once then compelled to seek shelter in a barn or outhouse. From Moscow to St. Petersburg he traveled by the mail road, and arrived at his destination after a twenty-seven days' tramp. By a fortunate chance he met Mr. M. P. Bessonov, the Professor-Governor of the Holy Synod, who felt a lively interest in the boy, and took him at once under his protection. The long journey, however, had exhausted the little fellow, and he is at present lying in hospital dangerously ill of typhoid fever.

THE MASTERLY ARGUMENT OF SENATOR BROWN.

This speech of Senator Brown, of Georgia, printed in full in our last issue, is an irrefragable argument on the unconstitutionality of the Edmunds act as administered by the Commission, and of the proposed legislation to amend the Edmunds act.

If Senator Cullom, of Illinois, had advanced anything new or worthy of consideration, we would have published his arraignment of the "Mormon" Church. But it is little more than the old falsehoods that have been repeated many times over again in language very unbecomingly to a legislative body, and the greater part of it is admitted to be but hearsay. And logically it had no bearing upon the question of the necessity for the total abolition of republican government in a Territory of the United States, and of the lawfulness of the act of a legislative Commission. The few attempts made by Mr. Cullom to show precedents for such a Commission are completely refuted and shattered by the arguments and authorities brought forward by Mr. Brown.

Senator Brown has shown conclusively that the eighth section of the Edmunds act, as administered by the Utah Commission, violates at least half a dozen provisions of the Constitution of the United States, and is therefore a nullity. He proves that it deprives citizens of property without due process of law. The right to vote and hold office is "property," as he demonstrates by quotations from accepted authorities, and many citizens of Utah have been deprived of that right, summarily. They have not been indicted by a grand jury, nor tried by a petit jury, have not been confronted with witnesses against them, nor allowed to have witnesses in their favor nor counsel to defend them. They have been compelled by the test-oath presented to be in effect witnesses against themselves.

The act he shows is in its nature a bill of attainder, because it assumes to deprive citizens of their property without due process of law, and thus the legislature assumes judicial functions, and the Commission acting under it becomes judge, jury and executioner; and the test oath, neglect or refusal to subscribe the oath, deprives citizens of the right to vote and hold office, is of the same nature. The law is also *ex post facto* because it provides a punishment for a certain offense greater than was provided at the time the offense was committed.

For all these reasons and others advanced, it is argued with a clearness and force that cannot be overcome, that the law is in direct violation of specific clauses in the Constitution, and is therefore a nullity. And Senator Brown declares that it cannot be sustained by the Supreme Court of the United States, by any good lawyer, by any competent court, by Congress, or by the people.

He further dilates upon the constitutional powers of Congress over the Territories, defines its limitations, and taking the broad view claimed by the advocates of extended authority for the national government, he proves that Congress is bound by the Constitution in its treatment of the Territories as in its treatment of the States, that the citizens of the Territories are under the protection of the Constitution, and have inalienable rights which Congress cannot destroy, and that the proposed Legislative Commission would be in direct and contrary to the fundamental principles of our system of government.

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