

EVENING NEWS.

Published Daily, Excepted
at Four O'Clock.

DAVID O. CALDER,
Editor and Publisher.

Wednesday, December 1, 1875.

NEWS OF THE DAY.

The reason assigned for the extraordinary activity at the several U. S. navy yards is a determination on the part of the Government to compel Spain to fulfil the terms of the protocol agreed upon two years ago by Secretary Fish and Admiral Polo, then Spanish Minister to the United States, in regard to trying and punishing the officers who murdered the crew of the *Virginius*.

Hon. Benjamin F. Avery, U. S. Minister to China, is dead.

An indignation meeting was held in Baltimore last night to protest against the manner in which the November election was conducted in that city.

A decision important to mine owners has been rendered by the Commissioner of the General Land Office, a synopsis of which will be found in to-day's dispatches under date of Washington 30.

It is said that the raids on the Texas side of the Rio Grande by Mexican marauders are as numerous as ever.

General Babcock protests his entire innocence of complicity in the whiskey frauds, and demands a hearing in a court of justice.

Working hours in the government offices at Washington will henceforth be from 9 a. m. till 4 p. m.

To-day's dispatches contain a synopsis of the report of General Pope and also of General Schofield, the former commanding the Military Department of Missouri, the latter the Military Division of the Pacific, each of which contains sentiments on the Indian question highly creditable to their authors as humanitarians and gentlemen, and reflecting in an equally creditable manner upon the so-called Christian and peace policy agents and servants of the Government, who, judging by remarks in the reports, are mainly swindlers and scoundrels of the purest water, who fatten and grow rich by robbing and starving the unfortunate natives.

The position of Commissioner of Indian Affairs has been tendered to ex-Congressman Upson of Ohio.

It is said that fears are entertained of a general outbreak by the Utes and Apaches in the neighborhood of Cimarron, N. M.

Orders have been sent to the Brooklyn navy yard to place ten monitors in commission.

Two men instantly killed and several wounded night before last, by an accident at the Buckville Colliery, Pa.

Fifty thousand dollars damage by fire at Lowell, Mass., and one hundred and fifty thousand at Belleville, Canada; also \$50,000 at Indianapolis.

Spain remonstrates against the U. S. permitting the sale of Cuban lands in this country.

The evidence for prosecution and defence was closed in the Avery trial, at St. Louis, yesterday.

Several schooners have been stranded by storms on Lake Michigan. The crew of one was rescued in a perilous manner.

Forty-nine burials in Salt Lake City during the month of November.

A postal conference will be held at Berne, in January, as the government of India desires to join the Union.

Professor Key, a philologist, is dead.

The Serbian legislature commenced its sessions again yesterday.

The Spanish Cortes will meet in February.

The French Assembly has adopted the electoral bill.

Russia will take all of Khokand.

It is said that the difficulty caused by French interference in the Newfoundland fisheries has been adjusted.

U. S. Minister Avery died at Peking, Dec. 5.

Some Milwaukee revenue law offenders have been fined and imprisoned.

The steamer *Sunlight* was split by ice and sunk at West Point this morning. Eleven persons drowned.

The wife of Hon. Hugh Childers found dead in her bed in London.

Suit for damages has been brought against ex-Treasurer Maygrader at Washington.

There is a synopsis of the printing report, also the monthly debt statement.

John Scannell and Thomas Donohue of New York, have been committed to Ulster Jail.

The Bank of America, New Orleans, has suspended.

The Walrights, the White-chapel road murderers, have been convicted and sentenced, one to death, the other to seven years penal servitude.

The closing funeral rites of Vice-President Wilson took place to-day at Natick.

B. & P. Lawrence, stationers, of New York, have suspended.

A Hindu in Jamaica has been headed five children.

At Toledo, Spain, a Protestant church has been closed and the pastor and schoolmaster expelled.

EDITORIAL NOTES.

Critics cut up a man while he is alive, so do the doctors some times, but while the latter are supposed to cure and to save life, the former find their chief pleasure in cutting to kill. Miss Augusta Evans, in her new novel, "Infelice," defines the critics in advance with Dierckx's famous sentiment:—

"To-morrow the critics will commend you who have failed in literature and art."

In cutting post-mortem, the doctors are more accurate for the tray, as if they experience a positive and keen delight in sectioning a human corpse.

In the case of the late Vice President Wilson the cutting commenced before he was cold, which has been reported to have excited considerable disgust among the non-professional public in Washington and elsewhere.

There are sulphur springs at Salt Lake, soda springs at Soda Springs, Idaho, and now there are said to be lemonade springs near Luling, Texas, the water at which is pleasantly acidulated not unlike lemonade, and is said, according to the *Galveston News*, to possess wonderful curative properties, which are constant. The water of this

JUDGE DUNNE OF ARIZONA.

Our dispatches from the East have more than once intimated the probable removal of Chief Justice Dunne of Arizona. The Arizona Miner has no doubt that the removal of the Judge will be effected, because of his course in opposition to the public school system.

In regard to this subject the *Miner* says he has outraged the sentiment of the intelligent portion of the people of that Territory, and done it in face of the earnest protestations of his best friends. He is opposed to public schools maintained by the Territory and free alike to all, rich or poor, for a good common school education; without regard to sects. The *Miner* agrees with the *Alta California* in the following arraignment of the Judge:—

"We have heretofore expressed our opinion that E. F. Dunne, Chief Justice of the Supreme Court of Arizona, should be dismissed from his office to make room for some other man better fitted for the place; and this article is written as a solicitation to be sent to the Attorney General of the United States, whose department includes the federal judicial office. We present the following reasons for this application:—

"First—On the 2nd of February, Judge Dunne delivered a public address at Tucson, denouncing the Territorial Public School Law, upon the validity of which he might be called upon to decide in the Supreme Court. He was not prepared for a Judge to become a partisan in such matters, and any disregard of that rule of propriety is a good reason for dismissal.

"Second—Justice Dunne, in the course of his address, said, 'The State has no inherent right to teach. That is a denial of the right of the State to govern.' He thus declares himself openly the enemy of one of the fundamental principles of the American government.

"Third—We believe the majority of the Republicans and Democrats of the Territory desire the dismissal of Judge Dunne."

The *Miner* says that Judge Dunne is a man of splendid legal attainments and that "aside from his bigotry in religious matters as against secular education, we have failed, with all the bluster that has been made about it, to see where he has been remiss in his duties as a judge."

Correspondence.

SALT LAKE CITY,
November 29, 1875.

The public is now in possession of the decision of the federal court, in the appealed case of Sarah M. Pratt vs. Brigham Young, reversing the decision of the lower court, and adjudging the said Sarah M. Pratt, as the lawful occupant, and consequently the only legal claimant, of the south half of lot 5, block 76, plat A. As this decision will effect the landed interests of many other persons, situated in similar circumstances, not only in Salt Lake City, but in the numerous incorporated cities of the territory, I wish to ask the legal fraternity the following questions:—

Question 1.—Whereas Orson Pratt, son and undivided co-occupancy of the whole of the said lot, died Oct. 29, 1861, during which time two dwelling houses were built, one on the north-east corner of said lot, and whereas the said Orson Pratt did, at the last will and testament, bequeath and sell to the said Brigham Young all his right and title to the occupancy of said lot, and to the improvements thereon, and did convey the same by a quit-claim deed, and for which said Orson Pratt did receive four thousand dollars as a full equivalent, and whereas the said Orson Pratt did immediately vacate said premises, and the said Brigham Young did immediately enter thereon, placing Mrs. Harriet Barney Young and children in the house on the north and of said lot, where she has continued to reside, until the present time; and whereas the said Brigham Young, some few years after purchasing, did permit the said Orson Pratt and his wife Sarah M. Pratt, to temporarily reside in the dwelling house, belonging to the said Brigham Young, on the south side of said lot; therefore, under these circumstances, should the said Orson Pratt be held to the said Brigham Young, as the sole legal claimant of the whole lot?

Question 2.—If occupancy alone constitutes a legal claimant, would not the rights of said Orson Pratt be upheld, as the only legal claimant of the whole lot?

Question 3.—If occupancy alone entitles one to the whole lot, could the said Brigham Young take away from Harriet B. Young, the occupant, one-half of her legal rights, and give the same to the said Sarah M. Pratt, or to any other person?

Question 4.—If Sarah M. Pratt enters as a tenant upon a city lot, which has had, for several years, a previous occupant, does such residence entitle her to any legal claim to the whole or to any fraction of said lot? If such residence constitutes her a joint occupant, with the prior occupant, what fraction of the lot should be taken from the first occupant, and given to the second one? Or should the lot be equally divided between the two?

Question 5.—The said Orson Pratt owned 300 square rods, and but one legal occupant for several years, in the person of Harriet B. Young, and their 45 other children, who lived upon the same and each claim to be a legal occupant, must the lot be divided into 50 equal shares, and each claimant receive his four square rods, and the whole be given to the first occupant, the said Harriet B. Young?

Question 6.—If it is argued that the said Sarah M. Pratt has no legal claim, founded on occupancy, who then was the legal claimant for the first few years after the said Brigham Young purchased the said lot? If it is adjudged that the said Brigham Young was the sole legal claimant, would the said Orson Pratt be held to the said Brigham Young, as the sole legal claimant of the whole lot, why did he not have the same legal claim to the south

half of the lot dwelling house that he had to the north half and its dwelling house? On the other hand, if the temporary residence of the said Sarah M. Pratt be held to be a legal claim, the northern half as well as the southern half of said lot?

If I had been called upon as a witness in this case, I should have testified that it was principally through the frequent and earnest entreaties of my wife, Sarah M. Pratt, that I was reluctantly prevailed upon to sell the said lot, and the improvements upon said lot. The four thousand dollars which I received from the purchaser enabled me to erect a good two story dwelling house in the city of St. George, Utah, which was afterwards exchanged for a lot in the 17th Ward of this city, which I gave to my wife, Sarah M. Pratt, and permitted her to occupy the same. We were otherwise greatly benefited in the payment of a debt of eight hundred dollars, and with means to purchase several years provisions, nearly all of which was derived from the four thousand dollars, which the said purchaser paid to me. I permitted the said Sarah M. Pratt, and my family to have a temporary residence in his own house, he did not then, nor at any time afterwards, give to me the least intimation that he would give any portion of the lot, either to me or to my wife Sarah. It is with extreme regret, and deep sorrow, that I witness the attempt of my wife Sarah to procure, through the technicalities of the law, the property wrongfully and justly belonging to another.

ORSON PRATT, Sen.

By Telegraph.

WESTERN UNION TELEGRAPH LINE.

TO-DAY'S DISPATCHES.

EASTERN.

CAUSE OF THE MEXICAN ACTIVITY.

CHICAGO, 1.—A Washington special says that advice, received through naval sources, set at rest apparently the newest story regarding the sudden activity in the navy department. The story, to wit, expenditure of Secretary Robeson during the past month have been the subject of much conversation, and that even the officers of the treasury, through whose hands the money has passed, have been amazed and startled. That some good reason or plausible excuse for this immense outlay has been generally conceded. Various explanations have been made, but no adequate reason has yet been suggested. The newest explanation for the activity in the navy is a very plausible one at first sight, and related to carrying out the protocol between Admiral Polo and Secretary Fish, requiring the punishment of persons connected with the massacre of the officers and crew of the *Virginius*. The protocol in question was signed Nov. 29, 1873, and provided that Spain should proceed against the persons who committed the acts complained of, and should arraign them before competent courts, and inflict punishment on those who may have offended. It has been claimed that the Spanish government, instead of carrying out this agreement, has allowed the officers to escape, and has even promoted the principal offender, General Barriel, under whose orders the crew of the *Virginius* were executed. This has been the subject of much conversation, and the two governments, but the subject has not reached a point where it was necessary for the United States to assume a threatening attitude. It can be stated, upon the highest authority, that the non-fulfillment on the part of the Spanish government of the provisions of the protocol has been the determining cause of the naval activity. A communication received from Madrid at the State Department, yesterday, stated that the Spanish cabinet had decided to carry out the protocol by proceeding to try Barriel and the other officers who murdered the *Virginius* prisoners.

AN IN-QUIRY CONCERNING INDIGENT MEETING.

BALTIMORE, 1.—The stockholders of the Baltimore and Northern Steam Transit Co. have resolved to turn over the property of the company for the benefit of the creditors; the indebtedness is said to be \$120,000. The steamers will be run as usual.

The meeting to express popular condemnation of the manner in which the election in this city, on Nov. 2, 1875, was conducted, was held last night, and was numerously attended; resolutions were passed denouncing the conduct of the police commissioners and the members of an executive committee to contest several elections.

NEW ORLEANS, 1.—The Bank of America has suspended.

The board of directors resolved to close operations and put the bank into liquidation at once.

DEATH.

NEW YORK, 1.—News was received yesterday in Washington, of the death, in Chicago, of the Hon. Benjamin F. Avery, United States Minister to that country, appointed about two years ago to succeed Minister Fox.

DEATH IN BED.

A London dispatch states that the wife of Hon. Hugh Childers, the British minister to the United States, died in bed yesterday morning. A bottle containing chloroform was found beside her.

Judge Barrett has sent John Scannell, acquitted of murder, and Thomas Donohue, charged with insanity, to the Ulster Asylum.

MINISTER AVERY DEAD.

WASHINGTON, 1.—The State Department has information that Mr. Avery, minister to China, died at Peking on the 5th of November, but no particulars.

SUIT FOR DAMAGES.

The commissioners of the District of Columbia have brought suit against ex-Treasurer James A. Maygrader, of the board of public works, and his sureties, claiming \$50,000 damages. The declaration sets forth that \$14,847,402 was received and in part disbursed by Maygrader, but he refused to answer an account as required. The case will not go on the trial calendar until the February term, and it is not probable it will be tried until the Fall of 1876.

PUBLIC PRINTING REPORT.

The report of the superintendent of public printing shows that the total cost of printing, binding, and engraving, for the government for the year ending Sept. 30 last, was \$1,500,425. The Congressional Record cost \$38,959 additional. Nearly all the printing ordered by the last Congress is completed. There are now 1,200 employees in all the departments, with a payroll of \$95,000 a month. The composition set sixty cent a line, or four dollars a day for eight hours.

DEBT STATEMENT.

The debt statement shows a decrease during November of \$480,078, coin balance \$79,404,678, currency

balance \$12,014,022, special deposit for redemption of certificates of deposit \$12,610,000.

AVERY CASE CLOSED.

Gen. Babcock this morning received a telegram from District Attorney Dyer, at St. Louis, is answer to the best of his yesterday, demanding a hearing before the court, stating that the very case had been decided the next case, involving the question of conspiracy, was set for the 15th of December.

STEAMER SPLIT IN TWO—ELEVEN PERSONS DROWNED.

SYDNEY PARK, N. Y., 1.—Captain Woolcott, of the steamer *Johnston*, from Albany, reports his vessel cut in two by ice at two o'clock this morning. He ran her ashore, but the bow broke in two, and she went down in deep water and sank. He reports eleven persons drowned, six of whom were waiters and chambermaids on the boat, the remainder passengers. The steamer is sunk to the hurricane deck and the ice is cutting upper works away rapidly. For two hours fifty or sixty persons were hanging to the rods and mast of the promenade deck before they could be got off.

INDIANAPOLIS, Ind., 1.—A fire broke out at 1 o'clock this morning in the round house of the Indianapolis, Bloomington and Western Railroad. There were eight engines in the house at the time. All were badly burned before the fire engines arrived. Loss on the engines is estimated at \$40,000, and on the building \$15,000 to \$20,000.

SEATED.

MILWAUKEE, 1.—Schultz and Bergenthal, redifiers, convicted of shipping goods without entering the same as required by law, were sentenced to six months in jail, and four months imprisonment in the county jail.

CLOSING FUNERAL RITES.

NATICK, Mass., 1.—To-day the closing rites over the remains of Vice President Wilson took place and notwithstanding the severe cold weather there was a large attendance. At four p. m. yesterday the coffin was carried from the public hall where the face had been exposed to view to his late residence, and where his mother-in-law now resides. At twelve o'clock the exercises began. The choir of Mr. Wilson's church sang a hymn, followed by the reading of the Scriptures, and prayer and an address by Rev. Mr. Reynolds of Natick.

FOREIGN.

GREAT BRITAIN.

LONDON, 1.

The Walrights Convicted and Executed.

The trial of the Brothers Walright, Henry for the murder of Harriet Lane, in Whitechapel Road, in 1874, and Thomas as accessory after the fact, closed to-day. Both were found guilty. Thomas was sentenced to death, and Thomas to seven years' penal servitude.

Bank Statement.

The amount of bullion withdrawn from the Bank of England on balance to-day is £115,000.

Closed a Protestant Church.

Intelligence from Spain states that the authorities had closed the Protestant church at Toledo, and expelled the pastor and school master.

WEST INDIES.

Five Children Succeeded.

KINGSTON, Jamaica, Nov. 23.—A Hindu employed on the Central Spring estate, has beheaded five children for religious favor.

[CONCLUDED.]

POLYGAMY IN NEW YORK—POLYTHEIST TOLERANCE—RELIGIOUS TOLERANCE.

Already the blurred and confused way in which our people generally and especially our politicians comprehend this principle of the separation of church and state has led to the present religious intolerance in what ought long ago to have been the people of New York. Why do we unutterably disgraceful to us as a people, but are an infamous outrage upon every principle of justice and popular freedom.

Let us look at the matter a little in the light of fundamental principles. What do our federal form over the property of the State really amount to? First there is the pretense on the part of Congress to settle by legislation a question of morals and religion. Then secondly, the State has decided to carry out the protocol by proceeding to try Barriel and the other officers who murdered the *Virginius* prisoners.

But if we turn now from the consideration of general principles to the specific facts of this particular case, the situation is still more glaring. For polygamy in Utah is a wonderfully different institution from polygamy in New York. The Utah polygamist makes none of his women, leaves none to starvation, drives none of them to the brothel. These Mormons, too, are not the kind of creatures who are exterminated at the sword's point, have gone away a whole generation poorer than when they came, and made it to blossom as the rose, and founded there a civilization from which drunkenness, pauperism and crime have been banished.

Practically in fact the federal power now goes into Salt Lake City to force upon its inhabitants at the cannon's mouth these things, the beautiful institutions of our brother, the gambling den and the rumshop. It deliberately makes it the outcast of a handful of law-abiding citizens, and banishes them, banishing and ruining generally, banishing over to their tender mercies, in fact about 30,000 slaves, and many other people, whose social system would deserve at least a respectful toleration if on no other ground than that they had no other

super among them. For let polygamy, even in that comparatively mild and orderly form in which it exists in Utah, infinitely superior to the vile and brutal form in which it exists undisturbed on Murray Hill and among our "superior" classes generally here in New York, be ever so much a "blemish of barbarism," our abominable pauperism is a barbarism incomparably more barbarous, patent as it is of nearly all other crimes known among us.

To have had among the free and independent states of our Union a Mormon state unshackled with the peaceful development of its own career, would have been a triumph of our American system that would have won the admiration of intelligent observers over the whole globe in spite of a few cynical sneers on the part of those and there some fools and idiots in the editorial chairs of newspapers. But in fact, at the first real test, our American system of American civilization has failed. It has failed to suffer one poor little forty thousand to have their own life upon their own soil, won by their own toil from the seemingly insuperable wild! Instead of calmly standing by the principles of political liberty and equal religious toleration on which the faith of our republic attempted to plant their country, our peanut-stand politicians could imagine nothing more broad, more wise, more enlightened than to plunge the great American republic into a Waldenian crusade, from which, after a whole series of foul crimes and infamous outrages, it will ultimately have to come out a second best.

The farce of a verdict of Utah Gentiles will deceive no one, not even among ourselves, pretend what we may. The federal courts in Utah, in fact, are, in their very constitution from top to bottom, an infamous mockery of justice, an infinitely greater disgrace to the country than any amount of Mormonism could be.—New York Correspondent of Yates County (Pa.) Chronicle.

NEW ADVERTISEMENTS.

EAGLE EMPORIUM!

1875.

Christmas

CANDIES AND NUTS,

RAISINS AND CURRANTS ALREADY CLEANED.

A General Stock of the

CHOICEST FAMILY GROCERIES,

Hardware, Crockery, Etc.,

AT THE LOWEST PRICES,

IN OUR BASEMENT.

CHEAPEST PLACE TO BUY.

Dr. H. H. WADMAN,

BOTANICAL & PRESCRIPTIVE PHYSICIAN.

TREATS all kinds of Diseases incident to the human family.

RESIDENCE—Fourth East street, between First and Second streets. Salt Lake City. Can be consulted by letter—look for the Salt Lake City.

BRANCH OFFICE—At Wm. Jennings, Sons & Sadler, Druggists, Salt Lake City. He will attend, Thursday, Friday and Saturday, each week, from 10 a. m. to 4 p. m.

All calls promptly attended to.

T. LATIMER, GEO. H. TAYLOR, GEO. ROMNEY, F. ARMSTRONG.

HAVING REMOVED INTO our New Building, we are now prepared to furnish everything in our line at the Lowest Rates and with dispatch.

Lumber, Shingles,

SASH & DOORS

Everything in the Building Line.

—ALL KINDS OF—

MOULDINGS & FRAMES

A SPECIALTY—

W' will not be Understood.

SOUTH TEMPLE STREET,

17th Half Block East of Depot.

Latimer, Taylor & Co.

WALKER BROS.

RETAIL

ALL kinds of PRINTING

of the Art at Bed Rock Prices

at the Deseret

JUST RECEIVED,

Five Hundred Pieces Cheap

DRESS GOODS,

The Best Lines we have ever Offered,

20c, 25c, 30c, 35c, 40c, and 50c pr. Yard.

Choice Brown Plaids, 20c per Yard

Reps for Wrappers, 25c

Styles Japanese Silks, 30c

A LINE OF ASSORTED DRESS GOODS, 20c per Yard

25c

30c

ALL OF WHICH ARE

FROM 25 PER CENT. TO 100 PER CENT. UNDER VALUE.

ORDER VALUE.

DESERT NEWS OFFICE.

FINE DRESS GOODS IN ENDLESS VARIETY,

ALSO CHEAP.

For Prospectus Journals call on

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S. GILBERT, Proprietor.

1776—D. S