

THE EVENING NEWS.

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EDITOR AND PUBLISHER.

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ABOUT JURISDICTION.

NATIONAL dispatches and correspondence, lawyers' memorials, articles in partisan newspapers at times have been heavily freighted with statements concerning an alleged conflict of jurisdiction between the federal and local courts in this Territory, until much of the public has come to believe that things judicial have been mixed, twisted, and warped that the administration of justice or law is after impracticability and that congressional legislation is absolutely necessary to restrict and define the limits of the jurisdiction of the local courts.

The situation thus depicted is apparent rather than real. That there is a conflict is patent, but that conflict is not unavoidable. On the contrary it is manufactured for ulterior purposes, sought for and instituted without just cause. There is no plain fundamental conflict. Such conflict as exists merely technical and constructive, the technicalities being trivial, and the construction far-fetched; and neither available except by a paroxysm, springing, revolutionary, or litigiously perverse spirit.

The Constitution and laws of the United States and the Organic Act and laws of the Territory give and define the jurisdiction of the courts, federal and local. Under these the local courts operate within a certain jurisdiction, fairly justified by the letter and spirit of the laws.

The conflict consists in the facts that the local courts exercise the jurisdiction thus conferred, and the federal courts seek opportunities to curtail and restrict the jurisdiction of the local courts, and confine them to the narrowest possible limits. Of course this must be done for some manifest cause. The ostensible cause rests upon half-splitting technicalities, the real cause, as is unavoidably inferred, is a very different one, and even less worthy.

In considering this subject, we must remember the kind of government under which we are living. If we were living under an autocratic, a despotic, an imperial, or even a monarchical government, our views upon this and many other matters might be much modified in consequence. But we are not. We are living under a republican, a federal republican government, professedly the most liberal, free, and enlightened upon the earth. Democratic government is government by the people. Republican government is government by representatives chosen by the people. A federal or confederate republic is a confederation of small republics for mutual welfare, each subordinate republic to be subject to the federation only in those particulars which are mutually agreed upon as essential to the good of the whole of the minor republics comprising the federation. The leading idea, therefore, not only of a democracy but of a republic, is self-government, not a federal republic like this of the United States, local self-government. With a proper regard to this distinguishing characteristic, all legislation should be effected and interpreted.

In pursuance of this republican idea of self-government, of government by representatives of the people, enacted by the people, the legislature of Utah naturally enough provided for the local courts a liberal jurisdiction, as the Constitution, the U. S. laws, and the Organic Act of the Territory allowed, still notwithstanding the proper jurisdiction of the superior courts. Can the people or the legislature reasonably be censured for this? No, they cannot. It was natural enough, under a federal republican government, that the people should desire and empower officials chosen by themselves or their representatives so far as they were constitutionally and legally permitted to do so. As regards the people or the legislature, this is the sum and substance of their offence, the gist of their part of the jurisdictional conflict.

Now come in the Federal judiciary, and not content with their own proper jurisdiction, including appellate and revisionary jurisdiction from and over the proceedings of the lower courts, they set themselves in direct opposition to and continually endeavor to destroy the lower courts by limiting and taking away their jurisdiction and reversing their decisions on the veriest technicalities, thus playing completely into the hands of the criminal classes and causing the very title of a federal judge to become a byword and an object of common public contempt. When a judge condescends to the spirit of a petty-fogger and opposes the action of the inferior courts on all convenient occasions by taking advantage of every possible technicality, the conflict of jurisdiction is bound to be constant, it will be inevitably interminable, as long as such a judge wields authority, unless and until the lower courts entirely abdicate their proper position and leave the "superior" courts to exercise unlimited and unquestioned jurisdiction, a thing entirely foreign to any adequate idea of federal republicanism, and its promotion or adoption is utterly unworthy of any American citizen.

THE BUFFALO. — Buffaloes are gradually becoming fewer in numbers, as the limit of their range for food is restricted by the advances of the tide of human emigration over the plains and valleys of the great West, and the final extinction of this class of wild beef animals in North America is predicted as certain or very distant day, unless the needless and wasteful slaughter thereof is in some manner put a stop to. In the earlier years of the settlement of Utah it was the standing policy and custom of the emigrants coming to settle here to kill as many buffaloes as possible, and more than were actually required by each company for meat. This commendable policy, however, was not followed by all crosses of the plains before the time of rail-road convenience, nor is it now.

Some of the judges are taking up the subject and urging the adoption of effectual restrictive regulations concerning the slaughter of this animal. The New York Sun thinks the subject well worthy of careful consideration, and of congressional action to prevent wantful and unnecessary slaughter, and that it might be found advisable to withdraw from pre-emption and sale a portion of the wilder and more desert public lands included in the buffalo range, at least until the more fertile portions of the country are appropriated by bona fide settlers. The buffalo has its use, and they are many. The abuse of it by unnecessary slaughter should be prevented if possible.

A PATIENT PEOPLE. — The patience of the people of this Territory under all manner of slander and vicious sensational reports elicited abroad, as will be seen by the following from the Omaha Bee:

"The Gentile and Mormon inhabitants of Utah do not resort to violence, sedition, and revolution, it is certainly no fault either of the Gentiles or the Mormons, telegraph and press present with their contentions appeals to passion and prejudice. What with the class of partisan organists and the capacity of office hunters — the people in Brighamton evince a great deal of patience and good common sense in keeping their heads off each other."

The above was extremely applicable a few weeks ago, as Congress had closed its session, and in all probability will be equally applicable as soon as the "partisan organs" and rapacious "office hunters" buckle fairly down to their work again.

ALKALINE LANDS. — Beets and pears on quince stocks have for some time had the reputation of doing well on alkaline lands. Now the Alta California has a paragraph to the effect that cotton does better on alkaline than on other lands. There is not much cotton land in Utah, but in Arizona there may be considerable, and the statement published in our San Francisco contemporary is worth remembering in view of experiments in this and adjoining Territories. Hugo is the name

of a small but growing town in the valley where the soil is impregnated with alkali. The police charged amongst the contestants and order was soon restored. At last accurate reports came to us that

John Clement, of Rock Island, Ill., with never stick or right thumb in his mouth, could sing his fingers in despatch, owing to his familiarity with the buzz saw.

Amateur theatricals have become

so frequent in New York that it has

been found expedient to publish a programme paper for these performances exclusively. It is called the "Amateur Stage," and is nearly

as good as the real stage.

P. L. Smith has a school or section from all fields in our great all-embracing paper, as well as in the "Daily Journal," and the "Morning Advertiser," with more than usual interest, and considered its many admirable points with profit and pleasure. In stating, as you do, on the one hand, that our army, navy, and the war spirit are gradually decreasing, and a more humane policy controlling our foreign policy, as well as oppressed classes at home, and, on the other hand, that universal and absolute equality is the great end, the most important and considerate of these matters might be much modified in the same neighborhood.

The Brunswick Telegraph tells a story of a young widow down on the Kennebec, who said to an acquaintance who was conducting with her husband the recent death of her husband: "he has been ill for a week, not eating, but the fact is crying always makes my nose bleed."

The Missouri Pacific Railroad has issued an order which imposes on operatives the duty of preventing the public and the press from obtaining any information respecting individuals which may happen on that line. The St. Louis Globe characterizes this as an infamous order.

It has been estimated that it would require 4,000 men to be continually at work to supply New York with wood for fuel. There are present sixty manufacturers in the country, cutting and supplying cords to the value of \$250,000 yearly.

A Cleveland lover, while going home from the fair, was fired at, and a couple of swells men left the city on the last steamer, to work in the mines of Guatemala.

Mining stocks were weak again to-day, and a general decline of prices.

Professor O. S. Fowler will deliver a course of four lectures at Platt's Hall, during his sojourn here.

The gold note circulation in this city on the 18th instant, was \$1,246.

A Washington special says the conduct of the collector at Albany, in allowing the Central Company to collect its debts, was a surprise to the internal revenue bureau, as the collector should not have sold for so small a sum. He is now ordered to report on the 1st of October, and if he did not make a fair bid to turn the property in to the credit of the United States.

The Brooklyn carpenters, at a meeting last evening, decided to strike April 7th, when their wages were not raised over ten per cent, and eight hours per day.

It is stated that the preceding evening, at the hotel Union, Mrs. Hollay Day, President of the Oregon and California R. R., for an alleged fraud similar to the operations of the Memphis and El Paso R. R., in Paris.

Our respected Bishop has been very sick lately, but is now recovering, for which we are thankful.

BY TELEGRAPH. — SPECIAL TO THE "DESERT NEWS," FOR WESTERN UNION TELEGRAPH LINE.

LAST NIGHT'S DISPATCHES

WESTERN.

NEVADA, Cal., 25.—A terrible accident occurred yesterday at Burlington Hill, 12 miles from this place. A carriage, impaled on the body, gives the following particulars:

John Kilgore was killed by Geo.

Smith, who was riding a horse.

Kilgore raised a carving knife and plunged it into the breast of Smith, killing him instantly.

Both parties were drunk at the time.

They scolded, and have been warm friends many years.

Kilgore is understood to be

the murderer.

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