

THE EVENING NEWS.

PUBLISHED DAILY, SUNDAYS EXCEPTED AT FOUR O'CLOCK.

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EDITOR AND PUBLISHER.

Saturday, January 8, 1876.

NEWS OF THE DAY.

A negro murderer hanged at Memphis, yesterday.

The supposed Charles Ross has reached home; his name is Blamond.

The railroad war at Hopewell, N. J., has been settled by a legal decision; particulars in telegrams.

A clearing house has been established at Louisville, Ky.

D. L. O'Connor, of Kansas City, chief clerk of the freight department of the Kansas City & St. Joseph and Council Bluffs Railway, is an absconder and defaulter; the amount is \$7,000.

Seven large liquor establishments in Philadelphia are accused of dealing in the "crooked" article.

The Erie railway will take advantage of the "Deutschland" to their destination free.

Sir J. H. Glover is the new Governor of Newfoundland.

The Turkish ambassador to France is removed, and appointed Governor General of Herat.

The Montenegrins and Serbians are arming, and making ready for a brush with Turkey.

Twenty-eight hundred insurgents made an attack on Mostar, but were badly defeated.

The Italian bark *Brindisi* sank by a collision in British waters.

A report comes by telegraph that all the men in Vienna liable to serve in case of war have been ordered to hold themselves in readiness to join their corps, at forty-eight hours' notice.

Von Arnim's medical advisers say he is too ill to go to prison, but the government will not accept the excuse, and he is summoned to surrender and undergo his sentence.

A large bark was ashore and in distress all yesterday, on the coast of Kent, England, a few miles from Harwich; the sea was too rough to permit of her being sent to the unfortunates seen on board.

British vessels are warned to shun the Spanish coast east of Bilbao, because of Carlist batteries.

U. S. Paymaster Spaulding, of San Francisco, is to be court-martialed.

Governor Tilden refuses to pardon Spaulding, of San Francisco.

An outbreak is feared among the Sioux Indians at Red Cloud, on account of want of provisions.

SOME INTERESTING INQUIRIES.

An "Inquirer After Truth" writes from a Tooele county, Dec. 28, as follows:

"Editor Deseret News:

"Will you please answer the following questions?"

"Question 1.—Does not the first article in the Amendments to the Constitution of the United States state that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof?"

"Q. 2.—Are jurors bound by their oath to find a verdict of guilty when a person is tried for what the Constitution justifies all men in practicing; that is, the free development of their right to practice?"

"Q. 3.—Does not the Constitution tolerate plural marriage as well as single or monogamic marriage?"

"Q. 4.—Does not the Constitution deny or prohibit Congress from any interference in religious principles?"

"Q. 5.—Did not Congress, when it passed the law forbidding plural marriage and prescribing punishment and fine for those who practice it, positively break the Constitution?"

"Q. 6.—Is not Congress impeachable for a violation of the people's rights in passing a law to prohibit religious freedom?"

"Q. 7.—God having by revelation to his people commanded plural marriages, and Congress forbidding plural marriages, shall or ought this people to obey God or Congress?"

"Q. 8.—Is a jury responsible for a congressional breach of the constitutional amendments, or of the Constitution?"

"Q. 9.—If progressive intelligence is in advance of bad laws, should not a representation of the people inform the nation by their verdict that the laws should be either repealed or amended, thus harmony may exist between progress and law?"

"Q. 10.—Are jurors guilty of a breach of true principle when they acquit the slayer of the seducer, notwithstanding the law designates such slaying murder in the first degree?"

"Q. 11.—Is not a jury seriously at fault when it gives a verdict of guilty against any person for practicing plural marriage, knowing that the Constitution approves the act?"

"Q. 12.—Does not the Constitution give the same privilege to a polygamist to marry any number of wives, as it gives to a monogamist to marry but one wife?"

"Q. 13.—Are progressive minds practicing their knowledge of truth, or is popular prejudice made manifest in opposing truth, a fault?"

"Q. 14.—Is plural marriage in harmony with celestial and natural philosophy, or is it incompatible?"

"Q. 15.—Have not all attempts in past ages by tyrants proved unsuccessful to stop the march of progress, and furthermore, degraded themselves and the nations they ruled, and progressive-minded persons, so that their names will be despised throughout all time?"

Answer 1.—Yes.

A. 2.—Jurors are bound by their oath to find a verdict according to the law and the facts—the law as expounded by the judge, the facts as the jury may determine their value. The Supreme Court of the United States, in cases applicable to it, is the final arbiter of the constitutionality of laws, to which arbitration all citizens must submit, or take the consequences, which are not pleasant. Conscience is not usually supposed to have any influence over a jury, except as regards the law and the facts in the case. It is held that it is the prerogative of the jury to determine the value of the evidence adduced. The jury are expected to return a verdict according to the court's view of the law and their own view of the evidence. If the jury bring in a verdict inconsistent with the

judge's view of the law, in the case, he may re-arrest them in the law, he may send them back to consider their verdict, he may set aside their verdict and treat them severely, he may discharge them, but he cannot actually compel them to return a verdict to suit him. In civil suits we believe it is universal that the case that the jury do not judge of the law, and it is generally the case in criminal trials, though in some of the States it is assumed that in these latter trials the jury shall be judges of the law as well as of the evidence, and statutes to that effect have been enacted. In a few extreme cases, in criminal trials throughout the Union, juries sometimes constitute themselves practically judges of the law as well as the facts, as elsewhere. However, a conflict between judge and jury is always unhappy and to be deprecated.

A. 3.—We believe it does, at least where the marriage is a religious affair.

A. 4.—Yes, virtually. But it makes no difference if Congress does not, as every man can hold what principles he pleases, and both the Constitution and Congress are powerless to prevent him.

A. 5.—We believe it did.

A. 6.—If Congress is impeachable, who can impeach it? Congress itself possesses the impeaching power. If Congress makes an unconstitutional law, the courts can nullify it by declaring it unconstitutional and void. If the people do not like the acts of Congress, they can send different men to Congress, as was done largely in electing the present U. S. House of Representatives. There is an extreme way of virtually "impeaching" Congress, and that is by insurrection or revolution, as for instance French revolutions, and the American revolution a hundred years ago. These, however, are among the most hazardous and terrible proceedings connected with human government, and the prospect is not agreeable to contemplation.

A. 7.—Cases of this kind rest with the consciences of men individually. There are some heroic instances recorded. The case of Henry children were cast into a fiery furnace for obeying the dictates of their own consciences in preference to earthly mandates. They escaped harm, and subsequently received exalted consideration. Daniel the Prophet conscientiously disobeyed the law forbidding prayer. He was cast into a lions' den in consequence, but providentially preserved from harm, and highly honored afterward, "and why not every man?"

A. 8. No.

A. 9. Petit jurors have little to do with laws, except as they find them existing. If legislatures make bad laws, the people should elect legislators who will make better laws. "Progressive intelligence" is expected to submit to existing laws, if it cannot do this it must take the consequences, and come out of the conflict in the best manner it can.

A. 10. We do not think they are, at least in nagant cases. It is not universal, but it is so very general as to have become a part of the unwritten law, in the United States, that in cases, especially aggravated ones, of this kind, juries will not bring in a verdict of guilty, no matter how a judge may press the case, or the law may read. In the latter instance take the responsibility of their actions upon themselves, and the public sentiment sustains them in it, almost without exception.

A. 11.—It is not considered the business of a jury, but of the Court, to declare whether a law is constitutional or unconstitutional.

A. 12.—The Constitution prohibits Congress from making any law respecting an establishment of religion, or prohibiting the free exercise thereof. Where marriage is a part of religion, Congress is thus prohibited from prohibiting it. With merely civil marriages it may be different.

A. 13.—An enlightened man and a prejudiced man each often thinks he is right. Of course the one that is in error is so far at fault, though he may not know it, and the difficulty often is to convince him of his error. A fool, even, considers his folly superior to the wisdom of the wise.

A. 14.—We believe that plural marriage, as well as single marriage, is celestial and philosophic. Neither kind of marriage, under proper conditions, is condemnable morally. But either may be greatly abused, and the abuse is condemnable. The Bible says, "Marriage is honorable in all." How, however, human law and morality do not invariably run parallel. Some human laws condemn plural marriage, and some even condemn monogamic marriage in certain cases.

A. 15.—We do not know the history of all tyrants in past ages. Progress may possibly be checked by that class of men for a time, but ultimate reaction is frequent, and the purposes of the Almighty are sure of accomplishment. Tyrants, whose history is known, are generally, to a greater or less degree, degraded in the estimation of posterity, and their names are despised by it, while the victims of their tyrannies are remembered with reverence. Many of the primitive Christians maintained their religious convictions and were tyrannously, cruelly, and barbarously persecuted even to the death, and now they are honored while the actions of their persecutors are held to be not only indelible, but not worthy of execration. Posterity will be likely to render a similar verdict in regard to the latter-day Saints and their persecutors.

ELECTIONS IN THE TERRITORIES.

The Washington correspondent tells us that a bill will be introduced into Congress, taking the appointment of Territorial officers

away from the President, and authorizing their election by the people. This ought to be done. The Executive of the United States has entirely too much patronage, which might be greatly curtailed with benefit to the public service. The people can always be trusted to select their public officers. If they err at one time, the experience acquired serves to guide them the next. Besides, the true republican principle is, to diffuse the selection of public officers, instead of concentrating power. A question which arises in this connection, however, and which is attracting some attention is, whether the government would be willing to pay the salaries of the officers which were not under its direct control. We shall expect to hear this point debated when the contemplated bill is put upon its passage.

If the Government is consistent in its acts it will have no objection to paying such officers, because it now appoints certain officers for this Territory, and calls upon the Territory to pay in great part their pecuniary compensation. If the rule will work well one way, why not the other way?

By Telegraph.

PER WESTERN UNION TEL. LINE.

Last Night's Dispatches.

EASTERN.

Arrived Home.

BOSTON, 7.—A. Milford, N. H., dispatch states that the notorious Blanchard boy arrived home today, and was recognized by his mother and all his town associates.

Hanged.

MEMPHIS, 7.—Frank Scott, colored, was hung in the jail yard, at 1.40, for the murder of Ransom Shipp, colored, on Christmas evening, 1874.

The Railroad War.

HOPWELL, N. J., 7.—The situation of the railroad war is unchanged. The militia arrived this morning, and have taken possession of the frog by order of Governor Bedle. The D. and B. railroad engine remains on the frog as yesterday, and the militia are guarding the same. Everything is quiet.

The Trouble Over.

The chancellor has decided that the frog is to be put so that the Mercer and Somerset trains can pass over the road, and that the engine now on the crossing shall be removed. No further trouble is anticipated.

Clearing House Established.

LOUISVILLE, Ky., 7.—The banks of this city have organized a clearing house establishment with a capital of nearly \$2,000,000.

Another Trial in Office.

St. LOUIS, 7.—A Kansas City special says that D. L. O'Connor, chief clerk in the freight department of the Kansas City and St. Joseph and Council Bluffs Railway, has absconded, leaving his account seven thousand dollars short.

Crooked Whiskey Cases.

PHILADELPHIA, 7.—Internal Revenue supervisor Fulton, this city, has received instructions from Secretary Bristow to proceed at once to Chicago, to attend the trials arising from the seizure of distilleries, &c., made by him in that city, in May last. The Secretary directs the supervisor to be prepared with evidence for the prosecution of each person indicted, as no promise or understanding has been made looking to a compromise of any of the cases. Fulton will leave this city on Monday for Chicago, accompanied by his assistants and all the evidence collected in the case to prove the duplicity of the packages, &c. The Treasury Department has a knowledge of the fact that seven large liquor houses in this city have been dealing in crooked whiskey, and most of them have been called upon to explain by Supervisor Fulton. This gentleman states that while there is no doubt that these houses have been dealing in the crooked, yet there is no positive evidence that they did it with any guilty knowledge.

Church Meeting, &c.

NEW YORK, 7.—At an adjourned meeting of Plymouth church, to-night, the Rev. E. Beecher, in the chair, the committee to make arrangements to call a mutual council reported that it had been expected that they would be able to give a full list of the churches invited, but Mr. Vanocott, counsel to Mrs. Moulton, had not received a reply from any of the churches invited, and at his request the decision had been put off, but they hoped to be able to finish their labors on Monday. Mr. Beecher, the pastor, the Rev. Edward Beecher, and Mr. Vanocott, Raymond and Thos. G. Shearman were appointed a committee to represent the church before the conference. Mr. Beecher said they would be expected to provide for the members of the council, and a motion was carried extending the hospitality of the church to every pastor and delegate. The meeting then adjourned until Friday evening unless sooner called.

The Erie Railway Company will transport the survivors of the steamer *Deutschland* from New York to their destination west free.

There will be no more changes.

WASHINGTON, 7.—Secretary Chandler authorizes the statement that no further general change is contemplated in the Interior Department, and it is useless to make application for appointments.

Appropriation Bills Considered.

The House committee on appropriations had a long session to-day, on the military academy appropriation bill, and committed it to report to the House next Monday. They reduce the pay of the cadets from about \$50 to \$45 per year, which the bill diminishes the item some \$17,000. The pay of the professors is reduced twenty per cent, and many small reductions are made in other items. The total bill is about \$80,000 from last year's total of \$320,000. The pension appropriation bill was also finished and will be reported to the House by Attkisson. A reduction is made from the Department estimates for this bill; its amount is 299 millions.

FOREIGN.

GERMANY.

BERLIN, 7.—Dr. Gerlich has been appointed German vice consul at New York, in place of Herr Fiedel, who is appointed consul at Havana.

GREAT BRITAIN.

Bureau of Carill Bellator.

LONDON, 7.—The *Gazette* publishes a notice to the masters of British vessels, warning them to keep from the Spanish coast east of Bilbao, as Carlist batteries are placed at intervals along the shore, and will fire at anything appearing.

Governor Appointed.

Sir J. Hawley Glover has been appointed governor of Newfoundland.

ITALY.

Rome, 7.—Cardenas has been ap-

pointed Spanish Ambassador to the Vatican.

FRANCE.

Will Adhere to Andrassy's Note, &c.

PARIS, 7.—The *Journal Des Debats* publishes a semi-official article from Vienna, which states that France will adhere to Count Andrassy as to Turkey, but has not yet done so.

The *Moniteur* publishes a list of candidates for the Senate, whose election the government favors.

TURKEY.

Appointments.

CONSTANTINOPLE, 7.—Kauf Pasha has been appointed governor general of the Island of Crotia.

Easha Pashadid, ambassador at Paris, has been appointed governor general of Herzegovina.

TO-DAY'S DISPATCHES.

EASTERN.

Started for Europe—Salt Brought by Tweed's Attorneys.

NEW YORK, 8.—The store ship *Supply* sailed yesterday, to collect articles for the Constantinian Exposition; it is expected back by April 1st.

Tweed's attorneys and bondsmen have brought suit against the members of the ring, asking that all except Tweed be compelled to refund, and asking that the ring of all claims against them be appointed. The city and county attorney, the general corporation counsel and others are made defendants.

An Outbreak Expected at Red Cloud, &c.

CHICAGO, 8.—The *Tribune's* special says that at a meeting of the House committee on Indian affairs, represented by Senator Schuyler, called the attention of the committee to the fact that there is imminent danger of an outbreak at the Red Cloud Agency, on account of the lack of provisions, the supply of which will be exhausted, on the 1st of February, if not sooner.

Indian Commissioner Smith is preparing a communication, which will be sent to the House on Monday, setting forth the facts. It appears that the corn at the Red Cloud Agency have attracted an unusual number of Indians to the Agency, and the whole year's supply of provisions has been exhausted. It is expected that an appropriation of \$150,000 will be required to meet the exigency. There is some danger that the committee will not act with sufficient celerity, for if the appropriation were already made there would be nine months more time for the provisions to be purchased and forwarded to the Agency.

The same special says the committee on the Pacific affairs, considered briefly Tom Scott's subsidy scheme, but no action was taken.

The chairman, Lamar, and one other member of the committee were absent, and so the committee adjourned for a week. There is a deep-seated conviction in the minds of all the opponents of the Texas Pacific scheme that the committee is irretrievably committed to it. Tom Scott's special says that he has not yet decided to make an effort to push his grab through at the present session, but that if he does decide to attempt to do so, he will come to Washington and lead his fight in person, with the necessary sinews of war. His previous incursions on Congress are sufficient to show his power when he once makes up his mind.

A special from St. Paul says that advances from Fort Buford report that the Sioux hostile Sioux, in camp on the Yellowstone, ninety-six miles above Buford; their numbers have been greatly increased by young men from the peace agencies, dissatisfied with the peace policy of the older chiefs.

Several months ago, last fall, in the Upper Missouri, have been traced to the Indians now with Sitting Bull.

More Gossip about the U. S. and Cuba.

WASHINGTON, 8.—The undersecretary of the navy here is that the President, within a few weeks, will recommend mediation in Cuban affairs, unless the war there ceases, and if mediation is rejected, the United States will pursue its own policy, even at the cost of war with Spain.

Spaulding to be Court-Martialed.

It is admitted at the Navy Department that the arrest of Paymaster Spaulding at San Francisco, is the result of the official inquiry into the Piny frauds; the details of the investigation will not be given by the department, but the secretary does not consider that the proceedings of the court of inquiry in this case should be made public. A court-martial will soon be ordered for the trial of paymaster Spaulding.

Naval Rendezvous.

The concentration of naval vessels at Port Royal is in pursuance of the general plan of the Secretary of the Navy to make that place the headquarters of the North Atlantic station. It presents many advantages over any other point on the coast; the climate is very healthy, and the harbor offers every facility for the exercise of naval tactics.

Vessels, which are ready to sail, can reach Cuban waters and the Gulf, where our interest most need to be looked after, within forty-eight hours. It is the policy of the Secretary to have the home squadron larger than any abroad; he believes in being prepared for any emergency which may arise.

The Revenue and the Financial Question.—The National Border Outrages.

NEW YORK, 8.—The democratic leaders intend to give an authoritative expression of the democratic House of Representatives on the financial policy soon. The generally favored plan aims at resumption through compelling the banks to accumulate part of their reserves in gold, and directing the treasury to hoard all its surplus gold for new specie payments as soon as there is enough for the purpose hoarded. The trouble is to tell what is enough. It is also contemplated to repeal the clause adopted last Congress, fixing the rate of interest on the legal tender act, and the contraction of the currency are not included in the plan.

The San Francisco House resolution for a special inquiry into the Mexican robber incursions into Texas the first step towards war with Mexico, and the Mexican train its bandits and want authority the U. S. to suppress them by an effective pursuit on her soil; public sentiment is towards force to compel amicable redress.

Bank Statement.

Bank statement—Loans decreased \$1,015,500; specie increased \$3,015,200; legal tenders decreased \$330,300; deposits increased \$623,210; circulation decreased \$195,200; total assets \$1,739,425.

Specie for Europe—Will not be Paid.

Specie shipments to Europe to date \$400,000; \$200,000 in gold coin, the rest in silver.

Governor Tilden, after examining the papers and petition of Edward S. Stokes for pardon, has denied the application.

CANADA.

Ottawa, 7.—Canada's Great Exhibition, which was to have been held at the property of E. B. Eddy, an insolvent. Eddy, backed by a large number of employes,

prevented the bailiff from taking possession, and the premises are now guarded by seventy men. It is said that the militia will be ordered out to-day to protect the officers in the discharge of their duty.

FOREIGN.

GREAT BRITAIN.

Preparing to Fight.

LONDON, 8.—A Vienna dispatch says it is reported that the Montenegrin minister of war intends to purchase rifles in Vienna. Telegrams from Serbia say that the makers of arms are very active. The Montenegrin Government is hastening the completion of its armament with foreign firms.

Von Arnim's Case—Insurgents De-fected—Collision at Sea—Looks Like War—A Bark in Disgrace—Italy Has Accepted Andrassy's Note.

A special from Berlin says a report is current that the courts will shortly publish a general demand against Count Henry Von Arnim if he fails to return, and that he will be tried in contumacy.

A Vienna correspondent telegraphs that a body of 2,800 insurgents tried to surprise Mostar, but was defeated and almost totally destroyed.

The answer of Italy to Count Andrassy's note on Turkey has arrived in Vienna.

A sailing ship *City of Brooklyn*, which arrived at Queensdown yesterday, while off Fastnet, on Thursday, collided with the Italian bark *Emilia*; the latter sank, and three of her crew are missing. The rest, nine in number, were rescued by the steamer, whose boats searched in the vicinity of the edisaster until daylight.

A Vienna correspondent of the *Standard* reports that all the men there who are liable to serve in case of war have been ordered to hold themselves in readiness to join their corps on forty-eight hours' notice.

A special from Berlin states that a medical certificate has been forwarded to the authorities, stating that Count Von Arnim is too ill to go to prison; that has been decided to be insufficient, and he will be summoned to return to undergo his sentence.

A large bark, name unknown, was ashore all day yesterday, on the sand ten miles east of Harwich, under circumstances similar to those of the *Deutschland*; twelve men were seen on board, but were unable to approach her. A tug left Harwich at midnight to go to her aid.

The *Cologne Gazette* says that Italy has accepted the Austrian note, and England has asked for a week to consider, which expires on the 12th.

SALT LAKE THEATRE!

PROFUNDAMENTO!

The resident members of the Dramatic Company have formed themselves into an organization, under the name and style of the Salt Lake Dramatic Combination.

With a view of giving SEMI-WEEKLY performances at the SALT LAKE THEATRE!

Should this combination meet with the patronage of the public, they promise to produce all the available novelties of the day. The performance will take place on Saturday Eve., Jan. 8, 1876.

When will be produced the great romantic play, by Tom Taylor, Esq., entitled THE AREA BELLE!

To conclude with the laughable farce entitled THE SECOND COMBINATION PERFORMANCE!

More Gossip about the U. S. and Cuba.

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