THE EVENING NEWS.

Tuesday, - - August 25 1874.

CONTESTED ELECTION,

TERRITORY OF UTAH.

Geo. R. Maxwell vs. Geo. Q. Cannon.

Argument of Halbert E. Paine, Counsel for Sitting Member.

Before the Committee on Elections of the House of Representatives of the United States, Washington, D. C., 1874.)

(CONTINUED.)

Now the counsel would have us believe that the act of March 3, 1853, authorized an Indian agent, "under the direction of the Department of the Interior" (meaning thereby the Secretary, or the Commissioner of Indian Affairs, or the Commissioner of the Land Office, or something else, I know not what), by a location and survey, to erect five reservations, which should have the character of Indian reservations established by treaty or by act of Congress.

But the law authorized no such thing. It authorized the *President*, if, upon examination, he should approve the plan provided for the protection of the Indians, to make five, *not Indian, but military reservations* in California or Utah and New Mexico for Indian purposes. *This the President never did, except as to the Uinta reservation, which is now occupied exclusively by Indians.* These so-called reservations grew up gradually from mere farms under the care and management of Indian agents.

But if the President had done all that act authorized, it would not have closed these lands to white settlements without further legislation. The act to which the counsel refers as operative for this purpose (4 Stats., 730, secs. 10 and 11,) was actually passed more than fourteen years before Utah was ceded by Mexico to the United States.

Now, the power which Congress exercises over military reserves in the *Territories* is conferred by the third section of the fourth article of the Constitution. The provision is in these words:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States."

This grant confers no greater or less power, no more or less complete jurisdiction over the portions used as military reserves than over the other portions of the territory. It confers complete jurisdiction over the whole, subject only to such restrictions as may be imposed by treaties made in conformity with the Constitution of the United States. Congress may bestow upon or withhold or withdraw from the territorial government partial or complete control, subject to its own power of revision, over one part as well as over another part; over a military reserve, as well as over districts not reserved. By the organic act the territorial government of Utah was made to cover *all the territory within the boundaries described*, without exception or reservation, and the legislative, executive, and judicial powers of the government were extended over the whole of that territory.

[TO BE CONTINUED.]

BREVITIES.

In a Welsh court recently, eleven of the twelve jurors were named Jones.

"Tom, what in the world put matrimony in your head?" "Well, the fact is, I was getting short of shirts."

The indebtedness of Worcester, Massachusetts, is equivalent to $70 for every man, woman and child within its limits.

When a woman grows old and homely, says the Washington *Capital*, she gets religious. The household has to stand around then.

The present has been the coldest summer experienced in Newfoundland for twenty years, and serious apprehensions are felt in regard to the crops.

Lady Visitor—"My dear, do you know if your mamma is engaged?" Little Girl of the Period—"Engaged? bless you, why she's married."

The Grand Rapids (Mich.) *Post* thinks that to deny women the elective franchise because they cannot bear arms, would not be one whit more unreasonable than to deny men the ballot because they cannot bear children.

The boy who, when asked to what trade he would wish to be brought up, replied: "I will be a trustee, because ever since papa has been a trustee we have had puddings for dinner," was a wise child in his generation.

Mrs. Malaprop has no patience with the people who want woman to have votes. She declares that, for herself, her nerves would never bear the shock of having anything to do with the "electrical franchise."

A Pennsylvania boy got so homesick that he walked seventy-eight miles, without eating, in order to sit down once more at the family hearth-stone. He was received with such warmth by his male parent that it was several days before he could sit down anywhere.

The story of Patrick Kelley is old but good, as illustrating the Irishman's love of importance. Lord Nelson was about to open action in the battle of Trafalgar, but checked, a moment, the word of command already trembling on his lips. "Is Patrick Kelley on board?" he inquired of his first officer. "He is, yer honor." "Then let the fight proceed."

Says the Detroit *Free Press*: "An old man and his wife, who came in by the Central road yesterday morning, saw about thirty hacks at the door of the depot, and about thirty hackmen shouted "hack" at them. The man took it all as a high compliment, and turning to the old lady, he said: "I tell you, mother, they think we're something great, or they'd never had all these carriages down here to meet us. I wonder how they knew we was coming?"

The *Liberal Christian* observes of the discipline of public schools: "The radical fault of the common-school teacher is the attempt to govern the children exclusively by his own personal power; whereas no child in the school-room can be really trained except by the force of a healthy public opinion in his companions. Children are taught in the realm of manners and morals chiefly by the example of their associates. The wise teacher begins at once to fashion his room into a community, pervaded by a distinct and powerful public reason and conscience."

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We have now on hand the largest and finest stock of Summer Clothing in this city of our own manufacture, which enables us to sell from 15 to 20 per cent. less than any other house in this city.

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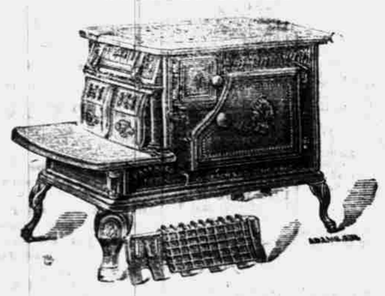

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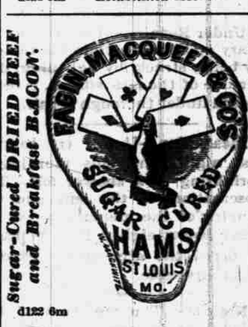

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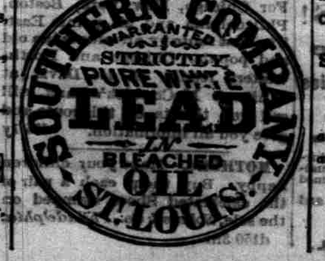

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