

## EDITORIALS.

Wool producers, dealers and manufacturers in the Eastern States are dispirited over the slackness of the business, owing to over-production. A few months ago wool was in great demand at high figures, and much was purchased in this Territory at enticing prices for consumption outside, so that our own mills found it difficult to secure sufficient to keep them going. Now that it is generally felt that the business has been overdone, the prices have fallen to an unusually low point. They have been gradually sinking all summer, says the *Financial Chronicle*, the market is sluggish, manufacturers are waiting for lower prices, producers are hoping for higher, too much wool has been demanded, too many woollen goods produced, they were never so unprofitable to the manufacturer as now, the Washington Mills, Lawrence, Mass., recently was necessitated to sell its production by auction at an estimated loss of not less than 25 per cent., wool is cheaper in New York than in London, wool purchased in that city by American buyers at auction in the middle of summer and left in bond, has been resold there at auction in the fall, and wool received thence in New York has been returned to be re-offered for sale.

Many of our wool producers a time back sold their wool crop to be sent out of the Territory, because high cash prices were offered. This was considered not a very prudent proceeding. Still, if they can send their wool east at high figures and purchase it back at low figures, the overruling of Providence is undoubtedly in their favor, though such a contingency cannot be depended upon, nor is it taken into much account by the sellers, when selling.

For the public at large this is an excellent time for the purchase of woollen goods, and as they are going at unusually low prices in the Eastern States, it would be a boon to the public here if they could participate in such reduced figures.

However, we would not by any means discourage the wool grower in Utah, because of these fluctuations in the market. They are caused largely by speculation, and not by regular, steady production, which, taking one year with another, shares with other well conducted business a reasonable remuneration. Speculation is a thing of extremes, fitfully stimulating production at one time, to leave it unprofitably if not ruinously flat at another.

THE Monthly Report of the Department of Agriculture for October states of the wheat crop that New England, Maine excepted, fails to report an increase of the wheat crop; in the Middle States the falling off has been quite marked; in the South the product is larger and better than usual; in the West scarcely so good as last year. In the corn crops the average for all the States is 108, and, when fully reported, the crop promises to be one of the largest ever produced. The general average of cotton has been reduced from 91 in September to 81 in October, against 76 in October last year. The product of oats about 3 per cent over that of last year, present calculated aggregate 365,000,000 bushels. Barley scarcely as large a total aggregate as last year. Rye smaller by 2 per cent than last year. Potatoes comparatively a short crop.

The Report also contains the usual variety of articles of interest to agriculturists, one particularly so, as it relates to co-operative dairies, and another upon "Systematic Crop Reports."

GREELEY retires from Presidential candidature to his editorial tripod once more. The country has not chosen him for President, but it has long and emphatically acknowledged him to be one of its best editors. In that sphere he has worked effectively and he still can do so. That is the work to which he proposes to devote his energies henceforth, eschewing partizanship, and concentrating his labors upon things affecting the welfare of the whole public rather than any particular class or section of it, large or small. If the editor of the *Tribune* does this, he will make his paper, still more than it has been, conspicuously one of the very best in the country, worthy of the support of every family in the land. So many of the public journals are filled with partizan and sensational matters, almost always

of grossly exaggerated character, that it is a weariness to look over their columns, there is such a large amount of chaff to so few grains of wheat, and that frequently is very light and poor stuff. We extend to Mr. Greeley our condolence upon his recent domestic affliction, with best wishes for his success in the department of intelligence to which he proposes to devote himself in the future. The *Tribune* is a welcome visitor because it is a useful paper, although we do not forget that it has said some hard things of our citizens at times.

THERE are two capital pieces of news in the dispatches which we publish to-day—one that Mexico has a new President in the person of Tejada and that the country is at peace, and the other that Colfax declines to be a candidate for any office, "senatorial or editorial, State or national." After two novel and refreshing items like these, "let us have peace."

AMONG the recent new lines of steamers crossing the Atlantic, is one running between New York and Cardiff, Wales. The pioneer vessel, the *Glamorgan*, of this line entered New York harbor October 28, making the passage from Cardiff in fourteen days, with strong head gales and heavy head sea. The *Glamorgan* is a Clyde-built, iron vessel, full brig-rigged, 335 feet in length, 36 feet 6 inches beam, 20 feet 6 inches draught when fully laden, nominal steam power 400 horse. She is designed to carry on her spar deck 700 steerage and 45 saloon passengers.

The *Glamorgan* is well appointed and elegantly fitted up, and has many conveniences. The saloon is luxuriously appointed, and the decorations are ornate and extremely beautiful. The furniture is of white oak and mahogany, highly polished and upholstered with green velvet. The mouldings of the saloon are gold and magenta. Gas is made on board to light the vessel and the gas brackets are silver plated. The births are heated by steam, and the bath-rooms, closets, etc., are nicely fitted up. Pneumatic telegraphic communication connects each stateroom with the steward's pantry. In the saloon are a magnificent piano and a well filled library. There is a stewardess to attend to the steerage passengers as well as one for the saloon.

The *Pembroke* will soon follow the *Glamorgan*, and the *Carmarthen* will be 50 feet longer and 1000 tons greater burthen than the *Glamorgan*.

The Marquis of Bute is the largest shareholder in this new company, and is considered the originator of the line. He provides coal and wharfage for the steamers at Cardiff free of cost for twelve months.

The establishment of this line is another of the many recent manifestations of the growing importance and increasing extent of the passenger and freight traffic over the "Atlantic ferry," which will be more than likely to continue to swell in dimensions and importance, as the resources of this country become more and more developed, until they shall have assumed a magnitude far beyond the present.

## Correspondence.

LATE, Oahu, Sandwich Islands,  
October 12th, 1872.

Editor Deseret News:

Dear Sir:—During the past summer the weather has been remarkably favorable for the cane crop, the thermometer not rising above 95° in the shade; hence the prospects are that the mill will not be idle long at a time during the next eighteen months.

Our semi-annual conference commenced here on the 6th and adjourned on the 8th, lasting three days. The meeting house, which has been enlarged, failed to accommodate at least one-half of the people who assembled from all parts of this kingdom, but the weather being propitious all enjoyed themselves and manifested much life and interest in the work of God on these islands. The missionaries who have been out in the field since last April conference returned with favorable reports from the districts, showing an addition to our number as reported at our last spring conference, of 586, besides 133 children blessed. On this island new life seems to have seized hold of the natives, giving the elders, who have been traveling around, many opportunities of healing the sick, and baptizing 313 persons. The Honolulu

branch, which seemed to be a "fixed thing," has taken an advance lately, so that the members are now preparing to build a large meeting-house in that place. Upwards of twenty brethren were selected to perform missions on these islands.

The preaching to and baptizing of this people seems but a small part of the great labor required to bring about restoration. To check the degeneracy and decrease of this race, it is very necessary that something be inaugurated among them to employ their time and put a stop to their dormant, sleepy habits. Their universal habit of smoking tobacco, sleeping and lounging on the damp ground, incurs disease; hence, to rally them and produce a change in their habits will, upon a natural principle, have a tendency to bring about good results. This step is taken, we believe, by providing the necessary means to keep them employed and teaching them principles of industry as well as other principles of life and salvation, that their condition may greatly improve; therefore we hope and trust the sugar thus produced will not sour in the merchant's hand.

A question of "emigration" to these islands is being agitated at the present by parties who lack the necessary help to carry on their business. They see that, by the present state of affairs, the mortality of the natives exceeds the births 100 per month, and that business affairs will, by and by, be at a standstill, and they wish to adopt that way of increasing the population here instead of establishing a system of government that will produce an increase among the natives. Our little colony shows an increase of births over deaths of two-thirds. These same results can be realized throughout the whole nation.

The crater Mokuaweoweo, on the summit of Mauna Loa, Hawaii, which has been dormant for many years, suddenly became active not long ago, throwing a solid body of red hot-lava 500 feet into the air, lighting up the island sufficient to enable a person to read, at night, at a distance of 25 miles.

General health and peace prevail with the brethren and sisters, who join in kind respects. I remain,

Yours truly,

H. H. CLUFF.

FROM WEDNESDAY'S DAILY, NOV. 13.

## THIRD DISTRICT COURT.

Yesterday morning Mr. Geo. C. Bates presented the following argument against the issuance by the Court of writs of prohibition—

Lanahan, et al., vs. Jeter Clinton and Salt Lake City.

This application for a writ of prohibition must be refused for the following reasons:

It is a "prerogative writ and has never been issued by the United States Courts or any State Courts, except when the Constitution or statute of the State expressly provides for it." There is no provision in the statutes of Utah for the issuing of a writ of prohibition, therefore no court here can issue such a writ at all.

This writ is a part of the king's prerogative, a despotic writ, and is never allowed, save by virtue of a special enactment or constitutional provision. Even in England it is now modified, controlled and directed by 1 William IV chap. 21; 3 Blackstone 112.

The Supreme Court of the United States can grant a writ of prohibition only by virtue of the Statute of the United States of 1789, 1 Brightley's Digest 862, 3 Howard's U. S. Rep. 332 Ex parte Chusty; 1 Black U. S. Rep., Ex parte Gordon 506; 4 Wallace U. S. Rep. 138, U. S. vs. Hoffman. The Supreme Court confines the prohibition to the precise courts and causes prescribed by the act of Congress, and grants it in no other case.

In Massachusetts the writ of prohibition is only issued by virtue of the statute of that commonwealth granting power to the Supreme Court to issue it. Chief Justice Shad, in 2 Metcalf Rep., page 296, Washburn vs. Philip Grier, a history of the writ, and the power under the statute of the State to issue it.

In New York, by 2 revised statutes, 587, provision is made for the issuing of a writ of prohibition by the Supreme Court, Cary Practice 86, vol 2, and only by that statute is the writ granted.

In Nevada the authority to issue prohibition is in the constitution of that State, confining the power in the Supreme Court. Vidi 2 Nevada, page 76, Low vs Crown Point Mining Company.

In Missouri the provision for a writ of prohibition, as in Nevada, is in the constitution, conferring the power on the Supreme Court. Thomas vs Mead, XXXVI, 232-3.

Under the amended constitution the Supreme Court of California has original jurisdiction to issue writs of prohibition. Tyler vs Houghton 25; California Rep. 26. Thus it will be seen that in all the States where this writ is issued it is from the Sup-

reme Court of the State, and only by statutory authority thereof.

Turning now to the statutes of Utah, it will be seen that the writ of prohibition is not mentioned or authorized at all, while ample provision is made for *habeas corpus*, *attachment*, *injunction*, *replevin*, *certiorari* and *mandamus*; there is no provision at all for a writ of prohibition, but, on the contrary, there is express provision, by the statute, page 95, code of 1870, for a *certiorari*, requiring a court that has exceeded its jurisdiction to send up its record for review, and, in the meantime to stay all proceedings, sec. 437. The affiant here charges that the Police Court has exceeded its authority, and this provision expressly meets the case. With this writ of *certiorari* there is no need of a writ of prohibition. It supersedes the writ of prohibition, which is not provided for at all. But the writ of prohibition, even if the Court had the power to grant it, is never issued where there is any other remedy. Like the writ of *mandamus* it is a remedy of the last resort; Crumy Practice, Vol. II., page 87; 2 Hill, 367; 36 Barlim; and under the writ of *certiorari* prescribed by the statute above cited the petitioners have a perfect remedy. "They say defendants exceed their jurisdiction and they want them stopped," and by a writ of *certiorari* provided in the statute they can review proceedings and arrest further action. "This writ," says Chief Justice Shaw, "should be used with great caution and forbearance, for the furtherance of justice." 2 Metcalf Reports.

But even if the Court had the power to issue a writ as at common law, then it can only be issued by the Court in term time, and if issued in vacation would be quashed. By the statute of Utah *mandamus* and *certiorari* may issue in vacation, but there is no statutory authority to issue that writ in vacation. Page 122, s 5, 92. At common law the writ could only be issued by the Court on application in Court, and on showing that defendants exceeded their jurisdiction, and a writ issued in vacation would be quashed. Cary practice, Vol II, page 90, 29 Howard Practice 176, 19 Abbot Practice 137, a writ of prohibition issued in vacation was quashed. As this was a prerogative writ, despotic in character, stepping legal proceedings, the common law decreed that the Court alone could grant it in open Court, after giving notice to the opposite party, and then only when the petitioner had no other remedy of any kind.

We submit, therefore, that this writ of prohibition should not be granted:

1st, Because there is no statute of Utah that authorizes the issuing or use of the writ of prohibition.

2nd, Because the writ of *certiorari*, as provided by statute, furnishes the petitioner with an ample, full and perfect remedy, and therefore prohibition is not needed.

3rd, Because even if the court had the power, as at common law, to issue the writ, it can only be issued in open court, by the court after notice thereof.

GEO. C. BATES.

Attorney for Respondent.

The Court below has entered up in argument as appears by the pleading, and this Court cannot prevent or prohibit the issuance of execution; 2 Hill Rep. 367; 4 Wallace U. S. Rep. 158 the U. S. vs. Hoffman.

This morning Judge Spratt argued the question on the other side, taking the grounds that the Court had authority to issue writs of prohibition. He held that the Organic Act gave the Court common law jurisdiction, that writs of prohibition were common law writs, and therefore could be issued by the Court. He referred to the provision in the constitution of the State of California and other state constitutions, giving authority to the States Supreme Court to issue such writs, and maintained that even had no such provision been made, and that it had been provided that the Court had common law jurisdiction, writs of prohibition could have been issued all the same. Mr. Spratt quoted from Blackstone and one or two other authorities to sustain his position.

After Mr. Spratt had argued for some time, it was agreed that the matter be laid over, that the Territorial Supreme Court might sit and hear the case of application for bankruptcy, in which C. W. Tappan was respondent.

The argument in the prohibition matter was to be resumed this afternoon.

The Freshmen of Amherst College have turned the tables and are hazing Sophomores. They even smoke them out of their own rooms. Herein do they show the genuine spirit of '76, and why shouldn't they? They number eighty-two, while there are but sixty sophomores, and they are not what New England youth ought to be if they cannot defend their own rights.

Society has adopted two sensible maxims—first, that one man may call on as many or as few as he pleases, and the uncalled on have no right to complain; second, that a hostess may invite whom she wishes, and the uninvited show bad manners if they take offense. Bravo! The idea that if a man made a call he was in duty bound to make a hundred, and that if a lady gave a party she must pack her rooms with every one she knew, and thus spoil everyone's pleasure, had become the nuisance of modern society.