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TRUTH AND LIBERTY.

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d&w

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LAST NIGHT'S NEWS

Remainder of Yesterday's Doings in the Senate and House of Representatives.

The Kansas Prohibition Case Decided by the U. S. Supreme Court,

And the Decision is a Complete Victory for the Prohibition Element.

A Number of Other Notes from Washington.—General News.

By Telegraph to the News.

FIFTIETH CONGRESS.

Continuation of Yesterday's Proceedings.

SENATE.

WASHINGTON, Dec. 5.—At the suggestion of Senator Vest the privileges of the floor were given to Faulkner pending the decision of the contest.

Harris presented a memorial for a constitutional amendment prohibiting the manufacture, sale, importation, exportation or transportation of alcoholic drinks in the United States. Referred.

Hoar presented the memorial of F. Winter and others in respect to the seat of Senator Turpie, of Indiana, and moved its reference to the committee on privileges and elections. So ordered.

RESOLUTIONS

were adopted to inform the House that the quorum of the Senate had assembled for the appointment of a committee of two senators to join a like committee of the House and inform the President that the quorums of both houses had assembled and that Congress was ready to receive any communication he might be pleased to make.

Morrill and Morgan were appointed such committee on the part of the Senate, which then adjourned.

HOUSE.

WASHINGTON, Dec. 5.—On the call of the roll, 313 members answered to their names, and the clerk announced that, more than a quorum being present, the next business in order was the election of a Speaker. John G. Carlisle was put in nomination by Cox, of New York, and Thomas B. Reed, by Cannon, of Illinois. The vote resulted: Carlisle, 163; Reed, 148; Brumm, of Pennsylvania, 2. Of the four independents, Anderson, of Iowa, voted for Carlisle, and Nichols, of North Carolina, and Smith, of Wisconsin, for Brumm; Hopkins, of Virginia, did not vote. The clerk thereupon declared Carlisle duly elected, and that gentleman was escorted to the speaker's desk by Reed amid

LOUD APPLAUSE.

The oath of office having been administered by Kelly, of Pennsylvania, the Speaker rapped the House to order and said:

Gentlemen of the House of Representatives:

In assuming for the third time the duties, laborious and responsible, of the office for which you have just chosen me, I desire to tender my grateful thanks for the distinguished favor conferred, and assure you it will be my constant endeavor to justify the confidence reposed in me by a fair and impartial administration of the law governing your proceedings. There has scarcely ever been a time in our history when the continued prosperity of the country depended so largely upon the legislation of Congress as now. Whatever is done must be

DONE HERE,

and if nothing is done, the responsibility must rest here. It must be evident to every one who has taken even a partial survey of public affairs, that the time has now come when the revision of the revenue laws and the reduction of taxation are absolutely necessary in order to prevent a large and dangerous accumulation of money in the treasury. The financial condition of the government and the private business of the people alike demand the prompt consideration of these subjects and the speedy enactment of some substantial measure of relief. Unfortunately we are menaced by dangers from the opposite direction, while the policy of non-action must inevitably result, sooner or later, in

SERIOUS INJURY

to the country. We cannot be unmindful of the fact that hasty and inconsiderate legislation on subjects more or less affecting the large financial and industrial interests might produce, temporarily at least, disturbance and embarrassments which a more prudent course would entirely avoid. The investments made and the labor employed in the numerous and valuable industries which have grown up under our present system of taxation ought not to be rudely disturbed by sudden and radical changes in the policy to which they have adjusted themselves, but the just demands of the overtaxed people and the obvious requirements of the

FINANCIAL SITUATION

cannot be entirely ignored without seriously imperiling much greater and more widely extended interests than any that could possibly be injuriously affected by a moderate and reasonable reduction of duties. No part of our people are more immediately or vitally interested in the continuance of financial prosperity than those who labor for wages. Upon them and their families must always fall the most disastrous consequence of a monetary crisis, and they, too, are always the last to realize the benefit of a return to a prosperous condition. Their wages are always first to fall when the crisis comes and last to rise when it passes away. Our effort should be to afford the

NECESSARY RELIEF

to all without injury to the interests of any, and, therefore, that course of legislation should be pursued which will guarantee the laboring people of the country against the paralyzing effects of a general and prolonged financial depression, and at the same time not interfere with their steady employment nor deprive them of any part of the just rewards of their toil. If this can be done, and I believe it can, if our deliberations are conducted with wisdom and patriotism, watch the gravity of the situation demands, this Congress will have cause to congratulate itself on the achievement of that which promises peace and prosperity to the country for many years to come. These remarks may be considered somewhat out of the

USUAL COURSE,

and perhaps not entirely pertinent to the occasion, but I believe you will excuse them, gentlemen, because they relate to subjects which, as we assemble here today, are uppermost in the minds of the people. On the correct solution of the questions which these subjects necessarily involve, may depend the fate, not only of the political parties, but what is far more important, the permanent welfare of the greatest and most enlightened Constitution in the world. Again I thank you, gentlemen, for the conspicuous and honorable place to which you have assigned me, and without attempting to detain you further, we will proceed to the complete organization of the House.

MEMBERS SWORN IN.

When the applause which greeted this speech had

who in groups of a dozen at a time appeared at the bar of the House and qualified.

This duty having been accomplished, the Speaker stated that the nominations for House officers was in order. A resolution presenting for election the democratic caucus nominees was submitted by Cox of New York, while a similar resolution, presenting the names of the republican caucus nominees, was offered by Cannon of Illinois. Brumm, of Pennsylvania, put the following

NEW TICKET

in the field: For clerk, Robert Schilling, of Wisconsin; for sergeant-at-arms, E. W. Curry, of Indiana; for doorkeeper, J. C. Oakley, of North Carolina; for postmaster, J. Campbell, of Pennsylvania; for chaplain, Rev. W. H. Milburn, of Illinois. The ticket was not successful, receiving the support of but three members, Brumm, Nicholls and Smith (Wisconsin).

Cannon's resolution was defeated and that offered by Cox was adopted without division. The officers elected, appeared and qualified. A committee consisting of Cox, Randall and Cannon was appointed to wait upon the President and announce to him that the House was organized and ready to receive any communication he should see fit to make. Then

THE MEMBERS

were requested to retire behind the semi-circle of desks and the lottery for seats was begun.

When this was concluded the House adjourned.

The following papers were thereupon submitted and read: The certificate of the governor of Florida making the temporary appointment of J. J. Finlay as senator from March 4th, 1887, until the legislature should fill the vacancy caused by the expiration of the term of Senator Jones; the certificate of the governor of Florida of the election by the legislature of Samuel Pasco; certificate of the governor of New Jersey of the election of Rufus Blodgett; certificate of the governor of West Virginia of the appointment by him of

DANIEL B. LUCAS

to fill the vacancy caused by the expiration of the term of Senator Camden; certificate of the governor of West Virginia of the summary of the proceedings by which the legislature, in special session, elected Charles J. Faulkner as senator to fill the vacancy; credentials of William E. Chandler as senator from New Hampshire, and the protest of Daniel B. Lucas against the administration of the oath of office to Charles J. Faulkner. The grounds of this protest are: First, That the Executive of the State of West Virginia has not certified to the election of Charles J. Faulkner, under the seal of the state, as required by act of Congress. Second, For reasons set out in the brief of Daniel B. Lucas, a copy of which accompanied the protest. Third, Because

CHARLES J. FAULKNER

was at the time and date of his alleged election, on the 5th of May, 1887, a judge of the thirteenth judicial district of West Virginia, and, therefore, ineligible to the office of senator. The protest was laid on the table and ordered printed in the *Record*.

The ceremony of administering the oath of office to the newly elected senators was then proceeded with, such senators being called in parties of four and in alphabetical order. The first four senators thus called and sworn (in all instances with uplifted hands and not on the Bible) were Aldrich, Bate, Blodgett and Chandler; the second four were Cockrell, Daniel, Davis and Dawes; the third four called were Edmunds, Faulkner, George and Gorman.

WASHINGTON.

A Victory for the Prohibitionists—Other Matters.

WASHINGTON, Dec. 5.—A very important decision and one likely to be far-reaching in its consequences, was rendered in the Supreme Court today in the so-called Kansas prohibition cases of Mugler against the State of Kansas, and the State of Kansas against Ziebold and others. The judgment of the court was pronounced in a long and elaborate opinion by Judge Harlan, who said:

THE GENERAL QUESTION,

in each case is whether the prohibition statutes of Kansas are in conflict with the fourteenth amendment, which provides that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law." That legislation by the state prohibiting the manufacture within her limits of intoxicating liquors to be sold or bartered for general use as a beverage, does not necessarily infringe upon any right, privilege or immunity secured by the Constitution of the United States, is made clear by the decisions of this court rendered before and since the adoption of the fourteenth amendment. It is, however, contended that although a state

MAY PROHIBIT

the manufacture of intoxicating liquors for sale within her limits for general use, no convention or legislature has the right under our form of government to prohibit any citizen from manufacturing for his own use or for export, or storage, any article of food or drink not endangering or affecting the rights of others.

The argument made in support of the first branch of this proposition briefly stated is: "That in the implied compacts between the state and the citizen, certain rights are reserved by the constitutional provision for protection of life, liberty, and property against deprivation without due process of law, and with which the state cannot interfere; that among those rights is that of manufacturing for one's own use either food or drink; that, while according to

THE COMMUNE

a state may control the tastes, appetites, habits, dress, food and drink of the citizen, our system of government, based upon the individuality and intelligence of the people, does not claim to control him except as to his conduct toward others, leaving him the sole judge as to all that only affects himself. It will be observed that the proposition and argument made in support of it, equally concede that the right to manufacture drink for one's personal use is suject to the condition that such manufacture does not endanger the rights of others. If such manufacture does prejudicially affect the rights and interests of the community it follows that society has the power to protect itself by legislation against the injurious consequences of that business. As was said in Moram vs. Ellinger (94 United States, 124), while the power

DOES NOT EXIST

with the whole people to control rights purely and exclusively private, the government may require each citizen so to conduct himself and so to use his own property as not unnecessarily to injure another. But by whom and by what authority is it to be determined whether the manufacture of a particular article of drink, either for general use or for the personal use of the maker will injuriously affect the public? The power to determine such questions, so as to bind all, must exist somewhere, else society will be at the mercy of the few, who, regarding only their own appetites or passions, may be willing to imperil the peace and security of many, provided only they are permitted to do as they please. Under our system, that power is lodged with the legislative branch of the government. It belongs to that department to exert what are known as the

POLICE POWERS

of the states. It must, therefore, determine primarily what measures are

must obey the Constitution, rather than the law-making departments of the government, it must, upon its responsibility, determine whether in any particular case these limits have been passed. The courts are at liberty to look at the substance of things whenever they enter upon inquiry, whether the legislature has transcended the limits of its authority, keeping in view the principles governing the relations with each other of the judicial and legislative departments of the government. It is difficult to perceive any ground to declare judicially that the prohibition by Kansas of the manufacture of and sale within her limits of intoxicating liquors for general use there as a beverage, is not

FAIRLY ADAPTED

to the end of protecting the community against the evils which confessedly result from the excessive use of ardent spirits.

We cannot shut out of view the fact that the public health, morals and public safety may be endangered by the general use of intoxicating drinks, nor can we ignore the fact they disorder, pauperism and crime prevalent in the country are in a large measure directly traceable to this cause. If, therefore, a state deems the absolute prohibition of the manufacture and sale within its limits of intoxicating liquors, to be necessary to the peace and security of society, the courts cannot override the will of the people as thus expressed by their chosen representatives. It is a fundamental principle in our institutions, indispensable to the preservation of

PUBLIC LIBERTY,

that one of the separate departments of government shall not usurp the powers committed to it by the Constitution. In answer to the statement that the prohibition of the manufacture and the sale of liquor deprives the liquor dealers of their property without due process of law, the court says all property under our form of government is subject to the obligation that it shall not be used so as to injuriously affect the rights of the community, and thereby become a nuisance. The State of Kansas had a right to prohibit the liquor traffic. It did not thereby take away the property of the brewers, it simply abated a nuisance. The property is not taken away from its owners. They are only prohibited from using it for a specific purpose, which the legislature declared to be injurious to the community. For the

REASONS STATED,

says Justice Harlan, we are of the opinion that Mugler, the plaintiff in error, has not been denied by the judgments of the Supreme Court of Kansas any right, privilege or immunity secured to him by the Constitution of the United States, and its judgment in each is accordingly affirmed. We are also of the opinion that the Circuit Court of the United States erred in dismissing the bill of the state in the suit against Ziebold and Hazelin. The decree in that case is reversed, and the cause remanded, with direction to the other decree, granting to the state such relief as the act of March 7, 1885, authorizes.

Justice Field concurred in the opinion so far as it related to the two cases in which the state of Kansas was defendant,

BUT DISSENTED

as to the cause of the State of Kansas vs. Ziebold. He agreed to so much of the opinion as sustains the validity of the act of Kansas prohibiting the sale of intoxicants which are manufactured in the state, after the passage of the act. He was not prepared to say that the prohibition of the manufacture of such liquors, if intended for exportation, can be sustained, nor that the state can forbid the sale, under proper regulations, for the protection of the health and morals of the people, of any article which Congress may authorize to be imported. Neither could he concur in the validity of the 12th section of the prohibition act of Kansas, because he believed it authorized the destruction of property without due process of law.

TREASURY ESTIMATES.

The Secretary of the Treasury today submitted to Congress estimates of the appropriations required for the fiscal year ending June 30, 1889. The total amount estimated as required for all the expenses of the government is $326,530,793, which is $1,344,999 more than the sum called for in the estimates submitted last year, and $16,899,406 more than the aggregate of appropriations for the present fiscal year.

The superintendent of the dead letter bureau, with the approval of the Postmaster General, has prepared a circular letter which will be sent shortly to all postmasters, directing the enforcement of section 339 of the postal laws and regulations. This section makes it imperative upon postmasters

TO ADVERTISE

in newspapers or post a manuscript list of non-delivered letters. It also requires "the charge and collection of one cent in all cases when a letter has been published, whether the list has been published in a newspaper, either gratuitously or at one cent for each letter, or a less sum, or whether the publication was merely in a written list posted in some public place."

After the adjournment of the Senate the republicans held a short caucus upon the question of filling committee vacancies. Nothing was done beyond the appointing of a caucus committee of seven, of which Hoar is Chairman, to arrange the matter. Blair, Allison, Evarts, Riddleberger, Dolph and Sherman are the other members of the committee.

A DEMOCRATIC CAUCUS

having the same subject in charge also held a short meeting for organization this afternoon, but a quorum was not present. It is not proposed by the democrats to make a demand for a division of the committee chairmanships according to party strength, as has been rumored. The democrats hold to the theory which has prevailed in the past that the chairmanships belong to the majority. The democratic committee will take no positive action in arranging the minorities on the Senate committees until they see the republican list and see what geographical distribution is made in majorities. The tendency of events upon both sides points to a harmonious arrangement of all party matters in connection with the organization of the Senate and its committees.

A number of gentlemen, representing the wool-growers and

WOOL-DEALERS,

met at the Ebbitt House tonight for the purpose of considering what should be done to revive the wool industry of the country. The object is to assure harmony among the different branches of the wool industry and to fix a basis of duty upon which the dealers, growers and manufacturers can unite. It was the belief that congressional action might be secured on a bill which would nearly equalize the burdens of the present tariff.

A Curious Countess.

BERLIN, Dec. 5.—The Countess Wolkenstein Trostburg, wife of the Austrian ambassador at St. Petersburg, involved in a forgery case, is the widow of Count Schleintz, formerly home minister of the Prussian court. When in Berlin she was an active intriguante against Bismarck and after marriage with Count Wolkenstein Trostburg maintained her relations with Bismarck's court opponents, Countess Perplancher Riedelwill and Countess Perilliwitz, wife of the Emperor's grand chamberlain. It is reported that Bismarck will ask Emperor William to dismiss Count Perplancher and Count Perilliwitz. Both have visited Freiderichsruhe and asserted their innocent relation to their wives' letters. The Austrian government it is expected will recall Count Wolkenstein Trostburg.

c n emming of a portion of Chinatown and to fill a portion of China Slough, was defeated by about 200 votes, failing to receive the necessary two-thirds majority and lacking but 91 votes of being carried.

LOST WAGON TONGUE!

IF THE PARTY WHO FOUND A Light Wagon Tongue on the road between Taylorsville and this city will report to G. C. Lambert, *Deseret News Office*, where it can be recovered, he will confer a favor upon the owner. d&w tf

WANTED.

A YOUNG GIRL TO ASSIST IN GENeral housework. Enquire of DR. FERGUSON, 121 B Street.

FOR SALE!

NEAR D. & R. G. DEPOT, A HOUSE containing 8 rooms, pantry, closets, etc.; lot 5x20; choice fruit trees, and plenty of good water. Apply at James Poulton's Store, 424 s. Second West st., Salt Lake City. ☞ Can be secured by part payment.

LOST.

FROM THE UTAH CENTRAL TRAIN between Provo and Salt Lake, on Tuesday night, Nov. 29th, Five 3 year-old STEERS, branded ⋛ on left hip.
Any information send to Utah Central Railway, General Office. dtf s2t

DR. MAGGIE C. SHIPP
HAS REMOVED
To 59 S. First East Street.
☞ TELEPHONE 38. d&s2t

NOTICE

IS HEREBY GIVEN THAT A MEETING of the Stockholders of the Salt Lake Glass Works will be held at the Office of the President, on MONDAY, the 12th day of December, 1887, at 7 p. m., for the purpose of electing a Board of Directors to serve for the ensuing year, and for the transaction of such other business as may be brought before the meeting.
J. A. EVANS,
Secretary.
Salt Lake City, Utah, November 29th, 1887
d td

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LEGAL NOTICE.

In the Probate Court of the County of Salt Lake, Territory of Utah.

In the Matter of the Estate of Dimick B. Huntington, deceased.

Order to show cause why Order of Sale of Real Estate should not be made.

JULIA HUNTINGTON MELLEN, THE Administratrix of the estate of D. B. Huntington, deceased, having filed her petition herein, duly verified, praying for an order of sale of the real estate of said deceased, for the purposes therein set forth, it is therefore ordered by the Judge of said Court, that all persons interested in the estate of said deceased appear before the said Probate Court, on Monday, the 19th day of December, 1887, at 11 o'clock in the forenoon of said day, at the Court Room of said Probate Court, at the County Court House, in the City and County of Salt Lake, Utah Territory, to show cause why an order should not be granted to the said administratrix, to sell so much of the real estate of the said deceased at private sale as shall be necessary, and that a copy of this order be published at least four successive weeks in the DESERET EVENING NEWS, a newspaper printed and published in said City and County.
Dated November 12th, 1887.
ELIAS A. SMITH,
Probate Judge.

TERRITORY OF UTAH, County of Salt Lake. } ss.

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of Order to show cause why an Order of Sale of Real Estate should not be made in the matter of the Estate of D. B. Huntington, deceased, as appears of record in my office.
In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 12th day of November, A. D. 1887.
[SEAL] JOHN C. CUTLER,
d 4w Probate Clerk.

LEGAL NOTICE.

In the Probate Court, in and for the County of Salt Lake, Territory of Utah.

In the matter of the Estate of Frans Bromander, Deceased.

Order appointing time and place for settlement of final account and to hear petition for distribution.

ON READING AND FILING THE PEtition of N. A. Bromander and Pan Christensen, Executors of the estate of Frans Bromander, deceased, setting forth that they have filed their final account of their administration upon said estate in this Court; that all the debts have been fully paid, and that a portion of said estate remains to be divided among the heirs of said deceased, and praying among other things for an order allowing said final account and of distribution of the residue of said estate among the persons entitled.
It is ordered that all persons interested in the estate of the said Frans Bromander, deceased, be and appear before the Probate Court of the County of Salt Lake, at the Court Room of said Court, in the County Court House, on the 17th day of December, 1887, at 11 o'clock a. m., then and there to show cause why an order allowing said final account and of distribution should not be made of the residue of said estate among the heirs and devisees of the said Frans Bromander, deceased, according to law.
It is further ordered that the clerk cause copies of this order to be posted in three public places in Salt Lake County and published in the DESERET EVENING NEWS, a newspaper printed and circulated in Salt Lake County, three weeks successively prior to the said 17th day of December, 1887.
ELIAS A. SMITH,
Probate Judge.
Dated November 17th, 1887.

Territory of Utah, County of Salt Lake, } ss.

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of Order appointing time and place for settlement of final account and distribution in the matter of the Estate of Frans Bromander, deceased, as appears of record in my office.

1860. ESTABLISHED. 188

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the most Eminent Makers of the day.

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