

THE EVENING NEWS.

PUBLISHED DAILY, SUNDAY EXCEPTED AT FOUR O'CLOCK.

DAVID O. CALDER,
EDITOR AND PUBLISHER.

Friday, January 21, 1876.

NEWS OF THE DAY.

Our readers will perceive, by to-day's dispatches, that the people of Utah are not forgotten in the national legislature—a bill having been introduced in the U. S. Senate yesterday which, if passed, will exclude all Mormons from jury on certain cases.

Senator Sargent has introduced into the U. S. Senate, a bill for a new postal telegraph scheme; for particulars see telegraphic columns.

Montenegro has decided to go to war with Turkey if Turkish forces blockade her frontier.

One of the members of the late French Assembly elected senator for life, is dead.

At Jeffersonville, Ind., to-day, a crazy person, sixty years of age, shuffled off this mortal coil, the modus operandi being the severing of his jugular vein with a razor.

The Republicans of Maine have declared Blaine to be their choice for the next President of the United States.

Allegheny City, Pa., has been made a Catholic diocese.

The office of the *News and Press*, at Cimarron, N. M., was destroyed last night by a mob.

Rear Admiral Rogers is to preside over the court martial to try Paymaster Spaulding.

Eulogies were delivered in Congress to-day on the late V. P. Wilson.

There has been a lengthy cabinet session to-day on the Spanish Cuban question.

Kibbe, the mining secretary, mentioned in yesterday's dispatches as a defaulter, has committed suicide.

Several men badly burned and a mine in Pennsylvania, considerably damaged by an explosion of gas.

ANOTHER PROSCRIPTIVE BILL.

The annual crop of proscriptive bills, aimed at Utah, is beginning to make its appearance in Congress the present session. There have been divers intimations of the preparation of several bills of this kind for early presentation to that honorable body. The dispatches published in the *News* to-day contain the following notice of the presentation of one of these bills in the Senate by Mr. Christianity, of Michigan, yesterday, Jan. 20—

"Christianity introduced a bill to provide for challenges to jurors in trials for bigamy or polygamy in the Territory of Utah, and to amend section 4 of the act in relation to the courts and judicial officers in the Territory of Utah, approved June 20th, 1874. Referred.

"The bill provides that on any trial for bigamy or polygamy it will be sufficient cause for challenge, and for the rejection of any juror, first, that he has more than one wife living in said Territory, whether married by ordinary rites or by the so-called sealing ceremony; or, second, that he believes it morally right for a man to live with more than one wife."

As thus described, this new bill is patently unconstitutional.

In the first place the taking of a plurality of wives in Utah is a religious act, and the Constitution expressly forbids the enactment of any law interfering with the free exercise of religion, thus—

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Therefore any law of Congress, and also consequently any law of a Territory, interfering in any restrictive way with religious marriage, is a gross violation of the Constitution, because restriction of the free exercise of religion is equivalent to the prohibition of the free exercise of religion. One is practically the same thing as the other.

In the second place, the Constitution makes the following express provision—

"No religious test shall ever be required as a qualification to any office or public trust, under the United States."

This forbids Congress, or any party, from establishing any religious test as a qualification to any office or public trust, under the United States.

Has a jurymen any office? Certainly he has. Has he a public trust? Certainly he has, one of the most important, and in a Territory, he always acts under United States law, either directly or indirectly, for the Territorial Organic Act is wholly a United States law, the Territory having nothing whatever to do with the making of it.

But Senator Christianity's bill forbids a man in Utah from sitting on a jury if he practices plurality of wives, or even believes in it, no matter how religiously he may do either. This is unconstitutionality with a vengeance.

Furthermore, if a man is to be designated tried by his enemies, those who are bitterly and savagely opposed to his religion, while all of that religion are sedulously excluded from the jury, and he is tried on questions pertaining to his religion, will not trial by a jury in Utah become one of the most outrageous farces and humbugs?

Lastly, we may ask, why is it that in all this legislation against Utah, the promoters and perpetrators of the same always throw themselves outside of the plainest constitutional provisions? Does not this argue a bad cause, a very bad cause, on the part of those who push this proscriptive legislation? Assuredly it does, and per contra it argues a very good cause on the part of the people thus persistently proscribed.

understand it is the intention of the Mormon church to make Moan-cop the rendezvous. When the faithful will meet and thence go on to Arizona and settle in localities where a considerable number can be gathered together in a settlement. To this end several thousand settlers of that faith will be brought into Arizona the coming season. They are good pioneers and have the faculty of living within their means and making the country where they live yield all the necessities of life and even comfort. If it were not for their weakness on the wife subject, they would be altogether desirable citizens for a new country."

We consider that the "Mormons" are not weak, but particularly strong and sound, on the wife subject, and that's one thing that helps greatly to make them "altogether desirable citizens for a new country," or for any good country.

By Telegraph.

Last Night's Dispatches.

Monarchy in the Ascendant in New Mexico.

SANTA FE, N. M., 20.—Last night a mob destroyed and threw into the river the *News and Press* office, at Cimarron. It is believed to have been done by outlaws and fugitives from justice who have been incited thereto by evil disposed persons who took an active part against the election of Elkins and the local ticket supporting Elkins, it having resulted that notwithstanding large amounts of money were spent to carry Colfax county against Elkins and the local ticket, all were elected. The wrath of his opponents became very great, and it is the prevailing opinion that the fact was used to incite a mob to destroy the office and kill its editors and proprietors. Several prominent public officials, the editors and proprietors evidently were divided in their opinions, and an article appeared containing very strong resolutions denunciating certain persons who had acted in a very lawless manner; this was however retraced by one of the editors, and again the mob was friendly. Some two weeks since after several men had been killed and some of the best driven out of the country, including the justice of the peace, Judge of probate and business men, the present editor published an article which shows that he did not subscribe to the tone of the paper; this caused a final rupture, leaving Mr. Dawson in charge of the paper. He was immediately notified by an anonymous letter, and he was in danger, and must change his tone; he answered in the affirmative, by publishing the anonymous letter, and proposing to be entirely independent, and the result was the destruction of the office last night. This band of outlaws are mostly fugitives from justice and persons under indictment in this Territory, who have been indicted for the murder of several persons, and general lawlessness, it is supposed, by the political enemies of Mr. Elkins, who, through envy and jealousy of him, desire to defeat his effort to have New Mexico admitted as a State. A large majority of the people of the county are law-abiding, but have not means to fight these outlaws. It was on the ground of this lawlessness that the legislature, which has just adjourned, on the last day and almost unanimously, passed a bill attaching Colfax county, for judicial purposes, to the Territory of New Mexico, which was a gross violation of the Constitution, as it was alleged that not a witness in Colfax county would dare to testify, or a grand jury find a bill, against any of the perpetrators of these outrages.

FOREIGN.

GREAT BRITAIN.

Montenegro Will not be Blockaded.

LONDON, 20.—The *Times*, this morning, publishes a letter from Vienna, containing the following details in regard to matters in the northern provinces of Turkey. "In consequence of Turkish operations on the Montenegrin frontier, the Prince of Montenegro has summoned a council of senators and military officers, which resolved, if the concentration of the Turkish forces on the frontier is to take such proportion as to really carry into effect the reported plan of blocking Montenegro on that side, it shall be considered a casus belli, and the Prince should summon all Montenegrins able to do duty, such as into Herzegovina; that in the meantime, Montenegro shall not disturb the peace if the Turkish operations decrease and maintain serious war the present situation. This resolution, it seems, was chiefly taken for its general effect on the Sublime Porte and on the Montenegrins, the latter being highly dissatisfied with what they consider the undecided and timid policy of the Prince."

The American Cuban Circular.

A telegram from Berlin says that a Spanish circular note has been received here replying to the American circular concerning Cuba, and so far the various powers have made no representation to Spain. The American circular did not contain any declaration as to whether friendly relations between Spain and the U. S. it is more accurate to say that the U. S. is more anxious to take further steps, consequently it is not expected that the incident will lead to any complications.

IN FRANCE.

IN PARIS.—Dead.

PARIS, 20.—Gambetta has arrived here.

De La Rochette, a legitimist, who was elected senator for life by the Assembly, is dead.

Meeting of Permanent Committee.

VERAILLES, 20.—At a sitting of the permanent committee of the Assembly, to-day, the Left complained that the projects were influencing the elections. M. Buffet refused to discuss the subject, alleging that he did not desire to anticipate debate on the verification of the election in the new Assembly. He only admitted the committee's right to summon the present Assembly if it seems fit. He maintained the legality of his instructions to the prefects in relation to the press, which were to the effect that the honesty of newspaper editors may be involved in case the legal regulations were not complied with. If the Left disapproved the law, they could appeal to the tribunals. The Left protested against the minister's course, and the matter was dropped. M. Buffet likewise refused to make any explanation in regard to the suppression of the banquet at Gambetta at Marseilles, or to take notice of the reports that the government favored the Bonapartist candidate in the department of the Gironde.

There is a large sale of Edward Colfax's portrait in the market. If you have not yet worn them, try them at once.

TO-DAY'S DISPATCHES.

CONGRESSIONAL.

SENATE.

National Railway Memorial, &c.

WASHINGTON, 21.—In the opening prayer this a. m. Chaplain Sunderland, invoking the blessing of Divine Providence upon the nation, said—"As thy servants here assembled this day, to remember him who so lately presided in this chamber, we beseech thee, let thy heavenly assurance fall upon them as it did upon him."

The Chair before the Senate the memorial of Stanley Matthews and the committee of the National Railway memorial recently held in St. Louis, setting forth the advantages of certain thoroughfares, and asking aid for the Southern Pacific railway.

Sherman from the committee on finance reported a substitute for the Senate bill to provide for a commission on the subject of the alcoholic liquor traffic; placed on the calendar.

Eulogy on the Late Mr. Wilson.

Frelinghuysen moved that when the Senate adjourn to-day it shall meet on Monday morning, agreed. After the morning hour, Mr. Boutwell announced the death of Vice-President Wilson, and delivered a graceful eulogy. It was then by offering usual resolutions of respect.

Messrs. Cragin, Cameron, of Pa., Morrill, Stevenson, of Ariz., and Dawes also made addresses, when the resolutions were adopted and the Senate adjourned.

HOUSE.

Bill for the Retirement of Judge McAndrews—Death of Wilson Announced.

WASHINGTON, 21.—Knot, from the judiciary committee, reported a bill for the retirement, on full pay, of Judge Wilson McAndrews, of the western district of Pennsylvania, in consequence of physical disabilities, notwithstanding he has not attained the age of 70 years.

Lawrence opposed the bill, as establishing a dangerous precedent. Knot remarked that a few years ago Congress deemed it wise to make provision that U. S. Judges on reaching the age of seventy years, might retire on their pay, having served ten years; if that law was just, and it was impossible for him to conceive the injustice or unwisdom of passing the bill for the relief of faithful servants who had served as judges for twenty years, who lacked but two or three years of the necessary age, and whose physical disabilities would prevent his longer occupation of the bench with justice to the public interest. As to the propriety of the civil pension list, his (the Democrat's) side of the House was not responsible; it was on the statute book now, and the present bill was simply to extend its benefit to one who was certainly entitled to it if any one was.

Holman said no act had been passed Congress which was so much against the spirit of the law as the American institutions as the act to pension judges. In the early days of the republic such legislation would have been deemed simply impossible. The original law was extremely liberal, and he objected to extend the provisions of an unwisely measure beyond its original scope.

The passage of the bill was advocated by Frye, Hopkins and Cragin, the latter called the attention to the fact that under the existing law this judge was not compelled to resign or retire, there was no one to perform the duties of the office. The bill was passed, yeas 142, nays 100.

The House then took action on the usual memorial in honor of the memory of the late Vice-President Wilson. Holman asked unanimous consent to extend the privilege of the floor to a delegation of Indiana editors during the time the eulogies were to be pronounced; adopted.

EASTERN.

Miscellaneous.

CHICAGO, 21.—A Washington special says that among the points brought to the attention of the subcommittee on postal affairs, is the dubious practice, running back about seven years, of permitting mail agents to draw a salary from the government and to charge their traveling expenses when they had not raised their hands in the public service, outside their offices. The salaries of the agents of the department range from \$2,500 to \$3,000 a year. Besides this they are allowed, under the law, \$5 per diem when on route. It is found, however, that in the face of the law, bills for traveling expenses are regularly allowed men who never stir from their desks in Washington.

When cases of this sort reach up into hundreds, as the records show they do, the loss to the government can be estimated. Postmaster General Jewell admits the practice, and admits that an opinion of the Attorney General forbids it, but he felt constrained to continue it because it had been sustained by his predecessors.

Mr. Phillips, of Kansas, was before the House committee on public lands yesterday, pressing his bill making the Pacific railways, the Omaha branch, the Kansas Pacific branch, and the Central branch, from Atchison, pay tax on their 50,000 acres of land, which they have eluded heretofore by the neglect to pay the cost of the survey, the selection and conveyancing; it is the same bill which passed the last House, but in the Senate was referred to the committee on land, there met its death for that Congress. There is but little doubt that the committee will report it, and that the House will pass it.

The *Tribune's* Washington special says that official advice have been received from Mexico, stating that the report in relation to the escape of Cortina has escaped or has been released; efforts are making to secure his release on bail.

The indications are that Lerdo will be re-elected; his most formidable competitor is Porfirio Diaz.

TEMPERANCE CONVENTION.

AUGUSTA, Me., 21.—At the State Temperance Convention, yesterday, Governor Dingley reported resolutions, which were adopted, setting forth that the present reform movement is one of more powerful agencies to promote temperance, and making it an act of state to support it, and asserting that total abstinence and the prohibition of the liquor traffic is the only basis for substantial progress in the temperance cause.

A business before Congressional Committee on.

WASHINGTON, 21.—The Senate committee on privileges and elections, to-day, reported a bill to provide for counting the votes for President and Vice President; no conclusion was reached, but the opinion of the majority of the committee seemed to be that the pending discussion in the Senate on the abolition of the 22nd joint rule renders unnecessary to press Morton's bill at present.

The committee subsequently took up Morton's resolution providing for the investigation of the late Mississippi election; a long political discussion of a general character occurred, and considerable opposition to the resolution was developed.

The committee of ways and means gave a hearing this a. m. to a delegation from the United States Brewers' Association in favor of the passage of the bill introduced by

Kebr, of Mo., to abolish the rule of the Internal Revenue Department fixing two and a half bushels of malt as the maximum quantity allowed for distillation on a gallon barrel of beer or ale, and to make the assessments where brewers' returns show an excess of malt over the quantity of beer produced. Officers present from the Internal Revenue Department assented to the proposition of the brewers.

Cabinet Session on Cuban Affairs.

The cabinet session to-day lasted nearly two hours. The Cuban question was the subject of discussion, but its consideration was not attended by any circumstance of unusual importance. The Cuban correspondence shows the last letter of Mr. Fish to Mr. Cushing to be of November 5th, in which, reviewing the situation, he says—"It is now the desire of this government to satisfactorily adjust all questions, and in this desire we have been patient almost to the limit of endurance." He insists that Spain shall bring General Burriel to trial in accordance with the protocol; that in reference to all pending questions the relations with Spain are endangered by delay, and that, as to all equally, the Spanish government should be informed of the maintenance of good relations with this government depended on an early, satisfactory, and a conclusive adjustment. A telegram from Cushing, dated November 16, says—"The Spanish government repeats the assurance of the trial of Burriel."

COMMITTED SUICIDE.

JEFFERSONVILLE, Ind., 21.—W. C. Perry, 69 years of age, while laboring under temporary aberration of mind, committed suicide this a. m. by severing his jugular vein with a razor.

WESTERN.

Dead—Held to Answer to the Grand Jury.

SAN FRANCISCO, 21.—William Harlan, the only son of the Hon. James Harlan, ex-Secretary of the Interior, died last night; his father and mother are, in response to a telegram, a few hours before his death.

A dispatch from Sacramento, yesterday, was held to answer before the grand jury, for his assault on the *Chronicle* reporter, in ball of \$5,000.

FOREIGN.

GREAT BRITAIN.

LONDON, 21.—The Russian telegraph agency reports that the Powers are much gratified with England's reply to the Austrian note; the points wherein England reserves judgment are considered unimportant.

Resigned—Murdered—Memorial Presented—Health of the Pope.

A special from Vienna reports that Ljubomir has issued a proclamation, resigning the leadership of the Herzegovinian insurgents. He says his continuing in the chief command would lead to irreconcilable disputes. He advises the insurgents to discontinue their operations. The *Deutsche Zeitung* reports that Ljubomir, leader of the uprising in Northwest Bosnia, has been murdered by a supposed agent of the Serbian government. Ljubomir and Humbeier are the two leaders of the present leaders of the insurgents are Montenegrins, and it is said were appointed by their prince. A report is current that the Austrian government in Croatia have received notice to prepare for the transportation of troops.

The anti-slavery society, yesterday, presented a memorial to Lord Derby, Minister of Foreign Affairs, on the subject of the American circular note. They remitted him that in June last he said that the British Government sympathized with the object of these proposals, that England should endeavor, in conjunction with the United States, to obtain a settlement of the Cuban difficulty by friendly mediation; they now earnestly commend the question, in its present critical aspect, to his management. Lord Derby replied that the Government would give the question the attention its importance deserved.

The memorial says that the anti-slavery society have reliable information that Spain is willing to place Cuba in the same relations as Canada occupies towards England; the condition the slavery be retained. They point out that, in view of the recent American circular, the obstacle no longer exists which was advanced by Lord Derby last year—that England's interference on the Cuban question would cause jealousy in the United States.

The *Lancet* reports that on Friday last the Pope, after fatiguing receptions, complained that he did not feel well, and he had an epileptic seizure which lasted forty minutes, and since then he has been confined to his bed, and although the condition of his health requires vigilant attention on the part of his physicians, any reports that his illness is dangerous are groundless.

WILKIE'S OUTRAGES ON GAMBETTA.

A Hungarian journal states that preparations are making at Ezekeas, a fortified town on the river Drave, for a garrison of 80,000 men.

A Paris correspondent of the *Daily News* reports that M. Gambetta privately received a deputation at Aix; he complained that he was debarr'd of a most elementary right, the right of electors to the eve of an election. He added that doubtless the public condemns the government's policy, but the certainty of the government's overthrow does not console him for the humiliation of thinking that such official outrages are possible only in France.

HOW IT APPROVES IT.

The *Times*, which yesterday, in its financial article, rejected Senator Sherman's proposition to look to a common unit for money and accounts for the United States and Great Britain, to-day, editorially approves of the measure. It says that America, in returning to specie payments, will also enter upon a new phase of monetary development, therefore the change in the American standard of value will involve no serious shock to society and commercial arrangements such as would ensue upon the alteration in value of the British sovereign. It proposes that the government should not be so anxious to establish a common monetary system for all English speaking people, who, by the way, this is a very desirable thing, but that they should rather be the greater part of the earth's surface, and monopolize even a larger share of its commerce.

Next day adheres to the Austrian position, in returning to private information from London; England, in the meantime, is making a note on the following conditions: the maintenance of the integrity of the Ottoman Empire; recognition of the Sultan's independence; recognition of the proposed reforms in the Sultan's simple observations, and friendly counsel, each power proceeding to its respective duties, and the Sultan to adopt the reforms; Austria, with the assent and in the name and interest of the

Sultan, might be asked to assist in quelling the insurrection if the Turkish forces are insufficient."

DECEASED.

At Soda Springs, Cassia county, Idaho, at 11 a. m. January 17th, of drapery, CATHERINE CHRISTINE LUND, wife of J. O. Folkman.

Deceased was born Oct. 6, 1808, in Copenhagen, Denmark; baptized into the Church of Jesus Christ of Latter-day Saints in 1835; emigrated for Utah in company with her parents in 1841; married Feb. 15, 1842; had one son born Oct. 18, 1875, and died Sept. 23, 1875; was beloved by all that knew her, and leaves a great number of relatives and friends. She died as she had lived, a faithful member of the Church, and in the full hope of a glorious resurrection.—COP.

Golden Junction and Scandinavian Star, please copy.

ESTRAY NOTICE.

HAVE in my possession:

One red and white Ox, 9 or 10 years old, black white under belly, white face, left horn jagged, and is shod, brand on left hip not visible.

The above described ox, if not claimed and settled for will be sold as public sale on 30th Jan. 1876 at 10 o'clock a. m. at the residence of J. W. MOORE.

Patray Poundkeeper.

To Cole City, Jan. 20th, 1876. d&w

Salt! Salt! Salt!

Customers should call on R. N. RUSSELL, Two doors South of Theatre, and get COARSE SALT

AT 41X Dollars a TON or 35cts a hundred pounds FINE SALT, in large sacks 75cts a hundred.

CHEAP ENOUGH SURELY!

See Everything taken but PROMISES, in exchange.

O. L. ELIASON,

SEE OUR HANDSOME, New Retail Grocery Dep't,

WHICH HAS BEEN ENLARGED AND RE-FITTED,

Giving us Increased facilities for Conducting a FIRST CLASS FAMILY GROCERY TRADE,

OF WHICH WE MAKE A SPECIALTY.

New Fruits, Just Received.

OUR CELEBRATED BRAND

OF SEASONS

NEW

Is the finest ever

Brought to Utah.

ON AND AFTER

JANUARY 1st, 1876.

Trains will run daily as follows:

NORTHWARD.

Leave Ogden..... 9:30 a. m.
" Brigham..... 10:50
" Salt Lake City..... 12:30 p. m.
Arrive at Franklin..... 3:30

SOUTHWARD.

Leave Franklin..... 9:00 a. m.
" Ogden..... 10:55
" Brigham..... 12:35 p. m.
Arrive at Ogden..... 4:00

Glimmer & Salubry's Stage Line to and from Montana connects with trains at Franklin.

M. W. MERRILL, Sup't.

CHAS. NIDLEY, Gen. Freight & Ticket Agent.

Gen. Freight & Ticket Agent.

NEW ADVERTISEMENTS.

FLOUR,

GRAIN,

BRAN & SHORTS,

Meal,

AND ALL KINDS OF

CHOPPED FEED,

AT

KNOWLSEN'S,

Opposite

DINWODDY'S

FURNITURE STORE.

FIRST SOUTH ST.

N. B.—All kinds of

GRASS SEEDS.

445

LAND SALE.

The Lands of the

Union Pacific Railroad Company

Lying west of the SALT LAKE MERIDIAN in the counties of KANE and GARFIELD, Utah Territory, will be offered for sale at the Land Office of this Company at 10 o'clock a. m.

THURSDAY,

the 27th day of January, 1876.

Persons having made application for any portion of said lands will make payment for the same without interest on the following terms: One-fifth the purchase money down, the balance in equal annual payments, with interest at 6 per cent. will be made for full payment in cash at the time of the purchase.

O. F. DAVIS, Land Commissioner.

445

Home Manufactory!

W. M. PAUL

Will engage to make any number of SEATS AND DESKS

Suitable for

SCHOOL-ROOMS & MEETING-HOUSES.

Best, strong and cheap; not easily broken as is so frequently the case with imported seats; and can be seen at

W. M. PAUL,

ARCHITECT AND BUTCHER,

305 Ward, Salt Lake City.

P. O. Box 27.

WALKER BROS

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