DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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THE EVENING NEWS

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" " three months. " 2.65

.....THE.....

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NOTICE.

To whom it may Concern:

THERE will be a meeting of the holders of land in the Willow Creek Irrigating District, in the First Ward School-House, in the city of Ephraim, on the 1st day of November, 1879, at 7 o'clock p.m., to vote "yes" or "no" upon the following questions:

1. Do you mutually agree to pay 10 cents per acre land tax?

2. Do you approve of the action of the Mass meeting in the election of officers?

SOREN P. JENSEN,
PETER ANDERSON, } Trustees.
A. C. NIELSON,

J. CHR FROST, Secretary.

Ephraim City, Sanpete County, Oct. 7, 1879. d274

WATCHES JEWELRY

ABOUT three months ago all the watchmakers in the city agreed and subscribed to certain prices for work in their line, for the purpose of obtaining uniform and Cheap Rates. This agreement however, has already been broken by several watchmakers, who are underselling their colleagues, and thereby proving themselves untrue to their written word. In consequence of which, the undersigned has withdrawn his name from said agreement and established his own prices, Cheaper than any other watchmaker's in Salt Lake City.

CLEANING WATCHES $1.50 A PIECE

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Lake City, Sept d3m

For You, Madam,

Whose complexion betrays some humiliating imperfection, whose mirror tells you that you are Tanned, Sallow and disfigured in countenance, or have Eruptions, Redness, Roughness or unwholesome tints of complexion, we say use Hagan's Magnolia Balm.

It is a delicate, harmless and delightful article, producing the most natural and entrancing tints, the artificiality of which no observer can detect, and which soon becomes permanent if the Magnolia Balm is judiciously used.

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Bath-Sand Tablets,
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HARFOOT'S

Balsam of Indian Root,

Prepared only by us.

For Sale at Z. C. M. I. and Utah Commission House.

NOTICE.

JACOB SMITH deceased or his heirs or assignees are hereby notified that I have expended in money and work to the amount of two hundred and twelve dollars and 25 cents, being the legal assessments for 1878 and 1879, for your interest in the Gervey Mine, located in the Uintah Mining District; Summit Co.: Utah, and unless you pay said amount to me within 90 days, the time specified by law, your interest in said mine will become my property, according to the law of Congress of 1870 relating to mines. JOHN A. NELSON.

Park City, Utah, Sept. 6, 1879. 6-9-9 to 6-12-9

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MR. F. A. PASCOE will supply fine screened Quick Lime, suitable for disinfecting cesspools, and neutralizing all decaying organic substances for TWO DOLLARS PER TON, in large or small quantities, at his Pioneer Perpetual Lime Kilns, First North of Warm Springs, Salt Lake City.

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FALL AND WINTER

1879 FASHIONS, 1879

NEW ARRIVAL.

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CONFERENCE VISITORS

Are invited to call and examine Stock and Prices. d261 s71 1m

BY TELEGRAPH.

EASTERN.

DECISION.

The Supreme Court on a Murder Case.

WASHINGTON, 21.—The Supreme Court has rendered a decision in the case of the State of Tennessee vs. J. W. Davis. This case arises out of an indictment in a Tennessee State Court of the defendant Davis, Deputy Collector of Internal Revenue, for the murder of Joseph B. Hayne, a citizen of Tennessee, in August, 1879. Davis filed his petition for certiorari in the United States Circuit Court for the middle district of Tennessee, alleging among other things, that the killing was done in self-defense to save his own life, and that at the time the act for which he was indicted was committed, he was an officer of the United States, to wit: a Deputy Collector of Internal Revenue, and was engaged in the discharge of his official duties."

Upon return of the certiorari, the State of Tennessee, by its Attorney General, moved that the case be remanded to the State Court in which the indictment was found. The motion was heard before Hon. John Baxter, Circuit Judge, and Hon. Conolly F. Trigg, District Judge, presiding as judges were divided in opinion upon the following questions, which they have ordered certified to this court for adjudication.

1st—Is an indictment of a revenue officer, found in a State Court for murder, under facts alleged in the petition for removal, in this case removable to the court under section 643 Revised Statutes of the United States?

2d—If removable from the State Court, is there any mode and manner of procedure in the trial prescribed by act of Congress? If not, can a trial of the guilt or innocence of the defendant be had in a United States Circuit Court?

The main question to be discussed is in the words of Attorney General Devens, brief, substantially the same as that which has for over half a century been debated in Congress and the country, viz: Whether the United States Constitution is a frame of government, created by the people and acting directly from and upon the individual; or is it merely a compact or league of sovereign States? Those who insist that the general government is purely Federal and not national in its character are logically compelled to deny the right to remove any cause from a State to a Federal court, and to declare the act of 1789, sec. 20, unconstitutional, because if any right of removal exists, it must extend alike to civil and criminal cases; and the extent to which, as well as the time and manner in which it shall be exercised whenever the Federal laws or their execution is concerned, is a question of expediency and not of power. The attorney general of Tennessee, in behalf of the State, maintains:

First—That the words, "criminal prosecution," in section 643 Revised Statutes, have reference to the acts of revenue officers, therein declared to be offenses and not to a prosecution for murder which is not an offense by the Revised Statutes, except upon the high seas, etc.

Second—That if Congress intended by said section to remove trials from the State to Federal courts, the act is unconstitutional. There is neither an express nor an implied power in the Constitution giving to the federal courts jurisdiction of crimes which are offences alone against a State.

Third—If the section was constitutional the United States circuit courts could not try a case of murder because they have no common law jurisdiction in criminal cases, and because Congress has not by any legislative act made murder a crime or affixed a punishment except for murder upon the high seas, in the District of Columbia, and in forts, arsenals and dockyards.

The argument will be continued to-morrow.

Kelly's Welcome.

NEW YORK, 21. — John Kelly and party arrived in this city today from a tour of inspection throughout the State, and were welcomed by the most prominent of the Tammany Hall organization. Fully 1,500 persons had assembled at the Ferry, foot of Chamber street, where a stand had been erected. After a salute of 25 guns and the cheering in his honor had subsided, Kelly addressed the assemblage. He gave a glowing account of his trip, denounced Tilden and Robinson, and said he felt satisfied that the race for the governorship was now between himself and Cornell. Other speakers followed. A procession and serenade took place in Kelly's honor to-night.

The Emma in Court Again.

Before Judge Choate, to-day, in the United States Circuit Court in equity, a motion was made by the defendants in the suit of the Emma Silver Mining Company (limited), of London, against the Emma Silver Mining Company of New York, Trenor W. Park, H. H. Baxter, William M. Stewart, and Charles G. Lincoln, for leave to file separate pleas. The case as presented by the counsel is nearly the same as the old Emma mining suit in the same Court a few years ago. A bill has been filed by the plaintiffs to set aside a transaction of sale between the plaintiffs and defendants. The latter, however, pleaded in bar the judgment brought against Park and Custer, original owners of the Emma silver mine, and which judgment was in their favor. All the issues raised and disposed of on previous trials of the case are also involved in this suit, and the defendants rely now on the judgment of the Court thereon in their opposition to the relief asked for by plaintiffs. The argument will be continued to-morrow. Ex-Minister Stoughton represents the plaintiffs and John E. Burrill and Edward J. Phelps, of Vermont, appear for defendants. They are the same counsel as were employed in the former suits.

Bad Bennett.

CHICAGO, 21.—The Religio-Philosophical *Journal*, an exponent of liberalism and spiritualism here, to-day prints a long article tending to show that D. M. Bennett, in whose behalf Col. Ingersoll has recently taken up the cudgels, is a vile creature, unworthy the sympathy which Ingersoll has created in some liberal circles for him. The letters and printed facts show that Bennett attempted to seduce a young woman of good character, whom he employed for that express purpose, and failing in open solicitation he wrote her many obscene and suggestive letters, threatening her with discharge unless she should yield. That his term in the penitentiary was a proper punishment for his crime of sending obscene literature broadcast over the land through the mails. The significance of the disclaimer made by the Religio-Philosophical *Journal* of the notions and utterances of Bennett is that the better section of the liberals in religion who are a more numerous class than is usually supposed, have become disgusted with the championship by Robert G. Ingersoll, of this man, whose whole past life is objectionable, not only to Christians but to all decent men. They object to being placed in the position to which Ingersoll would commit them, of apologizing or even excusing Bennett, and for toting dead away from the republican party by him, because that party and its President consistently opposed pardoning him. His letters, as published, reveal a depth of iniquity in private life to which few men have sunk, and decency demanded that a large portion of them be entirely suppressed.

Foul Play.

Walter Goodrich, a young lawyer, son of Judge Grant Goodrich, has been missing since Saturday evening at six o'clock, when he started for West Side with $2,300 on his person. It is believed he has been foully dealt with, as a most vigorous search for two days has failed to reveal his whereabouts.

Bucket Business.

All the bucket shops have substantially suspended business. Although paying all liabilities they only accept such trades as they deem judicious, and in fact do little business.

Misplaced Switch.

CINCINNATI, 21.—The malicious misplacement of a switch on the track of the Marietta and Cincinnati Railroad near Athens, threw the engine and express car of the west bound passenger train off the track last night, and tumbled them down an embankment. C. E. Hawley, express messenger, was fatally injured, the fireman and engineer escaped. Only one passenger, John A. Rich, was injured. The switch had the appearance of being all right, the rail having been disconnected from the switch.

Strikers.

The striking butchers at a meeting to-night received reports showing that all the boss butchers in the city but four had signed an agreement to reduce the hours of labor to twelve per day and extra pay for Sunday. They adopted a resolution condemning the four who refuse, and to go to work at all the shops where the demand has been granted. The employees of the four above named are to strike.

The stove moulders have abandoned their strike and will go to work in the morning.

Louisiana Republicans.

NEW ORLEANS, 21.—The Republican State Convention adopted the following:

Resolved, That it is the deliberate judgment of this convention that an act of grosser injustice to the State of Louisiana and to the republican party, could not be perpetrated by the national Senate than by depriving this State of one of its Senate representatives, Hon. Wm. Pitt Kellogg, after his claim to the seat he now occupies has been already deliberately acted upon; that we do solemnly and earnestly, but most respectfully protest, in the name of Louisiana, against such contemplated action as a grave violation of principle and as a proceeding likely to be productive of most mischievous consequences hereafter.

Also resolutions alluding to the republican victories in Maine, California, Colorado, Ohio and Iowa, assuring success in 1880.

Thanking President Hayes for his acts of fidelity which paved the way to the late splendid republican victories, and Sherman for his great services in assisting the resumption of specie payment.

The ticket was completed as follows: Lieutenant Governor, James M. Gillespie; Attorney-General, Judge Dos A. Pardee; Auditor, Claudius Mayo; Superintendent of Public Education, Dr. R. F. Bonsano; Secretary of State, James D. Kennedy (colored).

Among the planks of the republican State platform is one favoring national aid for a southern route to the Pacific Coast and subsidies for ships. Another holds that it is the duty of the National Government to secure by all means the construction of a canal or other system of transportation across the Isthmus of Darien, and to insist that no non-American nations shall have a predominating influence in the management thereof. A resolution was adopted setting forth that if the colored people are accorded free and fair elections, they will remain as of right in the State, if not they will be forced to emigrate. A resolution was also adopted declaring Grant their unalterable choice for President in 1880. The election of Dumont, who is an out-and-out Sherman man, as permanent president of the convention, is considered an endorsement of the administration.

Horrible Outrage.

MEMPHIS, 21.—Information was received this afternoon of a horrible outrage committed last Sunday near Montgomery's Landing, Miss., 18 miles down the river, by a party of six negroes, who ravished Mrs. Johnson. She, together with her husband and two children, were on a trading boat. The negroes first fired a shot gun at Johnson, two bullets grazing his head and stunning him. After which they outraged his wife, then plundered the boat and cut her adrift. The steamer C. P. *Pierce*, attracted to the boat by cries of help, went to her assistance, towing the boat to Hawthorn's Landing. Mrs. Johnson's condition is critical; the negroes escaped.

Unprovoked Murder.

ATLANTA, Ga., 21.—F. L. Brantly, marshal of Whitesburg, Ga., shot and killed two negro girls last Saturday night. The murder was wanton and unprovoked. Brantly escaped.

WESTERN.

SAN FRANCISCO, 21

A Tucson dispatch says: A Silver City N. M. letter says of the slaughter on the 18th. Arriving at the scene of the tragedy, we found 16 persons dead. We buried them. Five others, known to have been killed, we have not found. No Indians are about. It is reported they have gone to the Mimbres Mountains. About 150 Apaches scouts lately with Col. Morrow in New Mexico, have returned to Arizona, their time of enlistment having expired. They refused to re-inlist. This probably gave rise the rumor that the Indian scouts to had deserted and joined the enemy. Governor Wallace is now at Los Vegas. It is now believed Victoria's band is trying to go through the Burro Mountains to Mexico. Col. Morrow says he has troops enough to whip Victoria but it will take two months to do it. He needs a couple of light howitzers. Volunteers are being raised at Mesilla Lascruces. In a fight on the 12th, the 24 white men Lascruces company, numbering 30, were massacred by 100 Indians, only one man, Hickey, escaping. Stages for the east are traveling as though there was no trouble.

FOREIGN.

GREAT BRITAIN.

Foreign Notes.

LONDON, 21.—A number of engineers from Bradford, left England, to-day, for Pennsylvania, and another party will proceed next week for the same destination.

Herr Kurd Von Schloser, the present minister of Germany at Washington, will probably succeed the late Herr Von Bulow, as Secretary of State of Foreign Affairs.

Latest news from Ali Kheyl, represents that the frontier tribes, since learning of the fall of Cabul, are dispersing.

Osman Pasha, who retains the portfolio of minister of war in the present Turkish cabinet, is as much a philo-Russian as Mahmond Nedim Pasha, the new minister of the interior, and is co-operating with him. Osman Pasha must henceforth be classed among those unprincipled intriguers who so materially contributed to ruin a country.

The *Journal De St. Petersburg*, contradicts the statement that England has informed Russia that British influence must dominate the foreign relations of Afghanistan. It is officially announced that the report of the occupation of Merv by the Russians is known to be untrue.

The commission on reforms in Cuba agreed to recommend that slaves shall be entirely emancipated in seven years from the date of the passage of an emancipation bill.

The trial of action against Humbert, the returned communist who was recently elected a member of the Paris municipality, and the *Marzellies* newspaper for insulting the magistracy and defending the occurrences which the law characterizes as crimes, was brought to a conclusion to-day. Humbert was sentenced to six months imprisonment and a fine of 2,000 francs. The manager of the *Marzellies* was condemned to imprisonment two months and a fine of 6,000 francs, and the *Marzellies* itself was suspended for two weeks.

King Alfonzo returned to the city after visiting the Plain of Murcia, the scene of the recent disasterous flood. Aid was furnished the sufferers.

At a conference on the land question held in Dublin yesterday it was decided to form a land league for Ireland. Parnell was elected president. He will go to the United States to invoke the aid of Irishmen there in the cause.

A correspondent at Wolverhampton says: Circulars are out from more iron manufactures announcing a further advance in prices. Telegrams are coming in from the south and north of England that ship builders and others are ordering an immediate despatch of heavy quantities of iron.

The distress in Hungary on account of the bad harvest is very great. The government has suspended the collection of taxes until the next harvest has been gathered. In 57 towns and villages in Temes County the greatest distress prevails. In Saros County, where some cases of starvation have occurred, 40 parishes are threatened with famine. Frightful accounts have also been received from the counties of Abauj, Heves and Semplin.

A Rangoon dispatch says: King Theban is in a warlike mood. The Sepoys' barracks in the British residency building have been destroyed.

A formal defensive and offensive alliance between Servia and Bulgaria is about to be signed.

Mexican News.

CITY OF MEXICO, 21.—Charles of Coahuila, anticipating the passage of a law extending federal jurisdiction over the district of Sierra Mojada, telegraphed on the 11th inst., saying that Chihuahua and Durango are not opposing the jurisdiction of Coahuila. Also that several mining companies, bearing the action of the federal government, had dissolved.

Other and richer mines are said to have been discovered near Mojada, and over 12,000 persons have gone to Mojada.

The following cabinet changes are reported: Justo Benitez, secretary for exterior relations; Manuel Payro, secretary of war. Senor Benitez continues to refuse to be a candidate for the presidency, but his party is growing daily, and all probabilities favor the belief that he will certainly accept the nomination in due time.

FOR SALE.

TWO COWS, one in fair milk, the other will calve in January, both are fat. Will sell or exchange the two for a No. 1 new milch cow. Apply to Mr. D. C. SMEDBERG, 2 block west of Depot, Jordan, Sc.

WATER! WATER!

NOW is the time to get wells cleaned out or have them dug deeper. JOHN H. FREEMAN, of the TENTH WARD, will do the work with promptness and cheapness. d22-9-9 to 22-12-9

SEALED BIDS

FOR moving the parapet on top of the Z. C. M. I. building, will be received until Wednesday, the 22d inst. at 12 m.

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The right to reject any and all bids is reserved.

H. S. ELDREDGE, Supt.

dtf 22

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IN CHICAGO.—The First National Bank.
IN OMAHA.—Omaha National Bank.
IN SAN FRANCISCO.—The Bank of California.

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Look out for the Wagon or Leave Your Address at Store or Call at Residence for Same.

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BEWARE OF CHOLERA!

Also Quick Spasms, Cramps, and like disorders, at this season of the year.

Dr. E. L. PLANT,

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Has a sovereign remedy that has been in use for 40 years. Price 50 cents and $1 per bottle, according to size. Satisfaction guaranteed or money refunded.

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MEN'S AND BOYS' FALL AND WINTER CLOTHING

Manufactured by Ourselves, and Made

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Which we Offer to the Public from

15 TO 20 PER CENT. LOWER

Than the same can be bought at any other House in this City.

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BOOTS,

California and Eastern Blankets,

PLYMOUTH GLOVES,

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