

The Indian Question.

One of the questions sure to be asked by the country as soon as the excitement of the elections has passed is, Who must be held responsible for the existing Sioux war? Thus far no sufficient cause has been shown for the inauguration of the summer campaign which began and ended so ingloriously for our arms. Whatever crimes may be charged against the Sioux tribe they are certainly free from the suspicion of having violated their treaties with the Great Father at Washington, but as much cannot be said on the part of the white men. The statement constantly put forward, that the Indian is intractable and incapable of civilization, is contradicted by the experience of our Canadian neighbors. Across the border are tribes kindred to those who give us so much trouble, and yet the Canadian people and government manage to live at peace with them and even subject them, like all other citizens, to the action of the civil law. That we fail in dealing with our Indians is therefore clearly our own fault and due to some defect in our policy toward them. In the Canadian Dominion the Indian is subjected to a steady code of law; when he commits a crime he is punished, and when he performs a good action he is rewarded. Under the American system this rule is reversed. Those Indians who group themselves peaceably at the agencies and remain faithful to the white man are, as a rule, treated with indifference and injustice. The annuities granted to them by the generosity of the nation are appropriated in great part by the dishonest agents of the Indian ring, and the complaints of the victims when they make any, are, as a rule, dismissed with contempt. The hostile Indians, on the contrary, claim the tender regard and consideration of the Indian department. Their chiefs get the richest presents and to their followers are dispensed the most liberal allowances of sugar and coffee and other articles which bribe the red man to lay aside for the time being his rifle and scalping knife.

It is not wonderful that under such a system the Indians soon learn that it is their advantage to go on the war path at frequent intervals. In nearly every case where the tribes have taken up arms they have been driven to do so by the bad faith of the Washington government or the encroachments of the frontier populations. The present inglorious war is no exception. Without any real necessity the government sent into the Black Hills a column of troops under General Custer, and the unlucky discovery of a small quantity of gold roused the cupidity of the frontier population. Bands of adventurers immediately began to pour into the Black Hills country, in violation of a solemn treaty by which the Washington government had bound itself to secure to the Sioux forever the Black Hills as a part of their reservation. The government in this case acted with the duplicity which generally characterizes our dealings with the Indians.

The intruding whites were ordered to withdraw; but this measure, which was due to the honor of the nation, was never honestly carried out. The authorities had resolved to allow a treaty which had been solemnly ratified only a year before to be violated, but did not have the courage to accept the responsibility of doing it openly and above board. The Indians were, therefore, allowed to believe that the Great Father would not be displeased at their driving out the intruding white men when the soldiers failed to do so; so the war began by the cutting off of the scattered and comparatively defenceless miners, and culminated in the massacre of Custer and his three hundred comrades in arms. This sacrifice of life must be blamed to the vacillating policy of the government. Had the Indians been made to understand that the Great Father at Washington approved the acts of violence and injustice done by bad white men of the borders, they would scarcely have risked inaugurating the war; but the indecision and duplicity which marked the beginning of the trouble left the poor Indian as puzzled about the intentions of the Government as were the people who will have to pay ever so many millions to repair the damage done by our blundering rulers. It has already been announced that we are to

have a winter campaign against the Sioux in the hope that better fortune will attend our arms. We suppose that something of the kind is necessary; but the country would also like to know what measures are being taken to put our Indian policy on such a footing that our Indian tribes may be rendered as harmless as their brother red men across the border. The secret of accomplishing this is the adoption of a firm and consistent policy, based upon justice. — *New York Herald Oct. 5.*

Executive and Judicial Power.

The second section of article third of the Constitution of the United States, defines the power of the judicial department in the following words:

"The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, &c., and controversies to which the United States shall be a party."

The second article of the same instrument points out the duties and defines the power of the President of the United States; among other things he has the power to make treaties, by and with the advice of the Senate, "and he shall nominate and by and with the consent of the Senate, shall appoint ambassadors, and other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law," and "he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

Article 6 declares "that this constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby."

Our attention has been called to these provisions of the constitution from reading in the Salt Lake papers some statements concerning the decision of Chief Justice Shaeffer in the Patton contempt case. We announced yesterday that the judge had decided that Col. Patton was in contempt for disobeying the injunction, and that a nominal fine had purged the contempt. The action of the court in assessing a fine was highly proper, and as the question of the amount of punishment was in the discretion of his honor, we have nothing to urge against his ruling as to that point.

But as Judge Shaeffer is reported to have gone outside of the simple question of contempt, and stated in open court what would have been his action under a state of circumstances which did not exist, and has thereby expressed his opinion upon a question not now, but which might at some future time, come before him—a course seldom pursued by courts elsewhere—we deem it no discourtesy to him, and a privilege of the press, to comment upon the construction he puts upon the law, which he is sworn to administer.

If, therefore, we have received a correct impression of what the Judge said on Saturday, it amounts to this: Col. Patton, by disobeying the injunction, was in contempt, but if, instead of the act of disobedience, that "officer of the government" had come into court, and replied to the injunction that he was acting as an officer of the government, then, and in that case, his honor would at once have dismissed the proceedings, and vacated the order enjoining the sale.

If this course is in conformity with the Constitution and the laws, how, we would inquire, does his honor dispose of the provisions we have quoted, which extend the power of the judiciary to all cases in law and equity in which the United States is a party? In the matter of stupaage, in which the "officer of the government" claimed the right to take possession of, and sell, a lot of lumber in the possession of and claimed by ex-Mayor Wells, was not the United States a party?

If in the above case, the United States was a party, did not the "power" of the Third District Court extend to the case?

If then the provisions of the Constitution which we have quoted, are portions of the supreme law of the land, how can a court, whose "judges are bound by the

laws of the land," set these provisions aside and declare that the court has no power to stay the proceedings of a person who alleges that he is acting as an officer of the United States?

With due deference to his honor we feel constrained to say that the position assumed, if really that of the Third District Court, is an untenable one, and if it be said that his decision is made in conformity with opinions expressed by a higher tribunal, and is therefore binding upon his court, we have to say that, if it has become the settled doctrine of our law courts that they themselves are powerless against the *ipse dixit* of an officer of the government, then have we indeed fallen upon evil times, and in this centennial year, instead of living in a land of order, where civil laws are held to be supreme, we are overshadowed by a despotism worse than that which our ancestors threw off a hundred years ago.

There are in the United States seventy thousand "officers of the Government," nearly all of whom belong to one political party, and have received their appointments, directly or indirectly, from the executive, and who owe allegiance to the party.

Will his honor, Judge Shaeffer, contend that these seventy thousand office-holders outrank him in power? And yet that is just what he has decided if he has been correctly reported.—*Ogden Junction, Oct. 10.*

SLAVERY STILL EXISTING.—At the late meeting of the British Association for the Advancement of Science, a paper was read by Rev. Aaron Buzacott, on "Slavery Still Existing." He said: "Slavery now prevailed in Turkey, Egypt, Persia, Tunis, Morocco, Madagascar, Portugal, Afghanistan, in the dominions of the Seyyid of Zanzibar, and among the different tribes of East and Central Africa. Portugal had the will, but not the power, to abolish slavery throughout her territories on the southeast coast of Africa. Spain stood alone among the Christian nations of Europe in resolutely maintaining slavery in spite of treaty obligations with Great Britain. In Asia, with the exception of British India, slavery was co-extensive with Islamism. In the United States slavery and the slave trade had been utterly abolished, but they still lingered in South America, in the Empire of Brazil, where 1,500,000 Africans were held in bondage. The annual drain on Africa, consequent on slavery, was estimated at 1,000,000, and it was computed that at the lowest 70,000 Africans crossed the sea into slavery."—*Ex.*

AUCTION SALES AND BOTTOM PRICES.—There is nothing like a great auction sale to fix prices, restore confidence and revive business. Two important American industries now experience the healthful effects of this sovereign remedy for stagnation. The dry-goods trade was steeped in the very dregs of dullness when an enterprising firm threw an immense volume of assorted cotton fabrics on the market at public auction without reserve, as if in sheer desperation. Their announced purpose was to touch bottom—if bottom there was to what seemed then an unfathomable abyss; to find out, once for all, what the goods they had to sell were really worth to the trade; to break up the lethargy which enveloped the dry-goods business like a pall. The experiment, which seemed so reckless to the wisacres, proved successful to sellers and to buyers alike. It fixed the minimum prices of the fabrics sold; it gave assurance to buyers that they could safely purchase at those rates; it stimulated the wholesale and retail dry-goods trade in all its veins. The bottom had been touched. The worst was known. Thenceforth, the dry-goods business took a new start; other auction sales confirmed the wisdom of the policy so boldly initiated; confidence was measurably restored, and the trade is now on the sharp upward turn to prosperity, we hope.—*New York Journal of Commerce, Oct. 5.*

DIED.

In this city, Oct. 15th, 1876, of smallpox, GEORGE DINDALE, aged 20 years, 11 months and 15 days.

Deceased was born at Bradford, England, emigrated to Utah with his parents during his infancy; was baptized into the Church of Jesus Christ of Latter-day Saints when eight years old, and was a consistent member till his death. He was a member of the seventy-fifth quorum of Seventies, and departed in good standing and firm faith in the gospel.—*Ogden Junction.*

ESTRAY NOTICE.

I HAVE in my possession:

One flea-bitten gray MARE, 18 years old, branded 72 on left shoulder.
One iron gray horse COLT, 2 years old, no brands visible.
One black HORSE, 10 or 12 years old, saddle and collar marked, brand on each shoulder illegible.

One red and white spotted STEER, 4 years old, crop off right ear, branded O on left side, another brand below on the same side illegible.

One dark red yearling BULL, crop off each ear, branded O on left side.

One white yearling STEER, red ears, crop and two slits in left ear, a mark or teat on the nose, branded K on left hip.

One red and white speckled yearling STEER.

One roan yearling HEIFER.

One red and white spotted HEIFER.

The last three are marked and branded the same as the one above.

If not claimed, they will be sold at the Draper District estray pound on Saturday, October 28th, 1876, at 1 o'clock p. m.

A. W. SMITH, District Poundkeeper.

Draper, Salt Lake Co., Utah Ter.

Oct. 15, 1876. dsw

\$12 a day at home. Agents wanted. Outfit and terms free. TRUS & CO. Augusta, Maine.

NOTICE.

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

In the Probate Court in and for the aforesaid County and Territory.

MAGGIE H. STARK, Plaintiff,
vs.
HENRY H. STARK, Defendant.

Summons by publication.

The people of the United States in the Territory of Utah, send greeting; to Henry H. Stark, defendant.

You, the said Henry H. Stark, defendant, are hereby required to appear in an action brought against you by the above named plaintiff, Maggie H. Stark, in the Probate Court in and for Salt Lake county, Utah Territory, and to answer the complaint filed therein against you, within ten days, exclusive of the day of service, after the service on you of this summons, if served within this county, or if served out of this county but in this district within twenty days; or otherwise within forty days, or judgment by default will be taken against you, according to the prayer of said complaint.

This action is brought for the purpose of obtaining a decree of divorce annulling the bonds of matrimony between the said plaintiff and the said defendant, and for the purpose of obtaining a decree from said court, awarding the custody of William Henry Stark, a minor child, the lawful issue of said marriage, to the said plaintiff, and for costs of suit, &c.

And you are hereby notified that if you fail to appear and answer the said complaint as above required the said plaintiff will take judgment against you according to the prayer of said complaint above mentioned.

Given under my hand and the seal of said court at Salt Lake City, county of Salt Lake, Utah Territory, on this 28th day of September, A. D. 1876.

D. ROCKHOLT, Clerk of the Probate Court, Salt Lake County, Utah.

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LOST!

STRAYED from 10th Ward, Salt Lake City, a span of ponies, middle aged, one light bay or sorrel, branded figure 2 and letter J on left hip; the other a brown; both newly shod in front. The horses recently brought from Soda Springs, and were once owned by Antoine Jensen, Weston, Idaho. Finder will please return them to me and be compensated for trouble. W. H. HOOPER.

NOTICE.

TO DANIEL TOVIA, your assignees or legal representatives, are hereby notified that you are owing assessments to the amount of \$83.54 (eighty-three dollars and fifty-four cents) for work and money expended on the Norris Mine, in the Blue Lodge Mining District, Wasatch County, U. T. If not paid within three months your claim, amounting to 100 feet, will be forfeited to me, as provided by law.

BENJAMIN A. NORRIS.

Heber City, July 16, 1876.

NOTICE.

TO J. W. Snyder.—I hereby notify you that I have expended in money and labor the sum of Fifty Dollars, being the amount of legal assessments due by you for the past year on your interest on Three Hundred and Seventy-five (375) feet in the Clara Lode, situated in Blue Lodge Mining District, Wasatch County, Utah. Should you fail to pay said sum within the time prescribed by law your interest in said lode will become forfeited to me as co-owner, by virtue of the Act of Congress approved May 10th, 1872.

FREDERICK REICH.

April 20th, 1874.

NOTICE.

TO A. W. Bullock, I hereby notify you that I have expended in labor and money the sum of one hundred dollars, being the amount of legal assessments due by you for the past year on your interest of seven hundred and fifty (750) feet in the Emma Lode in Blue Lodge Mining District, Wasatch County, Utah. Should you fail to pay said sum within the time prescribed by law, your interest in said lode will become forfeited to me as co-owner by virtue of the act of Congress approved May 10th, 1872.

FREDERICK REICH.

April 29, '74.

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