

WASHINGTON NOTES.

WASHINGTON, March 10.
The Secretary of the Interior today telegraphed to Governor Potts, of Montana, instructing him to prevent the construction of the proposed wagon route and prospecting expedition into the Black Hills of Dakota.—*Sacramento Union*.

In the House of Representatives, March 10, by Mr. Giddings (Texas.)—Resolutions of the legislature of Texas, thanking the President of the United States for upholding the right of local self-government by declining to furnish troops to Governor Davis to enable him to keep himself in power.—*Washington Star*.

WASHINGTON, March 9.
The Secretary of War has written a letter to the Governor of Montana, saying that the proposed mining expedition from a point in that Territory to the Indian country alluded to in circulars recently forwarded by General Custar to the War Department, will not be permitted to move. The reason for opposing such an expedition into the Indian country is because of the great probability which would attend it of seriously aggravating the Indian troubles already in existence.—*N. Y. Herald*.

The veteran correspondent of the *Boston Journal*, "Perley," says that the license and falsehood which characterize the productions of the correspondents of the so-called "Independent" press, this winter, have aroused a feeling of indignation in the hearts of all honest men in Washington, irrespective of party. We are glad to hear it, and hope it is true; although it would be a good deal more satisfactory if the democratic and "reform" members of Congress were to furnish some evidence of their "indignation" at the foulness and falsity of these political friends of theirs. It is said that in Turkey if a man is caught lying to the detriment of personal character or the public interests his right ear is officially lopped off, while a repetition of the offense entails the summary subtraction of the left article. The infliction of a similar penalty on our own coiners and fulminators of malignant mendacities might possibly exert a restraining moral influence upon them—and we therefore commend the matter to the consideration of Congress.—*Pittsburg Commercial*.

Correspondence.

SALT LAKE CITY,
March 18, 1874.

Editor Deseret News:

Sir—In my letter of the 12th inst., I see that I committed an error in the date of my copy of the letter of myself to the Honorable Elisha Whittlesey, Comptroller of the Treasury, under date, as printed, of February 1; it should have been February 14, 1852. His answer referred to it as dated February 22. I am unable to explain this, otherwise than thus: The mails at that time left here only once a month, and most likely when I copied it, I dated the copy February 22, 1852, omitting to change the date in the letter retained. I see that I, afterward, in one letter sent by me to him, referred to it under the date of February 22d, and in another, under date of February 14th. However, this is a matter of little consequence.

I see, by my letter of the 16th inst., that I, in one instance, referred to the Statute at Large without stating the volume and page. It was 11 vol., p. 366; and in another part of the letter I stated, after speaking concerning an act of Congress approved August 16, 1856, found in the Statutes at Large, Vol. 11, p. 49—"This, whatever may be the true construction, produced in this Territory a change of practice; and since then, without any repeal of the Utah laws, or of the organic law requiring the Courts to sit in the counties, the sessions have been held in only one place in each judicial district." It would have been better for me to have said "without any repeal in express terms," as it is no unreasonable construction to hold that the Act of Congress above referred to impliedly repealed the organic law in that particular. But our Legislature continued to assign the judges to their judicial districts till 1863, when Congress passed an Act, approved July 27th, 1863, authorizing the governor to assign the district judges

of this Territory to their respective districts, and appoint the time and place of holding Court in each of said districts, not exceeding two terms in each district in any one year. Sec. 15th Statutes at Large, p. 242.

This was passed under the following circumstances: There was a new set of judges to be appointed that year, which was not done till after the close of the Legislature, so that unless the Governor assigned the judges there was no authority for so doing till the winter following.

With these remarks, I return to my correspondence with the honorable Elisha Whittlesey, my next letter to whom was as follows:

GREAT SALT LAKE CITY,
Utah, July 10th, 1852.

To the Hon. Elisha Whittlesey,
Comptroller, &c:

Dear sir—Your letter to me bearing date April 20, in answer to mine of the 22d of February, has come to hand.

You call my attention to the acts of Congress of 1799 and 1846, both of which relate to the costs of the courts sitting in the circuits and districts in the several States. These acts of Congress, before writing my letter I had referred to and examined; I, however, had taken a different view of the law in some respects from what you have written. I therefore write again and call your attention to a chain of acts relating to costs in the Territorial courts. By the 9th section of the Organic Act the clerks of the courts here are to receive the same fees as the clerks of courts in Oregon Territory. By the 10th section the same provision is found in relation to the district attorney and marshal.

By the 9th and 10th sections of the act creating the Territory of Oregon the clerks of the courts, the district attorney and marshal are to have such fees, &c., as the like officers in the late Territory of Wisconsin.

By the 9th and 10th sections of the act creating the Territory of Wisconsin the clerks and marshal were to receive the same fees, &c., as the like officers in the northern district of New York; and the district attorney the same fees, &c., as the district attorney of the late Territory of Michigan. This act was approved April 20, 1836.

Now, to determine the fees of the marshal and clerk, would not the fee bill in the northern district of the State of New York, as it existed April 20, 1836, be the rule of taxing costs for those officers here? If so, what were those fees? I have no means of knowing or learning without the aid of the department. And would not the fee bill in relation to the district attorney in Michigan in 1836, be the rule for settling his fees? If so, what were those fees?

In my letter to which yours was an answer, you will observe that I asked what the practice of the United States was in relation to the matters contained in the letter. Though I do not know of any law different from what you suggested, and what I have now suggested, yet I can see many good reasons why the costs of the Territorial courts should be paid by Congress.

I look upon this city as an important point in the overland route to California and Oregon, and it would seem others think so too; certain it is, that three-fourths of all the litigation in our courts arises out of difficulties happening on the way here, and out of difficulties arising between emigrants themselves, and between emigrants and "Mormons" here. Now if the Territory must furnish courts to settle these matters and defray all their expenses, it will, in my opinion, operate very unjustly. I cannot see why the United States should not furnish courts for settling the difficulties arising out of the emigration through here; certainly there is no moral obligation resting on this people to furnish the means, at their own expense, of settling such difficulties.

I do not urge this upon you for any other purpose than to solicit your consideration and co-operation in an attempt to seek a remedy at the hands of Congress.

I shall write to the Hon. John M. Bernhisel on this subject, and request him to see you. I shall send him a copy of my letters to you, and of yours to me in reply to the first, and then leave the matter for him to manage.

With sentiments of esteem, I subscribe myself,

Your most obedient servant,
Z. SNOW.

To the above I received the following reply:

TREASURY DEPARTMENT,
Comptroller's Office,
December 3rd, 1852.

SIR—Your letter of July 10th has been received, in reply to mine to you of the 20th of April. In my letter of the 20th of April I gave you a full exposition of the law, and the usage of the government in relation to the judicial expenses of the Territories, pointing out the distinction between the costs and expenses of suits and proceedings arising under the Territorial laws from those arising under the constitution and laws of the United States; the federal government pays the latter only, and the Territories must pay the former. The laws of the United States confer no more authority on any of its officers to pay the expenses of executing the criminal laws of the Territories than they do to pay the expenses of executing the criminal laws of the States. If there are any reasons why exceptions should be made in relation to a portion of the expenses of executing the Territorial laws of Utah, they should be addressed to Congress, and not to the accounting officers.

As to officers' fees, section 9 of the Organic Act allows the clerks, in cases arising under the Constitution and laws of the United States, the same fees as are allowed to the clerks of the District Court of Oregon; but leaves clerks' fees, in all cases arising under the laws of the Territory, to be regulated by the acts of the Territorial Legislature.

Section 10 of the Organic Act allows the district attorney and marshal the same fees and salary as are allowed to the district attorney and marshal of Oregon.

It must be borne in mind, that the law pre-supposes that each Territory will provide for the appointment of local attorneys and sheriffs of counties or districts to execute the Territorial laws.

The marshal and district attorney of the United States, in their capacity of United States officers, can act only in cases arising under the Constitution and laws of the United States, and if they do act in cases arising under the Territorial laws, they must do so by virtue of the territorial laws, and must look to the Territory or the proper county for their pay, and to the local law for the rule of compensation.

All the references in the Organic Act, to the Organic Act of Oregon, to regulate the fees of clerks, district attorney and marshal, must be construed as applying to their fees in cases arising under the Constitution and laws of the United States, and to that class of cases only; and my remarks should be understood accordingly. Sections 9 and 10 of the Organic Act of Oregon provide that the clerks, marshal and district attorney shall receive for their services (in cases arising under the Constitution and laws of the U. S.) the same fees as were allowed to similar officers in the late Territory of Wisconsin. The act organizing the Territory of Wisconsin was approved April 20th, 1836. The 9th and 10th sections allow the clerks and marshal the same fees as were allowed to the marshal and clerks of the United States Court in the Northern District of New York, and allow the district attorney the same fees as were allowed to the district attorney for the then Territory of Michigan. No taxable attorney's fees were paid or allowed to the District Attorney for the Territory of Michigan at that time or at any other time while it was a Territory; nothing was paid to him except his salary of \$250, and his per diem and mileage, under the act of February 28th, 1799.

The Marshal of the Northern District of New York was, in 1836, paid fees according to the fee bill of Congress of February 1799, in all cases prescribed by that act, and for services not provided for in that act, including costs and expenses of collecting, executions, advertising and selling property levied on, he was paid the same fees as the State fee bill allowed to Sheriffs for similar services, as prescribed in the 1st section of the act of February, 1799. The clerks of the U. S., in the Northern District of New York, were in 1836, entitled, under the fee bill of 1799, to the same fees as the clerks of the Supreme Court of New York with one third added thereto. You should therefore refer to the statutes of New York in force at that time, to learn the fees of

clerks, and the fees of the Marshal on executions.

Most sincerely yours,
ELISHA WHITTLESEY,
Comptroller.
Hon. Z. SNOW, Asso. Justice, Salt Lake, Utah Territory.

The foregoing letters show the views of the Treasury Department and my views at the time on the subject to which the letters referred. There was however much significance at the time in asking these questions and getting answers, as there was no Territorial prison and no money to build one, and as it was true in fact that most of the litigation grew out of difficulties arising on the plains, and between emigrants and the old settlers here. Besides, there was a large extent of country in this Territory in which settlements had been made at a great distance from each other. The people here only numbered about eleven thousand, all poor.—Yours truly,
Z. SNOW.

Agricultural Convention.

SPRINGVILLE, Utah,
March 18, 1874.

Editor Deseret News:

The citizens of Springville City assembled in the meeting house on the 16th inst., at ten o'clock a.m.

Bishop Bringham was unanimously called to the chair. Wm. M. Bromley was elected secretary, and J. M. Peirce assistant secretary. Meeting opened with singing and prayer.

The Chairman said the object of the meeting was to exchange ideas in regard to the best mode of cultivating the soil, many who made farming a business labored disadvantageously, not understanding the best mode of cultivation—the same remarks will apply to stock raising, architecture, mechanism, &c. To obviate this difficulty, this convention is called, all present are invited to give their views and experience in regard to these matters, so that with the least manual labor the best results may be produced.

Many remarks were offered by practical farmers, and the actual experience of those who spoke led to the recommendation of the use of vitriol or lime as the best preventive of the growth of smut in wheat.

In regard to irrigation the statements showed an actual increase of twenty-five per cent in the yield of all kinds of grain where furrows had been plowed and the water confined in said furrows, and not allowed to flood the land so irrigated, although in land strongly impregnated with saleratus this rule will not apply, for experience had proved in all such cases the best mode was to flood the water hastily over the surface, and not allow it to remain thereon. Plowing in the fall to be repeated in the spring was highly recommended. The growth of the "African" sugarcane is proven to produce on bench land, an average of 150 gallons of good molasses to the acre, realizing to the producer an actual profit of 300 per cent in excess of what could be obtained in growing any kind of grain on the same land.

The mangel-wurzel and carrot were highly recommended as profitable crops to raise for feed for horses and cattle, statistics showing an actual yield of forty-five tons of mangel to the acre, whilst the carrot was thirty-two tons. The foregoing was raised on black loam soil, impregnated with saleratus. Whilst the mangel was considered best for dry stock, the carrot was judged to possess the most milk-giving qualities.

From actual experiment it is demonstrated that the business of canning fruit can be conducted with profit, especially peaches—the actual cost of each can of fruit (quart cans that are retailed for fifty cents each) ready for market will not exceed twenty-five cents. The peach known as the "Morris Cling" is much prized for its size and quality, and an extensive cultivation of the same was recommended for exportation. The English gooseberry, and red, white, and black currants were spoken very highly of for their medicinal and other qualities. The black locust, sweet maple, elm, lynn, and butternut were among the number of trees recommended as shade trees, for their appearance and usefulness.

The improvement of stock received due consideration, and the old theory that blooded horn stock were not so hardy as the native or

scrub stock was exploded, from actual facts presented before the convention. The Kentucky short horn Durham, imported by Messrs. Wood and Bringham, was highly praised for beef and milk, many of the citizens having availed themselves of the benefits derived by the importation of said stock.

E. Whiting, S. C. Perry, and Jos. Tuckett were appointed a committee to secure by purchase or otherwise, a tract of land, of not less than 500 acres, for the purpose of establishing a co-operative orchard.

The secretary was instructed to forward to the DESERET NEWS and S. L. Herald and Provo Times a synopsis of this convention.

Adjourned to meet first Monday in September next at the meeting house.

The convention held two sessions each day, 16th and 17th inst., of two hours each. The discussion was conducted with spirit, much valuable instruction was given. All present manifested a deep interest in the same. It is thought by practical men that much good would result from conventions of this kind being held in the different Wards, and the result being published.

WILLIAM M. BROMLEY, Sec'y.

WASHINGTON NOTES.

In the House of Representatives March 2, Mr. Merriam, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to—

"Resolved, That the Attorney-General of the United States be, and he is hereby, instructed to communicate to this House any information in his possession relating to judicial affairs in the Territory of Utah; and also to furnish to this House a copy of a communication from Judge James B. McKean, bearing date Nov. 12, 1873, relating to this subject, and addressed to the Attorney-General of the United States."

The Secretary of State has recently transmitted to the Committee on Foreign Affairs of the House a bill defining the rights of citizenship of persons who leave the United States to reside in foreign countries. It regulates the question of expatriation, the condition of American women marrying foreigners, and fixes the status of children born in a foreign country of American parents residing more or less permanently abroad. The government has experienced considerable trouble through persons who, leaving the United States, reside long enough in a foreign country to acquire a domicile and to lose their citizenship in the United States, and the object of the bill now before the committee is to fix the status of these individuals so that there may be no trouble in determining when they lose their citizenship and the rights and protection which citizenship implies. Under existing treaties with several foreign governments it is now provided that the residence of persons in a foreign land without intent to return shall work expatriation.

The British Mission.—We have been favored with the perusal of a letter from Elder F. M. Lyman, dated Nottingham, Feb. 22. He says he has excellent health, enjoys his labors greatly, and weighs 240 pounds. He continues—

"The Saints are very poor and times are hard; although they may have steady work and fair wages in many instances, yet the high rents, dear meat, bread, coal and vegetables make it difficult for the poor to subsist, and you of course understand that under such circumstances it is almost out of the question for them to lay much by towards their emigration. They are the same kind of warm-hearted Saints to-day that they were when we were here together, but oh! so much poorer. They are laboring, praying, and almost begging of the Saints in Zion for deliverance, and it is a settled fact that many will never be able to emigrate themselves. There may be individual cases where Saints have had the means, and have held back until the means has slipped through their fingers and the opportunity has been lost, but such are exceptions, and the Saints are generally fervent in their desire to gather.

"Bro. J. F. Wells is laboring in this Conference with me and is a first class help, though not twenty years old. He has been laboring in London for twenty months. He is a fluent and forcible speaker, and winning in his conversation and deportment."