DESERET EVENING NEWS.

TRUTH AND LIBERTY.

VOL. VII. SALT LAKE CITY, UTAH TERRITORY, FRIDAY EVENING, FEBRUARY 27, 1874. NO. 82.

ST. LOUIS TRADE.

SAM'L C. DAVIS & CO.,

NEW BUILDING,

Washington Avenue & Fifth St.,

ST. LOUIS, MO.

Importers and Jobbers of

DRY GOODS

Special attention given to Far West Trade.

WM. H GREGG, Prest. F. W. ROCKWELL, Sec'y.

Southern White Lead

SOUTHERN COMPANY WARRANTED STRICTLY PURE WHITE LEAD IN BLEACHED OIL ST. LOUIS

AND

COLOR WORKS

COR. MAIN AND LOMBARD STS.

Every Package of our STRICTLY PURE WHITE LEAD bears the following guarantee:

The White Lead contained in this Package is guaranteed by the Manufacturers, the Southern White Lead and Color Works, St. Louis, Mo., to contain no adulteration whatever. It is composed entirely of perfectly pure carbonate of lead and linseed oil, and is sold subject to chemical analysis.

Our Goods are kept by Z. C. M. I. and all its Branch Stores; also by all the Co-operative Stores in the Territory.

SUGAR-CURED DRIED BEEF and BREAKFAST BACON.

FAGIN, MACQUEEN & CO'S SUGAR CURED HAMS ST LOUIS MO.

Our goods are kept by Z. C. M. I. and all its Branch Stores, also by all the Co-operative stores in the Territory.

FAIRBANKS' STANDARD SCALES ALL SIZES.

FAIRBANKS & Co., 302 and 304, Washington Ave., ST. LOUIS.

L. M. RUMSEY & CO.,

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PUMPS & FIRE ENGINES,

LEAD PIPE AND SHEET LEAD, IRON PIPE FITTINGS, BELTING, HOSE PACKING & AGRICULTURAL IMPLEMENTS.

North Main Street, ST. LOUIS, MO. d781 6m

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SUGAR REFINING CO.

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Manufacturers of CUT, LOAF, CRUSHED POWDERED and GRANULATED

SUGAR!

White and Yellow COFFEE SUGAR in Barrels, Half Barrels and Sacks.

Golden Syrup and Syrup MOLASSES In Barrels, Half Barrels and Kegs. All of Superior Quality.

ORDERS promptly executed.

Address:—ED. Y. WARE, Secretary.

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THE LARGEST AND OLDEST

WHITE LEAD AND OIL ESTABLISHMENT

In The Mississippi Valley.

Correders and Grinders of

Strictly PURE WHITE LEAD

COLLIER WHITE LEAD AND OIL COMPANY ESTABLISHED 1837 SAINT LOUIS

Linseed Oil, and Castor Oil

ACETIC ACID for Corroding Lead

GUARANTEE:

THE

Collier White Lead and Oil Co

Guarantees their brand of Strictly Pure White Lead to be perfectly free from impurities, and will pay

And the Cost of Analysis for the Keg, if containing the Slightest Adulteration.

CHAS. A. VICKERS, Secretary. THOS. RICHESON, President.

Our Goods are kept by Z. C. M. I. and all its Branch Stores, also in all the Co-operative Stores in the Territory.

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GROCERY DEP'T,

Z. C. M. I.

DEALING IN

STAPLE AND FANCY

GROCERIES

Hardware,

Queensware,

Wooden and Tinware,

Stoves, Etc., Etc.

Among other Specialties that of

HEAVY HARDWARE!

SUCH AS

Plow,

Drill and

Pick Steel,

Horse and

Mule Shoes,

Cut,

Wrought,

Finishing and

Horse Nails,

Anvils,

Bellows,

Wooden and

Iron

Wheelbarrows,

Shovels,

Spades,

Forks

and

Agricultural Implements

Of all kinds.

PLAIN AND GALVANIZED

GAS PIPES,

Gas and Steam Fittings,

HEAVY HARDWARE

Of every description.

Hazard, Sporting and Giant

POWDERS!

Caps and Fuse.

FINE CUT, SMOKING AND CHEWING

TOBACCOS,

Natural Leaf, Black and Bright Navy Plugs, in all sizes, including our own and other brands which we control.

W. H. HOOPER, Supt. 443 tf

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THE EVENING NEWS.

Published every evening, except Sunday.

One copy, one year, in advance	$12.00
" " six months, "	6.00
" " three months, "	2.50

The Deseret News:

SEMI-WEEKLY.

Published every Tuesday and Saturday.

One copy, one year, in advance	$4.80
" " six months, "	2.40
" " three months, "	1.20

DESERET NEWS:

WEEKLY.

Published every Wednesday.

One copy, one year, in advance	$4.00
" " six months, "	2.00
" " three months, "	1.00

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EDITOR AND PUBLISHER.

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Subscribers understanding this will be able to renew their subscriptions prior to the time of expiration so that their paper may continue without interruption.

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No. 12 Wall St., NEW YORK,

Allow interest at the rate of Four per cent. upon daily balances of Gold and Currency.

Receive consignments of Gold, Silver and Lead Bullion, and make Cash advances thereon.

Invite Correspondence from Bankers, Merchants, Mining Companies and Smelting Works. d188 1y

NOTICE.

ZION'S CO-OPERATIVE MERCANTILE INSTITUTION,

Salt Lake City, Utah, January 22, 1874.

ON and after the 1st of February instant, all open accounts on the books of the Institution shall be considered payable on the 1st of each month. Any account not paid by the 15th of the month will be closed and no further credit extended unless upon an order from,

d50 tf WM. H. HOOPER, Supt.

Clean Cotton Rags and Gunny Sacks TAKEN ON SUBSCRIPTION AT THE DESERET NEWS OFFICE.

None but Clean Cotton Rags Taken. People from the City will please bring them on Wednesday and Thursday.

DAVID O. CALDER.

U. P. R. R.

UNTIL further notice trains will leave and arrive at Ogden daily as follows:

LEAVE.

Daily Express	9.35 a.m.
Mixed	3.20 p.m.
Freight	10.00 a.m.

ARRIVE.

Daily Express	5.10 p.m.
Mixed	1.25 p.m.
Freight	4.30 p.m.

Daily connections meet at Ogden with Utah Central Pacific Road from Salt Lake City and all points in Southern Utah.

At Bryan with stages for Sweetwater mines.

At Cheyenne with Denver Pacific road for Denver, Central City, Georgetown and all points in Colorado and New Mexico.

At Omaha with Chicago and Northwestern, Chicago, Rock Island and Pacific, Burlington and Mo. River, Kansas City, St. Jos. and Council Bluffs railroads, and Missouri River lines of steamers for all points East. Rates lowest.

Tickets for sale to all points East at office of Wells, Fargo & Co., Salt Lake Transfer office, and at the office of Utah Central Railroad, in Salt Lake City, also at Union Pacific Railroad Ticket Office in Ogden, at which office berths on sleeping cars can be secured.

Arrangements have been made whereby persons desiring to visit Denver on their way East can avail themselves of an excursion rate from Cheyenne to Denver and return at greatly reduced rates.

For further information apply at the office in Salt Lake City, or address the undersigned.

Passengers should be careful to secure their passage tickets to all Eastern and Southern points via Ogden, and thus avoid the annoyance of the difficulties of a through change at Omaha, and the consequent delay and extra expense.

THOS. E. JENNINGS, Gen'l Ticket Agent.

T. E. BOCKES, Chief Eng'r and Supt. d79

BY TELEGRAPH.

Last Night's Dispatches.

PER WESTERN UNION TELEGRAPH LINE.

CONGRESSIONAL.

SENATE.

Navy and Army Appropriation Bills.

WASHINGTON, 26.—The naval appropriation bill was passed. The appropriation is increased about about five hundred and seventy-three thousand dollars by the Senate amendments.

West, from the committee on appropriations, reported the army appropriation bill, which makes a reduction of $568,000. The clause limiting the allowance for traveling expenses to ten cents a mile is stricken out. The bill was ordered tabled and printed.

HOUSE.

Branch Mint at San Francisco.

A bill allowing the use of the unexpended balance of the appropriations for the building of a branch mint at San Francisco passed.

EASTERN.

The Pro'Rata Difficulty Settled.

CHICAGO, 26.—The disagreement between the Union and Central Pacific railroads and the Rock Island, Chicago and Burlington and North Western roads, on the question of *pro rata* freight, is virtually settled, nothing being left to complete the arrangement except some details. This settlement was brought about to-day at a meeting of the general freight agents of the above roads. Another meeting will be held to-morrow, when the terms upon which the roads are willing to *pro rate* will be finally settled.

The Praying Women.

DAYTON, Ohio, 26.—The women continue their prayer meetings with their usual spirit. The advisory committee took legal advice to-day, and it is rumored decided for the present against street prayer in consequence of the stringent ordinance against obstructing the streets; the ladies may yet conclude to test the ordinance.

Praying Campaign Arranged.

PITTSBURG, 26.—At a meeting to-day the temperance women completed their plan of operations for their praying brigade to attack the saloons of the city, and fixed upon Tuesday next to commence the campaign.

Grand Chief Engineer Elected.

CLEVELAND, O. 26. The Locomotive Engineers elected, this p. m., Arthur, of Albany, N. Y., Grand Chief Engineer, vice Chas. Wilson, resigned; the brotherhood are still in secret session.

WESTERN.

State Printer Dead.

SAN FRANCISCO, 26.—Thomas A. Springer, state printer of California, died in this city last night; he will be buried to-morrow.

WEST INDIES.

Preparing for Conscription.

HAVANA, 26.—The *Gaceta* publishes an order requiring house owners and heads of families to give to the authorities the names of all persons, white or black, residing in their premises who are liable to military duty. A failure to report the names within a specified time is punishable by fine, and parties making inaccurate reports will be tried by court martial. This order has been issued because all other attempts to procure accurate lists for conscription have failed.

FOREIGN.

GREAT BRITAIN.

Tempestuous Weather.

LONDON, 26.—The weather is very tempestuous in Great Britain and on the coast, much damage has been done to shipping.

JURISDICTION OF PROBATE COURTS, ETC.

Opinion of Hon. Z. Snow, Territorial Attorney-General.

[CONTINUED.]

As to the act of Congress referred to, I have only to add that no act of any State or Territory is necessary in aid of an act of Congress.

Every statute of a State or of a Territory in aid of an act of Congress, or to hinder or delay its operation, is unconstitutional and void. But this remark is not designed to apply to a statute that only incidentally effects it.

As to crimes that go unpunished, I have to say if the Probate courts have not criminal jurisdiction, and if the Territorial government can not confer it, and if the District Courts set aside the juries, the officers of the law may be excused if crimes goes unpunished.

As there is a difference of opinion about the *election* and *appointment* of certain officers, and as I have formed an opinion for myself, I will proceed to present it.

The seventh section of the Organic Act, as above quoted, is ambiguous in its terms, and for that reason admits of construction or interpretation.

The act as a whole was designed to prepare for a State to be admitted into the Union, and therefore should at all times be construed with reference to that object. It gave full powers of legislation, subject to only a few inhibitions, and subject to the supremacy of the United States to be exercised by a disapproval of the laws enacted.

It provided for a Governor, a secretary, three judges, an attorney and a marshal of the United States, for a legislative department, and for a delegate in Congress. With such an act for such an object it is easily to be perceived that many officers were to be provided for, not therein named; hence the seventh section of the act was introduced.

The first clause of this section includes in terms all *township, district,* and *county officers,* and these by the express language used may be *elected* or *appointed* as may be provided by law. The next clause includes *all officers* not provided for, and these shall be nominated and, by and with the advice and consent of the council, appointed. Here it will be seen by the words *all officers* is included the township, county, and district officers which are in the first clause. Therefore there must be some implied exceptions to the last clause.

Those who maintain that the Governor must nominate are forced to introduce in this clause the words —"with the exception of township, district, and county officers," so as to make the language of the last clause read thus, "And, *with the exception* of *township, district* and *county officers,* the Governor shall nominate and, by and with the advice and consent of the legislative council, appoint *all officers* not herein otherwise provided for," or they must introduce other equivalent words in the same or some other part of the section. This exception, however, is not in the statute in terms; if there at all, it is implied. Still, if these words were in the *terms* of the section, it would not render the statute unambiguous. As there is not any legal unambiguous *definition* of the word *district,* which is included in the *first* clause, with their construction, it would have to be introduced in the exception of the last clause. I have before said the section requires a construction or interpretation.

So those who maintain that the officers may be *appointed* or *elected,* are necessarily forced to find a solution of the question.

They claim that as the questions arising out of it are of a political nature, involving the police power of the Territory it is one properly submitted to the political branch of the government, which is the *Governor* and *Legislative Assembly;* and that as some exceptions or words are implied, and must be so implied, it is their right to supply this omission.

The section may be read with equal plausibility as follows—

That all *township, district* and *county* officers, not herein otherwise provided for, shall be *appointed* or *elected,* as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly.

The governor shall nominate and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for, *which, by law are required to be thus appointed,* or equivalent words in some other part of the section.

One of these implied clauses will restrict legislative power. The other does not enlarge it; but if it did it harmonizes with the rules of construction.

In construing the powers of Congress, under the Constitution of the United States, the rule is—as these powers are all delegated—none is given except what is expressed, and what is necessarily implied in what is expressed. In construing State legislative powers under their constitutions, every power is held to be given, except those expressly prohibited, or necessarily implied prohibition in what is expressed.

If I am correct in holding to the same rule in a Territory as in a State, the legislative power is over this subject, because not prohibited.

This view harmonizes with the language of section 6, latter clause —"All laws passed by the Legislative Assembly and the Governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect."

This clause is equal to saying shall be effectual if not disapproved. It also harmonizes with the opinion of the Supreme Court of the United States in the Clinton and Engelbrecht case and in my case.

Again, I have said it is ambiguous in that the section contains the word *district* in connection with the words township and County officers.

[TO BE CONTINUED.]

MINING STOCKS.

AFTERNOON BOARD.

San Francisco, Feb. 26.

450 Valley, 12; 12¼
125 Ely, 32½; 33; 33, b 10
190 Eureka Con, 12½; 12½
875 Flag, 8; 8½
700 Page 3; 2⅞; 2⅞; 2⅞, s 10
290 Plocher, 1; 1¼
100 Alps, 50c
200 H & H, 17c; 18c
220 W & C, 65c; 65c
220 Silver Peak, 22c
100 Ingersoll, 35c
270 Belmont, 8; 6¼
830 Newark, 13c; 15c
65 Cliff Hill, 87½c; 75c
55 Mon Bel, 5¼
750 Portland, 50c
2560 Patch, 4; 4¼
350 Eld South, 6½; 6¾; 6¾
355 War Eagle, 4
1200 S Charles, 28; 23½; 26, b 30
250 Empire Idaho, 8; 8¼
650 Eureka C & Y, 10½; 10, s 30
100 St Pat, 4½
25 G Chariot, 20
250 Elmore, 2½; 2¾
100 Red Jacket Idaho, 2½; 2½
715 Belcher, 90; 90, s 2; 92, b 30
1840 Overman, 59; 60; 59½; 60; 60½, b 30
640 Ophir, 36; 34½; 34½; 35, b 10; 34½
215 Savage, 100; 99; 98; 100, b 50; 98
230 Kentuck, 21; 21½
200 Point, 82, b 30; 91, b 3; 95, s 30; 91, b 30
85 Alta, 13½
250 Hayes, 82½c
170 Con Va, 68
20 N Belmont, 62c

HOTELS.

AMERICAN HOTEL

PROPERTY

FOR SALE OR RENT,

For Cash.

THE AMERICAN HOTEL, in one of the finest localities in the city, one block east of Theatre and half a block from City Hall, with ten rods west front and five rods south front. Title perfect. Possession given immediately.

J. C. LITTLE.

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Centre of Block, West side East Temple Street.

Rooms 50c. and $1.00 Per Day.

A First-Class Restaurant.

TAYLOR & CUTLER, PROP'S.

43 1y

AMERICAN HOTEL.

First Class Quiet House,

One Block East of Theatre,

Salt Lake City.

Terms—$3.00 per day. Weekly and Table Board at reasonable rates.

J. C. LITTLE, PROPRIETOR.

4203

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IN ALL ITS BRANCHES.

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AND

Materials,

And carry the HEAVIEST STOCKS of

PAPER

of any office in the Western Territories.

OUR

STEAM POWER

Gives us an advantage in

SPEED,

EXECUTION and

PRICE of WORK.

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DRAFTS,

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CERTIFICATES,

ORDERS,

RECEIPTS,

DEEDS,

BALL TICKETS,

CIRCULARS,

BUSINESS AND

ALL KINDS OF

MERCANTILE,

MINING AND

RAILROAD

Blank Work

To Order, in

PLAIN, COLORED OR FANCY STYLES

Poster Work a Specialty.

MAMMOTH POSTERS

AND

SHOW CARDS,

In Plain or Colored Inks or Paper

ONE, TWO or THREE SHEET

Executed in the Best Style of Art and on the Shortest Notice.

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Collections made and promptly remitted.

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☞ Interest Paid on Savings Deposits. d253tf

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SALT LAKE CITY.

See Special Advertisement on Second Page. 1y

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SAVINGS BANK

AND

TRUST CO.

East Temple St., Salt Lake City,

UTAH.

OPEN FOR THE TRANSACTION OF business from

9 a.m. to 4 p.m., Daily,

And, in addition, on

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From 6 to 8 p.m.

Deposits will be received from ONE DOLLAR and upwards.

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Treasurer: H. B. CLAWSON.

Cashier: P. A. SCHETTLER.

Assistant Cashiers: DAVID O. CALDER, B. H. SCHETTLER.

TAX NOTICE.

THE TAX-PAYERS OF SALT LAKE County who have not paid their Territorial and County Taxes are hereby requested to settle the same at my office at he Court-house to avoid costs and sale of property. Further delay cannot be granted, and the collection of said taxes must be enforced if not paid forthwith.

R. J. GOLDING, Assessor and Collector for Salt Lake County.

Salt Lake City, Jan. 28, 1874. 457 al tf

FAIR PLAY.

HAVING SEEN BILLS CIRCULATED by a certain Music House, stating that they offer Organs with 9 stops usually sold by other makers at $280 cash for $200, and Parlor Organs with 5 stops, usually sold at $185 cash, for $145, we wish the public to understand that we will sell Organs in Resonant, Upright, Solid Walnut Cases, with 6 Ivory Plate Stops, Ivory Fronts and Keys, Bushed Keys, Vox Humana, Dust Excluder, Safety Bellows, Valve, Divided Swell, and all the Latest Improvements, for

$125,

And give Three Months Lessons free.

Organs with 7 Stops $150
" " 8 " $160
" " 9 " $180

☞ Call and see them.

DAYNES & SON,

North of Post Office,

Opposite Old Constitution Buildings.

CHOICE SHEEP FOR SALE

At President Brigham Young's Farm, Cache Valley.

THREE COTSWOLD YEARLING BUCKS,
TWENTY COTSWOLD LAMBS, Bucks,
THIRTY-FIVE MERINO, Bucks,
Yearlings and two years old.

Apply to Samuel Holt, on the premises.

Salt Lake City, Oct. 7, 1873. d209 tf

BY-LAWS, Rules and Regulations, of Mining Co's. printed at the NEWS Office.

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All kinds of legal business promptly attended to. d261tf

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[Late of Washington, D. C.]

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PRINCIPAL OFFICE AND LUMBER YARD, One block south of Depot, SALT LAKE CITY.

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The Most Desirable Opportunity.

CARL C. ASMUSSEN

WILL SELL

AT COST,

And wishes to call special attention to his beautiful assortment of fine

Ladies' Gold and Silver Watches, Bracelets, Ladies' and Gentlemen's Dress Rings, Chains, Lockets and Charms.

Also a great variety of the best selected

GOLD NECKLACES, BROOCHES, EAR-RINGS AND FULL SETS.

A complete assortment of the best grades of

AMERICAN WATCHES,

The most suitable for Railroad Travelers, Farmers and Miners. For strength and good time they are unsurpassable, and will keep longer than any other Watch.

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Lumber Yard.

ALL KINDS OF LUMBER!

DOORS, WINDOWS, BLINDS, MOULDINGS, SHINGLES, LATH, Etc.

JONES & FORMAN.

d208tf Half Block South U. C. Depot.

NEW LUMBER YARD.

I AM PREPARED TO FILL ALL ORders for Utah Lumber, Shingle and Lath, of the best quality. Reasonable terms.

☞ Dealers, please give me a call and examine stock before purchasing elsewhere.

Yard a block east of Court-house

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