EVENING NEWS.

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CHARLES W. PENROSE, EDITOR.

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THE COMMISSIONERS' REPORT.

WE publish to-day the report of the Utah Commissioners to the Secretary of the Interior. It is a well written paper, because it goes right to the heart of the questions in relation to which the Commission is supposed to have been appointed. We say supposed, because there has been a great deal of inference and theory connected with its position and proceedings. The Commissioners derived such powers as they possess solely from the Edmunds law. Careful examination of the text of that enactment shows that they are simply authorized to appoint officers to fill the vacancies created by the ninth section of the law, namely, the registration and election officers of every description in this Territory; to receive and canvass the returns of the election of members of the Legislative Assembly; and to issue certificates of election to the eligible persons who shall appear to have been lawfully elected. Their office is to continue until the Legislative Assembly shall make provision for the filling of the registration and election officers.

In their report the Commissioners assume that they were "charged by the Act of Congress with the duty of excluding from the polls and from elegibility to office of a certain class of persons;" that is, polygamists, bigamists, and those guilty of unlawful cohabitation. But this duty is not enjoined upon them by the language of the law, it can only be claimed by inference. They are forbidden to exclude persons from the polls on account of opinion on the subject of bigamy or polygamy, and to refuse to count a vote on account of such opinion. It is only by inferring from this that they may exclude practical bigamists and polygamists from the polls, that they have the slightest coloring of law to justify their action in this regard. And a close following of the text will show that even if this inference is just, it can only apply to the election for members of the Legislative Assembly, as that is the only election whose returns they are authorized to receive and canvass.

They say in reference to the exclusion of certain persons from the polls, "How this was to be done was not defined in the Act." Just so, because the duty of this exclusion was not conferred upon them by the Act. But having formed the idea that they were "charged with this duty," they had to conclude that "Congress intended to leave the manner of executing it to their discretion."

This, it will be perceived, is all theory and inference. We do not say that the Commissioners were wrong in their conclusions as to the intention of Congress in their appointment, but we agree with them that they cannot find the definition of such powers in the Act of Congress which created their office. And if they had carried out in this respect the rule which they claim to have adopted in others, that is, to "conform to the well known canons for the construction of statutes," it appears to us that they would not have found authority for much that they considered was expected of them.

Also it is very doubtful if by following those "canons" they would have found authority for making new legislation to carry out an inferential duty. They assumed that they were required to exclude polygamists, etc., from the polls, and not finding the means in the local or congressional statutes, they added to the law by their supplementary oath,] which was certainly a new piece of legislation, enacted by a body having no legislative powers whatever. To carry this point still further, the supplementary oath which they devised went beyond and outside even the design of the Edmunds law. Supposing they were authorized to exclude certain persons from the polls, and that in the exercise of that authority they had the right to legislate, whence did they derive the power to exclude persons from the polls who cohabited with more than one woman *"in the marriage relation"* only, thus admitting persons who cohabited with more than one woman *out of* "the marriage relation," and manifestly changing the letter and meaning of the Act of Congress? The words "in the marriage relation" do not occur in the Edmunds law, and were inserted in the oath framed by the Commissioners, to discriminate between persons who cohabited with plural wives and those who cohabited with any number of females to whom they were not married, in favor of the latter class. This may all be in accordance with what was expected of the Commission, but it cannot be made to appear in consonance with the law which authorised its appointment, construing it "according to the well-known canons."

The Commissioners offer several suggestions which will no doubt receive consideration. Although nothing is said in the law in relation to this, it was naturally expected that, having been on the spot and studied the situation in Utah, they would offer such recommendations as in their view would aid in accomplishing the object desired by the Government. They have done so frankly, but in a manner free from harshness and that radical animus which certain parties desired to arouse, and for the absence of which they will no doubt condemn the gentlemen who declined to come under their dictation. But we fail to see the relevancy of their hint as to the advisability of abolishing woman suffrage in Utah, to the subject of the suppression of polygamy. They declare that the efforts of the Commission have been "successful" so far in that direction, and that this is the only object they have in view, because the "law is not framed against the religion of the Mormons, but against polygamy," and that they are not in favor of measures "destructive of the rights of local self-government." The women voters of Utah being now all monogamists, how can the continuance of the law which confers upon them the suffrage be considered "an obstruction to the speedy solution of the vexed question?"

If the object to be attained is to reduce the "Mormon" majority at the polls, something will be accomplished by taking away from women the right to vote. But upon what plea can this be advocated unless it is on the ground of their religion? If the "vexed question" is polygamy, woman suffrage in Utah will not help to solve it, because no polygamous question is involved in their voting, and no polygamous woman is allowed to vote. If the "vexed question" is the majority of "Mormons," which prevents a small minority from controlling the Territory, then the abolition of woman suffrage here might be a step towards solving it. But it would not meet the end desired. The Commissions put the population of the Territory at 150,000 and the number of non-"Mormons" of all classes at 40,000. The latter number is much too high, but granting it correct, does not this leave a very large majority of "Mormons" after deducting the very high figure—12,000 at which the Commission puts the disfranchised "Mormons?" Make all the deductions that can be reasonably suggested, the female vote included, and the "vexed question" would remain unsolved, unless the sacred principle of local self-government is trampled under foot for the sole purpose of putting illegitimate power into the hands of a few to lord it over the many. We are of the opinion that Congress will not undertake to deprive the women voters of Utah of vested rights for any such purpose, particularly as the polygamy question is not involved in it at all.

The concluding part of the Commissioners' report is a little sop for the public tooth. "Compel the people of this Territory to obey the laws of the land," is a sentence that will sound well to the popular ear because of the general ignorance of the real condition of affairs in Utah. But the Commissioners know as well as we do that in no part of the United States are the laws of the land as generally honored and observed, as in the Territory where lies the field of their labors for 1883. They have endeavored to discharge the duties which they conceived to belong to their office, they have made a clear and explicit report, and when they return, although many people here do not view certain subjects as they explain them, they will find the same peaceful and quiet spirit among the "turbulent Mormons" as surprised them so much when they first arrived. *Au revoir.*

UTAH'S EDUCATIONAL AND INVENTIVE STATUS.

THE charge made against Utah that her leading men are opposed to education is entirely refuted by the figures of the United States census, which show that her ratio of illiteracy is below that of twenty-six of the States and Territories. The annexed list gives the percentage of persons ten years of age and upwards who are unable to read. It is taken from the census report, and allowance being made for some parts of the Union where as good a showing as possible has been attempted, the position of Utah cannot but be gratifying to her people:

New Mexico	60.2	Idaho	5.5
South Carolina	48.2	Massachusetts	5.3
Louisiana	45.8	Utah	5.0
Alabama	43.5	Vermont	4.9
Georgia	42.8	Indiana	4.8
Mississippi	41.9	Montana	4.8
North Carolina	38.3	Pennsylvania	4.6
Florida	38.0	New Jersey	4.5
Virginia	34.0	Illinois	4.3
Arkansas	28.8	New York	4.2
Tennessee	27.7	Connecticut	4.2
Texas	24.1	New Hampshire	4.2
Kentucky	23.3	Oregon	4.1
Arizona	16.7	Wisconsin	4.0
Maryland	16.0	Michigan	3.8
Dist. of Columbia	15.7	Minnesota	3.7
Delaware	15.3	Ohio	3.6
West Virginia	12.1	Kansas	3.6
Missouri	8.9	Maine	3.5
Washington	8.7	Dakota	3.1
Rhode Island	7.9	Wyoming	2.8
Nevada	7.3	Nebraska	2.5
California	7.1	Iowa	2.4
Colorado	5.9		

Equally incorrect with the charge of Utah's lack of education is a prevalent idea that Utah has no inventive genius. The report of the Commissioners of Patents for the year 1881 shows that in this respect she is in advance of eighteen States and Territories. The total number of patents in the United States in the year 1881 was 15,118. Of these Utah obtained 17. The following shows the names of the States and Territories having a lower number of patents in proportion to their population than Utah:

Utah	one Patent to	8,468
Texas	"	8,981
Kentucky	"	9,527
Arizona	"	10,110
Idaho	"	10,870
Dakota	"	12,288
Louisana	"	12,701
Florida	"	12,833
Virginia	"	14,003
West Virginia	"	14,055
Georgia	"	16,582
Arkansas	"	16,719
Tennessee	"	17,413
North Carolina	"	21,871
South Carolina	"	22,123
Alabama	"	26,861
Mississippi	"	27,599
New Mexico	"	39,855
Washington	"	39,543

As facilities for education increase Utah will rise higher in the scale of literacy, and as she grows in other respects she will gain a higher place on the list of inventions. And we have every reason to believe that the productions of the genius of her sons and daughter will be of a nature to benefit, not destroy mankind, and to aid in the subjugation of natures forces for the progress and ultimate perfection of the race instead of to provide methods for human slaughter. Peace, union, concord and universal enlightenment and brotherhood, are the objects she desires to achieve.

The Detroit *Free Press* says the best way to catch a grizzly bear is to let him lick salt from your hand while a second party slips around and ties his hind legs to a tree. Our Rocky Mountain Nimrods should remember this.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

LATEST BY LIGHTNING.

A Clumsy Counterfeiter.

DAVENPORT, Ia., 7.—Chas. H. Rogers was arrested here to-day for making and passing counterfeit money, nickels, dimes, quarters and half dollars. He had been in business about three weeks and did the work at his own house in a bungling way.

A Draw.

PHILADELPHIA, 7.—The third game of chess between Steinitz and Martinez resulted in a draw.

Army Officers.

WASHINGTON, 7.—The Senate to-day passed the bill to allow army officers on the retired list to hold offices in civil service in the territories. This is the same as the bill indefinitely postponed in the House yesterday.

The Killing of Speaker Sisson.

JACKSON, Miss., 7.—Advices from Baldwin give an account of the killing of speaker Sisson. Domestic trouble in the family of Col. Sisson's brother culminated in the attack on Edward Saunder's merchant, by the two Sisson's and a son, of each, which resulted in Saunders being badly beaten. During his confinement he repeatedly informed Sisson that he was going to kill him. When able to get up he armed himself with a shot gun and killed Sisson on sight.

Dead.

LOUISVILLE, 7.—Captain W. C. Hite, injured by the fall of an elevator in a carpet house, November 16, died to-day from his injuries. He was very well known, and prominent in a large number of leading commercial enterprises.

$5,000 Damages.

ST. LOUIS, 7.—Col. Slayback's widow has begun a suit for $5,000 damages against Col. Cockerill for killing her husband.

The Pork Packers.

CHICAGO, 7.—The packing reports from leading cities show the packing to date is 1,800,000 against 2,370,000 hogs at this time last year. It is thought the winter packing will fall short about 10 per cent.

FOREIGN.

British Briefs.

LONDON, 6.—Stanford Court, Worcestershire, the seat of Sir Francis Winnington, is burned, together with valuable plate, pictures and manuscripts.

A vessel founded off Tynemouth; all on board drowned.

A collier has founded off Buoywick; eight persons drowned.

Herr Von Flotow, every composer, has become blind.

Anthony Trollope's death is imminent; his lungs are congested.

Michael Kelley is arrested at Anner, County Limerick, in connection with the murder of the Joyce family.

German Jots.

BERLIN, 6.—The Emperor, accompanied by Crown Prince Frederick William and a large party, have gone to Goetride on a hunt.

Loss by floods in the Rhenish districts amounts to millions of marks; the damage to the town of Gonisburg alone amounts to a million marks. Sixty houses near Mayence have been swept away.

The parliamentary situation and the Egyptian question were the subjects of discussion in an interview of Bismarck with the Emperor. The Emperor expressed himself satisfied with Bismarck's policy.

Degiers, Russian foreign minister, will make another visit to Varzin.

The Prussian government will introduce in the Bundesrath a motion in favor of increasing the timber duty, with a view of deriving a laage revenue from the forests.

Hainland and 16 followers have written the progressionist committee, saying, though in regarding co-operation with other liberal groups, they remained in the minority against Richter, they would not secede from the party. They require the unconditional recognition of their standpoint within the progressist party, and demands its official recognition.

Cologne, 6.—The Rhine has risen 31 centimeters since 2 o'clock this morning. The Mosel is again rising rapidly, but more gradually.

Frankfort-on-the-Main, 6. — Dr. Leopold Stern, a prominent advocate of Jewish reform in Germany, is dead.

French Fragments.

Paris, 6.—Lord Lyons has informed France, England will not consent to her forcing a protectorate on Madagascar.

The Chamber of Deputies adopted the estimates of the Minister of Commerce. During the debate the Minister declared the Government felt it must stop the incessant increase of the expenditure unless it intended to jeopardize the financial equilibrium.

De Brazza's expedition in Africa will include 300 negroes, who embark on the gunboat *Sagentaire* at Senegal.

Cannes, 6.—Louis Blanc died to-day.

Killing Caffres.

Durban, 6.—Intelligence has been received from Transvaal that the Caffres have been driven into Chief Mapoch's caves. One cave has been destroyed with dynamite, and it is supposed fifty natives were killed. The commandant and one Boer were also killed.

LIST OF LETTERS.

REMAINING IN THE POST OFFICE AT Salt Lake City, Dec. 7, 1882, which, if not called for within one month, will be sent to the Dead Letter Office.

[illegible]

Persons inquiring for the above letters are requested to state when advertised.

JOHN T. LYNCH, Postmaster.

DIED.

BUCKLEY.—In the 6th Ward, November 25, 1882, of asthma, Mary Ann Buckley, born at Shaw, Crompton Fold, Lancashire, England, April 14, 1814; baptized in the year 1846; emigrated to Utah in 1851. Died in full faith and fellowship of the Church, respected by all who knew her.

Millennial Star, and Lancashire papers please copy.

NOTICE.

THE THIRTY-SIXTH QUORUM OF Seventies will meet at the County Court House, Monday the 11th inst., at 7 p.m. By order of the President.

D. BOCKHOLT, Clerk.

FOR SALE.

NOTICE IS HEREBY GIVEN THAT the entire stock of machinery connected with the old "Chase" mill on Liberty Park will be sold in bulk.

Any person wishing to purchase may examine the same by first calling upon either myself or Watermaster Wicken, City Hall.

By order of the City Council.

WILLIAM JENNINGS, Mayor.

NOTICE TO CREDITORS.

ESTATE OF THE LATE FRANCIS BENEDICT, DECEASED.

NOTICE IS HEREBY GIVEN THAT all persons having claims against the estate of the late Francis D. Benedict, deceased [illegible]

JOSEPH M. BENEDICT,
LE GRAND YOUNG,
Administrators of the Estate of Francis D. Benedict.

December 5th, 1882.

NOTICE.

To the Stockholders of the "Utah and Salt Lake Canal Company."

PRINCIPAL PLACE OF BUSINESS, SALT LAKE CITY, UTAH.

NOTICE IS HEREBY GIVEN THAT AT a meeting of the Board of Directors [illegible]

D. BOCKHOLT, Secretary.

Salt Lake City, November 7th, 1882.

E. E. MYERS,

ARCHITECT AND SUPERINTENDENT

[illegible]

NOTICE.

In the Probate Court, in and for Salt Lake County, Territory of Utah.

IN THE MATTER OF THE ESTATE OF MALVINA SNOW, DECEASED.

UPON READING AND FILING THE petition of Willard Snow, this day filed in this Court, praying for the admission to Probate of a certain document, therewith filed in this Court, purporting to be the last Will and Testament of the said deceased. It is ordered that Saturday, the 16th day of December, A. D., 1882, be and is hereby appointed for the hearing of the proof of the execution of said Will, at 10 o'clock a. m. of that day, at the County Court House, in Salt Lake City.

It is further ordered that the Clerk cause due notice thereof to be given by publication in the DESERET NEWS, a daily newspaper printed in Salt Lake City, and served on Ellen Smith in said County, and that a Subpoena be issued requiring the subscribing witnesses to said proposed Will to be and appear at the time and place above specified.

Witness my hand at Salt Lake City, this 2d day of December, A. D., 1882.

E. SMITH,
Judge of said Court.

Territory of Utah, County of Salt Lake. } ss

I, D. Bockholt, Clerk of the Probate Court [illegible]

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court this 2d day of December, A. D., 1882.

[SEAL] D. BOCKHOLT, Probate Clerk.

By W. S. CRISMON, Deputy Clerk. 412 2td