

Thursday, May 28, 1874.

DAVID O. CALDER,  
EDITOR AND PUBLISHER.

## NEWS OF THE DAY.

The United States Senate has passed a bill to abolish the Naval Academy. The House has passed a bill, prohibiting persons from serving as jurors in United States Courts, who cannot read and write English.

For account of proceedings of Democrats in convention, see telegraphic columns.

The committee on railways of the U. S. House of Representatives have done that for which they are deserving of the gratitude of the people, and for which they will almost be sure to have the ill-will of land grabbers and swindlers of that ilk: they have decided to recommend no bill to the House, granting charters to railroads or water routes, unless applications for the same are supported by the endorsement of the people living along the proposed lines to a sufficient extent to warrant the belief that they will be taken up and pushed to completion; no charters will be issued to any bogus company to sell out to other parties.

The *Republique Francaise*, a Paris newspaper, thinks that the visit of the czar to England is an event strongly in favor of peace in Europe.

A Washington despatch announces the death of Rear Admiral Shubrick, the oldest officer on the retired list.

A number of leading Spaniards are said to favor the renewal of the Hohenzollern candidature for the throne of Spain. The meeting of this question, a little over four years ago, led to the great war between France and Germany.

Bismarck has had a relapse, and the Pope still suffers from attacks of fever.

Another rebellion recently broke out in Paraguay, but Brazilian troops scattered the rebels.

The Brazilian parliament was opened on the 24th instant, a speech from the throne being delivered on the occasion.

Lively times may be expected at Victoria in a few days. The Carlites in force have entrenched themselves in the vicinity, and the Government forces, twenty-six thousand strong, with sixty-four guns, are concentrating in the same locality, and the campaign is expected to commence next week.

The U. S. Senate has confirmed James B. Belford Associate Justice of Colorado, John Pratt U. S. Marshal of New Mexico, and D. A. Cheever, Postmaster at Denver.

John E. Thompson, president of the Pennsylvania railroad, died last night.

Dysentery prevails in the Spanish army, many of the troops being unable to do duty.

The Bank of England has fixed its rate of discount at 3 1/2 per cent.

A fire at Mount Vernon, Ill., last night, did \$100,000 damage.

A telegram from Rome, received this afternoon, says the health of the Pope is much improved.

The U. S. House of Representatives, this morning, passed a bill to pay the widow of Captain Hall, and the officers and crew of the expedition; also to purchase the Captain's papers on polar exploration, if they can be obtained for \$15,000.

The Judiciary committee of the U. S. House of Representatives have been discharged from the further consideration of petitions for civil rights and the suffrage to women.

Captain Tyler, agent of the London Board of Trade, has arrived in New York; his business in this country is to investigate the affairs of the Erie Railroad.

## Our Country Contemporaries.

Provo Times, May 28—

A Tintle letter, dated May 22, says:

James Timmins of Goshen, who met recently with a terrible accident from a loaded freight wagon, whereby his thigh bone and thigh in general was so fearfully injured, though still alive this morning, cannot possibly live long. Much sympathy is expressed; he was well liked and a very honest hard-working man.

On Saturday evening, between the hours of six and seven o'clock, whilst A. D. Rogers, druggist, was busily engaged preparing and mixing the ingredients necessary for cooling drinks, in the apparatus known as "Turk's Improved Generator and Boiler," (just imported a few days ago) and while his hand was upon the valve cock, the generator burst and the acid in the acid chamber flew in all directions. Mr. Rogers received several bruises and the clothes he had on at the time were ruined. The loss by the explosion amounted to about \$15.

As some boys were playing together Sunday afternoon on the top of Mr. Isaac Sutton's stable in the 4th Ward, a boy twelve years of age, a son of S. B. and Eleanor Moore, fell off the stable and in falling the right side of his face came in contact with a stake that stuck up out of the ground, making a frightful gash in the cheek from which the blood issued freely for a time. His cousin, a young lady, came home from school and in the excitement of taking him home took him to their grandmother's house to be treated by Dr. R. M. Rogers, who promptly washed and dressed the wound, and we are glad to state that the boy is now doing well.

## THE CONSENT OF THE GOVERNED.

THE "consent of the governed" is the basis of the government of the United States, general and local. It is the great fundamental principle upon which the Union was founded, and in right and justice it is equally applicable to all American government, Federal, State, Territorial, county, and municipal. In the Federal and State governments it is allowed, but in Territorial governments it is not allowed, not allowed fully, only in part. This inconsistency, this injustice, was a wrong to begin with, but it is, if possible, a much greater wrong now. This refusal to allow the Territories self-government equally with the States, is a relic of the old European monarchial colonial system, a relic of the "divine right" of kings policy, a policy arising out of the old idea that the country and the people were owned by the king, that the king could do as he pleased with his own, and that, whatever he did, he could do no wrong. This notion in part obtains in these United States, as evidenced by the practical denial of the full right of self-government to the Territories. There is in this country an idea, though indistinctly defined, that the Territories belong to the administration and to Congress, and that the administration and Congress can do what they please with their own; consequently that fundamental and constitutional principles apply to the Territories, so far as Congress and the administration will allow, and no further, and therefore that the Territories have the right to self-government so far, and so much, as Congress and the administration will allow, and no further, and no more. We say Congress and the administration, because both are concerned in making laws for the Territories, and the latter, in administering some of them, has power to administer as to practically all the people of the Territories self-government. For instance, in the appointment of Federal officers for a Territory, the administration can, in its discretion, appoint those who would be the choice of the people, or those who never would be the choice of more than a small fraction of the people, if choice were allowed them.

We have said that it is, if possible, a greater wrong, a greater injustice, a more glaring inconsistency, to deny the Territories full power of local self-government in common with the States, than it was in the early history of the Union. Here are some reasons. The north-western territory, to which the territorial system and policy of the United States was applied by them a few years after the establishment of the Union; was then practically remote from the seat of Federal government, in great part a terra incognita, very thinly populated, and its people and resources were very little known; it was also adjacent to and in part bounded by alien territory and people; these facts, with that of the Union being then but recently established, on new principles, and only an experiment at best, may be taken as mitigatory of the inconsistency and wrong of not allowing the people of that territory full self-government. Besides, the United colonies, having but recently broken off from dependence on monarchial institutions, naturally had many monarchial traditions, which in some things have colored the governmental policy of the federated colonies more or less, notwithstanding their proclaimed democratic-republican principles. None of these reasons can be urged now in favor of refusal to allow the Territories to enjoy the principle of self-government to an equal extent with the several States of the Union. The Territories and their resources and people are pretty well known; there is not the least ground of apprehension that the people of any Territory would play into the hands of an alien power, nor that any alien power would engage in such a conspiracy; the United States is no longer a new national experiment, it has successfully withstood the insurrection of a third of the States, and surely now can have no fears of any possible disaffection in the Territories; and both Congress and the administration and the people have had abundant time to outgrow monarchial tradition, though as in the matters of slavery, so in that of territorial government, they have kept behind some monarchial governments and people in yielding to progress and the liberalizing tendencies of the spirit of the age.

"Consent of the governed" includes all such things as equal and inalienable rights, representation with taxation, popular suffrage, limited veto if any, etc., none of which do the Territories enjoy, but which all the States do enjoy in common. Again, as to the early north-western territory, in the ordinance for its government, even at so early a period in the history of the Union, express provisions were made for extending (not contracting) the fundamental principles of civil and religious liberty which formed the basis upon which the United colonies or federated republics, their laws and constitutions, were erected, and to fix and establish those principles as the basis of all laws, constitutions and governments which might be thereafter formed in said territory, also for the establishment of States, and permanent governments therein, on an equal footing with the other States, as early as consistent with the general interest, not as late as possible, after the people of that territory should have been kept out of the Union to the last moment, on one unconstitutional pretence after another. That territory and the States that might be subsequently formed therein were to be subject to the federal constitution, and to all the laws of Congress, conformable thereto. The bill presented in the lower

house of Congress by Mr. Steele, and referred to the Committee on Territories to elect their own officers, if passed, will be an act of right and justice, redressing Congress from liability to the charge of partiality in favor of citizens in States and to the prejudice of citizens in the Territories. That there is need of such a bill, apart from the mere question of justice and right, is indubitable. Some of the federal appointments for this Territory and some of the local gubernatorial appointments would not be sustained by more than from one-twentieth to one-tenth of the votes of the people. This is a sad commentary upon the fundamental American "consent of the governed" principle, the flagrant and persistent violation of which, says the Declaration of Independence, is such ample justification, insuring reaction as to make it the actual right and duty of a people so afflicted "to throw off such government, and to provide new guards for their future security." Let Mr. Steele's bill be promptly passed.

## Correspondence.

Indian Crops—Weather—Temple—U. S.

St. GEORGE, May 22, 1874.

Editor Desert News:

Last evening a telegram from Hebron brings us the news that a party of Indians have been stealing horses from Clover Valley. L. L. Wood followed up and caught three of them, and is now retaining two as prisoners, he sent one to the Muddy, to have the chiefs return the horses they had stolen.

It is believed that the Navajoes are likely to commit depredations this Fall, when the Colorado can be safely crossed. Hamilton, Tenney, and others have returned to Kanab.

The weather is getting warm, therm. 85 deg. dry winds, no rain. Crops are looking well. The first crop of lucern is being cut. The Temple works are moving along steadily, five big teams for lumber hauling have gone out to Mount Trumbull, for Temple timber.

The general health of the people is good. The most of the farming and mechanical interests of this county are organized and working in the "United Order" very successfully, and doubtless to the annoyance of speculators, business, and dishonest lawyers, who are scarce here, but this is a good place for industrious people, especially Latter-day Saints. If you doubt, come and see.

Plenty of Snow and Water-Good Fruit Prospects—U. S.

St. GEORGE, May 18, 1874.

Editor Desert News:

Our spring has been cold and unusually backward. Snow in great abundance is still to be seen on the mountains, and just as the season is about to melt in good earnest and swell the streams. Our prospects were never better for an abundance of water. Our grain, especially wheat and barley is in head and I have this day brought to town a bundle of rye mostly out of blossom. It stands five feet six inches, matured thus far without water. Rye is two or three weeks earlier than other grain and will flourish where other grain will not grow. I mention this to call the attention of farmers to this important crop. The grain is valuable and the straw is best for feed, and now the time to cut it. In the United Order we propose to make our own hats, and I brought this sheet for trial. Jack Frost has made many a trial to bite and destroy our crops, but thanks to goodness our prospects are good for an abundance of all kinds, especially grapes, and the hope of a bill of time for cutting. But so long as an asylum is required for needy politicians, so long do we fear that the Territorial government will be a failure. The bill, however, proposes only to give the people of the Territories a right which should have been theirs from the first. It is the first privilege of an American citizen that he have a voice in the choice of his rulers, the denial of which was a great cause of the revolution of the Colonies against the mother country a hundred years ago. The American Congress started out wrong when the first Territorial government was established, and there was no doubt that they should be enough enlightened at the present day in the science of free government to right the wrong then committed. In addition to the principle of choosing our own officers, we should be allowed a voice in the selection of President and Vice-President of the United States. This is a change that has been done in the manner of selecting these officers. The citizens of the Territories bear the same burdens as the citizens of the States. They are taxed the same; they should be allowed to elect their own representatives to the general government, contributing according to their means to the general government, except as to place of residence. There can be no good and valid reason why a resident at Salt Lake, or elsewhere, should vote for President and Vice-President and State officers while a citizen of Denver should have no voice in the choice of his rulers, and yet only by the granting of unquestionable rights of American citizenship. Although we have little or no hope of a favorable issue on the subject of the bill, yet we urge these few reasons in its behalf. It is the unanimous prayer of five hundred Americans who have given up their old homes in the States to carry the banner of progress into the wilds of the west, a prayer that they be heard by those who sit where might makes right, and who can do no wrong to the States they represent by granting it.—*Deseret Times*.

New York Jurist.

It is no uncommon spectacle in this city to see a man of intelligence, after exhausting every expedient to avoid entering the jury box, and that, after listening to the evidence, and being directed by a learned judge to deliver a verdict according to his view of the law and the facts. The present jury system is exceedingly unpopular with the jurymen, and the exemptions are so numerous that an unfortunate trader, once on the County Clerk's roll, finds himself compelled to serve many times frequently for the benefit of his pocket. Heavy fines being imposed upon absentees, in even the minor courts, our jurors conceive a holy mission to serve, and consequently receive the dictation of judges with undiminished ill-humor. Such was the case with a juror in the Supreme Court, a Dr. Miller, from the Home Life Insurance Company, \$5,000 on a policy effected on the 1st of April at her husband's expense, and who had been several days, although the defense was essentially technical,

being an assertion that in response to the questions propounded to him, the insured had misrepresented his bodily soundness. The main witness for the defense was a brother of the dead man, who reluctantly admitted being on bad terms with the widow, who had refused to allow him to see the body. The juror, conceiving that the medical examiner should have been a physician adequate to his professional reputation, and inclined to return a verdict for the full amount when the Judge, Van Vorst, a new man on the bench, to the surprise of all in Court, directed the Clerk to enter judgment for the defendants. This official directing the jury to listen to the dictation as recorded, was a gross violation of the law, and should have been protested against by the juror. But the Court smiled blandly and discharged the juror, and the juror with his thanks to the attention to the case, whereupon the good man and true separated, grumbling and growling at the jury and the Court, and the juror returned to his ordinary business. A jury hunt is at present a most amusing episode in the Sheriff's official existence, for on account of the numerous exceptions and absences, our law Courts are frequently forced to adjourn through lack of a competent panel; in fact, for trial of minor criminal cases, speculators are frequently implored to enter the jury-box, that the calendar be legally run down. To avoid jury duty a large number of business men, however, work for the State Legislature, in which our city delegation are mainly composed of criminal lawyers, have anticipated such a course of service through the passage of a law rendering all persons passing a majority of their time in city liable to jury duty. Hence, although all alien exempt, a citizen of New Jersey or Connecticut, who has no vote in this city, cannot plead his foreign residence to avoid the most vexatious duty imposed upon a voting resident.—*N. Y. Cor. S. F. Chronicle*.

THE UTAH CHIEF JUSTICE.—The term of James B. McKean as Chief Justice of Utah expires next month, and if anybody but Grant was President we should have some hope that a man would be appointed as his successor who would have some qualification for the office. Owing to the anomalous condition of affairs in that Territory, the public interest imperatively requires that a man of ability, fairness, and sagacity be designated to fill the position which McKean has made ridiculous during the past four years. Utah is a thriving and wealthy Territory; its mining interests are of great importance, and there is a constant influx of immigrants who have never been connected or sympathetic with the Mormon population who originally developed the resources of the region. Yet owing to the absurd and preposterous action of Judge McKean the administration of justice is at a stand still, and criminals are at large, and the people are permitted to go unpunished because the laws are so not suit his peculiar notions. As far as New Mexico is concerned, the country, the President may surprise people by replacing McKean with a suitable man, but we greatly doubt it.—*N. Y. Sun*.

UNCONSTITUTIONAL RELIGIOUS TEST.—The House of Representatives will probably be forced into a decision of the question of the rights of polygamists in Utah, because the House has been admitted his seat as a delegate from Utah. An effort was made to prevent the admission of McKean, because he is a Mormon, and is alleged to be a practical polygamist; but the House wisely decided to admit him as the duly elected member, and to decide upon his qualifications after the election. A resolution has been passed directing an inquiry into the alleged polygamist practices of Elder Cannon, a delegate from any other part of the country, the question of his qualification would probably rest solely on the question of fact, but as it is, there will no doubt be an effort made in his behalf to prove that Mormonism, with the polygamy which it justifies, is a religion, and that the refusal to admit a Mormon to office would be the application of a religious test forbidden by the Constitution.—*Philadelphia Ledger*.

IN A QUANDARY.—The House is in a quandary. A few days ago it elected a delegate from Utah, a polygamist, and the House was divided into two camps, one for and one against the admission of the polygamist. The House has now passed a resolution directing an inquiry into the alleged polygamist practices of Elder Cannon, a delegate from any other part of the country, the question of his qualification would probably rest solely on the question of fact, but as it is, there will no doubt be an effort made in his behalf to prove that Mormonism, with the polygamy which it justifies, is a religion, and that the refusal to admit a Mormon to office would be the application of a religious test forbidden by the Constitution.—*Chicago Times*.

## Rights of the Territories.

A bill has been introduced into the House of Representatives at Washington to enable the people of the Territories to elect their governors and all other Territorial officers. It was introduced by Mr. Steele, read a first and second time, and referred to the Committee on Territories, and ordered to be printed. When the applications for office are so scarce that the administration is short of candidates, and the people are not allowed to elect their own rulers, it is a failure. The bill, however, proposes only to give the people of the Territories a right which should have been theirs from the first. It is the first privilege of an American citizen that he have a voice in the choice of his rulers, the denial of which was a great cause of the revolution of the Colonies against the mother country a hundred years ago. The American Congress started out wrong when the first Territorial government was established, and there was no doubt that they should be enough enlightened at the present day in the science of free government to right the wrong then committed. In addition to the principle of choosing our own officers, we should be allowed a voice in the selection of President and Vice-President of the United States. This is a change that has been done in the manner of selecting these officers. The citizens of the Territories bear the same burdens as the citizens of the States. They are taxed the same; they should be allowed to elect their own representatives to the general government, contributing according to their means to the general government, except as to place of residence. There can be no good and valid reason why a resident at Salt Lake, or elsewhere, should vote for President and Vice-President and State officers while a citizen of Denver should have no voice in the choice of his rulers, and yet only by the granting of unquestionable rights of American citizenship. Although we have little or no hope of a favorable issue on the subject of the bill, yet we urge these few reasons in its behalf. It is the unanimous prayer of five hundred Americans who have given up their old homes in the States to carry the banner of progress into the wilds of the west, a prayer that they be heard by those who sit where might makes right, and who can do no wrong to the States they represent by granting it.—*Deseret Times*.

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## MINING STOCKS.

MORNING BOARD.

San Francisco, May 28.

2115 Ophir, 111; 111, s 80; 111  
140 B & C, 20; 191; 191  
225, B & C, 20; 191; 191  
215 Savage, 71; 72, s 6; 72; s 6  
73; 72; s 6; 73  
30 Chollar, 58  
100 H & N, 42; 40; 40; 41  
5 Point, 87  
730 Alpha, 12; 12, s 30; 111; 111  
380 Kentucky, 14; 14; 14  
1200, 58  
650 Imp, 5; 41  
150 Jacket, 71; 70; 71  
235 Belcher, 81; 81, s 90; 81; 82;  
100 Julia, 11  
175 Knicker, 47; 41  
120 Caledonia, 17; 17, s 90  
250 Justice, 7; 7; 7  
240 Overman, 25; 24  
150 Exchange, 24  
20 Con Va, 78; 74  
685 Cal, 41; 40; 40, s 80; 41, s 80;  
10 Balto, 54  
160 Silver Hill, 7; 7  
85 Eclipse, 5; 44  
800 Dayton, 61  
50 N Y Con, 11  
200 Ann Flat, 54

## AUCTION

To-morrow, FRIDAY.

The balance of the first-class

On West Temple Street,

2nd door below 4th Street,

WILL BE SOLD

At AUCTION

ON

FRIDAY MORNING, MAY 29th

ON THE PREMISES.

Fine Black Walnut Parlor

and Chamber Sets,

SUPERIOR BEDDING

Kitchen and Parlor Stoves,

Carpets,

And all requisites for housekeeping.

SALE BEGINS AT 10 a.m.

Persons preferring to buy at private sale

can make good terms on Thursday, till 8

P.M.

FRANK FULLER.

Special Notice.

ON AND AFTER MAY 15th, 1874, THE

Utah Central Railroad Company will dis-

continue the sale of Station Tickets over

their road, and will not be responsible for

the same.

JAMES SHARP.

NOTICE.

Will be sold, on Saturday, May 30th at the

front door of the Court House, Salt Lake

City, No. 100, Sheriff's Office, of the

property of the Utah Central Railroad

Company, to-wit: 100 shares of the

same, for sale at 10 cents per share.

And any person who wishes to

purchase the same, should be at the

place of sale at 10 o'clock on Saturday

morning, May 30th.

W. T. MITCHELL.

NOTICE.

THE ANNUAL MEETING OF THE

Stockholders of the Utah Central Rail-

road Co., for the election of Directors for

the ensuing year, will be held at President

## ARRIVALS.

TAYLOR'S HOTEL, May 28.

Charles McDonald, A.M.; Miss  
C. M. McDonald, A.M.; F. W.  
White, Ophir; James A. Bow, A.  
Sandy; C. L. Hart, Ophir; C. A.  
Williams, E. R. Bradley, Cotton-  
wood; J. A. Yates, Thistle; M.  
Rock, Ophir; E. F. Coyle, Thistle.

## NEW ADVERTISEMENTS.

SALT LAKE

THEATRE!

Salt Lake Theatre Corporation, Proprietors.

CLAYTON, CAIRNS & WILLIAMS, Managers.

JAMES B. McKean, Chief Justice.

CONTINUED SUCCESS

OF THE POPULAR ACTOR,

Mr. W. A. Mestayer.

Thursday, May 28, 1874.

Will be presented, Celia Logan's Comedy,

entitled,

THE ODD TRICK!

P. O. Gallagher, Mr. W. A. MESTAYER

Mr. Parker, Mr. W. A. MESTAYER

Mr. W. A. MESTAYER

Mr. W. A. MESTAYER

Mr. W. A. MESTAYER

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