

THE EVENING NEWS.

GEORGE Q. CANNON.
EDITOR AND PUBLISHER.

Wednesday, - - - October 12, 1870.

THE RULING OF CHIEF JUSTICE MCKEAN.

THE ruling of Chief Justice McKean, in the matter of the applications of John C. Sandberg and Wm. Horsley for naturalization, which appeared in our issue of yesterday will be read with some degree of surprise by the public, and by none more so than by jurists outside of the Territory of Utah. The statements enunciated are so novel and contain so many strange ideas that we shall preserve the ruling as a curiosity for our children to read. It will serve the purpose admirably of illustrating how ridiculously men can speak and act and what absurd positions they can assume, when they attempt to follow the lead of prejudice or to perpetrate wrong under the semblance of law.

Chief Justice McKean is from New York, we believe; would he presume to render such a decision as that we published yesterday were he on the Bench in that State? Every man who has any acquaintance with Courts knows that he would not. He, himself, knows full well that such questions as he asked of Sandberg and Horsley are never propounded in Courts to men applying for the rights (not the privilege as he would have us believe) of citizenship. With as great propriety might a Judge ask an applicant for naturalization whether he was a Sabbath-breaker, or whether he believed it right for men to break the Sabbath, or whether he ever intended to break the Sabbath; and because he declined to answer these questions to his satisfaction decide that his "application for naturalization must be rejected!" Certainly if Judge McKean is warranted in deciding that because a man believes in the religious doctrines of the people with whom he is connected, he is, therefore, not a man of good moral character, any other Judge would be warranted in deciding that if a man's acts were in violation of a moral law, his application for naturalization should be rejected.

We have known men who were strong advocates of the proper observance of the Sabbath. If a man performed certain acts on the Sabbath day, he had, in their view, violated the sanctity of God's holy day; he had broken God's moral law; he could not, in their opinion, be other than an immoral man. Suppose a Sabbath-breaking alien should apply to a Judge holding these views for the rights of citizenship, would he not, according to Judge McKean's rendering, be warranted in rejecting his application? Or, suppose a blasphemer, a frequenter of houses of ill-fame, an adulterer or a man who is known as a liar were to apply for naturalization to a Judge who held strict views of morality, would he catechize him as to whether he had ever been guilty of these immoral acts, or believed in practicing them, or would ever be guilty in the future of practicing them? And if he did not thus question him, and the alien did not answer "to the satisfaction of the Court," would he "violate his own oath by admitting such a man to citizenship?"

In the Judge's own State, New York, blasphemy against God, contumelious reproaches and profane ridicule of Christ and the Holy Scriptures, whether uttered by words or writing, are immoral acts, and it has been said, are offences punishable at common law. And in that State it was determined that to revile the name of the Savior and wantonly and maliciously to ridicule his character, was indictable. Is Judge McKean as scrupulous in questioning aliens upon these points, when they apply to him for naturalization, as he is upon their belief in "the revelations of some polygamic prophet?" Or is it so much worse to believe the Bible, which happens to be a collection of writings, most of which are from the pens of polygamous prophets who lived in and were descended from a polygamous nation, than it is to break the Sabbath, blaspheme the name of God, commit whoredom and adultery and be a liar?

It may be said there is no law of Congress against these latter crimes and immoralities, while there is against polygamy. But the Bible—that Book which is declared to be the great substratum of Christian ethics, on which the common law, as declared judicially by the English Courts, from whence our American Courts have taken it, is founded—the Bible, which is at the foundation of the whole judicial system of Christendom, denounces these crimes and pronounces penalties against them. But how is it with polygamy? Which is the law of Congress against the practice of, or the belief in polygamy? The Judge in his last outcries Congress, he makes the belief in polygamy a crime! He would punish a man for that which many able men, profound thinkers and reasoners declare a man is not accountable for, and cannot control, namely, his belief. These applicants, for aught that transpired in the Court, have been educated in this belief from early life. One of them we know to have been trained

from early boyhood in the belief that polygamy, as practiced by the Latter-day Saints, is a divine institution. It was engrained in his mind probably years before the passage of the Act of 1862, yet because he cannot deny this belief "to the satisfaction of the Court," though known to be a virtuous, industrious, truthful and honorable citizen, Judge McKean declares him to be an immoral man, "unfit to be naturalized." Did we live in Spain, under the reign of Philip the Second, such decisions might be familiar to us; but living in the United States, in the year of grace 1870, we declare them outrageous and abominable. Philip said, "Better not reign at all than reign over heretics!" Our Chief Justice seems to have adopted that infamous sentiment a little altered to suit the difference in the circumstance: Better not naturalize at all, or make men citizens, than to naturalize or make citizens of "Mormons!"

The Israelites, it is well known, believe in and practice circumcision. It is a part of their religion. They observe it conscientiously. But suppose Congress were to pass a law, as in the case of polygamy, declaring it a penal offence. Must the Jew, therefore, forsake this practice of his religion, and be excluded from the covenant which he firmly believes God made with his forefather Abraham? Must he, though he firmly believes that his eternal salvation and acceptance with God depends upon complying with the law of circumcision, renounce that law and take upon himself all the consequences which such a departure from what, in his mind, is God's law, involves? A Legislative body might say: "such a law is disgusting, it is brutal, it is opposed to the spirit of the age, it is an act of cruelty to children which endangers life and which we cannot tolerate in a Christian nation, we declare it mayhem and shall punish it with severe penalties." The alternative would thus be presented to the Israelites of disobeying the laws of man and risking the penalties of that, or, on the other hand, of disobeying the law of God and enduring the eternal consequences of such disobedience. This is precisely the position of the Latter-day Saints respecting polygyny, with this exception, that its practice among them is not universal as circumcision is among the Israelites.

Just suppose that such a law as we speak of were passed by Congress, and two uncircumcised, Jewish aliens were to present themselves, each accompanied by two witnesses of good repute, before a Judge and ask to be naturalized. The Judge, knowing them to be men of Israelitic faith, asks the first one if he has been circumcised! The alien replies that he has not. Not satisfied with this the Judge pursues his inquiries. He asks him if he believes it right and in accordance with the laws of God for a man to be circumcised. The alien, true to his convictions, though uncircumcised himself, replies that he does believe it to be in accordance with the laws of God for a man to be circumcised! The next alien is interrogated in the same style. He, also, is not circumcised; but, knowing that the other had incurred the Judge's displeasure by answering as he did, determines to be reticent, and replies that he has not been circumcised, but as to the other questions he does not think it necessary or proper to answer them. Whereupon the Judge decides that the first "satisfied" the Court that he is not, and the second failed to satisfy the Court he is a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. The duty of the Court is plain. These applications for naturalization must be rejected.

These are imaginary cases; but in all their particulars they are such cases as Judge McKean has decided upon.

Men of Israel, Citizens of the United States, Lovers of freedom, Descendants of the patriots of the Revolution, what think ye of a Chief-Justice of a Territory who renders such decisions?

THE BALANCE OF POWER.

The balance of power in Europe is now the most knotty question among the nations of that continent. To preserve the equilibrium of what are termed the Great powers was the ostensible if not the real object of Napoleon in inaugurating the present Franco-Prussian war which has proved, thus far, so disastrous to himself, his dynasty and his country. It is impossible at present to see when a settlement of this prominent question will be attained. It is almost certain that, even if a peace be concluded between France and Prussia by France consenting to the demands of Prussia in ceding Alsace and Lorraine, the question is still far from being settled. The acquisition of French territory to gratify the territorial aggrandizement of Prussia, will inevitably disturb the balance of power in Europe and give the latter power a preponderating influence on that continent. This will in all likelihood, arouse the jealousy of the other powers, which, if we may believe the dispatches, is already the case with Russia, and thus the torch of war may be kindled in other nations and spread until its flames envelope the

entire continent. Truly we live in a remarkable age when thrones are thrown down in a day and other powers rise, phoenix-like, from their ashes. In viewing the situation of the affairs on the eastern hemisphere, there appears but little prospect of peace until the question of the balance of power is solved; and how it is to be settled is one of the most difficult nuts that European politicians have ever had to crack.

THE EXCURSION YESTERDAY.

YESTERDAY morning, at 5 o'clock, an excursion party started from this city on a trip to Evanston. The company consisted of Prests, B. Young and Geo. A. Smith (Prest, Wells was unavoidably detained on business), the Twelve Apostles, Joseph A. Young, Esq., President and Superintendent of the Utah Central R. R., W. Jennings, Esq., Vice President, Feramorz Little and C. Layton, Directors, Bishops A. M. Musser, John Sharp, Lorenzo D. Young and a number of other gentlemen, making a total of forty-five.

It was a lovely morning and the clear, bracing air was pleasant and invigorating, as the train moved smoothly and steadily towards Ogden, where it arrived at seven o'clock. Here the main part of the train was detached, and the car containing the party, with the engine and caboose, was switched on to the Union Pacific line, and at 7:45, after the regular eastern train had departed, the Utah Central excursion party started out on the U. P. road. The journey to Evanston, a distance of ninety miles from Ogden, was made in four hours, including stoppages for coal and water. Brief glimpses only were obtained of the sublime scenery of Weber and Echo canyons, as the train moved onward at a rapid rate, but Devil's Gate, the Narrows, the tall peaks, overhanging rocks and quiet nooks of the mountains, each gained their share of admiration.

Evanston is at present but a small village, though it promises to be quite a large town as the U. P. company intend building there extensively. It is a beautiful location, not far from Bear River, but in consequence of its altitude will likely be a bleak and snowy place in winter. The chief object of this trip was to meet the following named gentlemen, on their way from the East. They had already arrived in a special train of two Pullman cars with engine and tender: Oliver Ames, Esq., President U. P. R. R., Sidney Dillon, Esq., Vice-President, Oliver Chapman, Esq., Director, Is. Fillmore, Esq., Superintendent Laramie and Utah Division, and T. J. Carter, Esq., Prest. Colorado Central Railroad. The two parties exchanged cordial greetings and inspected the ground for the U. P. Company's works, Bishop John Sharp having obtained the right to build there a roundhouse and some machine shops, then started for Ogden, the U. P. special train taking the lead. At Wasatch, the regular train from the East having arrived, and the news having circulated that President Young was there, great curiosity was exhibited by the passengers to catch a glimpse of the President, who, with several of the company, accepted an invitation to travel to Ogden with the gentlemen of the U. P. R. R. in their train.

Ogden was made at 4:30, the Pullman cars were attached to the U. P. train, and the two parties proceeded together to Salt Lake City, arriving at 6:45 p.m. Both the U. C. and U. P. roads are in excellent condition; President J. A. Young and the officials present were exceedingly courteous and kind, and every one was gratified and pleased with the trip.

[SPECIAL TO THE DESERT NEWS.]

By Telegraph.

Per WESTERN UNION Telegraph Line.

AFTERNOON DISPATCHES.

OHIO.
A Defaulter.

CINCINNATI.—Isaac P. Sales, Secretary of the Buckeye State Insurance Co., in this city, has been discovered to be a defaulter to the amount of \$11,000.

CONNECTICUT.

Destroyed by Fire.—Eminent lawyer dead.

WATERBURY, 11.—This evening the large stone building of the American Flask Co., was destroyed by fire. The loss is estimated at \$85,000. Insured for \$23,000.

HARTFORD, 12.—Hon. Thomas C. Perkins, an eminent lawyer, died today in his 73d year.

NEW YORK.

Prussia remonstrates against shipment of arms from America for France.

A cable to the *Herald*, from a correspondent at Rome on the 10th says that there is a great and subtle influence working to induce the Pope to leave Rome. He at present refuses, on plea that while he protests against the usurpation of Italy, and yields to force, he still holds the dignity of a Bishop and cannot abandon his diocese. It is probable that the question of caste will prove the most embarrassing to the Pope. Just before the entry of the troops of Italy, he drew four million francs from the public treasury giving his personal receipt, notwithstanding he had already accepted two hundred and fifty thousand francs from the Italian government for his current expenses. The pay of the Swiss guard falls due this month and last month's is unpaid, and the two together rest on the papal household. The fear of embarrassment is likely to compel him to compromise with Italy. Rome is crowded with visitors.

The *New York World's* cable says that General Burnside, at the request of Bismarck, carried a message to Freyre, stating that the Prussians will allow the elections to be held free, and offers no obstacles to the assembling of the Constitutional Assembly at Paris or Tours. The Prussian government has directed an urgent remonstrance to the government at Washington concerning the shipment of arms from the United States for France.

In the engagement at Arzeny, thirty-five hundred French were attacked by 15,000 or 20,000 Germans and forced to retreat. The French were reinforced by 15,000 and made a stand.

MASSACHUSETTS.

An English Lecturer.

Boston, 11.—Thos. Hughes, M. P. of England, lectured to-night in the

Music Hall to a crowded audience. The title of the discourse was: "John to Jonathan." It was full of expressions of attachment to the United States and sympathy for the Union, during and since the struggle with the South, but defended manfully the course of the English people, parliament and government. England, he said, was in favor of arbitration on the Alabama claims, which he considered the true settlement, and willing to pay all damages thus assessed, without a murmur.

FOREIGN NEWS.

FRANCE.

Hamlets burned by the Prussians.—No quarters for Tiers.

Tours, 11.—At noon on Wednesday the Prussians made another attack at Chevilly near Dreux, in strong force. The inhabitants had erected barricades, and the Prussians, after six hours fighting, burnt the hamlets of Vilemeurs, Ingere and Bressard, and in Beance and near Voce, set fire to several places.

There has been more fighting towards Orleans to-day. News of the results has not yet been received.

Government has been assured that General Bourbaki's journey to London was made in good faith. The General has been invited to Tours to confer with the ministry.

The Americans have presented the government with the balloon in which they escaped from Paris.

Tours, 11.—Gambetta's balloon brought out of Paris ten kilograms of letters, each weighing about four grains, nearly thirty-nine thousand in number. There were still 18,000 waiting dispatch at the Paris Post Office. The carrier pigeons have considerably more than they can do as post men.

The Prussians shoot at Franco Tiersurs they capture; this is one reason why the latter carry a black flag. The atrocities are not committed by large bodies of Prussians but by those not under the command of superior officers.

Florence, 11.—The King is expected to pass several days at Marengo, to witness the military maneuvers.

GREAT BRITAIN.

War material from England.

LONDON 11.—Among the documents found in the Tuilleries is a deed dated immediately prior to the marriage of Napoleon with Eugene, in which nearly six millions of francs are settled by the Emperor on Miss Howard and her son, the Count de Beauregard.

The Germans are closing upon Thionville, they have been largely reinforced, and are receiving the siege guns from Strasbourg.

The King of Saxony has instituted a new order, that of St. Henry, solely to honor the King of Prussia. The new decoration was delivered on the 9th to the King, who in response, complimented the Saxon troops, for their gallantry.

War material is being shipped daily from Liverpool in large quantities, supposed to be for France.

Special Notices.

Utah Produce.—We wish to call the attention of our business men, who are engaged in the Fruit and Salt business, to the card of the Nye Forwarding and Commission Co., Denver, Col. They make a specialty of these commodities and other products of this country, thereby offering a market for a portion of our produce. They are a large firm and every way reliable. See card in another column.

Emal Wanted.—A limited amount of fruit wanted for preserving purposes, at Deseret News Office.

Live Stock and Bees.—Bro. Wm. D. Roberts, purposes going out to purchase on commission and import Live Stock of all kinds; he also guarantees to deliver Italian Bees in patent movable frame hives, at \$5 per colony. For further particulars apply to C. H. Bassett, at Kimball & Lawrence's Store or himself, at Provo City.

Conference Folks and Strangers.—Whiling the latest Authentic Maps of Utah, Great Salt Lake Valley and City, with Portrait and Autograph of Prest. Young, in pocket form or in single sheets, convenient for mailing to friends abroad, can now be supplied by Calder Bros., or James Dwyer, News Dealers, Salt Lake City.

PIANO FORTE RAFFLE.—Tickets \$1, 50 each. Apply to Mrs. Colebrook.

WANTED.—At the Deseret News Office 1,500 feet of Long-leafed Pine, 7 or 14 feet long, 4 inches thick, and from 4 inches wide upward. Also a lot of Maple Plank 2 1/2 inches thick, and from 8 to 10 inches wide.

"COSTAR'S" EXTERMINATORS.

For Rats, Roaches, Use Paste, Extremators For Bed Bugs, etc. Use Liquid, Extremators For Moths, Bed Bugs, Use the Instant Powder. "Only infallible Remedies known."

W. S. GODBE, Agent, SALT LAKE CITY.

2247 mws 2mon

CO-PARTNERSHIP.

THIS IS TO GIVE NOTICE, THAT DAVID T. DAY and G. F. CULMER have this day entered into Co-partnership, for the purpose of carrying on a General Merchandise business, to be known by the name and style of

DAY & CULMER.

October 11, 1870.

d2741w

WONDERFUL CURE IN OGDEN!

I HEREBY certify that my wife has been afflicted with my disease for twenty-eight years. The hip joint was stiff and immovable during the above period, very sore and painful. Drs. Roberts and Goss perfectly cured her with two week's treatment by Animal Magnetism and the Swedish Movement Cure. I bear this public testimony with the sole hope of benefiting other suffering mortals.

(Signed) G. BUNE.

Ogden, September 30, 1870.

Dr. Roberts can be seen at the Omaha House until the 1st of November.

d274-w 30-1

John R. Hoole & Son

Importers, Dealers and Manufacturers of

BOOKBINDER'S STOCK AND TOOLS.

No 73 Duane Street.

Stores East of Broadway.

And 101 & 105 Walnut St.

d106 3m

NEW ADVERTISEMENTS.

SALT LAKE THEATRE.

Doors open at 7.30. To Commence at 8.

SATURDAY EVENING,

OCTOBER 15, 1870.

ATTRACTIVE BILL.

TWO SPLENDID PLAYS!

A RIVAL DANCE.

NEW AND EFFICIENT ORCHESTRA!

Will be presented, the powerful 2-Act Drama, entitled, THE

SERGEANT'S WIFE

OR, THE

Lone House on the Heath.

With an Immense Cast.

A RIVAL CLOG DANCE, between two young gentlemen of this city.

To conclude with the Comic Drama, in 2 Acts, entitled,

JOHN DUCK.

With an Excellent Cast.

REDUCTION OF PRICES:

Second Circle, Front Seats, 75c., Second Circle, Back Seats, 50c., Third Circle (all parts) 25c.

Other parts of the House will remain as before.

BOX OFFICE open for the Sale of Tickets on the Day of Performance at 11 o'clock.

"A Bird in the Hand is worth Two in the Bush."

NEW

FORWARDING AND COMMISSION CO.

Denver, Colorado,

MAKE a Specialty of selling

SALT AND FRUIT,

The Product of Utah,

ON COMMISSION.

d2741w

J. S. WING.

ECLECTIC PHYSICIAN.

OFFICE five Doors south of Groesbeck & Sons

Furniture Store, Groesbeck Block, Salt Lake City. Calls attended to at all hours.

d254-3 mon.

Z. C. M. I.

Wholesale

DRY GOODS and BOOT and SHOE

AN IMMENSE JOB LOT OF

Dress Goods

Now on exhibition (up Stairs), will be sold at Prices without reference to Cost.

STAPLES in great Variety, as usual selling on small margin.

H. B. CLAWSON.

TO LUMBERMEN!

WANTED,

AT THE DESERT NEWS OFFICE,

1,500 Feet of

Long - Leafed PINE,

Seven or fourteen feet long, four inches thick, and from four inches wide upward. Also a lot of MAPLE PLANK, two inches and a quarter thick, and from eight to ten inches wide.

d252w 33c

GOLIGHTLY & HARRIS.

Wholesale Manufacturers of

And every variety of

Crackers and Bread.

An Excellent Supply of GROCERIES always on hand!

Remember Globe Bakery East Temple St.

d265 4f

A GREAT BARGAIN!

CHEAPER THAN THE CHEAPEST!

I must and will sell a house, half lot and good Orchard, situated one block north and half block west of Temple Block.

For particulars enquire on the premises, of S. B. THURSTON.

d2651w 33c

OCTOBER CONFERENCE AND DOMESTIC DISPLAY!

Z. C. M. I.

RETAIL

DRY GOODS

Department.

WE will offer the Largest Assortment of

Domestics, Drills, Stripes, Checks,

Ticks, Flannels, Prints, Linseys, De-

laines, Merinos, and

Blankets, Carpets, Cloths, Boots and

Shoes ever brought to this city, at simply and truly remunerative profits.

H. B. CLAWSON.

Supt.

d2741w 33c

NEW ADVERTISEMENTS.

MORGAN COMMERCIAL COLLEGE AND NORMAL SCHOOL.

OPEN DAY AND EVENING.

d272 1w

WILLIAM SHIRES,

Wholesale and Retail Dealer in every descrip-

tion of

FOREIGN AND DOMESTIC

FRUITS,

VEGETABLES.

Butter, Eggs, Poultry &c., &c.

Orders from a distance promptly attended to.

One floor south of Calder Bros.,

EAST TEMPLE ST., SALT LAKE CITY.

d2651m

GREAT WESTERN

MATCHES!

MANUFACTURED BY

PAUL LECHTENBERG.