Jan. 11, 1881

HARLES W. PENROSE, EDITOR.

CORDS.

to suffer through any mistakes of its THE dispute over the naturalization of Hon. Geo. Q. Cannon, although entirely extraneous to the question Graves, 2 Hilt. 317. Neither will of his right to the certificate of elec. the mistakes of its officers be allowtion, and outside of the sphere of gubernatorial jurisdiction, has tChichester vs. Cande, 3 Cow. 29; brought up some points that should Neele vs. Berryhill, 4 How., and be correctly understood. It seems many others.) On proof of the proto be the aim of some legal minds to visions of the law having been commystify and confuse instead of to plied with the Court can amend its analyze and throw light on legis. error, correct the record and right lative enactments and propositions the party, just as it has power to of law. And this is certainly the vacate a process, order or judgcase in the documents presented by ment. Section 954 of the Revised Statutes of the United States prothe protestant's counsel, in claiming the certificate for the person having vides that: "No summons, writ, declaration, the least number of votes at the

election. In the reply to the answer of Dele-

In the reply to the answer of Dele-gate Cannon, by J. McBride, attor-ney, quoted in extense in the Gov-versed for any defect or want of ney, quoted in extense in the Gov-eraor's decision, the naturalization laws and the old Utah S atutes are so mixed up as to cause confusion and lead to conclusions which are cer-tainly erroueous. And this is aggra-vated by the cltation of clauses from paragraphs in the naturalization laws which do not apply to the quastion in discute. This may be question in dispute. This may be in accordance with that species of special pleading commonly denom-inated pettifogging, but it is not consonant with the practice of high-minded and honorable members of rules, prescribe." the bar.

It is stated in that document, "that a naturalization could only But in this case it appears from take place in one of the District the certificate of the clerk of the Courts," and the Utah Compilation Supreme Court of this Territory, that of 1855, page 22, is cited to substan- Mr. Cannon's naturalization is a tiate this. But there is no such pro- matter of record. This certificate vision on that page, nor any other appears in the Governor's decision. page in that compliation so far as we The question then that remains is, can discover. And if there were, what is a record? Must the account the laws of the United States pro- of the naturalization appear in the vide for the naturalization of aliens, minutes of the Court to constitute a and the attorney who refers to the legal record? Coke upon Littleton Utah statutes knows very well that (p. 260  $\alpha$ ) defines a record to be" a me-

EVENING NEWS, roun round a state thereof, alled to perform the duty of recording the proceed-the duty of the d duty of recording the r ceed- record or certificate, wi must the proceeding was regular PRINTED AND PUBLISHED BY THE DESERFT NEWS COMPANY. THE AND PUBLISHED BY THE DESERFT NEWS COMPANY. We have taken up this subject of the projected 150 miles had been built tice says no. But what is the again because it may affect other law? As we have shown, and citizens besides our Delegate, and be-miles more. The road would be tice says no. But what is the again because it may another the miles more. The road would be as abyone may read, the cause we wished to throw light up-mining interests of Nevada, con-

that in such case "he shall not surrounded with a cloud of sophistry, be deemed a citizen." If there were by the advocate of the person who represents the fraud perpe

tion in court\_there must be some the People of Utah Territory. NATURALIZATION AND RE- remedy for the citizen. As a general HI THEFT rule, a court will not permit a party BY TELEGRAPH

PER WEBTERR UNICS TELEGRAPH LINE.

AMERICAN. Indians in Custody.

Sr. PAUL, 11.—The following ad-vices are received at headquarters of the Department of Dakota, Fort Bu-ford, D. T., January 10, 1881: Gen. J. H. Terry, commading the Department of Dakota, St. Paul, Gen. J. H. Terry, commading the Department of Dakota, St. Paul, Minnesota:

The Indians from Poplar river have just arrived. I do not know have just arrived. 1 do not know the precise number, as they were not counted by Captain Bell. They are about 300. Will' telegraph par-ticulars to-morrow. Thermometer last night 53 degress below zero. D. H. BROTHERTON,

return, process, judgment, or other proceedings in civil causes, in any

D. H. BROTHERTON, Major Commanding. Major Commanding. Major Commanding. Major Commanding. Major Commanding. Terry that the chiefs captured at Poplar river and just arrived with Major liges, at Fort Buford, are Gall Crow and Turn Bear of the Uncapa-pas, Lame Deer, a Minnecongo, and Thunder Hawk and Foot Sheart, both Ogallaas. Graat to the Marines. New York 11 – The Marine Sor

Grant to the Harines. New YORK, 11.—The Marine So-ciety met last night. A dinner fol-lowed at which President Snow had Gen. Grant on his right and Post-master James on his left. Grant on being invited to speak said: "I hardly know what to say on such an occasion of this sort. I look on this association as representing a mag-hificent charity. It also represents a trade of which the nation has had cause to be proud and which un-fortunately has now almost disap-peared from the ocean—the Ameri-can carrying trade. I hope to see in a few years the trade again so pros-perous that it will not be a tax to provide for every widow and orphan

provide for every widow and orphan of every sallor hailing from this port. I will not detain you any onger, gentlemen, you will hear better able to make a speech than I am.

The Solemn Idles The Times says: The pertinacity with which the United States Sen- the fail. WANTED.

WHO THOROUGHLY UND PHAETON FOR SALE, EWLY TRIMMED AND PAINTE Owne

FOR SALE. STUDENTS NOTE BOOKS AT DESERET

CASH. CASH PAID FOR CLEAN, ALL WOOL Bars, delivered at this Office. said about the mining interests here at present, except perhaps that the Constoct lade looked a little more promising. The business interests FOR SALE.

of California were in an unusually DESERTY LETTER PAPER A having been very large. Grant's Relief.

WAY

FOR BALE. The World's Washington special describes the presentation of Lo-gan's hill in the Senate for the relief THE NEW EDITION TOCTRINE AND COVENANTS at. \$1.04 . \$1.35, \$2.00 ad \$2.25, at Descart News Oppion

> VILLINGERGY REPRESENT. INIVERSITY OF DESERET

THE THIRD TERM OF THE PRESENT spectacle. Then the bill had th gly at the Academic Year of the University, prosy reference to the military com-WILL OPEN MONDAY, JAN. 17, 1841.

Beginning Chasses will be organized in all he regular studies of the Termi

Classes in French and Germ CHICAGO, 11.—Sara Bernhardt ap-psared before a fairly large audience at McVicker's theatre last evening, es, will also be formed.

BUTCHER.

1225 First South Street, Second Shop from

East Corner,

Dealer in all kinds of MEAT in season. Hve him a call and try the quality of the

All kinds of SAUSAGES a Speciality.

A sector to the sector to the

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INVITE RIVER BELEVAN

562 Washington St., Buffalo, N. Y. Manufacturers of WEEKS' PATENT COMBINATION BEAM SCALES. 562 Washington St., BUFFALO, N.Y. 

Other sizes proportionately low in price. Agents Wanted. WEEKS & BAT, Proprietors WW. PETERSER

BRIEF TELEGRAMS.

Heavy snow storms prevail in Texas The examination of the Tralee Land Leaguers is still proceeding in



NEW YORK ARADE. izanorov Zo reno Carece IN TODIO TODERIU TE COMA-

Control Unstander, duest a bill to place than on the ri IN ALL LINES OF und army list. At the request of Conking i way read at length.

THOSE M. ATCALL & CO. Persheel fine es reported and



PREPARATORY, TO THE ARRIVAL OF

SPEING STOCK.

The new Joy 10, 20 rate in The

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H. S. ELDREDGE, SUPT.

LECENER DESCRIPTION ...

ADVATOR OL - CH. H. H. F.

CHARLES PRIME BEACH

Survey Survey Survey Survey



**Plum Puddings and Mince Pies** 

PROVIDED FOR.

they do not govern in naturalization nor in anything, if in conflict with the former. The naturalization laws in force at the time of Mr. Cannon's admission to citizenship, named the "supreme, superior, district or circuit court, in some one, of the States, or a circuit or district court of the United States," as com petent to admit aliens; and to make the matter plain, section III of the old naturalization statute says:

"And whereas doubts have arisen whether certain courts of record in some of the States are included courts act entirely under the laws within the description of district or circuit courts: Be it further enacted, that every court of record in any in-dividual State, having common taw jurisdiction, and a seal and clerk or prothonotory, shall be considered as a district court within the meaning of the united States, unless there is some prescribed form of record given in those laws, the court may follow its own rule. In the Superior Court of the City of New York, after 1858, printed of this act; and every alien who may have been naturalized in any such court shall enjoy, from and af-ter the passing of this act, the same rights and privileges as if he had been naturalized in a district or cir-cuit court of the United States." the applicant and his witness, after

The same provision is incorporated in the present naturalization laws; that is, that an allen may be admitted by "a court of record having common law jurisdiction and a or clerk." The Supreme Court could, therefore, naturalize as well as the District Courts. The Probate Courts of this Territory held and exercise common law jurisdiction, by virtue of legislative enactment passed under the provision of the Organic Act, which says that their jurisdiction "shall be as limited by law." Those courts had a clerk and seal, and were constituted by law courts of record. They acted under the naturalization laws and issued certificates of citizenship until their common law jurisdiction was taken away by the Poland bill, which, however, confirmed and validated their judg-Until 1873 these did not appear in ments and decrees up to the time of the minutes of the court, and then the passage of that bill. It has been only in the form of a brief reference. disputed that the naturalization of Yet they were Judicially adjudged an alien is in the nature of a judg-"records of the court" by Judge ment or a decree. But it has been Freedman in a number of cases that judicially decided that it is in the came up for test in 1878, and the nature of both. Chief Justice Mar-Judge said: shall, in Spratt vs. Spratt, (4 Peters U. S. Reports 406) says:

"The various acts upon the subject bmit the decision on the right of liens to admission as citizens to ourts of record. They are to receive estimony, to compare it with the aw, and to judge on both law and act. The judgment is entered on-ecord as the judgment of the Court. I seems to us, if it be in legal-form o close all inquiry; and like every ther judgment to be complete evi-time of its own validity."

naturalization could only take place

morial or remembrance in rolls of parchment, of the proceedings and acts of a court of justice," etc. And says that "During the term where-in any judicial act is done, the record remaineth in the breast of the judges of the court and in their remembrance, and therefore the roll is alterable during the term, &c." The book of court minutes is a modern institution, and does not constitute the only "memorial or re-membrance" of the acts of the court.

And as in naturalization cases the a too common failing with the Se-nate. The occasional outbreaks of disorder or violent partizanship in the House are less offensive to the people than the solemn pettiness of the ways in which the Senate con-

tinues to waste time. So far, such industry and earnestness in the dis-cussing of really public questions which the session has displayed has been found sololy in the popular branch of Congress. of New York, after 1858, printed blanks came into general use for making the preliminary proofs and branch of Congress. taking the oath of allegiance. If

## Delegate Cannon's Citizenship.

The Tribune's Washington special says: In conversation with a Tri-bune correspondent to-day, Delegate Cannon, of Utah, said that he will contest the seat of Campbell. Can-non said that when his seat was con-tested by Backin in the Factor of the test. having been duly sworn to make true answers, answered all question put to them to the satisfaction of the court, the presiding judge, on admitting the applicant to citizenship, ested by Baskin, in the Forty-fourth signified the fact of having made Congress, a part of the ground of contest was the allegation that he was not a naturalized citizen. Cansuch adjudication by affixing the initials of his name to the applicanon showed the correspondent, in the report of the election committee tion, and thereupon handed the papers to the clerk, with directions upon that case, a part of the record which appears to show that he was duly naturalized December 7th,1854. He having lived in the UnitedStates to do whatever might remain to be done; the clerk then, in pursuance of such adjudication, flat and directhree years and having come to this country when he was under 18 years of age. The election committee at tions, administered, and the applicant in open court took the oath of allegiance, and a certificate was the time mentioned was composed given to the applicant as evidence of licans, and Cannon says they were unanimously of the opinion that he was entitled to the seat, which he was allowed to retain. One of the the fact of his admission. The pa pers containing the flat of the presiding judge, as aforesaid, were nembers of that thereupon indorsed and filed amongthe records of the court as a part thereof, and marked, filed, as of the date of the respective application.

## SHABON INTERVIEWED.

He Wouldn's Take the Sea as a Gift.

The Tribune has this: Sharo being in town, was interviewed by a Tribune reporter. The reporter ask-ed his opinion of the canvass made by Fair in Nevada. - "It was con-

ducted," replied Sharon with a smile "as contests have been conducted "Even if absence of an entry in its have been conducted the general minute book could be deemed a defect, it is one which is before in Nevada, on ples, a fair use of influence of his immaterial, and whose disregard is position in the mines as well as demanded by every consideration of public policy. Indeed it is one of the fundamental principles of the law that every court is the guardian of its own records and master of its There are only about 17 remoney. There are o would have the entire democratic own practice. (Brom's Leg. Max.

special cause do you attribute your defeat?" "I made no effort to suc-ceed personally and did not desire the office. My business affairs were so exacting that I could not afford From this it is evident that the absence of any account the natura lation of Mr. Can-

ESTRAY NOTICE. HAVE IN MY POSSESSION:

One red brockled face COW, seven year d, white under belly, brand on right shou w resembling 2 blotch brand on left shou telligence of the members of that body. There are four regular appro-priation bills awaiting the action of the Senate, and even should the Se-nate pass the Holladay bill, it is al-together unlikely that it could be considered by the present House. (leveland, yesterday, made an elo-ouent speech.

der. If the above animal is not claimed before Suturday, January 22nd, 1881, will be sold at public auction at 2 p. m. at the estray pound, at Hennefer, Summit Co. WILLIAM H. BATCHELOR, District Poundkeeper, Hennefer, Jan. 8th. 1881.

eats be sells.

ESTRAY NOTICE.

considered by the present House. This perverse disregard of public duty, in the presence of some sub-ject of merely private interest, or some question of purely personal importance, has become altogether the service are to be sent out two days' march on Tuesday. A Dublin dispatch says five flying columns including all the arms of the service are to be sent out on a HAVE IN MY POSSESSION:

One bay, 4 year-old HORSE, large stripe in face, hind feet white, branded S T on left thigh. One black, 5 year-old MARE, branded T in a circle on right thigh, circle with dot in centre on left shoulder, I on left thigh Gen. Skobeloff has completely in-vested Geok Tepe. He reports that it is invested except on the northern side, by 8,000 men, with fifty-eight

O'Leary has accepted Sir John Astley's challenge to furnish a ped-estrian to walk against Rowell for \$10,000, and has deposited some of the money.

money. At a meeting of the liberal M. P's. yesterday, general dissatisfaction was expressed at the vagueness of governments declarations on the

guns.

If said animals are not claimed on or be-fore Jan. 18, 1881, they will be sold at public suction at the Estray Pound, Tooele City, at

Wei De Meyer's

Cure \$1.00

treating Catarrhal Complaints, now

rish land reform. M. NELSON, District Poundkeeper Tooele City, Jan. 8, 1891 The west bound El Paso stage of Jan. Sth, was captured by Indians in Quitman Canon. The driver and team were killed, and everything was carried away.

At a meeting of the Home Rulers yesterday, it was agreed that if a fair discussion is permitted on the coer-cion bill and address, no obstruction should be resorted to.

A terrible outbreak of fever is re-ported at Landagle, County Ar-magh. One hundred and nine per-sons are prostrated, and many deaths occur daily.

tifies him in reducing the price of his pre There are four contests in the Ne-braska Legislature, the result of which may determine who is to be elected next United States Senator paration to One Dollar. Wholesale Drug gists and D. B. Dawey & Co., 46 Dey St., N Y., will exchange new 4 cent Stamp for the 6 cent Stamp Cure, and pay \$3.00 a dozen dif-ference, until February 1st, 1881. d41 3t from the State.

The sale of single seats for Sara Bernhardt's engagement to-day in Cincinnati, was enormous aggregat-ing \$5,400. The sale now amounts to \$11,000 for four nights.

Reports received from all parts of lowa show that the cold was from 20 to 25 below zero last night and this morning, and being more severe at some places than ever known before.

The British garrison at Wakker



FURNISHING GOODS, Erc., TO BE SOLD AT

Unusual Low Prices for Cash

black mare colt with her. One sorrel, 5 year-old HORSE, strip in face, right hind foot white, branded B on left thigh zon left jaw. One light bay or sorrel, 7 year-old MARF, ball face, hind legs white, right fore foot white, Spanish brand on left thigh. One bay, 3 year-old HORSE, some white on hind test, hlotched brand or scar on left shoulder.

For the Year of our Lord, 1881.

H. HEMAN, SALT LAKE CITY, UTAH TERRITORY. Sent by mail postpaid. Dr. Wei De Meyer's remarkable suo

15 cts.

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**Raisins and Currants ready** cleaned. 15 cts. Santa Claus again in ecstacies. IMMENSE VARIETIES TO FILL THE STOCKINGS. Christmas Candies, Prunes,

> Figs, etc. New Year's Cifts in Neck Ties, Scarfs, Handkerchiefs, Shawls,

> > DresseS, etc.

BUY THE BOYS GOOD BED TOP BOOTS. AND GIRLS RUBBER & DANCING SLIPPERS. SUPPLIES FOR THE TERRITORY. PRICES AS LOW AS ANY AT







Lord Kimberly's British Colonial Secretary, in his instructions to Sir Hercules Robinson, South Africa, fervently hopes every effort will be made to prevent further bloodshed.

stroom, Cape Colony, repulsed a de-termined attack of Boers on the 7th inst, The Boers have chased a party of buck hunters and killed five of

would have the entire democratic support, and on party measures will vote with that party. Fair, has not been understood, however, to be an active partisan." "To what special cause do you attribute your special cause do you attribute your

uary, divid shald this here's BARGAINS



WORTH REMEMBRING That TARRANT'S SELTERS APERIENT Vepre

ats in each bottle thirty to ferty glasses o irtues of the celebrated German Spring. always fresh and always ready, and the nds itself to all for its bility and obserpness.

ALL DRUGGISTS HAVE IL Patal all in graterials all