

THE EVENING NEWS

PUBLISHED DAILY, SUNDAY EXCEPTED, AT
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BRIGHAM YOUNG,
EDITORS AND PUBLISHERS.

Thursday, May 9, 1879.

EDITORIAL NOTES.

The English wheat crop is reported as promising poorly. The area sown is about 750,000 acres less than last year, and as the home supply will probably be reduced considerably, higher prices are probable for foreign grain. The American market will doubtless profit by this.

The Socialist leaders in Chicago, are predicting a general strike throughout the country on the 5th of July. But they have not proven themselves good prophets on former occasions. Besides, it isn't likely that the masses will be in much humor or condition for striking just after celebrating the glorious Fourth. The prognosticators should have selected some other day.

The *Morning Herald* is the name of a new daily published at San Francisco. It is independent in politics, but not neutral. It has a good appearance, is lively and forcible, is opposed to changing the State Constitution, and announces its intention to remain and take such a course as to merit the support of honorable citizens of all parties and creeds. We wish the *Herald* success.

The *Idahoan*, started a short time since by the Democracy of our northern neighbor, has been purchased by the Central Committee, and now flourishes under the name of the *Idaho Democrat*. We shall be pleased to see the new paper prosper and grow rich, while it supports the principles of which it appears as the exponent, and the true interests of the people of Idaho.

The American Bible Society is publishing neatly bound copies of the Holy Scriptures for 25 cents each. Arrangements are being made to supply them to the public at those prices from the DEERET News office. These are the cheapest books ever published, and the object in view is not to make profits but to circulate the word of life. Due notice will be given when a supply is received.

A boiling spring has been discovered in Tulare County, California, which washes the dirtiest clothes beautifully clean in forty minutes. Now, if that "national laundress," wanted to "cleanse the judicial ermine from the mire of politics," etc., (as per the motto at the Wells demonstration) cannot be readily found, we suggest this spring as the next best thing for the soiled ermine and the character of some who are permitted to wear it.

The people of California held an election, yesterday, to vote on the new State Constitution. Feeling has run very high over the dispute concerning it, and some personal violence has been the consequence of its discussion. From the telegraphic reports it is difficult to determine the result. The first dispatches reported a large majority against the constitution, but later announcements declare a majority in its favor. The moneyed interests of the State are opposed to any constitutional change, while the Kearneyites and Radicals are among its chief supporters.

THE NEW METHOD WITH JURIES.

The press of other affairs has hitherto prevented our making any comments on the Miles case, a verdict in which was rendered last Tuesday morning. There has been little manifestation of surprise at the finding of the jury. Few supposed that the defendant would be acquitted. But the general opinion that the verdict would be "guilty" was not based upon the merits of the case. The real evidence was of the most meagre character. It would have been insufficient even in a civil suit for a divorce, and the proof required in a criminal prosecution is of a much more positive nature than that which would be considered competent in a civil case. It was certain from the beginning that an unusually strenuous effort would be made to secure a conviction; and when the rulings of the court in regard to the empanelling of the jury, and in nearly all the points of the trial were considered, it was evident, as was remarked by a number of gentlemen paying a brief visit to our city from the east, that the verdict was "a foregone conclusion."

Considerable diligence has been used to make it appear that this case was one of more than ordinary importance to the community here. But this is not the fact. There is a vast difference between it and the Reynolds case, which was understood on both sides to be a test affair. The Miles trial, however, assumed features of great moment, not from its inherent value, but in consequence of the extraordinary methods adopted to effect the present result.

The course taken in excluding all "Mormons" from the jury simply on account of their religious belief, and of accepting as jurors to try the case only those who were shown to have opposing views and sentiments to those of the accused, was in direct hostility to the spirit of the jury system and to the letter of the law under which the jury was empaneled. The defendant was entitled to a jury of his peers of the vicinage, that is, persons of a common measure with himself; his neighbors, his equals. The rejected jurors were such, and, according to the genius of the jury principle, were improperly challenged.

It is a legal rule that a juror may not be asked questions that might tend to his own depreciation. The Supreme Court of the United States has recently rendered a decision declaring the test oath for jurors unconstitutional. This was given on the principle that a juror should not be asked questions on oath that may not be asked of a witness. If it is improper to examine a juror in relation to his acts, how much more unlawful it must be to question him upon his beliefs! The jurors rejected in the Miles case were not only required to state on oath whether or not they were living in polygamy, but whether they believed a certain revelation of their Church was divine. And their answer in the affirmative to their exclusion from the jurybox. If this is not a religious test, which the constitution declares shall not be required for any office or public trust, there never was a religious test imposed under the sun.

The Poland bill, under which the jury was drawn, clearly intends to give an accused person a representation of half the number. That is to say, whether a "Mormon" or a "Gentile" be on trial, he shall have half of the jury of his own party, who may be truly called "his peers." This provision was utterly ignored or rather wilfully violated in the case of the defendant in the Miles case.

Now it should be remembered that repeated attempts have been made by the rabid opponents of the majority of the people of Utah, to procure special legislation that would render legal just such a course as has been taken in this trial. Time and again have provisions of this character been inserted in the bills presented in either House to regulate affairs in Utah. And in every instance they have been rejected as too outrageous for either Republican or Democratic legislators to sanction for a moment. Congress would not exclude from juries any man because he was a polygamist or a "Mormon," or because he entertained certain views on the subject of marriage opposed to those of the majority of his fellow citizens. But what Congress rejected, the Court in this case permitted. Henceforth there will be no need for special legislation to meet the peculiar condition of affairs in Utah. Judge Emerson can make laws and rules to meet the emergency. Agitation and caucuses and special delegates and subscriptions and buncos about the "turbulent Mormons," may all be dispensed with. The Miles case has demonstrated this beyond question. Keep on the bench the Associate Judge who is ambitious to become Chief Justice and the thing is done, without trouble, without expense, and without the chagrin and disappointment that have attended every nefarious attempt to procure such infamous legislation from Congress.

But wait awhile. An interesting question is, Will all this judicial law-making stick? If not, what value is it? Will the higher courts endorse as legal, rulings that are arbitrarily and directly hostile to the spirit and letter of long established jurisprudence, and which are in the nature of new law rather than of judicial decision? We think not. We hope this matter will be tested. This is a point which makes the Miles case important as well as interesting. It is worth probing to the bottom. It ought to be contested to the utmost extreme. If a Judge can establish by his dictum that which Congress refuses to establish by enactment, liberty has received its death blow. Henceforth the judicial bench will be the seat of tyranny and the throne of irresponsible despotism; and law will be uncertain as a Utah shower; the protection of courts will be a trap and a decoy; and despairing Justice, robbed of her eternal rights, will cast her scales into the saline lake and flee to the presence of offended Deity.

We have no further space at our disposal this evening, and therefore must defer remarks upon the evidence and its bearing until a future occasion.

BY TELEGRAPH.

THE WESTERN UNION TELEGRAPH LINE.
FORTY-SIXTH CONGRESS.

SENATE.

WASHINGTON, 8.—Consideration was resumed of the House bill providing military interference at elections. Morgan advocated its passage, arguing that the framers of the constitution with a view to the preservation of the public liberty, distinctly gave the army and the militia, and that the latter should be employed to enforce the laws.

A sub-committee of the Senate committee on Judiciary decided that last year's law against promotion in the army above the rank of captain is still in force.

HOUSE.

WASHINGTON, 8.—The bill to enforce the eight hour law was taken up as the business of the morning hour, and Kelly spoke in favor of it. He said so long as that law was unenforced every workman in the government employment forced to work ten hours for a day's wages was defrauded of his legal rights. The bill was opposed by McMillan as not being in the interest of the toiling millions, but adverse to that interest. He moved an amendment, that it shall not apply to the past.

Gods, who reported the bill, spoke in its advocacy, taking the ground that Congress would set a bad example if it permitted officers of the government to disregard the plain law.

and opposed the bill, arguing in favor of a single standard.

EASTERN.

Business Improves.—New York, 8.—The *Public* today, in a review for the month says: Exchanges for April are decidedly more encouraging than those of any preceding month for a long time. The increase is so general, and at the chief cities so large, there can be no doubt as to the general improvement in the volume of business. San Francisco, New Orleans and Milwaukee are exceptions, of reasons which do not at all affect the statement. The aggregate exchange at twenty-two cities is 128 per cent. larger than in April last year, and a comparison of the sale of stocks shows that no considerable part of the increase is due to any excess of speculative transactions this year. Outside of New York an increase of 8 to 7 per cent. of large amounts considered in connection with the decline in prices, to show that a general and important increase in the quality of exchange has commenced, and that the volume of business, even if measured in prices, is enlarging very satisfactorily.

The Cricketers.—The cricket match between England and America, was resumed today with the Englishmen at the bat, and when all were retired, their total was 253, the last six men making only 14 runs. The American batsmen went in and after scoring 40 for six wickets, recess was taken for dinner.

The Indian Commissioner Getting into Trouble.—Extra S. Hoyt, present commissioner of Indian affairs at Washington, was yesterday indicted by the grand jury of Hudson County, New Jersey, for conspiracy to defraud. He was president of the International Trust Company, which collapsed last year owing deposits over \$177,000.

Escaped Bank Robber.

"Redlery," awaiting a requisition from the governor of Massachusetts for complicity in the Northampton bank robbery, escaped from the Ludlow Street jail tonight, by the help of confederates, making the second of a gang who has escaped thence.

The Custom House Cases.

CHICAGO, 8.—In the custom house cases this morning Judge Dyer overruled the motion to quash the indictments and also the motion for a bill of particulars, and a jury is now being impelled to try the case.

An Extensive Strike Predicted.

Socialist leaders here assert that they, with the trades unions, are organizing a strike to begin on the 15th, and to be general throughout the country. They will demand the universal adoption of the eight hour system, and will settle the matter of the council of the unions on that point as acceded to. This strike has been decided on in their private councils, but is so secret. Their purpose is to strike at its base, and the purpose of the workmen is to secure better wages.

Sherman on Current Topics.

COLUMBUS, 8.—Sec'y. Sherman was serenaded last night and made a speech reviewing the financial progress of the country in the past two years. The finances were improved by no means, but by a simple common sense plan and everything was polished up. He then examined the status of the colored man and the attempt to repeal the national election laws. He disclaimed political personal schemes for himself. Banks are suspended in the four per cent. to reduce the debt, claiming that if the present policy prevails the government would yet borrow all the money needed at less than that interest. He hoped yet to see a reconciliation between capital and labor.

Women's Convention.

ST. LOUIS, 8.—The National Woman's Suffrage Association convened last night, with large delegations present from the whole country. Phoebe Couzen delivered the welcome. Mrs. J. M. Gage, the president, responded. Mrs. Elizabeth Cady Stanton was elected president, and Mrs. S. A. Spencer, of Washington, corresponding secretary.

Trouble Likely in Indian Territory.

WASHINGTON, 8.—The President regards with great solicitude the situation of affairs in Indian territory. High army officers, however, agree with Gen. Sherman, and anticipate no difficulty in executing the orders of the War Department. The military force for service has been increased.

WESTERN.

The California Constitution now Considered Ratified.

SAN FRANCISCO, 8.—The returns of the election as the count has progressed is a complete surprise. The city instead of giving 10,000 or thereabouts against the new constitution gives a majority less than 2,000 with the returns nearly complete. Returns from other counties are incomplete, but indicate that while Alameda, Sacramento, Santa Clara and most of the mining counties have gone against, nearly all the other agricultural counties have gone heavily for it. As far as heard from, the city and State now stand 5,800 in favor of the adoption with a majority being materially increased. A disturbance was feared in the city early in the evening, but soon quieted down, mainly by occurring. Workmen are jubilant over what they consider their own partial victory.

The total vote of the city is 37,934, majority against the new constitution 1,288. No further returns from the interior.

FOREIGN.

GREAT BRITAIN.

News from Cape Town.

LONDON, 8.—A Cape Town dispatch says: A white prisoner who escaped from Zulu's reports that Umbelina and his brother were both killed in the attack on Col. Wood's camp.

Spain Notes.

The *Sportman* announces that the trustees of the Sportmans Challenge Cup consented to the inclusion of the cup in the championship ship match between Elliott and Hanlan. In reply to a challenge made by Barnes, backer of Boyd, Wallace Ross offered to row Boyd for his own arm over the Thames championship course.

day, the last of the Cheshire meeting. Lord Dufferin's four-year old chestnut gelding, *Reverie*, which won the Chester trades cup, got the second place, and Lord Joseph's four-year old bay colt, *St. Joseph*, third. There were eight starters. The distance of the course is nearly one mile and a quarter, and the race was for three-year olds and upwards.

The Amee's Hamblings.—A Simla dispatch says: The Amee of Afghanistan arrived at Gendarmuk today. He was met at the frontier by Major Cavagnari and a detachment of the 100th Hussars and guides. The British troops of all arms lined the route to the camp two and a half miles. Gen. Brown and staff received the Amee at the end of the line and a salute of 21 guns was fired. The Amee has announced his official recognition to the Viceroy of India, and expressed a desire for the establishment of friendly relations between India and Afghanistan.

Disturbed Russia.

Private accounts from Russia represent the situation all over that country as beyond description, and that the tendency of so-called repressive measures in towards revolution rather than peace, as the present annoyances and outrageous oppression of all classes of the population is rapidly spreading, and there is a feeling that anything is preferable to the existing state of affairs. It is asserted that the game of the nihilists instead of crushing out the spirit of discontent in the empire.

U. S. Swine in the British Market.

In the House of Commons, today, Lord Geo. F. Hamilton, vice-president of the council, stated that swine from Philadelphia having been discovered suffering from the trichina worm, an order in council would be issued, enjoining that swine from the United States must be slaughtered at the port of landing. The order will take effect on the first of June.

FRANCE.

The French Archbishop Receiving Attention.

PARIS, 8.—Sections of the Council of state have unanimously decided that the members of both branches of the general assembly a violation of law in having issued a pastoral attacking Jules Ferry's educational bill. It is expected the general assembly of the council of the 15th inst. will confirm the decision.

TELEGRAPHIC NOTES.

Minister Say has informed the French Budget committee that the receipts of the first four months of 1879 exceeded the estimates by 30,000,000 francs.

Mrs. Leighton, of Peoria, Ill., was injured by a fall from the top of the elevator in the Tremont House, Chicago, about 11 o'clock last night.

The outbreak of the spotted typhus fever has occurred in Astrakhan.

The old established bank of Swann, Clough & Co., Cork, Ireland, has been closed. Bank has been suspended. Note circulation, £10,387.

The largest fire which has occurred in Pittsburgh in 14 years took place today. The loss is serious, but is distributed among many persons. Franklin House and neighborhood with the scene of the fire.

Secretary Sherman called on the Ohio State officers today, and was presented to the members of both branches of the general assembly each house taking a recess for this purpose. The Secretary left on the afternoon train for Washington.

A committee of medical experts have examined Mark Gray, who was shot at Booth, and report that he is insane.

"Pinafore in Oden—Oden rejoices over 'Pinafore'."

"Pinafore in Oden—Oden rejoices over 'Pinafore'." to be given there Saturday night. We don't blame our neighbor. It is worth seeing. Manager Harris is there making the necessary arrangements.

Good Advice to Parents.

Many parents labor under the mistaken impression that their children must all pass through the ordeal known as children's diseases, and as they sometimes experience the sooner the better. A child is no more subject to diseases (in fact less so) than an adult, if the proper precautions are taken to regulate the diet and keep the system regulated by appropriate medicines. By this we do not mean an habitual dosing with purgatives. Such a practice would weaken the infant system so that it could not resist the attacks of disease, and would also prove ruinous to its physical constitution. But a moderate occasional use of an efficient alterative, or blood-purifier, would almost absolutely insure the child's system against disease, besides greatly promoting its growth and strength. Dr. Pierce's Golden Medical Discovery is unexcelled as an alterative, and will give a very efficient preventive of those diseases.

LOST.

A DOB is weeks ago a speckled COW, 5 years old, branded S 1 on the hip. Whoever will give information of her whereabouts or deliver her to S. Irons, Second Ward, will be suitably rewarded.

PIPE ORGAN.

GEORGE CARELESS.

HAS just received a splendid PIPE and REED ORGAN, made by the celebrated Geo. Wood's ORGAN CO.

For great power and sweetness of tone it excels any Organ ever seen in Utah.

He has also a very beautiful Wood's UPRIGHT PIANO.

The tone is sympathetic, and of fine singing quality, the action perfect, the design elegant, and the finish and workmanship of the very finest.

He is also agent for the "KNAB," "ARION," "HARDMAN," and "WATER'S" Piano.

And most respectfully invites his friends and the public to give him a call at his New Store on First South Street, two doors east of Dinwoody's Furniture House, and examine his splendid stock of all kinds of instruments, SHEET MUSIC, Strings, &c., &c.

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SALT LAKE THEATRE!

Doors open at 7.15, commence at 8.

TWO NIGHTS ONLY.

THURSDAY AND FRIDAY.

May 9th and 10th.

Grand Matinee Saturday afternoon commencing at 2 o'clock.

Engagement of the Favorite Salt Lake Actress

MISS A. ADAMS.

And the Wonderful Child Actress

LITTLE MAUDE.

Assisted by

Miss Carrie Cogswell, Fannie Crobbie, Mr. W. C. Crobbie, Mr. C. W. Sutton, Mr. M. Foster, and Mr. Mark Wilton.

FULL DRAMATIC COMPANY.

Thursday Evening, May 8th, 1879.

Performance will commence with the very successful 3 act drama, entitled

A WOMAN OF THE PEOPLE.

To conclude with the Laughable Farce, entitled

LITTLE SUSIE.

Friday Evening, May 9th, 1879.

THE STEPMOTHER!

Grand Matinee Saturday afternoon

Box Office now open.

NOTICE TO CREDITORS.

Estate of LOUISA WALLACE deceased.

NOTICE is hereby given by the undersigned, administrator of the estate of Louisa Wallace, deceased, to all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within four months after the first publication of this notice, to the said administrator, at Salt Lake City, Utah Territory, Main street, opposite the Walker House.

ADMINISTRATOR.

Administrator of the Estate of Louisa Wallace.

VALUABLE INFORMATION.

To those interested with to inform the Wool Growers that I am prepared to make a thorough analysis of the wool, and to pay the highest market price in CASH.

FOR WOOL.

Wool Sacks, Twine and a No. 1 article of sheep shears furnished. I also deal in Hides, Fells, Tallow, &c., for which I pay liberal prices. Corner of South and East Temple Streets, Salt Lake City. B. H. CLAWSON.

ATTENTION FARMERS.

For Good, Durable and Cheap

HARNESS, SADDLES, &c.

Go to the

Workingmen's Harness Shop!

Second South St., 5 doors west of State Road.

All Work Warranted.

REPAIRING DONE.

LIGHT HARNESS A SPECIALTY.

MOSSE, BREWER & CO.

GRAND OPENING.

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NEW

Music Warerooms,

—ON—

MONDAY MAY 5, 1879.

With a New and Magnificent

Stock of

PIANOS & ORGANS.

Cabinet, Grand, Upright and Square

PIANOS.

From the Factories of the Renowned

Makers, Albert Weber, Chickering & Sons,

Walt, Davis & Co., J. & C. Fisher, Decker & Sons, etc., etc.

CHAPEL & PARLOR ORGANS.

From the Factories of Mason & Hamlin,

Clough & Warren, etc.

All of these World-renowned Instruments will be sold Cheap for

Cash or on Installments.

ALSO A LARGE STOCK OF

SHEET MUSIC!

At greatly Reduced Prices.

PURE TEA!

Much of the Tea that is brought

into market is highly colored—

to avoid getting a tea that

is adulterated, purchase

DAVIS.

CELEBRATED

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Put up in half pound packages.

A PURE

UNCOLORED JAPAN,

TRY IT.

You will say, it is

The Best Packet Tea

IN MARKET.

The business heretofore conducted at the

"BIG BOOT,"

Has been transferred to Zion's Co-operative Mercantile Institution.

A Full Line of All Styles and Best Qualities of

HOME-MADE BOOTS & SHOES,

At Lowest Prices, will always be found in Stock at

ZION'S CO-OPERATIVE MERCANTILE INSTITUTION.

H. S. ELDERIDGE, Supt.

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Are displaying the Finest Stock of

LINEN DUSTERS & SUITS

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OUR STOCK OF CORSETS AND HOSIERY.

Is unquestionably the Most Complete in the Market.

H. S. ELDERIDGE, Supt.

SUITABLE FOR LAUNDRY OR BATH

UTAH SOAP MANUFACTURING CO.

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PALE SAVON.

EXCELLED BY NONE.

ALL ORDERS ADDRESS TO R. V. MORRIS

P. O. Box, 1073.

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A HOUSEHOLD SOAP

FOR GENERAL USE

HENRY SNELL MANUFACTURER OF

TOILET, BATH & LAUNDRY SOAP.

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What are your symptoms, Sufferer? Are they a burning, distressing, headache, a watery stomach, oppression after eating, pain between the shoulders, constipation? If you are dyspeptic and bilious, nothing will meet your case so efficiently as Tarrant's Effervescent Seltzer Aperient.

SOLD BY ALL DRUGGISTS.

CHEAP DISINFECTANT!

M. F. A. PASCOE will supply fine screened