

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - OCT. 29, 1873.

THE DENVER IRRIGATION CONVENTION.

THE late Irrigation Convention at Denver was a very important occasion, directly affecting the welfare of this whole mountain region, the welfare of the wide stretch of country from near the western side of the Missouri to the Pacific. As is well known, only a comparatively small portion of this vast extent is susceptible of profitable cultivation without irrigation, another limited portion by the unaided exertions of the settlers, and a much larger portion by their exertions, seconded by congressional aid. Other portions never will be cultivated. The main object of the convention was to secure liberal aid and protective legislation from Congress, so as to induce settlers to reclaim the millions of acres of now desert land, which are likely to remain desert, unless encouragement and assistance are rendered to enterprising settlers by the federal Congress.

These millions of acres now produce nothing, except perhaps a little scattering bunch grass, on which a very few cattle, sheep, goats, horses, and wild animals feed. But they are virgin soil, some of it exceedingly rich, and most of it rich enough to produce fair crops of various kinds, were it sufficiently irrigated and properly cultivated. Besides developing the inherent fertility of the soil, irrigation is itself a fertilizer, an enricher, by the matter which it leaves upon the land, the washings of the lands higher up the stream. So that lands now of little natural fertility may be made very productive by a judicious system of irrigation, millions after millions of dollars' worth of agricultural products will be added to the wealth of the nation, and millions after millions of people be able to provide themselves with comfortable homes, and beautiful farms and gardens. This is no little matter—it is one that deserves the attention of our Congress at an early day, and it is to be hoped that the careful deliberation and judicious action of that honorable body will be given to this important subject the coming session if possible.

SHANKS AND THE INDIANS.

CONGRESSMAN Shanks, of Indiana, makes a long string of suggestions with respect to relations with the Indians. Some of these suggestions are very judicious, and others appear to us to be very injudicious. The Indians should be protected in every practicable way from the impositions of white men, and white people should be properly protected from the depredations of Indians. But to dragoon Indians into the civilization of white people would be as unreasonable as to dragoon white people into the habits of the Indians. To interfere with the domestic relations of the Indians, or indeed with those of any people, further than to properly punish violations thereof, does not seem to us to lie within the legitimate jurisdiction of a Federal Congress. To compel Indians to adopt the costume of white men would be a difficult matter, though many Indians would wear portions of the clothing usually worn by whites without compulsion. Indians, like white men, should be led rather than driven. To drive a people to abandon their life long and traditional habits is a difficult and unsatisfactory undertaking, but in the course of two or three generations they might be led to make such a change.

MORE JUDICIAL DECISIONS.

By reference to the columns of today's News, it will be seen that the Third District Court, sitting in this city, has just rendered two decisions upon challenges to the array of the grand jury and the petit

jury in that court. The decision in the grand jury case supports the challenge and invalidates the jury, and in the petit jury case overrules the challenge and validates the jury. Rather conflicting this appears, the result being that civil business can be proceeded with, but that criminal business cannot, which, we may be excused for suggesting, civil people may regret, but criminals will be more likely to rejoice over. However, the sinuosities of the law are wonderful and its ways very mysterious. That a jury should be legal for trying one case and invalid for trying another, under the same code of laws, in the same session of the same court, is rather curious.

Of course the court has its opinions on the matter, and other parties have theirs also, and meantime the great public looks on with curiosity, perhaps surprise, and many people will conclude that court business is as uncertain as either Indians or white men.

What will be the conclusions of many thinking people upon these proceedings? Considering certain antecedents, they will be likely to come to the conclusion that courts are sometimes instituted or run merely for political effect, and to accomplish certain designs, entirely extraneous to the fair interpretation of the law, and the administration of the law according to its obvious meaning and intent.

GEORGE FRANCIS AMONG THE PROPHETS.

THE *Cosmopolitan* publishes an extract of a speech by George Francis Train, delivered before "ten thousand people," on Wall Street, New York, Nov. 2, 1872, in which he predicted the recent financial crisis and other catastrophes. In the same speech, too, says that paper, he also foreshadowed the death of Greeley, the burning of Boston, the loss of the *Atlantic*, the cholera, the N. Y. *Herald* controversy on Caesarism. The editor of the *Cosmopolitan*, while acknowledging the fulfilled predictions of Geo. F., thinks he takes much too gloomy a view of the future.

Here are portions of the extract alluded to. In the first the speaker rates Americans on the boasted right of free speech in this country; and in the second he makes his prophecy of the collapse in Wall Street—

EUROPE A FREE COUNTRY.

Addressing great mass meetings in all countries, I remember no such outrage on the citizen, no such burlesque on free speech, no such audacity of authority as that Cooper Institute meeting. ("Hear, hear.") I spoke to an immense audience of the Internationalists in the Temple Unique, the great electoral hall in Geneva, where all the live members of the Commune were present, in September—(cheers)—but no policemen in official clothes insulted us with their power. (Cheers.) I spoke to 10,000 Frenchmen—Bourbons, Bonapartists, and Reds—in the Cirque at Marseilles, but no armed men appeared. (Loud cheers.) I addressed the Temple Forum Debaters in Fleet Street only three weeks ago, but, though the street was full of policemen, they did not enter the building. (Continued cheers.) But here, in so-called free America, Cooper Institute resembles a military barrack in time of war—a police station under martial law. (Cries of "Shame!" "Our liberties are gone!")

THE COMING FINANCIAL CRASH.

The South Sea bubble, ten millions; Tulipmania of Holland, five millions; the last Mississippi land scheme, fifteen millions, were little bubbles. (Laughter.) The Union Pacific Credit Mobilier, the Overend-Gurney panic, the Black Friday Fisk-Corbin-Grant pool, were only nothing compared to the gigantic bear operation of Belmont, Rothschild, and Grant of two thousand millions. ("Explain.") Why, when France has paid over a thousand millions to Germany, is money eight per cent. at Berlin? Why, when England has received two thousand millions of gold from Australia and California, is the Bank rate raised to six per cent. in London? Because the Belmont Military Ring Syndicate are selling short our National bonds on long date, for Grant to obey the people's will and bring around specie payments. (Sensation.) The people vote Grant in by acclamation. Boutwell buys bonds and sells gold. He has only fifty millions left to meet fifteen hundred millions obligations. (A startling expression of astonishment.) The moment the water is out of the cask everybody sees the fraud. (Cheers.) Gold drops to ten; that smashes Clews and Jay Cooke. (Hear.)

"A man who can marry and does not ought to be d—d," is what a local preacher is reported to have said in a sermon on marriage.

LOCAL AND OTHER MATTERS.

FROM WEDNESDAY'S DAILY, OCT. 23.

SHARP.—There was a keen frost last night. Cool and bracing but clear to-day.

MOVING.—Mr. Dinwoodey's fine new building is so near completion that he is having large quantities of furniture moved into it.

ATTACHMENTS.—In these somewhat dull times a great many people appear to be exceedingly lively in some directions. Especially so in the matter of forming attachments. So the Territorial Marshal and his deputies say, judging from the number of attachment writs they have to serve. The replevin business is proportionately brisk.

CHINESE SWINDLER.—To-day Deputy Territorial Marshal Wm. Goforth brought a Chinaman into town from Bingham. The prisoner had had an examination before Justice Kinney, of Bingham precinct, on a charge of defrauding and swindling, when he was placed under bond, in default of which he was committed to jail. He is now in the City prison.

IN THE SETTLEMENTS.—Mr. F. Mordant, the ventriloquist who gave several performances at the Ward schoolhouses in this city, is now visiting a number of the settlements, giving entertainments. Among other feats he suffers himself to be tied by two individuals from the audience, with a long rope, from which he extricates himself with surprising rapidity.

MAIL MATTERS SOUTH.—Joel E. Johnson wrote from Bellevue, Oct. 15th, that he had received but two numbers of the weekly NEWS within the seven weeks preceding. His papers are mailed regularly to him from this office. Again, how is this?

Our correspondent also says—"First frost seen this morning, good crops of fruit at this place, general time of health, everything prospering."

CACHE VALLEY MAIL MATTERS.—Francis Sharp writes from Smithfield, Cache County, October 18, that the Weekly DESERET NEWS, sent from this office down to the post-office in this city every Tuesday evening, for the last four weeks has not been delivered from the Smithfield office until the succeeding Saturday. This is certainly inexcusable now that the railroad carries the mail. Where is the difficulty? "When we had no railroad," says our correspondent, "we could get them on Wednesdays."

JUDICIAL.—In the columns of today's NEWS will be found the substance of a decision rendered last evening by James B. McKean, Chief-justice of Utah, which sustains a challenge to the array of the grand jury summoned for the present term of the Third Judicial District Court.

There is also a decision rendered this morning, overruling a challenge to the array of the petit jury. The counsel for the defendants in connection with whose case this challenge was raised, excepted to the decision and proposed to appeal.

COALVILLE AND ECHO RAILROAD.—We learn, from Joseph A. Young, Esq., that six new cars for the Coalville and Echo Railroad have just arrived and others are expected soon. A new engine is ordered and the company are determined to have a full complement of rolling stock, so as to be in a condition to put upon the market all the coal taken from the Weber mines.

With the facilities for transmission of coal from those mines now existing, and the extended means of getting it out at the mines, the people of this city may consider themselves safe from the probabilities of a coal famine during the approaching winter.

It will be remembered that during a portion of last winter many of the people were put to great inconvenience and some even suffered considerable distress from this cause. At that time the depot was absolutely besieged with teams and people would get up early on cold mornings in the hopes of being able to purchase a few hundred pounds of fuel.

D. A. AND M. SOCIETY.—We learn that at a meeting of the Board of Directors of the Deseret Agricultural and Manufacturing Society, held last evening, Director Musser gave an epitome of the pro-

ceedings of the Irrigation Convention held at Denver, Colorado, on the 15th inst., at which he represented Utah, and alluded to the favorable attentions and consideration he received at the hands of the members of the Convention.

Secretary Campbell read the address of the Utah delegate at the Convention, published in the DESERET NEWS of the 20th inst., and the supplementary data published in the NEWS of the 21st.

On motion of Director Wallace, a vote of thanks was tendered Director Musser for his careful and able representation of the material interests of Utah at said Irrigation Convention.

The Secretary announced that he expected the diplomas in a few days, and that he had written for the gold and silver medals to Priest & Fuller, of New York, at whose establishment Mr. Staines had them executed last year.

The board then proceeded to the transaction of the regular business of the session, and adjourned *sine die*.

ANOTHER JUDICIAL DECISION.

Hon. Jas. B. McKean, Chief Justice of Utah, rendered the following decision in the Third Judicial District Court this morning, on the array of the petit jury:

TERRITORY OF UTAH,	September
Third District Court.	Term, 1873.
Brigham Young	(October 22d.)
vs.	Ejectment.
Charlotte Arthur.	

A jury having been called in this cause, the defendant's counsel challenged the array on several grounds, among others on the ground that John D. T. McAllister, who summoned the jury, is a private citizen and not the Territorial Marshal for Utah, he having been ousted from that office by the judgment of this Court, rendered on the 4th day of May, 1870, the Hon. C. C. Wilson, then Chief Justice, presiding.

The plaintiff's counsel demurred to the challenge.

Snow and Hoge for the plaintiff; Morgan and Maxwell for the defendant.

McKEAN, CH. J.—That a challenge to the array exists in criminal cases, no one denies; and in the civil case of *Englebrecht et al. vs. Clinton et al.*, the question whether in this Territory a challenge to the array exists in civil cases was not raised at any stage of the case. But since the decision of that case not a few able lawyers have come to the conclusion that, in civil cases in Utah, the challenge to the array does not exist. The question, however, has never been argued in this court, or, at all events, before the judge now presiding. The consequences to flow from the decision of the challenge now pending will be of the greatest importance to the business interests of this Territory. If this jury is to be discharged, it will be useless to try to obtain one any more legal under existing circumstances. There are no doubt many causes on the docket in which both parties will waive all objections to the jury, and thus obtain verdicts, about the validity of which there can be no doubt. And until the question, whether the challenge to the array exists in civil cases, can be thoroughly argued in and authoritatively decided by the Supreme Court, it would seem to be the duty of this Court to overrule, *pro forma*, such challenges. This opinion is expressed upon a question not argued, and upon which the judge of this Court will listen to argument, and which he will carefully reconsider, without bias, in the appellate court. But for the purposes of this case and this Court, the challenge to the array of the jury is overruled *pro forma*.

FROM THURSDAY'S DAILY, OCT. 23.

POLICE.—Francis Sibby, a miner, and James Brady, a laborer, paid the city \$5 each this morning for indulging in a drunk.

MISSIONARIES WILL START.—We learn that it is the intention of the remainder of the missionaries to leave this city on the morning of the 10th of November.

THE MISSIONARIES.—We learn, by telegram to President George A. Smith, from Elder R. V. Morris, received this morning, that the party of missionaries who left Ogden on Monday morning, arrived safely at Omaha yesterday evening.

BOILER FLUID.—This fluid, which is a refuse product of gas works

is brought here from San Francisco, and costs \$1.50 a gallon. It is used to prevent incrustations on boilers. Would it not be well for the City Gas Company to consider whether it would be well to manufacture it?

A SKIRMISH.—James Hogle and Clay had a dispute last night, when Hogle tried to play the part of the potter by trying to mould the clay into a different shape. To do this, he tried the pummelling process, Clay retaliating. They kept on trying to whip the ground with each other till they were arrested by the police.

BELL TOWER.—Bishop Taylor has just finished a bell tower over the main entrance of the Fourteenth Ward Assembly Rooms, which makes quite an improvement in the appearance of that building. This, in connection with the alterations previously made in the interior of the main hall, renders this popular resort one of the most comfortable and attractive in the city.

STREET RAILROAD.—The Warm Springs junction of the street railroad, at the intersection of South Temple and Second West streets will probably be completed to-day. One of W. J. Silver's self-acting switches has been put down and works admirably. The superintendent of the line, Mr. Orson P. Arnold, intends putting cars on the Warm Spring division at once.

SEVENTEENTH WARD.—Bishop Kessler called this morning. He gives a good account of the spiritual condition of his flock. He says the members of the 16th Ward attend meetings well, and are generally faithful in the performance of their duties. To-morrow afternoon the children of the Ward have a free dance and a time of jubilation in the schoolhouse; the adults will have a ball at the same place in the evening.

LIGHT LABOR.—The enterprising gentlemen of the pick and spade are busily employed in tearing out some of the trunks of old trees along the various sidewalks and planting in their stead iron lamp posts. We notice, along First South Street, several old veterans have had "the axe laid at the root," and none so sympathetic as to cry, "Woodman, spare that tree."

Although some may consider fixing up these arrangements for gas laborious, yet Mr. Henry Grow seems to make "light work" of it.

THE RACE YESTERDAY.—A great number of people were on the race track yesterday afternoon, to see the half-mile race between "Midnight Belle" and "Walking John," for \$1,500 aside, and considerable excitement prevailed. "Walking John" was made a hot favorite at the start and justly so, as he won well and easily by a little over a length, although we are of opinion that, had the horses gone another hundred yards, the mare would have won. The elite of the sporting fraternity were present, and the affair was a very enjoyable one. A large amount of money changed hands over the race.

ACCIDENT.—This afternoon a spanking team was being driven up East Temple St., when the animal on the west side espied the Emporium clock. There was nothing very remarkable about his looking at the clock, but the effect it produced on him was something surprising. He made a terrific side leap upon the other horse, knocking him down, breaking the harness, &c. Fortunately several bystanders were around and assisted the driver to put matters to rights.

It is evident that the education of that horse has been neglected, else he would not be frightened at the time of day.

A SMASH.—Yesterday a horse and buggy belonging to Mr. Monheim ran away from the front of the Post Office, the animal being frightened by a dog and in rushing down East Temple Street caused the wheel of the buggy to dash against the hind wheel of a light vehicle belonging to Mr. Isaac Groo, capsizing it and throwing that gentleman to the ground. Besides considerable damage being done to Mr. Groo's vehicle, he was rather severely damaged himself, being cut, bruised and shaken.

To-day Mr. Monheim paid a fine of \$5 for allowing his horse to run away, and will make good the damage done to Mr. Groo's conveyance.

HERD OF CATTLE.—About two o'clock yesterday the people of this