VOL. XVII.

SALT LAKE CITY, UTAH TERRITORY, THURSDAY EVENING, JULY 3, 1884.

NO. 189.

ESTABLISHED 1850.

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Ayer's Cherry Pectoral COLOS. "Having been subject to a tron-chial affection, with frequent colds, for a number of years, I hereby cer-tify that AYER'S CHERRY PECTORAL gives me prompt relief, and is the most affer remedy I have ever tried. JAMES A. HAMILTON,

Fditor of The Crescent. " Mt. Gilend, Ohio, June 26, 1882. GOUGHS, "I have used Aven's Chern's Pectoral this spring for a se tere cough and lung trouble with goot offer, and I am pleased to recommend it o any one similarly affected.

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BY TELEGRAPH. PER WESTERN UNION TELEGRAPH LINE. XLVIII CONGRESS.

WASHINGTON, 2.—The Senate in-sted on its amendments to the After ten minutes of executive ses-ion, the Senate resumed legislative

innds.

Garland from the committee on judiciary reported with amendments the House bill relating to the taxation of Pacific relifered fands. The amendments substitute for the provisions of the House bill those of the bill reported early this session by Garland from the Senate committee on judiciary. It is proposed to amend the title so as to read "An act declaring certain lands subject to taxation."

The sandry civil bill was then taken up. Pending the consideration of the bill the Senate insisted on its amendments to the river and harbor bill and ordered a conference.

ments to the river and harbor bill and ordered a conference.

Sherman offered the following resolution, which lies over till to-morrow shesoived, That the Senate will meet at the usual hour on Friday, the Fourth of July, and after the reading of the journal, and before other business is done, the Secretary of the Senate shall read the Declaration of American independence and Washingtons farewell address.

The consideration of the sundry civil bill was then proceeded with.

The amendment proposed by the Senate committee, to strike out the Senate committee, to strike out the clause providing compensation by salaries, instead of tees, for United States marshais, gave rise to considerable discussion. The committee's amendment was finally agreed to and the provision for salaries was struck out.

Beek moved to include the Cincinnati and Louisville Expositions in the clause providing for the participation by the government in the New Orleans Exposition. Agreed to Exposition. Agreed to.

Jones and Gibson energetically opposed the committee's proposed amendment to reduce from \$500,000 to

smendment to reduce from \$100,000 to \$250,000 the amount appropriated to enable the government to participate in the New Orleans Exposition.

Gibson moved to restore the amount to \$500,000. Not agreed to, and the appropriation was made \$250,000.

The bill then passed and the Senate adjourned.

Washington, 2.—Henley, from the committee on public lands, reported the bill for the forfeiture of land granted to aid in the construction of the railroad from Portland, Oregon, to connect with the Central Pacific. House calendar.

In pursuance of an agreement, year House calendar.

In pursuance of an agreement yesterday, the House proceeded to vote upon the motion to substitute the minority fortifications bill for the bill reduction to the majority of the commit-

ority fortifications bill for the bill reported by the majority of the committee on appropriations. The motion was agreed to yeas 150, nays 10.

Henderson of lowa, Morey and York, voted with the Democrats in the affirmative, and Moržan of Illinois, Findiay, Finerty, Hancock, O'Neil of Misouri, against it. The substitute was then passed; yeas 193, nays 46. It appropriates \$595,000.

The Senate amendments to the river and harbor appropriation bill were non-concurred in.

Forney submitted the conference re-

non-concurred in.

Forney submitted the conference report on the army bill. The explanatory statement anounces the conferees receded from the disagreement to Senate amendment striking out the clause reducing the compensation to subsidized railroads for army transportation. This was the only point of difference between the two Houses. The report was agreed to without division. Tucker moved that the House go in-to committee of the whole on the bills for raising revenue; lost. Ayes 80,

Hewitt, (N. Y.,) asked unanimous consent for the adoption of a resolution asking that a committee of 13 members be appointed by the Speaker to investigate numerous fraudulent transactions recently disclosed in the Executive departments.
Hiscock objected, and the resoluion was not received.

Hiscock objected, and the resolution was not received.

Townshend movec that the House
proceed to the consideration of the
business on the Speaker's table, his
object being to reach the Mexican pension bill with the Senate amendments;
agreed to. Yeas 153, mays 73.

Stockslager moved the bills on the
Speaker's table relating to public
buildings be first considered; lost,
yeas 12, nays 130.

The House refused by 84 to 126 to
consider special order, being the bill
granting pensions to the survivors of
the Mexican and Indian wars, and proceeded to the consideration of the
Mexican pension bill. The Senate
amendment striking out the clause
granting a pension to surviving officers
and enlisted men who served 60 days
in the Mexican war, and who actually
served in the army and navy in that
war, and inserting in lieu thereof a
provision granting a pension to those
who actually served fourteer days in war, and inserting in lieu thereof a provision granting a pension to those who actually served fourteen days in Mexico, or on the coast, or on the frontier thereof, or en route thereto, was concurred in 176 to 55. Pending further action the Speaker laid before the House the President's veto of the Fitz John Porter bill.

The reading of the veto was received with applanse on the Republican side.

The Speaker announced that immediate action on the veto wend he in order.

military office cannot be implied, since this would be in direct conflict with the power of appointment expressive given the President, as above. Regarding the bill as imposing or attempting to impose upon the President a duty to appoint a person designated therein, it is without any support in the Constitution. It is an assumption of implied power, which is not based on any expressed power, and clearly invades the constitutional right of the President. Congress has no right to enact as a law that which will be ineffectual. It cannot enact, advise or counsel. It must make laws that are rules of action, not expressions of will, that may or may not be followed. Counsel is a matter of persuasion: law is a matter of injunction; counsel acts upon willing; law upon the uawilling. Also, Blackstone's commentaries, it, it, then, this bill be an injunction to the desks allotted. The desks provided for the accommodation of reporters will not number as many as were placed in the republican conaction by 100. The assignments to these have all been made, nor can the number be increased. It will therefore be useless to annoy the committee with applications for desk privileges. Press representatives who have had their applications granted have been notified as to their admission to other. Parts of the hall. These number several hundred, enough to fill all the space allotted for this purpose.

George A. Knight, of California, arrited here this afternoon from his eastern trip, where he has spent the time since the Chicago convention in looking over tee situation. Mr. Knight ling. Also, Blackstone's commentaries,
44. If, then, this bill be an injunctiou
commanding the President to appoint,
it is a usurpation, and if it be only a
counsel it is without the essential element of law, and Congress can enact
nothing but that which is to have the
full vigor and effect of law; but again,
the bill is subject to objection upon the
ground that Congress thereby in effect
creates an office only on condition that
it is to be asked by a particular individual named. If this principle were
adopted generally in the creation of
offices, it would obviously result in
constraining the appointing power to
accept the conditions imposed, and fill
offices with individuals designated by
Congress, thus frustrating the design
of the Constitution, which is that officers must be alone selected according
te the judgment and will of the person
and body in whom the powers of nomination, advise and consent for appointment are vested."

The President's Veto:

Washington, 2.—The President this afternoon returned the Fitz John Porter bill to Congress with his objections. He takes the same view as the Attorney General regarding the unconstitutionality of the bill, and says: "There are other causes that deter me from giving this bill the sanction of my approval. The judgment of the court martial by which more than twenty years since Gen. Fitz John Porter was tried and convicted, was pronounced by a tribunal composed of nine general officers of distinguished character and ability. Its investigation of the charges on which it found the accused guilty was thorough and conscientious, and its findings and sentence in the due course of law were approved by Abraham Lincoln, then President of the United States. Its legal competency, its jurisdiction of the accused and of the subjects of the accused and of the subjects of the accused and of the subjects of the accused and of the substantial regularity of all its proceedings, are matters which have never been brought in question. Its judgment, therefore, is final and conclusive in its character. The Supreme Court of the United States has recently declared that a court martial such as this was, "Is the organism provided by law and clothed with the duty of

Court of the United States has recently declared that a court martial such as this was, "Is the organism provided by law and clothed with the duty of administering justice in this class of cases, its judgments, when approved, rest on the same basis and are surrounded by the same considerations which give conclusiveness to the judgments of other tribunals, including as well the lowest as the highest." It iollows, accordingly, that when a lawfully constituted court martial has duly declared its findings and its sentence, and the same have been duly approved, neither the President nor Congress has any power to set them aside. The existence of such power is not openly asserted, nor perhaps is it necessarily implied in the provisions of the bill which is before me. But when its enacting clauses are read in the light of the recitals of its preamble, it will be seen that it seeks, in effect, a practical annulment of the findings and sentence of competent courts martial. A conclusion at variance with these findings has been reached after an investigation by a board consisting of three officers of the army. This board was not created in pursuance of any statutory authority, and was powerless to compet the attendance of witnesses, or to pronounce a judgment which could be lawfully enforced. The officers who composed it, in their report to the Secretary of War, dated March 19th, 1878, stated that in their opinion, "Justice requires such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz John Porter, and to restore him to the position which their sentence deprived him of, such case of Maj. Gen. Fitz John Porter, and to restore him to the position which their sentence deprived him of, such restoration to take effect from the date of his dismissal from the army." The provisions of the bill now under consideration are avowedly based on the assumption that the findings of the court-martial have been discovered to be erroneous, but it will be borne in mind that the investigation, which is claimed to have resulted in this discovery, was made many years after the event to which these findings related, and under circumstances that make it impossible to reproduce the evidence on which they were based, it seems to me that the proposed legislation would establish a dangerous precedent, calculat-

ed to imperil in no small measure the findings, force and effect of the judgments of the various tribunals established under our Constitution and laws. I have already in the exercise of the pardoning power, with which the President is vested, remitted the continuing penalty that made it impossible for Fitzlohn Porter to hold an office of trust or profit under the Government of the United States, but I am unwilling to give my sanction to any legislation which shall practically annuland set at naught the solemn and deliberate conclusions of the tribunal by which he was convicted, and of the President by whom its findings were examined and approved.

(Signed) Charles A. Arthur.

Executive Mansion, July 2, 1884, Washington, D. C.

rited here this afternoon from his east-ern trip, where he has spent the time since the Chicago convention in look-ing over tee situation. Mr. Knight visited Blaine at Augusta, and found the republican candidate confident, and disposed to look on the disaffec-tion of the party as not serious.

DEATH AND DISASTER.

CINCINNATI, 2.—This afternoon as the train on the Chalmati & Eastern road was crossing the trestle over the rayine east of Winchester, W. R. Mc-Gil, president of the road, fell from the door of the baggage car to the ground, a distance of 50 feet, and was instantly killed.

Havana, 2.—The boller of the Spanlish man-of-war Ligero, exploded at Las Newritas, to-day, with great violance. Three persons were killed and five severely injured.

New Orleans, 2.—The Picayane's Bactran special says: Yesterday evening the eldest daughter of Hope Wheatstone, a well-to-do colored planter and respected citizen living near here, was waylaid and riddled with buckshot. She was instantly killed. Jas. K. Rutledge was arcested.

FOREIGN.

Radical Peers-Cholera, Etc. London, 2.—In the Commons, to-day, Labouchere gave notice that he intended, in view of the prospect that the Lords would reject the franchise bill, to ask whether Gladstone would create a number of radical peers to overcome the adverse majority.

There are 115 cholera patients in the hospital at Toulon. At Marseilles there is a better outlook than for the past few days. few days. few days.

Toulon, 2.—Six deaths here from cholera between 9 a. m. aud 7 o'clock p. m. to-day.

Algiers, 2.—Vessels arriving from all countries, except Algeria and Tunis, are subject to a quarantine of five days.

BRIEF TELEGRAMS.

PHILADELPHIA, 2 .- The fifteen-yea oldiboy sent here from Quincy, Illinois, under the supposition that he might be Charley Ross, arrived to-day and was questioned by Mr. Ross, who positively said he was not his missing son. San Francisco, 2.—U. S. Surveyor General Brown to-day discharged thirty-five employees in his department through the failure of the appropriation of money for their salaries. Cleveland, 2.—Base ball—Cleveland, 4, Providences 2.

New York, 2.—Mrs. Ward, the keeper of the uptown nursery, notified the police to-day of the death of Mabel Louisa Baker, a six months' old child. This is the place styled yesterday the baby farming establishment. The authorities will make an investiga-

Waterville, Me., 2.—The commencement dinner at the Colby University to-day was an elaborate affair. Professors Pepper, Caldwell and Fornand made brief speeches. Blaine being called upon was given a most enthusi-

Nominations—Le Baron B. Colt, of Rhode Island, U. S. Judge of the First Judicial Circuit; Chas. S. Zane, of Hil-nois, Chief Justice of the Territory of Utah; James McCormick, Postmaster, Redding, Cal.

The House committee on foreign af-fairs informally agreed to report a re-solution expressing the sentiment of the House as favorable to the negotiation of a reciprocity treaty between the United States and Canada.

The House committee on elections has decided to reconsider its action in the contested election case of Fredericks vs. Wilson of Iowa, and the latter gentleman will retain his seat. San Francisco, 2.—It is rumored that the Golden Age Flouring Mills have failed. A meeting of the creditors will be held to-morrow, when an assignment will probably be made. The flabilities are estimated at \$100,000 The French Savings Bank is the largest creditor, for \$18,000.

FROM THE FOUR WINDS.

It is not death that makes the mar There is no power of genius that can do the work of toll. California produces 100,000 hoxes o raisins every year.

True merit like a river, the deeper it The adual mortality in Great Britain from intemperance is 40,500. Nearly 25,000 women are engaged glove-making in England alone. New Jersy railroads own one-fourtl the taxable property in the State, and pay one-twelfth the taxes.

How much prettler the children loo a simple white, gingham or line iresses, than those who are dresse cussily in silk with velvet panniers an

The mind care is considered superior to the hot-water cure in Boston, the latter not being intellectual enough. Patents are instructed to think, and real hard, too, that their pains are gone,

Dr. J. C. Ayer & Oo., Lowell, Mass. Seld by all Designer, Ci, six bester for St.

THAMS WANTED. TO HAUL SALT. APPLY TO JOHN W. SNELL

FOR SALE. GOOD SPAN OF HOUSES AND FARM Wagon. Apply to JOHN McDONALD.



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NOT A LIQUID or SNUFF A few ap-olications relieve. A thorough treatment of the control of the control of the control rular. Price 50 cents, by mail or at drug-cists, ELY BROTHERS, Draggists, Owego, All and & w

Having put up Machinery I am now making A FIRST CLASS ARTICLE OF PLASTER OF PARIS perior to any imported. I am prepared to

Satisfaction guaranteed and Order promptly filled. AGENTS WANTED. Grier, Burt & Halliday of Provo say: "You can use our name to recommend your Pluster; it is as good as any imported." JOHN ROWLEY, Mephi, Juab County, Utab.

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MARVELOUS STORY

FROM THE SON: "B Codar St., New York, Oct. 28, 1882.

Ayer's Sarsaparilla

he began using your medicine. Now, there are few mon of his age who enjoy as good health as he has. I could easily name fifty persons who would testify to the facts in his case. Yourstraly, W. M. PHILLIPS.

Ayer's Sarsaparilla.

GREAT BARGAINS in EVERY DEP'I OUR LARGE STOCK OF

WHITE GOODS, LACES, IRISH POINTS AND HAMBURG EMBROIDERIES,

Which are so desirable just now for WHITE DRESSES, are being con-

The Season is now coming to a close, and

Our Usual Semi-Annual Clearance Sale

NEW SHIPMENTS RECEIVED Every Day by Freight and Express

N. B.—We have for the present discontinued our advertisements through he local columns, by reason of the enormous expense and in the future all antionnements in connection with our business will be found in this column only.

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COHN BROS

A Full Line of Misses', Children's and Infants'

Of Williams & Hoyt's make, in Goat, American and French Kid, Sandals, Ties, etc., also an endless variety of Ladies' Grain, Goat, American and French Kid, High and Low Cut Shoes, Kid and Satin Slippers, at Sacrifleing Prices, as I am Closing out this entire line of Ladies',

Misses' and Children's Shoes.

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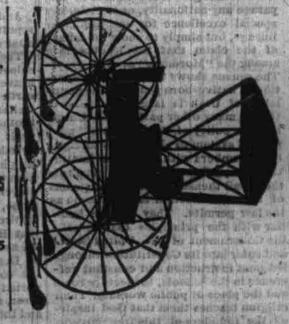
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"A GRADE" BUGGIES, "B GRADE" "GOLD BASIS" "

T Carts, Phætons, CLEVELAND'S BPEN AND THP BUGGLE OPEN SPRING WAGONS \$100, \$125, \$150, \$175 \$200, \$250, \$300, \$850. FARM WAGONS.



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