

GEORGE Q. CANNON.
EDITOR AND PUBLISHER.

Monday, October 17, 1870.

JUDGE C. H. HAWLEY AT BEAVER.

By reference to another column it will be found that Judge Hawley has been holding Court at Beaver in his district—the second Judicial District. This is a noticeable fact, not only because such visits of the Judge are so remarkably rare, but because of the extraordinary character of his proceedings while there. The people of the Second Judicial District have reasons for recollecting the Judge's visit; it will doubtless long be associated in their minds with the attempt upon his part to impress them with the importance of his position, and with the turning loose in their midst of a criminal, whose acts mark him as a dangerous desperado.

It might be supposed that the Judges were sent here to execute the law, not to thwart its operations—to maintain order, not to promote disorder—to make life and property more secure, not to render them insecure.

But if this was the business for which Judge Hawley was sent, he has altogether forgotten it; for a greater blunder in this respect this Territory has seldom contained. He says the Probate Court had no jurisdiction in the case of Peden; then what Court had? Had the District Court? We suppose he would not question the jurisdiction of his own Court. But how long would murderers, thieves and other scoundrels have to be kept before they could be tried and punished in the District Court? There are Districts in this Territory to which Judges have been assigned in which District Courts have not been held for many years. How many Courts has Judge Hawley himself held in his District? He has never resided there. For him to say, therefore, that the Probate Court had no jurisdiction in such a case as that of Peden's, if it were not so serious a matter, would be farcical in the extreme. Let his decision be sustained, and it would be equivalent to saying to murderers, thieves and villains of every degree: You are at liberty to murder, rob and commit every imaginable crime in Utah Territory, for the Probate Courts cannot punish you, and other Courts in many Districts are scarcely, if ever, held.

We dare not use the language that rise in our mind—it would be deemed intemperate—as we reflect upon the diabolical results that would follow the unchecked exercise of power by such men as the Judge of the Second Judicial District of this Territory. If his decisions are not intended as a bid for the commission of crime, what is their object? Can anyone think a course that would be more likely to result in bloodshed, anarchy and a reign of terror than the one he has appeared to have adopted? If his decisions were to prevail crime must run riot, and criminals pursue their careers without any fear of consequences, or the people must rise and organize vigilance committees and obtain the protection for themselves which the sworn administrators of the law fail to give them.

The dispatch states that the Court said that all appeals from Justices of the Peace must be made to the District and not to the Probate Courts. What right had Judge Hawley to make such a statement or ruling? Was there a case coming before him from a Justice of the Peace? If there was, then such a ruling might be proper. But if there was not, and we should so infer from the dispatch, and he so ruled, then his ruling was what lawyers call *obiter dictum*. The Territorial laws are plain and emphatic upon the subject of appeals. In criminal suits the law plainly says:

"Upon the affidavit being filed, in which the alleged error of the proceedings is stated, and that the affiant verily believes in justice has been done, the Justice shall grant an appeal to the court of Probate of the county."

In civil suits the civil code says:

"Any party dissatisfied with a judgment rendered in a Justice's Court, may appeal therefrom to the Probate Court for the County, any time within thirty days after the rendition of judgment."

Does Judge Hawley intend that his *obiter dicta* shall take the place of our laws? If he is in Utah Territory, he may not imagine that his power is absolute, and that his loose sayings have the force of law, or will be regarded as such. Utah is the last place in the world where a man can succeed in the rule of J. Frey; and Judge Hawley is the last man in the world who should assume it. It is clear that Nature never intended him for the part.

THE YALE EXPLORING PARTY.

We had a call from an interesting conversation this morning with Prof. O. C. Marsh, Professor of Paleontology at Yale College, and head of the geological exploring party, to which we have made occasional allusions recently in our columns.

The following are the names of the gentlemen composing the party: Prof. O. C. Marsh, Yale College; Eli Whitney, New Haven, Conn.; J. W. Griswold, Troy, N. Y.; C. W. Betts, N. Y.; A. E. H. Wing, Chicago; Ill.; George B. Grinnell, New

York City; J. M. Russell, Ky.; Charles F. Ballard, Louisville, Ky.; John R. Nicholson, Dover, Del.; Henry B. Sargent, New Haven, Conn.; Harry D. Ziegler, Philadelphia, Pa.; all of Yale College.

They left Yale about the last of June, and are now en route to California, where they will spend a week or two, and then return through Colorado and Kansas, to make further explorations there. They expect to reach Yale by the first of December.

The object of the party has been to explore Nebraska, Colorado and Eastern Utah, to find extinct animal remains. Their investigations have been most successful. A very interesting discovery, of what was once a fresh water lake, was made in Eastern Utah. Abundant remains of serpents, turtles, crocodiles, rhinoceros and numerous other animals of tropical regions, and belonging to what the geologists term the tertiary period, were found. A fresh water lake was also discovered this side of Sherman.

There were three expeditionary parties, one starting from Fort McPherson, for the examination of the Loup Fork country, one from Fort D. A. Russell, to explore the geological formations of the country lying between the two forks of the Platte River; the third party started from Fort Bridger, to explore the East Utah mountains and the country in the vicinity of the Green and White Rivers.

Probably two tons of animal remains have been collected, which will be forwarded to Yale, and it may safely be predicted that the result of the labors of these gentlemen will be a highly increased interest, throughout the country in paleontological researches and investigations in the great West.

This is the first expedition of the kind that has ever been out into this Western country, but their success will no doubt stimulate the formation of similar expeditions in future.

Professor Marsh and his companions *du voyage*, have been exceedingly interested and delighted with all they have seen here. The Professor expresses himself as being charmed with a two hours visit to the Museum in this city; he considered that the time passed there was very profitably spent.

The party leave the city this afternoon.

NEW YORK CITY AND THE POLITICIANS.

A COTEMPORARY says that the people of New York City are taxed annually to the amount of twenty million dollars, which is about twenty dollars per head for every man, woman and child it contains. This is an immense sum of money, and being so much governed, and having a standing army of two thousand policemen amongst them, the people there ought to be very orderly and well-behaved. But the records of the city are about as redolent of vice and crime as they could well be if no government existed and no taxation was assessed; in fact so prevalent is crime there that the present Mayor wants the police force increased by the addition of one thousand men, which will also increase the municipal expenses one million six hundred thousand annually.

This is a very bad showing for the metropolis of the greatest and freest nation under the sun, and shows the necessity of inaugurating a new system; none could be worse than the present, and a change might be for the better.

The administration of justice is notoriously lax in New York, and to this fact may be attributed the necessity for an increased police force; but that might not prove a remedy, for the demoralization, corruption and depravity which prevail are said to be the result of misgovernment and the reckless expenditure and misappropriation by the politicians, of the people's money. New York city, it is said, is infested with the most corrupt class of politicians in the world, and to the fact of its affairs being controlled by them and their pimps and allies is attributed the present wretched condition of things.

The statement sounds very probable. Politicians, not statesmen, but the miserable class of unprincipled, broken down, third-rate lawyers and pettifoggers, who, after every other means have failed, turn politicians, are without doubt the meanest class of men under heaven. Judas, after obtaining the blood money, it is said hanged himself, showing, if the statement be true, that there was some vestige of conscience left; but journeyman statesmen, *alias* jobbing politicians, as a class, care for nothing but self, and would remorselessly sacrifice the interests of country and friends to further their own. Unfortunately, as a class, they are very numerous, and there is, probably no place in the Union free from their presence. This city and Territory are badly tormented and infested, with them and they are wire-working, wiggling, lying and having recourse to every expedient with which their great antetype, the father of lies, can inspire them, to obtain the control of the people's money at pleasure. Their little tricks are known and pretty well understood; but as failure on their side is sure, little notice is taken of them. One of the gifts of the gospel is the power to cast out devils; it is possessed by the whole of the elect of Israel, and if there was any danger of such schemes

being accomplished, the elders of Israel would assuredly exercise the power of their priesthood, and the devils would be exorcised and the politicians cast out.

But it is otherwise in the city of New York; the devil and the politicians seem to have full sway there, and are having a profitable time, the people being fleeced most beautifully, and the rule and ruin system fully established.

Seeing that such is the case one might naturally suppose that some of the tribe, wiggling here, on moderate rations, with no prospect for an increase of pay in the future, would migrate to fields which promise better things. We do not think that they who are here would succeed in New York City; they are mean enough, but not smart enough; but having served a kind of apprenticeship on the frontiers, they might, by dint of perseverance, eventually prove themselves sufficiently expert to come in for a share of such magnificent spoils as those offered there. It must be mortifying to them to spend their time for years, as they have done here, with such small returns. Their presence is not desired, their efforts are hopeless; the whole people scorn and despise them, and we drop them a few hints, believing that if they are half as wise as they are mean and vile, they will adopt them in the friendly spirit in which they are given.

(SPECIAL TO THE DESERT NEWS.)

By Telegraph.

For WESTERN UNION Telegraph Line.

AFTERNOON DISPATCHES.

GARIBALDI in the FRENCH SERVICE!

The Prussians Evacuate Orleans and are driven back!

BAZAINE and HIS ARMY ESCAPE FROM METZ!

General Sheridan on the fall of Paris!

100,000 Prussians en route for Paris to strengthen the Besiegers!

WASHINGTON.

WASHINGTON, 15.—Judge Bond, on the application of citizens of Charleston, S. C., that city having over twenty thousand inhabitants, has appointed managers of election for the several precincts, two for each; one representing the Republican party and the other the Reform party. These appointments are made under the Congressional act of July last, amendatory of the naturalization laws and for other purposes. The election will take place in South Carolina on Wednesday.

WASHINGTON, 15.—General Sheridan has written a letter to a friend at Washington in which he says there is about the same percentage of desertions and shirking from military duty in the French and the German army, as there was in the United States, during the late civil war; and he speaks of the fall of Paris as merely a matter of time.

NEBRASKA.

OMAHA.—Official returns show that the State Legislature stands thirty-six Republicans, nine Democrats and nine people's candidates.

MASSACHUSETTS.

BOSTON, 16.—The corner-stone of the House for destitute Catholic children was laid to-day.

NEW YORK.

Politicians denounced.—Reinforcements for the Prussians—French and Prussian rumors on the situation.

New York, 16.—The Times, to-day, editorially denounces the members of the Republican general committee who last night, overturned the project for an alliance with the young Democracy, as slaves of Tammany, and calls for their expulsion from the party.

The central Republican Junta of Cuba and Porto Rico has, in consequence of President Grant's proclamation, been dissolved.

The steamer *Hornet* was yesterday released to the owners by order of Judge Blatchford.

Attorney General Akerman has had a long consultation with Judge Woodruff and Marshal Sharpe, on the coming election.

The yellow fever is dying out; there have been no new cases on Governor's Island since the eleventh.

The French steamer *St. Laurent*, which sailed on Monday, already has aboard sixty thousand rifles, as many revolvers, sabres and bayonets, and five million rounds of cartridges.

Prussian reports from Versailles, 16th, via London, say the reports of French successes before Paris are untrue; they are invented for the purpose of rekindling the courage of the people; the Prussians hold exactly the same positions they occupied on the 19th of September.

Two small skirmishes between outposts on Thursday and Friday are the only encounters that have occurred during the week. Schneider, after an obstinate defense of four days, has capitulated to the German forces. A diary written by a Parisian, which has fallen into German hands, admits that Paris is provisioned for only two months longer, and the only hope of the besieged is to act on the offensive, and by a pitched battle dislodge the besiegers. It is rumored that General Layer has been sent by Marshal Bazaine to the Royal headquarters at Versailles, to treat for the surrender of Metz. General Fleury, after a visit to Napoleon, arrived at Metz yesterday.

The Tribune's cable special, dated London 15, says the special correspon-

dent of the Tribune at Berlin, telegraphs on the 14th, that the armies investing Paris have been and still are receiving heavy reinforcements, comprising the landwehr of the guards heretofore at Strasbourg, the bulk of the newly formed 13th corps before Toul, and the Baden division, which is marching by Troyes; also the reserved corps formed in Silesia, which are to be sent to face the 16th corps, amounting in all to about a hundred thousand men. The 14th corps under General Werder, is advancing from upper Alsace against the Rhine army, supposed to be forming at Lyons.

The reported suffering of the troops before Paris, from want of provisions, is authoritatively contradicted.

The chief of staff of the 13th corps reports that formal siege operations had commenced at Verdun and Soissons. Operations at Paris have been delayed by Bismarck's desire to prevent the shelling of the city, but the attack is expected to commence next week.

French reports, from Tours 16, say that no additional official news has been received from Orleans. It is understood that large forces are en route to face the Prussians, and a general battle is imminent. The military authorities here are hurrying forward reinforcements in that direction. Garibaldi has been appointed to the command of the regular forces in the Vosges, with a brigade of the gardes mobiles attached. Gambetta, in a letter to General Camille, commanding in the eastern department, announces the appointment, and says he will rely on the patriotism of the General for prompt and able support of the operations of Garibaldi.

FOREIGN NEWS.

FRANCE.

French reconnaissances.

TOURS, 15.—The journals report that the Orleans Princes have been enrolled in the army now forming at Rouen. The Prussians recently captured a balloon from Paris.

The French sent up two balloons to prevent suspicion, and then advanced one of them to be captured; this contained a large number of circulars printed in the German language as well as the different proclamations lately issued by the government.

The *Arch de Triomphe*, at Paris, is to be iron-clad. Walls will then be constructed around it. It is thought it will thus become a formidable fortress. It will be armed with enormous steel cannon now being manufactured in the rear of Notre Dame. A park of artillery stands ready for use in case the Prussians attack on the side towards Bercy. Heavy cannon will also be stationed on the island of St. Louis, which has already been strongly fortified.

A communication, dated Chawmont, this morning, states that M. Kerraty, Chief of Police, who left Paris yesterday morning, at ten o'clock, in a balloon, descended the same day at Bar-le-Duc, having escaped the pursuit of the enemy. He was slightly wounded in the leg and head by a sudden fall of the balloon on the 13th.

A splendid fight took place at Bognux and Châtillon, whence the enemy was dislodged. During a reconnaissance of our fortresses the enemy sustained considerable losses. General d'Amphre, commander of the Aube mobiles, was killed at the head of his command. Our frontier batteries were dismantled at dusk. Our troops withdrew to their lines in admirable order. According to a preconcerted plan, the sailors in Fort Montrouge covered the retreat. The firing from Forts Montrouge and de Vanves was most telling. The Chateau of St. Cloud was destroyed by fire.

Tours, 15, evening.—Rumors from Orleans are startling. It is asserted that the Prussians there, who are known to have been in large force, have surrendered to the French with all their artillery. The French forces are continually increasing.

Government authorities have given public nothing from Orleans for a day or two.

Messengers sent forward by the associated press agency, two days ago, have not yet returned. There is much anxiety to hear the official news.

A small force of Prussians is approaching Bourges.

Bazaine has escaped from Metz and is marching with his full force to the relief of Verdun.

A cable to the *Herald*, dated Tours 15th, says the rumors of the evacuation of Orleans and that the Prussians were driven back, is confirmed. It is also officially announced that Trochu had, in person, made a brilliant sortie from Paris and repulsed the enemy at all points.

Tours, 16.—The national guards assembled in large numbers, to-day, before the Hotel de Ville and made a demonstration in favor of immediate action; they demanded arms and asked to be led against the enemy.

L. Balfour, Chancellor of the French Embassy at Vienna, escaped from Paris on the twelfth in a balloon, and has arrived here; he goes to Austria on a special mission from Jules Favre.

A balloon with five sacks of mail matter from Paris fell at Villeneuve, on Friday.

The Government announces that the Prussians have retired from Beugny, towards Metz. A reconnaissance of the Prussians in force was repulsed on Thursday near Orleans, after a skirmish. The enemy, last night, was in force six miles from Chateau Dun; they had burnt the villages of Vanves and Ivry. There was a skirmish, yesterday, near Colmar, between the Prussians and French troops. The national guards of Boulogne have offered their aid in the defense of Metz. The Prussians in the department of Somme number about 10,000. News has been received from Alencon that the Prussian troops in that part of Normandy are hastening to return to the neighborhood of Paris. The Prussians are advancing on Rouen; they reached Fleury on Friday and exchanged a few shots with the French outposts. The Prussians have occupied Les Andelles, within a few miles of Rouen.

LYONS, 15, via London.—Advices from the neighborhood of Rouen, state that the Prussians, to-day, attacked the outposts near that city, but the French everywhere stood their ground, losing only two killed and six wounded.

Tours, 15.—The following diary of events in and around Paris is given:

"On the 8th the garrison made a reconnaissance towards Boudy, the Chateau d'Argenteuil, Neuilly and Calvados."

"On the 9th a demonstration was made by the national guards in favor

of Trochu and Favre, but against the Commune. Favre addressed the people, saying that his only care at present was to repulse the invaders. The next day numerous addresses were received from members of the national guard, approving of the postponement of the elections for the Constituent Assembly, and condemning the demonstrations made by men with arms in their hands. Collapla, commander of a battalion of the national guards, having distributed cartridges among his men, preparatory to marching on the Hotel de Ville, has been summoned before a court martial. Proceedings have also been commenced against Flourens for an alleged attempt at insurrection. Rochefort has written a letter to Flourens, advising moderation and the setting aside of political aspirations until the war is over. Jules Ferry publishes a letter praising the citizens of Belleville for the patriotic and orderly conduct. A decree has been issued, abolishing the caution system and the most odious restrictions on the press; the journals which have deposited caution money, with the government will be reimbursed. On October 11th the mobile guards made a sudden attack on Malmaison and Gelfrie, in which a number of Prussians were killed. It has been arranged that each day three members of the government will visit forts and redoubts. All orders given for arms are being rapidly filled.

ITALY.

About Mazzini-A brigand killed.

ROME, 5.—Mazzini, the noted republican agitator, has been excluded from the amnesty.

NAPLES, 15.—The famous brigand, Pione, has been killed.

GREAT BRITAIN.

Mercantile failure.—German democrats indignant.

LONDON, 15.—The officers of the London and Country bank deny the truth of the cable dispatch announcing the arrest at Toronto of one Jones, for the robbery of their bank. They ignore the matter entirely.

The detention of Jacoby aggravates the German Democrats who protest firmly. The present North German constitution will probably form the basis for the destruction of the empire.

M. Villemot, former editor of *Figaro* and *Temps*, died yesterday.

The Prussians have retired from Breteuil to Laon. The Paris correspondent of the *London Standard* says: There is no sickness, no lack of food, and no lack of courage. The Prussians can never get in.

LONDON 16.—A brother of Bazaine writes to the *Journal d'Amiens* denying that the General refuses to recognize the Republic, or that he holds Metz for the Napoleonic dynasty; he adds that Bazaine does not consider himself a Marshal of the Emperor but of France.

The French made a sortie from New Breisach, yesterday a. m., under cover of a dense fog, but were driven back.

Ridley, Son & Co., Liverpool merchants, interested in the American trade, have suspended.

Special Notices.

Lost, a RULE, about three feet long. The under will please leave it at the Townsend House. 27-1

A Splendid Chance for Profitable Investment.—WANTED: A PARTNER in an Orange, Lemon, Lime, and English Walnut Orchard, in all consisting of 10,000 splendid trees, near Los Angeles, California. Also to take charge of 20,000 mulberry trees, feed silkworms, etc. Must have some means in cash, and give the best of references as to responsibility, etc. Inquire of DR. ROBERTS, Room No. 9, Omaha House, Salt Lake City. 27-8

"COSTAR'S" EXTERMINATORS. For Rats, Roaches, Use Paste, Exterminators For Bed Bugs, etc., Use Liquid, Exterminators For Moths, Bed Bugs, Use the Insect Powder. "Only infallible Remedies known." W. S. GODDE, Agent, SALT LAKE CITY. 27-11

The undersigned having removed his residence and Office to First South St., 18th Ward, a block and a half east of the Theatre, will continue to render his medical services on moderate terms, for which see his circular, to be had on application at his Office, from 10 to 2 o'clock, when he will be in attendance to receive patients.

15th Oct., 1870. L. P. MARK, Homeopathic Practitioner.

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(Signed) G. BUNE.

Ogden, September 30, 1870.

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

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