

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - AUGUST 20, 1873.

VALEDICTORY.

OUR position as Editor and Publisher of the DESERET NEWS, has not been so agreeable to us of late as in former years, for reasons stated herein. It is nearly six years since we took the control of the NEWS. At that time and for years afterwards, with brief exceptions, we were able to bestow our almost exclusive attention upon the paper and the business of the office. But for some time past this has not been the case. Other duties have claimed our time and engrossed a considerable portion of our thoughts. In the meantime the business connected with the DESERET NEWS Office has grown to proportions which require the undivided care and attention of the responsible head. Besides the Daily, Semi-Weekly, and Weekly editions of the Paper, there are a Book and Job Office, a Bookbindery, a Type Foundry and a Paper Mill connected with the establishment. When properly managed, these require a constant supervision, which we for some time back, have found ourselves unable to bestow upon them, and we have felt that to do full justice to the business it should be transferred to hands wherein it could receive the attention which its importance demands. To-day the entire business of the DESERET NEWS Office, its Editorial, Publishing and Business Management, has been transferred to Elder David O. Calder. He is well known to the great majority of our readers, and his long residence in the Territory, his familiarity with its affairs and his confidential intimacy with its leading citizens, and especially with President Brigham Young, his Counsellors and the Twelve Apostles, mark him as a most suitable man for the position of Editor and Publisher of the DESERET NEWS. We bespeak for him the confidence, the courtesy and the support which we have received from the people of the Territory and many friends elsewhere, since we occupied this position, and trust that his relationships with the readers and patrons of the NEWS will be as pleasant and satisfactory as ours have been. We have not the shadow of a doubt but that they will be.

We cannot close this article without expressing our thanks to our readers and patrons for the cordial support which they have extended to the NEWS. That the DESERET NEWS, under its new management, may pursue a career of uninterrupted prosperity, is the earnest wish of

GEO. Q. CANNON.

P. S.—All communications, business or otherwise, for the DESERET NEWS, will hereafter be addressed to

DAVID O. CALDER.

SALUTATORY.

In assuming the management of the DESERET NEWS Office, in its various departments, we shall endeavor to direct our energies towards sustaining the favorable reputation which has long been attached to this establishment, and to do our utmost towards rendering it, in every department, still more worthy of the support of an intelligent, sagacious, and liberal public.

During the management of our worthy predecessor, Elder Cannon, the NEWS has greatly increased in size, circulation, and interest, and the Office in facilities for the ex-

cution of every class of work connected with the business. Additions and improvements will continue to be made from time to time, as may be deemed advisable, in order to be constantly and fully prepared to execute all kinds of work in the best and most satisfactory manner. Already this office possesses facilities for work in the printing line unequalled by those of any other office in the Territory, and we shall not rest content until the DESERET NEWS OFFICE is unsurpassed by any other office in the West, in completeness and in the best facilities for the performance of all kinds of work with which it may be favored.

In the job and bookbinding departments we shall do all we can to satisfy those who may favor us with their patronage, and to merit a generous share of public support by assiduous, intelligent, and prompt attention to all orders, careful execution in the best style of the arts, and prices which cannot fail to please.

We shall seek to make the NEWS more than ever the leading family and news journal in the Rocky Mountains, if not in the West. By the kind favor of a discriminating and appreciative public the NEWS has ever enjoyed the most extensive circulation of any journal published between the Missouri and the Sacramento. This satisfactory condition we shall labor diligently to have continued, and to be made more full and put still further beyond question. It will be our constant study not only to maintain the high character of the NEWS, but to make it still more worthy of a place on the table of every family, and an ever welcome visitant wherever it may find its way.

We respectfully solicit the kindly remembrance and continued favors of all the old readers, friends, and patrons of the NEWS and the friends and patrons of the NEWS Office, and their best recommendations to others, and hope that our relations with them all will be ever agreeable and mutually beneficial.

DAVID O. CALDER.

A SENSIBLE DECISION.

THE other day Judge Boreman, in a criminal case of a class one does not like to name, gave a decision in favor of sustaining the municipal authority. Yesterday Judge Emerson, in a civil case, rendered a decision in favor of respecting the Territorial and County authorities. Both of these decisions are antagonistic to past rulings of the chief justice and some former justices, though none the less sound and just on that account. For it is a notorious fact that several of the judges which Providence has permitted to encumber and afflict this Territory have appeared to make it their set and steadfast study to rule counter to the more local and minor courts, not for the public benefit, but because of religious and political prejudices, if for no worse reasons. Judge Emerson yesterday actually decided, in accordance with the unanimous decision of the Supreme Court of the United States, though contrary to the dictum of a certain chief justice for a Territory, that U. S. marshals have nothing to do with strictly Territorial judicial business, but that the Territorial Marshal is the proper marshal to attend to all that. This sound and sensible decision was not only reversory of certain past proceedings in the case under consideration, but it affects proceedings in a number of other cases, wherein what this decision stamps as illegal authority has been exercised by federal officials. We have neither space nor disposition to particularize and detail these cases now. If and when they come before the public again in legal form, they may receive due notice res-

pectively. But we may congratulate the people of the Territory that the practice of making judicial decisions all on one side, and that side the unconstitutional side, the side in direct and needless and illegal opposition to the purely local tribunals, is not likely to extend to such a length as some people have imagined, and hoped and labored for.

CORPORATIONS AND RAILROADS.

UNLESS the people go down into abject subservience to and dependence upon a few capitalists, it would seem that the great battle of the future will be between corporation and co-operation. There is a third possibility—that great corporations, through rivalry and jealousy, will re-enact the battle of the Killenny cats, and devour each other, leaving to the people the spoils. The railroads are among the most powerful of the corporate combinations at the present, and some of them are actively devising ways and means of extending and perpetuating their power, a few of them contemplating and inaugurating schemes of imposing extent and importance.

Two powerful combinations are striving for the monopoly of the vast carrying trade between the Atlantic and Pacific Oceans. The Vanderbilt party control the New York, Chicago and San Francisco route, and the Pennsylvania are arranging to control the Atlantic and Pacific, and the Texas and Pacific, with Col. Thomas A. Scott at the head. The building of this road westward is being pushed with energy.

Vanderbilt is building a new and additional double track, specially for freight, on the New York Central, from Albany to Buffalo, 300 miles, to relieve the frequent accumulations of western freight. A third of this new track is laid, and the whole may be within two years.

Scott is endeavoring to effect arrangements to have a clear track from Halifax, N. S., to San Diego, Cal., hoping to catch the European and transcontinental travel. The principal route of this great line would be by the Atlantic and Pacific, the Vandalian, the Pittsburg, Cincinnati and St. Louis, the Pennsylvania, the New Jersey Central, the New York and New England, the Boston and Eastern, the Maine Central, and the European and North American and Inter-colonial roads, the company building new and shorter roads where necessary, and the route saving a day and a half's time from Liverpool to New York or San Francisco, over the Vanderbilt route by New York. This is a bold and magnificent undertaking, and if pushed through vigorously, as it is likely to be, will do much to develop the South on and near where it passes.

JUDGE EMERSON ON DIVORCE.

In rendering a decision yesterday in a suit for divorce, in the Third District Court in this City, his Honor, Judge Phillip H. Emerson, stated that he had intended to give his decision in writing, but he had devoted so much time to examining the question and authorities, and had been so closely engaged in his other judicial duties, that he had concluded to deliver a verbal decision. He said the complainant filed her bill in that court, and appeared by counsel, to obtain a decree of divorce from the bonds of matrimony, and obtained an order of court for the defendant to show cause why alimony *pendente lite* should not be allowed her.

In answer, the defendant, by counsel, insisted that that Court had no original jurisdiction in divorce cases, when the cause or causes for which divorce was sought were statutory.

An act of the Territorial Legislature in 1852, entitled "An Act in relation to Bills of Divorce," besides other provisions, gave to the Probate Court of the county wherein the plaintiff resided, jurisdiction in all cases of divorce and alimony, and declared for what causes decrees of divorce might be granted.

It was claimed for the complainant that the provision giving Probate Courts jurisdiction in that class of cases was null, and in violation of the Organic Act; that the remaining sections were valid, but failed to create or appoint a tribunal for enforcement; that

therefore the jurisdiction devolved upon some of the tribunals of the country; and that the equity side of the District Court was the appropriate tribunal.

In the United States judgment in divorce cases was statutory. It had been held, however, that chancery courts, in virtue of their inherent equity powers, had jurisdiction to declare marriages null for fraud, mistake, or mental incapacity. That was as far as cases had ever been carried. There was a distinction between declaring marriages null, *ab initio*, and decreeing divorces because of reasons held sufficient therefor. That matter was statutory. The Territorial Legislature had created no judicial tribunal, but had given to one already created, the Probate Court, jurisdiction in divorce cases.

Patterning after the English Parliament, colonial and State legislatures had granted divorces, but the practice had been modified, as some of such cases were found to need judicial investigation. In nearly all the States in this country the legislatures were constitutionally prohibited from granting divorces. The legislature could prescribe the sufficient grounds for granting a divorce.

So far as the Court officially knew, the complainant sought divorce upon statutory grounds solely. The statute had declared on what grounds divorce should be granted, and had committed the trial of those cases to a tribunal most intimately connected with the domestic relations of the people.

His honor referred to the new divorce court of England.

The researches which his Honor had made in connection with the subject, and the mature deliberation and study which he had devoted to it, compelled him to the conclusion that the Third Judicial District Court had no original jurisdiction in divorce cases, and the question of alimony depended upon the application for divorce.

In considering the case his Honor had carefully endeavored to separate it from its extraneous surroundings, and he had full confidence in the correctness of his opinions.

A judge of probate should be well versed in the law, as the Probate Court had so much to do with the domestic relations.

THE LONG BRANCH SENSATION.

A SENSATIONAL dispatch was published a few days ago concerning a prominent public official, but the mention was very vague. We present a few more particulars, suppressing names.

The statement was that the gentleman in question, who is a notable member of the Senate, was expelled from the West End Hotel (Lelands') at Long Branch, for a very particular reason—because he appeared publicly there, in company with a prostitute, a statement which, the *Chicago Times* says, there is nothing in the character of the accused to make improbable.

Other papers say that the Senator has a penchant towards the fair sex, and that last winter there was considerable scandal afloat concerning his private morals at Washington.

The Pittsburg *Leader* says the lady connected with this last scandal is a handsome, well-known married woman of that city, a lady of rare intelligence and winning manners, whose family and the Senator's have been intimate for years. But the New York *Tribune* indulged in a scathing denunciation of the Senator and his reported *fauz pas*, and the "burning eloquence" of this denunciation has been the means of exciting the attention of the general public concerning the circumstances at Long Branch. Here is a piece of the *Tribune's* glowing article—

We are not in the midst of a hot campaign, and as there is no reason for attacking private character or retelling political scandal or seaside gossip, so there is no excuse for suppressing the truth when its publication is needed and no pretext for attributing it to partisanship or prejudice. Distinguished public men, representatives and Senators in Congress, have had the effrontery to stand up in Congress and before their constituents and undertake to defend as shameless a breach of public trust as ever was thrust in the face of a decent people, and instead of a hot outburst of indignant denunciation, there has been only a sort of sick-at-the-stomach turning away from the low-flung, self-seeking gang-rascals who have been developed in all pediments of the government that should keep our prisons more than full were justice done—legislation has been bought and sold, and corporations have in the most deliberate and unblushing manner bought seats in the Senate for their retained attorneys—the Legislature has become a market-place and the polls an

arena for violence and bribery—and we settle down to our lower standards of morality, our debasing tendencies and consequently deteriorating moral sense with complacent calmness as if to the natural and inevitable. How far shall we let this numbness of perception—this utter deadness to all sense of shame—carry us? Granted that in the fierceness of our money-getting passion we may put conscience out of court entirely, and sacrifice everything to the main chance—shall we stop at that? Or are we to have at our hearths as household gods all shame and crimes? The last great scandal, touched lightly by the press, but bruited everywhere now, is not of avarice and greed, but of intemperance and lust. Open, public, brazen, flaunted in the face of decent wives and mothers, and of pure daughters and sisters, a shame, a foul-fronted, sickening, beastly.

Is the nation drunken that it sees this large disgrace paraded under its very eyes and takes in its nostrils the stench of the offence and makes no sign of nausea? Has dead and buried decency no resurrection? Who and where is the clear-thinking statesman—no, not statesmen, common man—every-day man—hard-fisted rough and hearty, but honest way down, true to wife and family and his own manhood, who will roll away the stone from the sepulcher of public virtue? The time calls out for him. The country waits his coming. A nation bowed down by the shame brought out by its trusted servants, with its face in the dust, prays in its anguish for some convulsion that shall read the heavens and purify the air.

And the United States Senate—what is its duty? Has it any self-respect left?

THE STORMS.

It has been raining more or less every day, or nearly so, of late, and occasionally, as yesterday, with almost spiteful fierceness. This is an unprecedented experience, we believe, in this valley, and consequently cannot be counted on in coming years. But the present season it has very materially and agreeably modified the heat and aridity of August generally, though the heat has been sufficiently intense at times.

These extraordinary summer storms have not visited this locality alone. We hear of them southward at Pioche, more or less westward, on the plains eastward, also in the States, eastern and western. It fact the weather has been exceptionally wet and cold, in the far eastern States, as well as here, though not so very cool here after all. A New York contemporary says the summer has been so remarkably cool that the city has been uncommonly pleasant to those who were left at home in the hot season; that the watering-place hotels might as well prepare to wind up the season if the current weather is to continue; and that it is as well to be comfortably at home in town, as to be rusticated with smoky wood fires in the house and a landscape drenched with rain and overhung with clouds.

The dispatches to-day, however, from the east, talk of hotter and more reasonable weather to those who enjoy a roasting atmosphere.

ANOTHER.

ANOTHER judicial decision has been rendered in the Third District Court, which is in accordance with the constitutional doctrine that to the people belong all political rights and powers not otherwise reserved in that document. With certain of our federal judges it has been the rule to have the district court monopolize every particle of jurisdiction possible, at the expense of the lower courts, and this has been the burden of the notorious and much made-of "conflict of jurisdiction" in Utah. But that conflict appears to be lessening fast. The decision just given by Judge Emerson is another step in this direction, being in effect that not the district court but the probate court is the proper place to enter suits for divorce. This is a decision which will be satisfactory to the best and the very great majority of our citizens, and will be regarded as another evidence of a disposition in the gentleman named to decide all judicial questions officially before him in a fair spirit and in accordance with law and constitution.

NEWMAN.—The Columbus *Journal* talks in this way—

While congressmen are being denounced for complicity in the back pay grab, the Chaplain of the United States Senate should be affectionately borne in mind. He is traveling abroad, "inspecting Consulates" on a gold salary of eight dollars a day, and drawing meanwhile his salary of \$900 for imaginary services as Chaplain. If this is not a useless expenditure of money, what is?

And the Cleveland *Herald* comments thus—

And that is not all, the wife of the Rev. Newman—pastor, chaplain, and politician—draws pay at the rate of \$3,000 per year in gold as his secretary.