

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, -- Dec. 9, 1874.

THE SUIT IN THE ABATEMENT CASE.

THE recent case of Cora Conway vs. Jeter Clinton *et al* before the Third District Court in this City was a suit for the recovery of three times the alleged value of property destroyed by municipal abatement, in a house tenanted by her, and used as a house of ill fame. This was declared a nuisance, and in accordance with the petition of neighboring citizens, the place was abated. The plaintiff sued the defendants for upwards of \$19,000 in all. The charge of the Judge, as everybody knowing his prejudices expected, was adverse to the defendants, and the jury thereupon returned a verdict for the plaintiff to the amount of \$6,100, the presumed value of the property destroyed. This was in opposition to that rule of law that a nuisance may be destroyed by the abater, and he is under no obligation to prevent injury to the materials, though the destruction is not to be malicious or wanton, or proceed further than may be considered necessary to abate the nuisance.

How far therefore destruction in abatement of a nuisance shall go depends greatly upon opinion. This house of ill-fame was declared a public nuisance, was publicly abated by public process in accordance with municipal ordinance. There was nothing wanton or malicious in the abatement, as the plaintiff received ample notice of the consequences if she did not herself abate the nuisance. The municipal authorities considered that the nuisance would not be effectually abated unless the furniture and fittings up of the house, used in accomplishing the nuisance, were destroyed, the personal effects of the girls excepted. The abatement was conducted carefully, soberly, and mercifully, the ruling idea being to effectually destroy the nuisance, so far as it could be done without personal injury to those who created it.

The Judge in his charge construed the abatement as conducted, as an unauthorized stretch of power, thus playing directly into the hands of the keepers of bawdy houses, and so far as his charge went, sustaining them in their fight against the city authorities, who, being fathers of families and respectable citizens, desire to do all in their power to restrain such debasing institutions, and even prevent their existence in this city to tarnish the fair fame thereof and corrupt the young and inexperienced. Thus, as things now stand, the Federal Judge virtually sustains these demoralizing institutions, and the city authorities oppose and seek to abate them.

This is not the first instance in which a federal judge has taken the part of this obnoxious class of people. Just previous to the abatement in question, a federal judge had *habeas corpus* a number of persons who were being proceeded against by the City authorities for offences similar to this for which the Conway establishment was abated. What therefore could the City authorities do for the accomplishment of this much desired end of preventing the flourishing and existence of bawdy houses? The federal authorities tied the hands of the municipal authorities in the matter of prosecutions for these vile offences. The federal judges otherwise would do nothing, that is, in this district a sort of practical "masterly inactivity" was maintained by them. The City authorities, therefore, in compliance with the expressed wishes of resident citizens, offended by the nuisance, took the best means in their power to effectually abate it. In this, also, the district judge now endeavors to tie their hands, and in effect so charges the jury.

Probably much to the surprise of most of the citizens, the jury second the views of a prejudiced and embittered judge and return a ver-

dict in favor of the house of ill-fame and against the municipal authorities, to the extent of the alleged value of the goods destroyed in the execution of the abatement, thus virtually saying that bawdy houses shall be established and conducted with impunity, so far as the municipal authorities are concerned, and as to the federal authorities, to their shame be it said, they have never manifested any desire to restrain or abate houses of ill fame, though some of them go crazy with their absurd desire to restrain, prevent, and punish honorable marriage.

The proceedings of the court belong to the public, and it is supposed that the official actors therein are not ashamed of their actions, nor of seeing their names in print in connection with notices of the court proceedings. The following are the names of the petit jury in this Conway-Clinton case, as they have been furnished us—

H. C. Goodspeed, foreman, W. C. Smedley, J. McGregor, O. Crowell, James Low, Sol. Seigel, Howard Sebrer, Levi Reed, Philip Margetts, C. Rhemke, Nicholas Groesbeck, and J. Z. Stewart.

It does appear a disparaging position for a federal judge and his court to be placed in, they as the defenders of bawdy house keepers, while the municipal authorities strain every nerve to discountenance and abate such institutions, in which exertions they are repeatedly hindered by the federal judge and his court. The contrast is altogether and greatly to the moral advantage of the city fathers, and as this special case is to be carried still further in the courts, it is to be hoped that the municipal authorities and the cause of morality and decency which they sustain will have the advantage ultimately at law.

THE PRESIDENT'S MESSAGE.

The Senate and House of Representatives:

Since the convening of Congress one year ago, the nation has undergone a prostration in its business and industries such as has not been witnessed with us for many years. Speculation as to the causes for this prostration might be indulged in without profit, because as many theories would be advanced as there would be independent writers—those who expressed their own views without borrowing upon the subject. Without indulging in theories as to the cause of this prostration therefore, I will call your attention only to the fact, and to some questions as to which it would seem there should be no disagreement. During this prostration the two essential elements of prosperity have been most abundant, labor and capital both have been largely unemployed. Where security has been undoubted capital has been attainable at very moderate rates; where labor has been wanted it has been found in abundance at cheap rates. The necessities and comforts of life could be purchased with the wages demanded, the two great elements of prosperity, therefore, have not been denied us. A third might be added—our soil and climate are unequalled, within the limits of any contiguous territory under one nationality, for its varieties of products to feed and clothe a people, and in the amount of surplus to spare to feed less favored people, therefore with these facts in view it seems to me that wise statesmanship at this session of Congress would dictate ignoring the past and distributing, in the proper channels, these great elements of prosperity to any people.

The Debt Abroad—The National Currency.

The debt abroad is the only element that can, with always a sound currency, enter into our affairs to cause any continued depression in our industries or prosperity. A great conflict for national existence made necessary, for temporary purposes, the raising of a large sum of money from whatever source attainable; it was made necessary in the wisdom of Congress, and I do not doubt their wisdom in the premises, regarding the necessity of the times, to devise a system of national currency, which it proved to be impossible to keep on a par with the recognized currency of the civilized world. This begot a spirit of speculation involving an extravagance and luxury not required for the happiness

or prosperity of a people, and involving, both directly and indirectly, a foreign indebtedness. The currency being of fluctuating value proved to be unsafe to hold for legitimate transactions requiring money, and became a subject of speculation in itself. Those two causes, however, have involved us in a foreign indebtedness, contracted in good faith by the borrower and lender, which should be paid in coin, and, according to the bond agreed upon when the debt was contracted, in gold or its equivalent. The good faith of the government cannot be violated towards its creditors without disgrace.

American Commerce.

Our commerce should be encouraged, and American ship building and its carrying capacity increased. Foreign markets are sought for the products of our soil and manufactures, to the end that we may be able to pay these debts where a market can be created for the sale of other products, either of the soil, the mine, or the manufactory, a new means is discovered of utilizing our idle capital and labor to the advantage of the whole people. But in my judgment the first step towards accomplishing this object is to secure a currency, good wherever civilization reigns, one which, if it becomes superabundant with one people, will find a market with some other, a currency which has as its basis the labor necessary to produce it, which will give us its value.

Specie Payments.

Gold and silver are now the recognized mediums of exchange the civilized world over, and to this we should return with the least practicable delay. In view of the pledges of the American Congress when our present legal tender system was adopted and the debt contracted. There should be no delay, certainly no unnecessary delay, in fixing, by legislation, a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe firmly that there can be no prosperous and permanent revival of business and industries until a policy is adopted, with legislation to carry it out, looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to make a so-called money abundant until they can throw a portion of their burdens upon others, but even this I believe would be disappointing in the result if a course which, should it be pursued, will keep in doubt the value of the legal tender medium of exchange. A revival of productive industries is needed by all classes, and by none more than the holders of property, of whatever sort, with debts to liquidate from the realization upon its sales. But admitting that the two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such a belief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal tenders to the extent of his liabilities as to do this? would it not be safer, for fear of over issues by unscrupulous creditors, to say that all debt obligations are obliterated in the U. S., and now we commence anew, each possessing all he has at the time, free from all encumbrance? The propositions are too absurd to be entertained for a moment by thinking people. Every delay in the preparation for final resumption partakes of this dishonesty. The season will at last arrive for the good work of redeeming our pledges to commerce; it will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of individuals. A sound currency must be reached or there will be total bankruptcy of the credit of the nation and of individuals. I believe it is in the power of Congress at this season to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years, and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites of the devoutly-to-be-sought-for end. There are others which I may touch upon hereafter. A nation dealing in a currency below that of specie in value labors under two great disadvantages—first, having no use for the world's acknowledged medium of exchange, gold and silver, these are

driven out of the country because there is no demand for their use; second, the mediums of exchange in use being of a fluctuating value, for after all it is only worth just what it will purchase, gold and silver metals having an intrinsic value just in proportion to the honest labor it takes to produce them, a large margin must be allowed for profit by the manufacturers and producers. It is months from the date of production to the date of realization; interest upon capital must be charged, and the risk of fluctuation in the value of getting that which is to be received in payment added. Hence high prices, acting as a protection to the foreign producer, who receives nothing in exchange for the product of his skill and labor except a currency good at a stable value the world over, it seems to me that nothing is clearer than that the greater part of the burden of the existing prostration, for the want of a sound financial system, falls upon the working men, who must after all produce the wealth, and upon the salaried man who superintends and conducts business. The burden falls upon them in two ways—by the deprivation of employment and by the decreased purchasing power of their salary. It is the duty of Congress, not mine, to devise the method of correcting the evils which are acknowledged to exist; but I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payment. As the first great requisite in a return to prosperity the legal tender clause to the law authorizing the issue of currency by the national government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act; it should not apply, however, to payments of salaries by the government or for other expenses now provided by law to be paid in currency. In the interval impending between repeal and final resumption, provision should be made by which the secretary of the treasury can obtain gold as it becomes necessary, from time to time, from the date when specie resumption shall commence. To this might and should be added a revenue sufficiently in excess of expenses to insure an accumulation of gold in the treasury to sustain redemption. I recommend this subject to your careful consideration, believing that a favorable solution is attainable, and that, if reached by this Congress, the present and future generations will ever gratefully remember it as their deliverer from a thrall of evil and disgrace.

Free Banking.

With resumption free banking may be authorized with safety, giving that full protection to bill holders which they have under existing laws. Indeed I would regard free banking as essential. It would give a proper elasticity to the currency, as, if more currency should be required for the transaction of legitimate business, new banks would be started, and, in turn, banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country; it is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury or the Executive. Congress should make the regulations, under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance I attach to this subject, and so earnestly do I recommend it to your attention, that I give it prominence by introducing it at the beginning of this message.

Foreign Relations.

During the past year nothing has occurred to disturb the general friendly and cordial relations of the U. S. with other powers. The correspondence submitted herewith between the government and its diplomatic representatives in other countries shows a satisfactory condition of all questions between the U. S. and the most of those countries, and with the few exceptions to which reference is hereafter made, the absence of any point of difference to be adjusted.

The Treaty with Belgium.

The notice directed by the resolution of Congress, of June 17, 1874, to be given to terminate the

convention of July 17, 1858, between the U. S. and Belgium, has been given, and the treaty will accordingly terminate on the first day of July, 1875. This convention secured to certain Belgian vessels entering the ports of the U. S. exceptional privileges which are not accorded to our own vessels; other parts of the convention have proved satisfactory, and have tended to the cultivation of mutually beneficial commercial intercourse and friendly relations between the two countries. I hope that the negotiations which have been invited will result in another treaty, which may tend to the interests of both countries.

China and Formosa.

Our relations with China continue to be friendly. During the past year the fear of hostilities between China and Japan, growing out of the landing of an armed force upon the Island of Formosa by the latter, has occasioned uneasiness. It is earnestly hoped, however, that the difficulties arising from this cause will be adjusted, and that the advance of civilization in these empires may not be retarded by a state of war. In consequence of the part taken by certain citizens of the United States in this expedition, our representatives in those countries have been instructed to impress upon the governments of China and Japan the firm intention of this country to maintain strict neutrality in the event of hostilities, and to carefully prevent any infraction of law on the part of our citizens.

Chinese Immigration, Prostitutes, &c.

In connection with this subject I call the attention of Congress to a generally conceded fact, that the great proportion of Chinese immigrants who come to our shores do not come ostensibly to make their homes with us, and their labor productive of general prosperity, but they come under contract with head men, who own the man almost absolutely. In a worse form does this apply to Chinese women: hardly a perceptible per centage of them perform honorable labor. They are brought for shameful purposes, to the disgrace of the community where settled, and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to insure so desirable an end. It is hoped that negotiations between the government of Japan and the treaty powers, looking to the further opening of the empire and to the removal of various restrictions upon trade and travel, may soon produce the result desired, which cannot fail to insure to the benefit of all parties.

The Simoniseki Indemnity.

Having on a previous occasion submitted to the consideration of Congress the policy of the release of the Japanese government from the further payment of the indemnity under the convention of October 22nd, 1864, and as no action had been taken thereon it became my duty to regard the obligations of the convention as in force, and as the other powers interested have received their portion of the indemnity in full the minister of the U. S. in Japan has, in behalf of this government, received the remainder of the amount due to the U. S. under the convention of Simoniseki. I submit the propriety of applying of this fund to the education, in the Japanese language, of a number of young men to be under obligations to serve the government for a specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our vernacular, and mutual benefit would result to both governments. The importance of having our own citizens competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and consulates in that country, cannot readily be over-estimated.

Amount Paid to Great Britain, &c.

The amount awarded to the Government of Great Britain, by the mixed commission organized under the provisions of the treaty of Washington, in the settlement of the claims of British subjects arising from acts committed between April 18th, 1841 and April 9th, 1865, became payable under the terms of the treaty within the past year, and