

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY, SEPT. 22.

Hot Again.—Rather warm weather again. Here it is, at the end of September, with the mercury within a degree or two of the nineties. As one extreme begets another, we may expect a sharp change by and by.

Third District.—In our notice concerning naturalization yesterday, this judicial district was inadvertently termed *First* instead of *Third*. Judge Emerson's district, court at Provo, is the First; Judge Boreman's, at Beaver, the Second; Judge McKean's, at Salt Lake City, the Third.

What is the Reason?—We wonder what the reason can be for the *Millennial Star* not reaching us regularly. We feel assured that it is mailed to us at Liverpool, which was the case when we had occasion before to make similar complaint. Other parties in this City, to whom it is mailed, receive their copies regularly, but the last three numbers have failed to reach us. The *Star* is an ever welcome visitor when it comes, and we do not wish to be deprived of it, if it can be helped.

Salmon Eggs.—Mr. Livingstone Stone, the somewhat famous and successful pisciculturist, telegraphed to Hon. A. P. Rockwood a few days since that he had sent the latter 150,000 salmon eggs, which were to have reached here yesterday, and we presume they were received as anticipated. Mr. Rockwood purposes placing some of the eggs in the ponds on the fish farm, and some of them in the public streams of the Territory. Mr. Stone is now in California.

Ingenious.—To-day we were shown by Messrs. Liddell & Brown an ingeniously constructed broom, for which they are agents. Its advantage over other articles of the kind is, besides being substantial, that it has a socket in the head, so that the head and handle can be separated or combined at pleasure, and head or handle can be replaced, according to which may wear out first. This will suit housewives who have a tendency to wearing out broom handles upon refractory members of their families, as well as those prone to comb out the locks of their life partners with a broom head.

Died in Jail.—Yesterday afternoon a man giving the name of Frederick Hesse, who has been a frequent inmate of the City prison during the last half year, and who has been confined there for two months, being ill and insane, died there. He was attended by Dr. S. B. Young. Shortly after his demise, an inquest was held on the body by Coroner Taylor and a jury, the verdict being that deceased came to his death by a disease called cerebral apoplexy.

Deceased was known among his fellow prisoners as "Shakespeare No. 2," and now he has gone "to that undiscovered country from whose bourne no traveler returns." For a long time previous to his death he had been subject to most distressing fits.

Fair Grounds.—Before us is a pamphlet issued by the Nebraska State Board of Agriculture, in which we find the following as the prices of admission to the Fair grounds—

Single tickets of admission, 50 cts. Children under 16 years, 25 cts. Children under 10 years, free. One-horse (private) carriage and driver, \$1.00.

Two-horse (private) carriage and driver, \$1.50.

For each person other than the driver in any private vehicle, 50 cts. No omnibuses or vehicle carrying passengers to and from the Fair Grounds will be admitted.

The prices charged by the D. A. & M. Society, to Agricultural Park, during races, &c., are—

For each male person, 50 cts. Ladies, free.

One-horse buggy and driver, 75 cts. Two-horse carriage and driver, \$1.

An Outrage.—This morning the ruinous effects of intemperance were exemplified in the case of a young man of respectable family, who was before Justice Pyper for assaulting and beating an aged lady named Mrs. Taylor, who, in addition to being far advanced in years, is lame, and also her son. The evidence showed that the accused, being under the influence of liquor, lay down on the doorstep of

the store of Mr. Abraham Taylor, 12th Ward, yesterday afternoon. He rolled from that position to another on the ground, under the window. Mrs. Taylor, sister to the proprietor of the store, stepped out and seeing the young fellow said, "I thought you were gone," when he jumped upon his feet, seized her person, dashed her upon the ground and beat her about the head and face. Her son Abraham, who was inside the store, rushed out to rescue his mother, when the young fellow, who is stoutly built and muscular, served him in the same fashion.

If that young man, who is not only of respectable family, but apparently the possessor of more than ordinary capacity, would let whisky alone he might be a useful member of society instead of getting into such disgraceful scrapes. He was fined fifty dollars.

Benefit to Mr. John C. Graham.—The very excellent eccentric comedian, Mr. John C. Graham, who has so frequently amused Salt Lake audiences, and convulsed them with laughter, when they witnessed his oddities, having just returned from Europe, a number of his friends and admirers have expressed a wish to tender him a benefit. They wish to see him once more tread the boards of the Theatre, where during his lengthy dramatic career here, he was ever welcome to the lovers of comedy.

Saturday night has been selected as the time for the benefit to come off, and "Time and the Hour" the piece to be performed. This is a new romantic drama, from the able pen of J. Palgrave Simpson. It is full of interest, and the characters are strikingly individualized in the usual style of the author.

Several of the old Salt Lake actors, besides Mr. Graham, will take part in the performance, among them the old time favorite and ever welcome "Phil" Margetts. Doubtless a bumper house will greet Mr. Graham on Saturday night.

Journalistic Mortuary.—A large number of journalistic enterprises have been started in this City within a short number of years and, generally, after a precarious, spasmodic and checkered existence, have become defunct. At the museum are the last numbers of a dozen or so of those literary curiosities of the past, of which we append a list, with the causes of death, as reported, generally by themselves, in substance.

1. The *Valley Tan*, died Feb. 29th, 1860—"Want of paper." (Want of greenback paper is a general cause of death among newspapers.)

2. *Mountaineer*, June 1st, 1861, died of epistemic impetuosity.

3. *Vidette*, merged into the *Reporter*. April 10th, 1869—"Our circulation has increased and is constantly accumulating." Moved to Corinne next day, a sure indication that a flourishing business was being done here.

4. *Utah Mining Journal*, May 17th, 1873—died and made no sign.

5. *New Endowment*, July 8th, 1873—"I'd like to publish it longer, but the fact is I didn't bring enough money along."—W. J. Forbes.

6. *Salt Lake Daily Journal*, Aug. 14th, 1873—"It needs money to subsist upon in a 'Mormon' or 'Jack Mormon' community. This is the last number."

7. *Enoch's Advocate*, July 4th, 1874—"Poor mortals like us must throw up the sponge." Overflowing of the gall supposed to be the primary cause of death.

8. *Bingham Pioneer*, August 23, 1873. Died of a big dose of "the times," without an obituary.

9. *Daily Press*, August 17, 1874—"Because *Mining Gazette* driven to the wall, no place for printing." This must be a mistake, the supposition being that it was a *bona fide* case of typhoid poisoning.

10. *Salt Lake Leader*—"This is our closing number; reasons given in full in our preceding number."

11. *Utah Mining Gazette*—"The gratifying assurance of having pleased our patrons does not supply the aid materially requisite to sustain the enterprise."

12. *Utah Posten*—"Det gjor os megot outd at maatte tilmelde vor erede Lasers, at Utah Posten ophor om med naeverende nummer." Don't say what made it "number."

The following is also a list of defunct journals of which Prof. Barfoot has not got copies, but would like to obtain them:—

The *Telegraph*. *Peep O' Day*.

(The latter was not more than born when it died. It peeped and went out.) *Utah Magazine* (died of too much "New Move.") It new moved till it couldn't move any more. *Utah Grant Vidette* (died because its "patent insides," being "too thin," didn't hold out). *Pitch-inin* (the editor stoutly asserts that it is still a live paper; that the "last number" has not been issued). *Diogenes* (flickered and went out for want of wick and oil for his lamp).

The European Mission.—By courtesy of President Geo. A. Smith, we are enabled to publish the following portions of a letter from President Joseph F. Smith to him, dated Liverpool, Sept. 10—

"My health is good, and I believe all the Elders now in the Mission are in the possession of the same blessing, except Elder L. John Nuttall, who, however, is some better than when he left home. I have called him to assist me on the *Star*. His labors will be comparatively light, however, when he gets the run of the business thoroughly, which will afford him plenty of time for out-door exercise, river breezes, sea air, etc.

"Elder R. V. Morris is much better than when I last wrote of him. He now appears quite well, for him.

"Bishop Hughes had a slight attack of apoplexy, or something of that nature, some time ago, and says he occasionally experiences the peculiar sensation, but feels that he will be all right before long. He was attending to the emigration matters of his conference during the embarkation of the last company.

"John Henry took the usual English cold on his arrival, which clung to him for a short time, but when I saw him last (Aug. 24) he seemed to be all right and enjoying his labors. I expect to meet him on the 4th of October at Nottingham, at a District Meeting to be held there on that day. Next Sunday, Sept. 13th, I have an appointment in the Durham and Newcastle Conference, which will complete my tour of the mission.

"Brother C. G. Larson informs me that the Scandinavian Mission is in a flourishing condition, the good work going steadily ahead, the Elders feeling well, and prospects every way favorable.

"Brother Sinclair has been for a month away upon the Orkney Islands, and writes very encouragingly. Bro. Fife will go in charge of the October 14th company, which from present prospects will be very small.

"We are doing all we can to arrest the attention of the people, and induce them to listen. We have met with very satisfactory results in some instances, and upon the whole feel encouraged to press on in the good cause, ever trusting in the Lord.

"By letter from John Henry, yesterday, I learned that he was in good health and spirits. He and Bro. Morris go to Herefordshire to-day."

Railroad Accommodation.—During the approaching Conference trains will be run on the Utah Central Railroad, leaving Ogden daily at 5.00 and 8.40 a. m., stopping at intermediate stations, and arriving at Salt Lake City at 8.15 and 10.40 a. m. Those leaving Salt Lake for North will start at 3.45 and 5.05 p. m.

The fare from Ogden to Salt Lake and return will be \$2.00; from Kaysville, \$1.35; Farmington, \$1.00; Centerville, 75 cents; Wood's Cross, 60 cents.

The Utah Southern Company will also run trains for the accommodation of Conference people, leaving Provo at 10.45 a. m., Sandy at 9.30 a. m. and 1.10 p. m., arriving in Salt Lake at 11 a. m. and 2 p. m.

Trains will leave Salt Lake for Provo at 7 a. m., and for Sandy at 2.30 p. m.

The fares from Provo to Salt Lake and return will be \$2.50; from Pleasant Grove, \$2.00; American Fork, \$1.90; Lehi, \$1.75; Draper, \$1.25; Sandy, \$1.00; Junction, 75 cts; Cottonwood, 50 cts.

The return tickets then issued by both companies will be good from the 5th to the 12th of October.

Excellent.—William Smith, of Bountiful, advertises in the *News* that he manufactures tomato catsup. The article he has for sale is much superior to anything of the kind we have seen imported, being pure, genuine, and of most excellent flavor.

Rain in Arizona.—The Arizona Miner, of Sept. 15th, says—

"Mr. Donald Ross of Camp Apache, who is now here, says it rained there almost every day this summer. The heavy rains injured both corn and barley. He speaks of a field of barley belonging to Messrs. Clark & Cooley as being the finest ever seen by him in Arizona or elsewhere."

Our Country Contemporaries.

Beaver Enterprise, Sept. 26—

In concluding an article on "Plural Marriage" the editor of the *Enterprise* says:

The above not only proves the strong female favor of polygamy above monogamy, but also shows a rapid increase of that favor and the decline of monogamy. Monogamy is the "sick man of Utah."

This morning William Fotheringham was arrested on an indictment for polygamy, and Daniel Tyler for allowing illegal voting at the late August election. The former plead "not guilty," and was held under two thousand dollar bonds to appear at the November term of the District Court. The latter, not being prepared to decide what action he would take in the premises, was held under recognizances of one thousand dollars, to appear on Wednesday next, when he will decide what course he will pursue in the case.

A French Lady's Secret.

Fair ladies of Utah, discard all kinds of drugs and all cosmetic nostrums for preserving the fairness of your complexions, for I will communicate to you a secret, an infallible recipe, of one of the most fascinating ladies of modern times. I mean the Countess Diana of Poitiers. When forty years old, a king in the bloom of youth was smitten with the charms of this celebrated beauty. Diana of Poitiers washed her face with rain-water, even during the bitterest cold of winter, and three kings in succession were passionately fond of this bewitching lady.

L. A. B.

CONTESTED ELECTION.

TERRITORY OF UTAH.

Geo. R. Maxwell vs. Geo. Q. Cannon.

Argument of Halbert E. Paine, Counsel for Sitting Member.

(Before the Committee on Elections of the House of Representatives of the United States, Washington, D. C., 1874.)

(CONCLUDED.)

My friend, the counsel who last addressed you on behalf of the contestant, tells you that we admit the vote of three or four precincts to have been impeached and destroyed; and he thinks that the impeachment and destruction of the vote of these precincts have deprived the sitting member of his entire vote in the Territory, because there is no proof of the precise number of votes cast at these polls, and, therefore, when they are rejected, you will be unable to ascertain the precise number of votes remaining for each out of the aggregate stated in the Governor's certificate. But, in the first place, instead of admitting, we denied that any polls had been impeached or destroyed. And, in the next place, it is enough to know that Mr. Cannon has a majority of many thousands, without absolute precision in the columns of tens and units, and if the contestant had in fact destroyed four polls out of 200, that would not eliminate a majority of more than 20,000 without something further from him. For it is not only probable, but absolutely certain that 20,000 votes were not cast at these four precincts, either for the sitting member alone or for both claimants together. The contestant cannot, therefore, by the mere exclusion of these polls, shift the burden of proof, and compel us to show that their rejection did not destroy Mr. Cannon's majority of 20,000 votes. He must himself show affirmatively that it did so destroy it. The chairman of the Committee of Elections would be very unfortunate if, after having himself received a majority of more than 20,000 votes, his competitor could, by impeaching four polls, compel him to prove the votes of all the other precincts in his dis-

trict or lose his seat. Of course, if this exclusion of votes should be carried far enough, it would reach a point where the burden of proof would be shifted. But the contestant had hardly made a perceptible approach to that point in this case. It is quite unnecessary to add that the proofs in the case do in fact effectually dispose of this objection. Seventeen (17) poll-books of Salt Lake county are produced at the end of the record. They are proven by the deposition of D. Bockholt, on page 88. They show the names and number of the persons who voted in each precinct. Now, James Wood and C. D. Handy, whose testimony, (pages 10, 29,) is invoked to invalidate the election in Salt Lake City, testify as to the same voting place, the city hall. To make the argument as strong as possible against Mr. Cannon, let it be assumed that this was the 4th precinct, where the vote was largest, being 1,679, and that all of this vote was cast for Mr. Cannon. This being rejected, there remain, in this county alone, 3,954 votes. So that, after deducting all that Mr. Maxwell received in the entire Territory, (1,942,) there remain for Mr. Cannon 2,012, a majority of 70 votes in Salt Lake county alone. But if we suppose that the city hall precinct was the 2d, at which the next highest number of votes was cast, (897,) then, rejecting this poll, there remain 4,736 votes. Deducting all Mr. Maxwell received in the entire Territory, (1,942,) we have for Mr. Cannon 2,794, or a majority in Salt Lake county, of 852 votes.

He asserts that the case of Wallace v. Simpson was the last case decided by the House involving the question whether the majority candidate being ineligible, the minority candidate is, if eligible, entitled to the seat; and he thinks that even if the Committee of Elections repudiated the report in that case, so far as it was favorable to this doctrine, yet the House must be presumed to have adopted the doctrine by the admission of Mr. Wallace to the contested seat. On each of these points the counsel mistaken. The case of Wallace v. Simpson is not the last case involving this question. This case was reported by the committee on the 18th day of May, 1870, and acted upon by the House May 27th, 1870. But the case of Rice v. Zeigler, which I have already cited, was reported by the committee June 30, 1870, and decided July 11, 1870. And if the committee will read the debate in the House, they will see that only one Representative defended this feature of the report; that although the other grounds of the report were substantial and sufficient, yet the intense disgust with which the House received this doctrine might have deprived Mr. Wallace of his seat but for the fact that the motion to reconsider had been laid on the table before they understood the real nature of the case.

He thinks that the constitutional provision relating to the qualification of Representatives from the States has no applicability to Delegates from the Territories because the Constitution itself does not apply to the Territories. And in support of this latter position, he refers to Mr. Webster, to Justice Story, and also to certain judicial authorities. But, while the proposition that the Constitution does not apply to the Territories is precisely the same manner in which it does to the States is true, the proposition that it does not apply at all is wholly destitute of truth. While the authorities which he cites do all sustain the former proposition, not one of them sustains the latter. On the contrary, they all support the doctrine that the Constitution applies to the Territories so far as the nature of the case permits. Of course, it does not apply to the Territories in precisely the same manner as to the States. Nor does it apply to Congress in precisely the same manner as it applies to the judicial or executive department of the Government. But it applies just as truly and certainly to one of these departments as to the other. Indeed, if Congress does not derive its power over the Territories from the Constitution, it has no such power. For Congress possesses no power emanating from any other source. A power born of the Constitution must live by the Constitution. And, unless leaving the strict letter of the Constitution, you look to its spirit, you will find in the clause which authorizes Congress to make all needful rules and regulations for the Territories and other property of the United States, no basis for the exercise of any power at all by Congress in those Territories which, like Utah, have been acquired since the adoption of the Constitution. You will be obliged to accept the doctrine of the Dred Scott decision, that the clause in question has no application to subsequently acquired territory. You will be compelled to base the power of Congress over the new Territories upon the "inevitable consequence of the right to acquire territory." This would make our case even stronger than it is. Mr. Justice Curtis, in his dissenting opin-