

successful that I proposed and fixed the present boundary at the 40th parallel. Here, again, was work, and, fortune, accomplished only after my threat (backed by power to execute it) that unless they consented to my southern boundary there should be no territory organized at that time, so rather than lose the opportunity of opening the country west of them the Missouri people consented to my plan. This action of mine was in pursuance of an original design to make the Platte Valley and the north side of that stream the route for the great national highway.

But in this I do not claim all the honors. There are many others who share it—General Dodge, Judge Douglas, Col. Curtis, Dr. Lowe, Dr. M. H. Clark, Colonel J. D. Test, Judge J. P. Casady, Joseph E. Johnson, besides many others.

So you see, doctor, that although your folks who have wisely held on and carried out our plans are entitled to great credit for what you have done, you ought not to forget the earlier men who made Omaha a possibility. You are making the money, and that is all right, but let us share in the honor."

H. D. JOHNSON.

This is all very interesting history, and we are glad to put it upon the record for future reference and present instruction. Mr. Johnson goes to another new country to help direct its formative period, and many here will unite with us in following him to it with every wish for his prosperity and success.

TROUT CULTURE.

CLEAR LAKE, FISH FARM,
Millard County, Utah,
January 15, 1883.

Editor Deseret News:

As you have been so kind as to give place in your columns to fish notices for the benefit of the people at large, I wish to say to the public that all our mountain streams and rivulets, if not over four feet wide, can be utilized in raising trout of a larger and superior kind than the common brook trout, by getting the McCloud river trout of California, the kind of trout recommended by the Fish Commissioner at Washington, and by Mr. Seth Green, the great fish propagating pioneer of the United States. This can be done either by individual enterprise or by joint action of neighborhoods. Parties interested in the brook or stream by damming the stream and putting in a screen large enough to let the water freely pass for all purposes desired and placing the fish above the dam.

There are several parties near Snake Valley, on the line of this Territory and Nevada, that are now luxuriating in trout of their own raising. Mr. Seeley has a stream about three miles long, from the head to where it sinks, in which are thousands. Parties wishing to engage in profitable and agreeable occupation can obtain fish eggs in California at this season. They will cost \$5 per 1,000 eggs. Parties desiring eggs to stock their streams with trout of that species, can correspond with me, and I will gratuitously send them a draft of a hatchery, that can be used in any place or stream. I shall take pleasure in giving them all the information I can to assist them to cultivate fish, and also in ordering eggs for them, but the money must accompany the order, \$5 per 1,000, ready packed, to come by express. I would also say, in sending your order, give me your nearest express office, that they may be sent there to you direct.

Yours respectfully,

J. D. M. CROCKWELL,
Supt. of the Fish Farm and Fish Interests of Utah.

P. S. Any and all papers having an interest in fish culture will please copy and send me a paper with this notice in for filing. J. D. M. C.

One of Ben. Butler's Shrewdest Adventures.

Did you ever hear that a monkey and hand-organ once became material of war, and were furnished and paid for by the Government? No? Then I will tell you a new story about the man who is to be inaugurated Governor of Massachusetts and who may be inaugurated President of the United States two years, two months and six days from this date. Few men have surmounted more obstacles, won more victories and wear their laurels as modestly as Ben Butler. Say what you will of him, he was a chieftain in war, he is a statesman in peace, a relentless opponent in politics or at the bar, a most charming gentleman in private life, and a friend who never sees a fault, resents a neglect or grows weary of a task. We all remember at the close of the war, how General Butler organized his brigade in Boston, how he captured the ferry boat or steamer Maryland at Perryville, opposite

Havre de Grace, and how he conveyed his troops to Annapolis, thus flanking the enemy at Baltimore, and making the first, the most brilliant and successful strategic movement of the war. Governor Andrew urged General Butler to embark his troops at Boston and to go to Washington by sea, but the General said no, he would go the nearest and quickest way. One fine morning he landed in that shabby old historical city, scaring the people half to death. Horses, mules, wagons and carts were needed for the new camp, but not one could be found. The Annapolitans did not like the Yankees, and they took care that all the horses, mules and carts were out of the way. However, one day the guard brought to headquarters an old mule and a rickety cart. Butler bought these, paying for them \$200 in twenty-dollar gold pieces, although they were not worth \$40. Then Butler told the astonished and delighted Marylander, to whom \$200 was a fortune, to go out and send in all the horses, etc., he could find. The story soon got out, and there were mules and carts in abundance, which were bought for a quarter of the original sum. At Annapolis Butler was in direct communication with Washington, and he asked the President and Secretary of War for permission to take and occupy Baltimore.

SCOTT'S PLAN.

It was reported that the rebels had a big force there, and were fortifying the city. General Scott, then Commander-in-chief, opposed the scheme, and said Baltimore should be taken by siege or else Washington might fall into the hands of the enemy. It was to be the first great operation of the war, and must be successful; therefore regular approaches were necessary. Butler laughed at this, and said he had force enough, and promised to occupy the city within a week, if given his own way. Mr. Lincoln and Mr. Cameron, then Secretary of War, told him to go ahead, and he at once struck his camp and removed to the Relay House. All this time there had been no communication with Baltimore. Now comes the story of the monkey and hand-organ. A day or two after his arrival at the Relay House, General Butler and his staff were riding from headquarters to the camp, when they met a ragged Italian with a hand-organ and monkey. An idea struck the quick-witted general. He ordered one of the staff officers to arrest the man and take the whole outfit to camp, being careful not to let the monkey get away. Butler had pondered a good deal over the problem of how he was to find out the true situation of affairs in Baltimore. He had at last hit upon an idea. On his staff he had a brave, comical, trustworthy, level-headed Irishman named Haggerty. He was a Captain and had been a young lawyer in Lowell and Butler knew him well. He was a roistering, daredevil fellow, who could play any instrument or sing any song and had a quick eye, quick senses and good judgment. Butler told him his scheme. He told the young Captain that he must dress himself in the ragged and dirty clothes of the Italian and go to Baltimore with the hand-organ and monkey; that he must find out everything, the defenses and the whole situation, and come back as soon as he could. Haggerty was eager for the job.

Then Butler sent for the Italian, who was scared out of his wits. He told the poor man that he wanted his old clothes, his hand-organ and his monkey. The wretched creature would have given his right hand to get out of his scrape. The General told him he would give him a new suit of clothes, pay him \$50 for the hand-organ and monkey, and give them back to him in a day or two; but that he must remain in the guardhouse in the mean time, where he would be well fed and cared for. The Italian was happy. Butler was happy and Haggerty was happy. The latter started at once on his mission, leaving in the evening, and the scheme unknown to anyone. It is needless to say that in those early and unsuspicious days of the war, Haggerty accomplished his mission most successfully and satisfactorily. He was gone three days, and when he returned to headquarters he was denied admission by the sentinels on the General's staff. He got admission, however, and when he emerged he wore his Captain's uniform, and was greeted by his friends, who asked him where

he had been. He said he had been in Washington to inquire about a regimental band. The organ and monkey were returned to the Italian, who went on his way rejoicing. That night, in a heavy rainstorm, muddy, dark and dismal, Gen. Butler's command broke camp, marched to Baltimore, and took possession quietly. We all remember his reign there, and it is not necessary to refer to it here. Now comes the point of the story.

EXPLAINING HIS ACCOUNTS.

Two or three months after the incidents here recorded General Butler was in Washington and at the War Department. The Secretary told him that he had better go to the Treasury Department and look after his accounts—they were badly mixed. He sent to the Auditor or Controller, and wanted to know, you know, what was the matter. First the Auditor pulled out the mule voucher, and said that would not do. Why should General Butler pay \$200 for one mule and cart and buy a dozen others on the same day at \$50 apiece? General Butler explained. The Auditor said an affidavit would be necessary, and then probably the account would be allowed. The vouchers were laid aside. "But here," said the Auditor (or Controller), "is a most absurd thing, and this department can never allow it. Here is a charge for a hand-organ and monkey. I cannot pass it. It is outrageous" in his quiet, smiling, polite but sarcastic way General Butler explained that item much better, of course, than I have explained it here, and the Auditor was almost melted to tears. He said the monkey business would be passed, and that he did not think it necessary to have an affidavit in the mule-and-cart transaction.

The \$50 for a hand organ and a monkey probably saved the government \$5,000,000. If Gen. Scott had had his way, doubtless a great many more millions would have been squandered. As it was, Butler with his brigade marched into Baltimore on a dark night, the rain pouring in torrents, and, guided by Haggerty, took a commanding position, and the only cost to the government in addition to the \$50 for the organ and monkey was several cords of wood which were taken from the loyal owner of a wood yard to make camp-fire for the poor drenched and shivering soldiers. — Philadelphia Press.

DELEGATE FROM THE TERRITORY OF UTAH.

We have received the following in relation to the application of John T. Caine to be admitted to a seat in the Forty-seventh Congress, from the Territory of Utah. It shows the grounds in which the Committee on Elections decided to recommend Mr. Caine's admission, and on which he took his seat for the remainder of the present Congress.

REPORT.

The Committee on Elections, to whom was referred the application and accompanying papers of John T. Caine, asking to be admitted to a seat in the Forty-seventh Congress as a Delegate from the Territory of Utah, having had the same under consideration beg leave to report as follows:

The facts in the case, which are not disputed, may be briefly summarized.

I. It is provided in the United States Revised Statutes:

Sec. 1562. Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

This section, now and for many years past the law of the land, guarantees to the people of Utah Territory the right to send a Delegate to the House of Representatives of the United States to serve during each Congress.

II. By the action of the House of Representatives, in the contested election case of Cannon vs. Campbell, at the last session of the present Congress, in denying the seat to either of the contestants, a vacancy of the seat of Delegate from

the Territory of Utah in the Forty-seventh Congress was declared.

III. By the United States Revised Statutes it is further enacted:

Sec. 26. The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

IV. And by the Utah Territorial statute, approved February 18, 1876, it is provided:

Section 1. Be it enacted, etc., That in accordance with an act of Congress passed February 2, 1872, an election for Delegate to the Congress of the United States for the Territory of Utah shall be held in each precinct on the Tuesday next after the first Monday in November in the year 1876, and every second year thereafter; said elections shall be held and returns made thereof as provided for in "An act regulating elections," approved January 3, 1853, and all acts amendatory thereof or supplementary thereto.

And by the Territorial act, approved February 52, 1878, section 1, it is enacted:

That in case of the death, resignation, or other disability of any Territorial officer made elective in this Territory, it shall be the duty of the governor, within ten days after receiving notice of the death, resignation, or other disability of such officer, to call a special election in the Territory or district where such vacancy shall have occurred, for the purpose of filling the same.

V. It further appears, and the fact is not disputed, that subsequent to the action of this Congress in the contested election case of Cannon vs. Campbell, declaring the seat of Delegate from Utah vacant, and subsequent to the passage of the act approved March 22, 1882, commonly known as the "Edmunds bill," under which commissioners of election for Utah Territory were appointed by the President of the United States, the governor of said Territory was requested to call an election for the purpose of electing a Delegate for the unexpired term of the Forty-seventh Congress, but he refused on the ground that he had no power in that respect, for the alleged reason that the office of a Territorial Delegate to Congress is not a Territorial office, and thereupon the "commissioners of election" were applied to, being informed of the action of the governor of Utah, to ascertain whether the commissioners, "if votes were cast at the November election for a person or persons to fill the vacancy in the office of Delegate in the Forty-seventh Congress from Utah Territory" would, 1st, direct the officers of election in said Territory to return said votes so cast to the commissioners; and, 2d, if so returned, would the commissioners give an informal declaration or certificate of said facts to the person having the greatest number of votes for Delegate to the Forty-seventh Congress? 3d. The commissioners were further asked to declare whether the voting for, or placing upon the ballots cast for Delegate to Congress for the Forty-eighth Congress the name of a person to fill the vacancy for Delegate to the Forty-seventh Congress would invalidate said ballots?

In reply the commissioners passed the following resolution, which was published to the people of Utah, viz:

After consideration, the following resolution was offered by Mr. Carlton:

In the absence of any statutory provision in regard to any special election to fill a vacancy in the office of Delegate to Congress from this Territory, in pursuance of section 26 of the Revised Statutes of the United States, and no call or proclamation having been made by the Governor, and the act of Congress, commonly known as the "Edmunds bill," being silent as to the authority of this commission to call a special election in any case, it is ordered that no canvass or returns shall be made of any votes cast for candidates to fill such vacancy. But the judges of election will not refuse to count any ballot for a candidate for Delegate to the Forty-eighth Congress by reason of the same having thereon also the name of a candidate for the vacancy in the Forty-seventh Congress.

VI. It further appears, as an undisputed fact, that at the election held on the first Tuesday in November 1882, John T. Caine was a candidate for Delegate to the Forty-eighth Congress, and now holds a certificate of election thereon, and that upon the ballots cast for him was placed his name as a candidate for the unexpired term of the Forty-seventh Congress. A fac simile of said ballots is here inserted:

People's Ticket

TERRITORIAL ELECTION.

NOVEMBER 7, 1882.

For Delegate to the Forty-eighth Congress: JOHN T. CAINE.

For Delegate to the unexpired term of the Forty-seventh Congress: JOHN T. CAINE.

VII. It further clearly appears that in all the precincts, to wit, 160, of all the counties save the county of Morgan and the county of Uintah, from which no returns have been furnished the committee, the aggregate vote so cast for John T. Caine, for Delegate, for the unexpired term of the Forty-seventh Congress, amounts to 15,489 votes, as shown by the sworn certificates of the judges of election, appointed by the Utah Commission. And it further appears that not only did the said John T. Caine receive a majority of the votes cast for Delegate, for the unexpired term of the Forty-seventh Congress, but no person appears asking to contest his right to the seat for such unexpired term. Nor has the committee in any way been apprised of any disability or bar that would prevent his taking his seat as such Delegate.

From all the above facts it is evident that by solemn statutory law the people of Utah Territory are entitled to have a Delegate to represent their interests in Congress; that by the non-action of the governor in refusing to call a special election to fill the vacancy in the office of Delegate to Congress, and by the declared inability of the Utah Commission to do so, no election was called; but the people of the Territory, acting in the emergency, of their own motion did hold an election in almost all the precincts of the Territory on the day when by law they were authorized to, and actually did elect a Delegate to the Forty-eighth Congress, and on that day, as a simultaneous act, did choose John T. Caine as their Delegate for the unexpired term of the Forty-seventh Congress. On this point the proof is full and uncontradicted. And it is evident that if the office of Delegate is strictly a Territorial office, within the purview of the Utah statutes, then the governor mistook a plain duty in not calling a special election to fill an admitted vacancy; but if the office be not a Territorial office, strictly speaking, then it is a clear *casus omissus*.

In either event the people should not be deprived of a right guaranteed to them by solemn public law, especially when they have performed their whole duty in the premises by fairly choosing as their Delegate a citizen against whose admission no qualification is urged.

The precedents in favor of the admission of the applicant in either supposed contingency are numerous, and need not be here cited. Your committee therefore recommend the adoption of the following resolution:

Resolved, That John T. Caine was duly elected as a Delegate to Congress from the Territory of Utah for the unexpired term of the Forty-seventh Congress, and is entitled to the seat as such Delegate.

A. H. PETTIBONE,
W. H. CALKINS,
G. W. JONES,
WM. G. THOMPSON,
S. W. MOULTON,
L. H. DAVIS,
S. H. MILLER.

How to avoid drunkenness.

Forbid intoxicating nostrums and use Parker's Ginger Tonic in your family. This delicious remedy never intoxicates, is a true blood and brain food, and aiding all the vital functions never fails to invigorate. w.

NOTICE TO CREDITORS.

ESTATE OF WILLIAM THURGOOD DECEASED.

NOTICE IS HEREBY GIVEN BY THE undersigned, administratrix of the Estate of William Thurgood, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said administratrix, at her residence at Bountiful, in the County of Davis.

ELIZABETH THURGOOD, Administratrix of Estate of William Thurgood, deceased.

Dated at Bountiful, Dec. 21, 1882.

S. W. DARKE & Co., Attorneys.

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