

# DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Dec. 8, 1875.

## THE PRESIDENCY OF THE SENATE AND OF THE UNITED STATES.

THE death of Vice President Wilson has set the newspapers at work not only concerning his life and its ending, with the funeral ceremonies, but also concerning the succession to the Presidency of the Senate and the possible succession to the Presidency of the United States.

Clause 6, section 1, article 2 of the Constitution says—

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability, of both the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

The Act of Congress of March 1, 1792, says—

"In case of removal, death, resignation, or inability, both of the President and the Vice President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being, shall act as President of the United States until the disability be removed, or a President shall be elected."

As to the succession to the presidency of the Senate, the Vice President of the United States being President of the Senate *ex officio*, the third section of the first article of the Constitution provides—

"The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States."

The Manual of Parliamentary Practice says—

"In the Senate, a President *pro tempore* in the absence of the Vice President is proposed and chosen by ballot. His office is understood to be determined on the Vice President appearing and taking the chair, or at the meeting of the Senate after the first recess."

At the close of the last regular session of the Senate, Vice-President Wilson was in the chair, consequently there was no Vice-President *pro tempore* and as the new House of Representatives was then not organized, there was no Speaker, consequently if, under those circumstances, the President and the Vice-President had died, there would have been no President of the United States until the Senate had met and elected a Vice-President *pro tempore*.

The Senate met in extra session March 9, 1875, when, the Vice-President not being able to attend, the Senate elected Senator Ferry, of Michigan, Vice President *pro tem*, he so remaining during the whole of the extra session.

Therefore Mr. Ferry will be President of the Senate until that body convenes next Monday, December 6th, when the Senate may and probably will proceed to elect a President *pro tempore* for that session, which may be Senator Ferry, or Senator Anthony, or some other senator, who will be Vice President of the United States.

Meantime Senator Ferry is now President *pro tempore* of the Senate, Vice President of the United States, and heir apparent to the presidential chair of the Union.

This appears to be the generally accepted view of the situation.

## JUDGE DUNNE OF ARIZONA.

OUR dispatches from the East have more than once intimated the probable removal of Chief Justice Dunne of Arizona. The Arizona *Miner* has no doubt that the removal of the Judge will be effected, because of his course in opposition to the public school system. In regard to this subject the *Miner* says he has outraged the sentiment of the intelligent portion of the people of that Territory, and done it in face of the earnest protestations of his best friends. He is opposed to public schools maintained by the Territory and free alike to all, rich or poor, for a good common school education, without regard to isms. The *Miner* agrees with the *Alta California* in the following arraignment of the Judge—

"We have heretofore expressed our opinion that E. F. Dunne, Chief Justice of the Supreme Court of Arizona, should be dismissed from his office to make room for some other man better fitted for the place; and this article is written as a solicitation to be sent to the Attorney General of the United States, whose department includes the federal judicial officers. We present the following reasons for this application:

"First—On the 2nd of February, Judge Dunne delivered a public address at Tucson, denouncing the Territorial Public School Law, upon the validity of which he might be called upon to decide judicially. It is not proper for a Judge to become a partisan in such matters, and any disregard of that rule of propriety is a good reason for dismissal.

"Second—Justice Dunne, in the course of his address, said, 'The State has no inherent right to teach.' That is a denial of the right of the States to maintain schools. He thus declares himself openly the enemy of one of the fundamental principles of the American government.

"Third—We believe the majority of the Republicans and Democrats of the Territory desire the dismissal of Judge Dunne."

The *Miner* says that Judge Dunne is a man of splendid legal attainments and that "aside from his bigotry in religious matters as against secular education, we have failed, with all the bluster that has been made about it, to see where he has been remiss in his duties as a judge."

## THE ANNUAL HOWL.

It must be getting about time for the raising of that "annual howl before Congress" about the horrible condition of affairs, politically, socially, morally, and religiously, in Utah, and the pressing necessity for Congress to step in and do something. That honorable body meets next Monday, the time is short, and the howl is comparatively weak just now, if indeed there is any howl at all. We can't perceive anything more forcible than a whine or a squeak yet. Why don't the howlers begin to get up that periodical howl? Why not roll it out and shake the Wasatch range? The howlers are chronically demoralized, it is true, but surely they are not altogether discouraged.

There remain plenty of grounds for the howling. Here are a few—

1. The "Mormons" own some property yet.
2. The "Mormons" have a few privileges yet, which should be respected.
3. The "Mormons" have not yet foresworn their religion.
4. The "Mormons" have not yet exchanged their Bible system of marriage for the modern system of prostitution.
5. The "Mormons" are allowed to be members of the Legislature.
6. The "Mormons" are allowed to testify in the courts.
7. The "Mormons" are allowed to sit on juries.
8. The "Mormons" are not yet disfranchised.
9. The "Mormons" are not yet driven out of all office.
10. The "Mormons" still rejoice in the theory and practice of their religion.
11. The "Mormons" still live and prosper.

12. The "Mormons" still enjoy a few rights which the howlers are bound to respect.

These are a few of the weighty reasons why the annual howl should again rise up before Congress, that prescriptive legislation may be effected by that honorable body. Let the howlers raise their voices again.

## Local and Other Matters.

FROM FRIDAY'S DAILY DEC. 3.

**Information Wanted.**—Information is desired of the whereabouts of Emmerick Johnson, who emigrated to Utah in 1868, from Bornholm, Denmark. He can send his address to this office.

**Horsemanship.**—This morning a horse indulged in the playful practice of throwing his rider into the air and catching him, and then he threw him up and didn't catch him, and the horseman alighted on *terra firma*, but right side up, and he didn't get hurt.

**Alleged Robbery.**—Molly Brown, a woman of the town, was arrested and placed in jail last night, on a charge of robbing a man who was in her company of \$237.50. The man claiming to be robbed was intoxicated.

**Benefit Party.**—On Monday evening, Dec. 6th, Andrew Mineer will be the recipient of a benefit party, at the Eleventh Ward New Schoolhouse, the object being to aid him in replacing his violin which he lost at the late bank fire, which was almost his sole dependence for a livelihood. An invitation is before us.

**Married.**—Yesterday afternoon Mr. Byron Groo, of the *Herald*, and Miss Julia K. Sutherland, daughter of Judge and Mrs. Sutherland, were united in wedlock, at the Presbyterian Church, in the presence of a large number of invited guests. After the ceremony, which was performed by Rev. Josiah Welch, the bridal party adjourned to the bride's parents, where a reception was held, the happy couple receiving the hearty congratulations of numerous friends.

**No Small Potatoes.**—Salt Lake has the name of being "no small potatoes" in the matter of dried peaches, which command good prices and a ready market abroad. Now she is getting her name up equally as prominent in the matter of potatoes, that product from this place having found its way to England, where they are much esteemed, and are advertised, according to an English paper before us, at nine shillings a sack.

**A Trip to Ogden.**—This morning President Brigham Young and a few invited friends took a run up to Ogden, in a special train, for the purpose of viewing the work of construction on the fine new railroad bridge across the Weber River. The party had a pleasant run up, and, after examining the work, which was pronounced excellent, the party returned, making the City from Ogden in one hour and five minutes, reaching here at five minutes to two.

**"Type-Writer."**—Mr. Adam S. Patterson, stenographer, of this city, has just received from the east a type-writing machine, a very nice piece of mechanism, which does its work with exactness and precision. Mr. Patterson has only had the instrument about four days, and, with but little practice, is now able to write with it as rapidly as he can do ordinary long hand writing. Operating the type-writer has many advantages over the ordinary method of writing by hand; a person can copy or transcribe a much larger amount without straining the eyes or getting fatigued, and in this way it is a great aid to Mr. P. in making transcripts of his phonographic notes. Those machines are gradually coming into general use.

**District Court.**—Friday, December 3rd.

Lee and Ottenheimer vs. Alex. Tarbet; on motion of Morgan, extension of time granted to file affidavits.

Fines of John Reading and Thaddeus W. Ireland remitted.

John H. McCutchen appointed commissioner in chancery.

The People, etc., vs. James O'Brien, Frederick Curtis and Albert Wilson; it is ordered by the Court, on consent, that this case be continued until next Wednesday.

John Tiernan vs. Nicholas Thon-

walt et al; motion granted by the Court fixing the 11th of December to hear motion to dissolve injunction.

John Yourt, administrator of John Cole, deceased, vs. McKay and Duncan. Motion for a new trial overruled, defendant excepts.

**To Prevent Splitting.**—The information contained in the following, from an exchange, may prove useful to carpenters—

"All carpenters know how soon the butt ends of chisels split, when daily exposed to the blow of a mallet or hammer. A remedy suggested by a Brooklyn man consists simply in sawing or cutting off the round end of the handle so as to make it flat, and attaching by a few small nails on the top of it two round disks of sole leather, so that the end becomes similar to the heel of a boot. The two thicknesses of leather will prevent all further splitting, and if in the course of time they expand and overlap the wood of the handle, they are simply trimmed off all round."

**An Excellent Bridge.**—The Utah Central Railroad Company are building a very fine iron bridge across the Weber River, this side of Ogden. There are eighteen piles under each abutment, driven twenty-three feet below the water; running across each three piles is a stick of timber 8 x 14 inches, and there are three caps twelve inches square, running lengthways of the abutment twenty-three feet, and four inch plank is spiked across the caps, forming the platform for the two stone abutments. The stone is in large blocks, and is from the Weber quarry. The new bridge, which will have a span of 150 feet, is being built on a portion of the site of the old one, which is 1,100 feet long. By a process of banking up it is designed to confine the waters of the Weber within the 150 feet space. The new bridge will be of iron, and will be well built and substantial, and altogether an excellent piece of work. It is being constructed under the direction of John Sharp, Esq., president of the road.

**Silk Harvest of the World.**—In view of the interest taken in silk culture by numbers of people in this Territory, we publish the following, from the *Scientific American*, concerning the silk harvest of the world—

"According to a report, just published by the Syndicate of the Lyons union of silk merchants, the silk crop of last year was, in round numbers, 9,050,000 pounds of raw silk, while there were exported from Asia 11,500,000 pounds, making upwards of twenty and a half million pounds of raw silk available for European consumption. The countries included in the report are Italy, France (with her dependencies, Corsica and Algeria), Spain, Greece, the Turkish Empire, Georgia, Persia, India, Japan and China. The first and last together supply four-fifths of the silk used in Europe. China exported, chiefly from Shanghai, upwards of 8,000,000 pounds. The crop of Italy amounted to 6,300,000 pounds. France supplied 1,600,000 pounds; Spain, about 310,000 pounds; Greece less than 30,000 pounds; the Turkish Empire, 1,180,000 pounds; Georgia and Persia together, 880,000 pounds; India (from Calcutta), 935,000 pounds; Japan, something over 1,200,000 pounds.

FROM SATURDAY'S DAILY, DEC. 4.

**Convalescent.**—We are gratified to be able to state that Bro. David H. Cannon, of St. George, who was reported dangerously ill some time since, is convalescent, and gaining strength rapidly.

**Indisposed.**—Justice Pyper has been unable to attend to his official duties in the police court the last few days, being confined to his room with a rather severe spell of sickness, from which, however, he is now, we are pleased to be able to say, recovering.

**Information Wanted.**—Johan Magnus Anderson, of 86 Twenty-fifth Street, Chicago, Illinois, desires to hear from his brother, August Anderson, formerly of Weddige Soeken, Hallands Lane, Sweden, but now supposed to reside in this Territory.

**Sunday School Union Notice.**—The monthly meeting of Sunday school superintendents and teach-

ers will be held in the City Hall, on Monday, at 7 p. m., the 19th Ward choir will be in attendance.

The superintendents are particularly requested to give notice of the meeting in their schools to-morrow.

**Personal.**—Mr. B. F. Mills, correspondent of the *New York Times*, called in this morning, having arrived in the city yesterday. He is on an extended tour, embracing California, where he will stay a few weeks, and Australia. He expressed himself in terms of admiration of the site, plan, and general appearance of the city.

**Bound Over.**—The investigation of the charge against Mollie Wilson, alias Brown, yesterday, before Justice Raleigh, of stealing \$230 from a miner, resulted in her being bound over in \$500 to await the action of the grand jury. She deposited the value of the amount of the bonds, and was allowed to go at liberty.

**The Death of the Prophet.**—Our daily and semi-weekly issues containing the article from the *Chicago Times*, descriptive of the martyrdom of the Prophet Joseph Smith and his brother Hyrum Smith, having been sold out, the same article will appear in the next issue of the weekly, of which an extra number of copies will be struck off, so as to meet the large demand for the article in question.

**Attempted Rape.**—Yesterday afternoon James Carroll, charged with attempted rape on the person of Sophia Rosengreen, at Sandy, had an investigation before Justice Raleigh. The evidence was clear against the accused, and showed the outrage to be of a most brutal character. The only extenuation offered by the defendant was that he had been drinking and did not know what he was doing. This is a common excuse for a criminal to put forth, but is not entitled to consideration, except that he be punished for drunkenness, as well as for the other crime.

Carroll was committed to jail, in default of finding \$2,000 bonds, to await the action of the grand jury.

**A Small Fire.**—At twelve o'clock to day the fire alarms at the Wasatch engine house and City Hall were rung, causing considerable stir and anxiety to know the locality of the fire, which proved to be the residence of Mr. Fred. J. May, in the 20th Ward. Being the dinner hour, the firemen were out in considerable force, and the apparatus was followed by a crowd of youngsters, numbers of whom are generally around loose about that time of day. Fortunately the flames were extinguished, without it being necessary to bring the fire apparatus into requisition, by means of buckets and tearing most of the roof from the back kitchen to which the fire was confined.

The fire originated in the roof, through which a stovepipe projected, the only protection for the timbers being the ordinary deck-cap. The damage will probably amount to in the vicinity of \$50.

The "Wasatch" boys were on the ground a few minutes after the alarm, and formed the bucket brigade that extinguished the flames.

**District Court.**—Friday, December 3rd, afternoon.

A. M. Williams vs. B. F. Cummings; after argument, motion for new trial taken under advisement.

Saturday, December 4th.

The People, etc., vs. William Bean, larceny; on account of the absence of material witnesses, case continued for the term.

The People, etc., vs. John F. Tasker, three cases; motion to dismiss appeal granted, and that the Clerk issue an order to the Justice to proceed.

Mary A. Harker vs. John A. Bernard et al; publication of summons ordered.

Cora Conway vs. Jeter Clinton et al; after argument, motion to amend complaint granted; defendants except.

Louis Reggel vs. Timothy B. Foote et al; on motion of defendant's attorneys, counsel for plaintiff consenting thereto, ordered that execution heretofore issued herein be and is hereby recalled and the judgment and default heretofore entered herein be and the same is hereby set aside and vacated.

## PRICE OF GOLD

Corrected daily by DESERET NATIONAL BANK.

SALT LAKE CITY, Dec. 8, 1875.

Buying at \$1.13½; Selling at \$1.15½.