SALT LAKE DAILY HERALD

SUNDAY MORNING, JAN. 4, 1880.

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THE SEMI-WEEKLY HERALD is published every Wednesday and Saturday morning, at $4.50 a year, postage included; parts of a year at the same rate.

TERRITORIAL GOVERNMENT.

It is seldom that a man holding office in a territory by appointment of the federal government can be found to openly proclaim against the system of government applied to the United States territories. Bread and butter are powerful agents in shaping men's politics, if not their principles, and the class of men who come to these colonies of the republic as paid representatives of the government are not the kind to see evil in the system that provides them a living with less exertion on their part than would be necessary under other circumstances. It was, therefore, with surprise that we read in the "Report of the Governor of Idaho, made to the secretary of the interior, for the year 1879," the following opening sentence, under the head of "Government of the Territories:" "It is evident that the formation of the territories had no place in the theory upon which our republican system was founded." This is a good deal of an admission to come from a federal officeholder in a territory, and had our venerable friend, Governor Brayman, continued his report and suggestions in the same strain, he might have lost his office, but he would have made friends of all citizens of the territories who are in love with a republican government and republican institutions. But the governor exposes the cloven hoof in the subsequent paragraphs of his report. While admitting that the territorial system is opposed to republican theories, he wants to make it infinitely more un-republican. With a good deal of highfalution and spread-eagleism in his language, he gets down to the conclusion that the territorial organizations were, at first, an experiment, and in creating and administering "the hybrid governments thus instituted, a mixture of congressional enactments and crude local legislation, it is but a lame experiment still." To improve matters, he suggests, practically, that as congressional enactments and local laws sometimes conflict, Congress do all the law-making for the territories, and provide a "compacted and consistent body of national law concerning the territories." Governor Brayman is too much of a man to believe in the justice of Congress legislating for the territories; and were he not an officer that the people had no voice in choosing, he would be as earnest as any citizen of the Idaho dependency in protesting against the colonial system of government to which the territories are subjected. Congress already makes too many laws for the territories, and interferes altogether too much in the local affairs of the people. Instead of exercising the assumed power oftener than it does, it should promptly wipe out the great stain upon the republic, placed there by the establishment of the territorial system—a system opposed to every idea of the Constitution, and worse than that applied by any civilized monarchy to its colonies.

THE NEW YORK law-makers, last winter, enacted a law fixing the rate of interest in that state at 6 per cent. per annum, while old statutes provide severe penalties for receiving a higher rate. The new law went into effect on the first of the year. It is one of the strange things of the world that legislators will not understand that interest is something they cannot regulate. The man who has the money and the man who borrows it, will get around the best law ever framed. The borrower will pay all or more than the money is worth, and the lender will see that he does it. The law-makers might as well say how much the farmer shall get for his potatoes, as fix the price that the banker will receive for the use of his gold.

THE TELEGRAPHIC news gatherer at Richmond, Va., may derive much satisfaction from informing the north that strawberry plants around that city are in bloom, the ground north of the Mason and Dixon line being buried from one to five feet under snow, and the mercury settling down towards the bulb. Next August, however, we may laugh while he weeps, by lightning the truth to him that here in the mountains the atmosphere is cool and bracing while he gasps for breath and swelters under a southern sun.

WE HAVE received No. 173, Vol. 1, of a Chinese newspaper published in San Francisco. It is a gay and festive looking sheet of four pages, and is unquestionably highly sensational as shown by the big type head lines.

FOREIGN.

London, 3.—The *Economist* says that the North British Railroad shares fell 18 since the Tay bridge disaster. Gas property shows a recovery. The buoyancy of the markets in all departments is very decided.

Paris, 3.—Drifts of ice in the Seine caused much damage and alarm. The river is full of wreckage. Several bridges were rendered unsafe and travel over them stopped. The stone bridges are crowded and the crowds are increasing hourly, and there are exciting scenes at the quays, where thousands of people are watching the rushing torrents and plunging ice. The water is six metres deep at Pont de la Concorde, and is still rising. The current is running seven miles per hour. The devastation promises to be greater than during the great flood of 1871.

LATEST TELEGRAMS.

THE CHINESE CONSULATE.

Colonel Mosby Rises to Explain.

In Doing Which He Says Bad Things of Bailey.

Chicago, 3.—The *Times* has the full report of John S. Mosby, United States consul at Hong Kong, on the corruptions of Minister Seward. It bears the date of Hong Kong, October 21, 1879. It begins thus: In my No. 29, dated September 22, 1879, I stated that I would submit to the department a supplementary report on the frauds and abuses practiced here in shipping and discharging seamen, the collection of extra wages and granting relief to destitute seamen. This I now proceed to do. In the first place, I will say that, while it was not notorious here that these frauds existed, yet I had not deemed the proof accessible, as almost all the ships that paid extra wages during Mr. Bailey's term here, had left this coast, until, in the month of August, when investigating the emigration business with General Stabel, my attention was attracted by internal evidences of fraud furnished by the quarterly returns of Mr. Bailey. After General Stabel left, I made a careful analysis of these returns and a comparison of Bailey's and Loring's and my own result is the most cogent demonstration of their fictitious character. I invite attention to the consul. I dated the statement of all returns of extra wages and relief accounts of this consulate from January 1, 1871, to September 30, 1879, prepared by my vice-consul, Mr. Brooke. The most striking feature of this statement is the small number of discharges reported by Mr. Bailey as compared with the number of vessels that be cleared; also the great disparity between the number shipped and discharged. When a vessel enters, it generally discharges a portion of its crew, and when it clears it ships a number of seamen to fill up the vacancies caused by the discharges and desertions at Hong Kong, where desertion is very difficult. The number shipped ought not to greatly exceed the number discharged. Government only loses $1, the shipping fee, for a failure to report a seaman shipped; but as, under Mr. Bailey, nearly all discharges were accompanied with the payment of extra wages, government would lose both fee and extra wages, when a discharge was not reported. Mr. Bailey cleared 652 vessels while he was here. From these he reported only 460 discharges in all; 220 seamen shipped. During the six years succeeding 1871, he reports only 192, in all, as discharged; in other words, more men were discharged during the first year, 1871, than during his subsequent six. From the tabulated statement, it will be seen that the proportion of my shipments to discharges has been less than two to one, and Loring's a little over two to one. Bailey cleared on an average ninety-five vessels a year. I have cleared eighty-five; Loring, during the eighteen months he was in charge, cleared 135. My average is four discharges for each ship cleared; Loring's over three; while Bailey's average for his whole term is less than one for each clearance. Mosby alludes to his departure from the rule of his predecessor in not collecting extra wages, in which he makes an argument advantageous to himself, showing that his plan, while benefiting the owners of vessels, also brings more money into the treasury than under Bailey's. Bailey's annual average return was about $700. In less than eight months my returns show $1,116 collected and paid into the treasury. It must also be borne in mind that, of the eighty-five vessels I have cleared, over twenty had returned before my arrival here, so that very little was left for me to do. Bailey ought certainly to have returned five or six times as much annually. According to his report, it produced less at a rate of four seamen discharged for every vessel cleared; this would have made 2,508 discharges which ought to have brought in at least $35,000. He accounted for $5,254.36. Loring, in sixteen months, with 135 ships reported, $5,992.47, which is $788.11 more than Bailey accounted for in seven years. Bailey's accounts show $8,403.52 charged for relief given to destitute seamen. Loring's shows $2,690 25; mine shows nothing. It is very strange that all the destitute seamen should have disappeared as soon as I got to Hong Kong. The number of shipments will always be in excess of the number of discharges here, for the reason that the Chinese crews of the Pacific Mail steamers desert and it cannot be prevented.

Now Mr. Bailey's dispatches show how vigilant he was to prevent desertion, and he takes credit to himself for having entirely broken it up. In a dispatch dated August 23, 1877, he reports that four seamen deserted the *Matchless*, with the connivance of the master, but were arrested on shore and brought to the consulate. As a penalty for this act the consulate discharged them and made the master pay three months extra wages. He declares that Mr. Bailey does not make any satisfactory explanation of this great disparity between the number shipped and discharged.

I now offer some evidence to support the theory that the quarterly statements show their fraudulent character on their face. Captain Hutchinson of the ship *Highlander*, of Salem, Mass., in his letter says: The *Highlander* arrived in Hong Kong in May, 1877, and left July, 1877; she discharged eleven men with extra wages at $18 per month for men and $30 for the steward. Now the quarterly statement of fees for the third quarter, 1877, reports none discharged and eleven shipped. In the extra wages returns for the quarter, the government is credited with two men discharged with extra wages, a loss of $185. The *Highlander* arrived here from the United States in July, 1875, discharged nine and shipped nine. The quarterly statement shows three discharged and nine shipped. Coming from a home port, she, of course, paid extra wages. She was here again in October, 1874, and only two were shipped; was here, also, on June, 1875, discharging twelve, including the second mate, and shipped eleven. The quarterly statement reports none discharged; the extra wages returns do not credit any extra wages from the *Highlander*, either in 1871 or 1874, but credits three in 1875. The loss to the government for failure to report the discharges and extra wages from the *Highlander* must have amounted to at least $1,000.

Mosby quotes several other similar cases, and says there are many more which, to report in full, would take him six months. He says: Mr. Bailey reports 2,020 seamen shipped during his seven years of office from 652 vessels; Loring's reports 716 in sixteen months, from 135 vessels. I report 556, in less than eight months, from 89 vessels. Bailey's proportion is the same thing, over three men shipped for each vessel cleared; Loring about five, and mine about seven. Anyone at all acquainted with the restless and wayward character of sailors, knows that more than 2,020 men must have been shipped at this consulate in nearly seven years. From the evidence he submits nine propositions:

One—The number of shipments actually reported by Bailey is so out of proportion to the number of discharges, as to create at least strong presumption of fraud.

Two—A comparison of the amounts of extra wages returned by Bailey in about seven years—$5,254 from 652 ships—with Loringe, in sixteen months, $5,992.47 from 135 ships, and under the same rule, create a presumption of fraud confirmed by evidence.

Three—Bailey's annual average of extra wages is only about $700; mine up to September the 30th, less than eight months, $1,016. Bailey's rule of extra wages ought to have produced five or six times as much as mine—yet mine produced more.

Four—The number of men reported as shipped and discharged, when compared with the number of vessels entered and cleared, is too small.

Five — The principal source of revenue at this consulate being the shipping and discharging of seamen, invoices and Chinese emigrants, of which Mr. Bailey had a great many more than I have, had his surplus balance been paid into the treasury, ought to have been proportionally larger. In less than eight months my surplus balance is larger than any annual balance before paid by this consulate into the treasury, and this, in spite of the fact that owing to the decline in business, and the reduction in charges, the amount collected by me, both in fees and in extra wages, is far less than that collected by my predecessor.

Six—Mr. Bailey has charged government $8,400 for relieving distressed seamen, or annually about $1,200.50. I have charged nothing.

Seven—My attention is called to the fact that in about seven years, Bailey's total surplus balance was $26,665; Loringe, $10,138; nearly one-half of Bailey's total in sixteen months. Mine is about one-third in less than eight months.

Eight—A comparison of Bailey's annual total reported with his surplus show the purely artificial character of his returns—that is, the surplus amount was not regulated by the amount collected, but by the exegencies. From a total of $12,311, collected by me since February 4th, '79, I pay a surplus of $7,918. In the same way Bailey's returns may be compared with themselves, to show the annual balances paid into the treasury, dependent on the annual amounts collected. In 1876, with a total of $14,018 reported, his balance was $4,291.80; while in 1872, with a total of $12,341.52, his balance was $4,803.78. So in 1873, his total was greater than in 1872, but his surplus less. The surplus I pay over into the treasury depends upon the amount I collect.

Nine—Mr. Bailey must have discharged at least 2,608 seamen, and at least four fifths of these, with extra wages, and shipped about 4,564 seamen. His defalcation on this account must be between $35,000 and $40,000.

In conclusion, as the Chinese emigration was the original subject of inquiry, is submitted the following extract from a letter just received from the collector of customs, at San Francisco, dated August 28, 1879. I congratulate you on your success in your effort to prevent the shipping of lewd women to this port. The fact that you have succeeded demonstrates the truth of my theory hitherto expressed to your predecessor, that vigilance and activity on the part of the consul at Hong Kong, was the proper way to enforce the law.

I have the honor to be, sir, your obedient servant, JOHN S. MOSBY, United States Consul.

THE DECISION

The Supreme Court of Maine Gives Its Opinion.

Bangor, 3.—Following is the official text of the unanimous opinions of the supreme judicial court, finished and signed this afternoon in answer to the questions submitted by the governor.

Question one—When the governor and council have decided that there is no return from a city on which representatives can be summoned to attend and take their seats in the legislature, is it their duty to order a new election, or is it competent for the House of Representatives, if it shall appear there was an election of such representatives in fact, to admit them to seats, though no return thereof was made and delivered into the office of the secretary of state? Answer—No authority is given to the governor and council, when there is no return, to order a new election. When the seat of a representative has been vacated by death, resignation or otherwise, provision is made by the revised statute for filling the existing vacancies. By these provisions, whenever municipal officers therein mentioned, by any means, have a knowledge of the death of a representative elect, or of a vacancy caused in any other way, it is their duty to order a new election. If it appears to the house of representatives that there was an election in fact, they should admit them to their seates though no returns thereof was made to the secretary of state. A representative is not to be deprived of his rights because municipal officers have neglected their duty.

The Grand Canyon Controversy Decided.

Denver, 3.—The circuit court, today, announced the decision, in open court, in the contest between the Denver and Rio Grande Railroad Company and the Atchison and Topeka Company, over the occupation of the Grand Cañon of the Arkansas. This case has absorbed much public attention and created deep public feeling here. The court decides that the lease and the papers executed at Boston, in October, 1878, have no relation to and do not affect this controversy, and therefore, the mandates of the United States Supreme Court, made last April, adjudging the Denver and Rio Grande Company to have a prior right to use and to build its road in the cañon, must be enforced. The court decides that the Atchison Company must deliver to the Denver and Rio Grande Company the entire line, with the railroad on it from the mouth of the cañon to the south Arkansas River, fifty six miles, on being paid the actual cost of construction, a commissioner to report such cost. Then, if the Atchison Company wishes to build, it must build on the other side of the river, in narrow places, or by parallel line adjacent. The formal decrees are yet to be prepared. As to the line from the South Arkansas to Leadville, sixty miles, the present graded line is awarded to the Atchison Company. The topography of that country admits of the easy construction of other lines. The Denver Company has filed its petition to pay or deposit the money to cover the cost at once, and have immediate possession given it; also that it may go on and finish its line to Leadville.

The levy of the new taxes at Rio Janeiro recently caused serious disturbances, against which suppressive measures have been taken.

CAPITAL CHATTER.

Washington, 3.—A statement, just compiled here, shows that of of the 76 members of the United States Senate, 59 are practising lawyers, and that no less than 219 of the total 293 members of the House of Representatives are lawyers. Besides these there are in the House twenty merchants, five bankers, three capitalists, five manufacturers, twelve farmers, two millers, one stone cutter (Murch, of Maine,) four editors, six physicians, two teachers and two ministers, viz: De LaMatyr, of Indiana, and Anderson, of Kansas. In the Senate, besides the lawyers, there are eight merchants or other business men, four planters or farmers, one doctor, one editor, one banker, one mine owner and operator, and one senator of no profession or business, unless it be politics.

During General Grant's visit here, and at one of the dinners given in his honor, he was asked which city among all he had visited, he liked the best, and the reply came quickly: "Washington; I think it is the handsomest city in the world." This little straw is one of the many that have shown that the ex-president is by no means averse to taking quarters in this city again.

Senor De La Loata, minister from Venezuela, who has long been one of of the most popular members of the diplomatic corps in Washington, will leave in a few days for a trip to California, intending to remain there and elsewhere in the west until next autumn.

The "Borusia" Crew and Passengers

Baltimore, 3.—The Italian bark *Giamicona*, arrived this morning and brought the following passengers and crew of the lost steamer *Borusia*, who were picked up at sea 250 miles off Azares: Passengers—John S. Sullivan, Owen McCabe, Rossandro Gonzales, Gastino Salvate, Charles Deimtos; crew—William Southerlands, second engineer; and J. F. Lawson, Bernard Gerrotz, William Fisher, Patrick Sura, and John Callaghan, seamen. All reported to the British counsel for relief. They are in a very destitute condition. They suffered greatly in the open boat before being rescued.

The party was in the metallic life boat No. 3, having got into it on the evening of December 2d, well provided with coarse food and water. The sea ran very high during the night and the boat was at the mercy of the waves. The gale continued the next day, when a bark was sighted but the crew were unable to attract her attention. That night the sea calmed down. They were stering for Fayal, the weather moderated and the sea remained calm until midnight of the 4th. Sharks followed them day and night until one was pierced with a boat hook, and the rest left. On the morning of the 5th the wind, which had been gradually rising, blew very hard and they changed their course from east to west, running before the wind. They discovered a sail bearing directly for them at about 4 p.m., on the 5th, and by waiving blankets, kerchiefs and pulling direct for the sail, they attracted the attention of those on the vessel, and were taken aboard the *Giamicona*, and arrived to day. The life-boat was cast adrift. All speak in terms of the warmest praise of Captain Bonifaziro, of the *Giamicona*, who gave them clothing and necessaries.

The Leadville "Democrat."

Leadville, Colo., 3.—The first issue of the Leadville *Daily Democrat* appeared on Thursday morning. The *Democrat* is an 8-page, 6-column paper, and starts with excellent patronage. It is the property of the leading democrats of Leadville, with W. A. H. Loveland at the head. The editorial management of the paper is entrusted to M. J. Gavisk.

BRIEF TELEGRAMS.

A young lady named Francis Hovey shot her father at Lyons on Saturday and then killed herself.

Primary instruction is to be made obligatory in Havana for all children between 6 and 10 years of age.

The immensity of Chicago's business boom becomes more and more apparent with each week's reports.

The suit against S. J. Tilden, *et al.*, brought by the St. Louis, Alton and Terra Haute Railroad, has been compromised.

RELIGIOUS SERVICES TODAY.

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS. — Quarterly Conference at 10 a.m. and 2 p.m., in the Salt Lake Assembly Hall. No ward meetings nor Sunday Schools.

ST. MARK'S CATHEDRAL—Morning service at 11 a.m., Sunday School at 9.45 a.m. Evening service at 7 p.m.

ST. PAUL'S CHAPEL, corner of Fifth South and Second West streets.—Sunday School 2.30 p.m.

CATHOLIC.—Church of St. Mary Magdalene, Rev. Father Scanlan, Pastor.

CATHOLIC SERVICE at Fort Douglas the second Sunday of each month at 10 o'clock a.m.

PRESBYTERIAN CHURCH.—Preaching at 11 a.m. by the pastor, Rev. R. G. McNiece. Sabbath school at 9.30 a.m.

FIRST M. E. CHURCH.—Services at 11 a.m. and 7.15 p.m. Sunday School at 12.15. The public generally and strangers in particular, are invited to attend.

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HOLIDAY ANNOUNCEMENT.

We are now ready to supply to Families, at greatly reduced rates, everything of the choicest selection, in the Wine and Liquor line. Our prices are such as to be within the reach of all, so that those who contemplate purchasing for the Holidays will save money by giving us a trial. A liberal discount to the trade is also given.

N.B.—We keep in stock, especially for medicinal use, the purest Brandies, Whiskies, Wines, etc., at moderate prices.

HOLIDAY ANNOUNCEMENT.

AUER & MURPHY.

NOTICE.

THE ANNUAL MEETING OF THE Shareholders of the Deseret National Bank, of Salt Lake City, for the Election of Directors, will be held at their Banking House, on Tuesday, January 13th, 1880.

L. S. HILLS, Cashier.

Salt Lake City, Dec. 29, 1879.

SELECT SCHOOL !

THE THIRD TERM OF MRS. M. E. Randall's Select School will open on Monday, January 5th, 1880, at 9 a.m., in Morgan's College. Also, an Evening School, at the same place, commencing at 6 p.m. The latter is designed for persons who cannot attend during the day.

N. B.—It will be greatly to the advantage of the pupils to be present at the opening of the term.

For further information, apply to

M. E. RANDALL, Principal.

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The Orchestra will be composed of the following well-known Musicians:

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Accompanists.....A. Pederson and H. Giles

CONDUCTOR, - - G. CARELESS

The Popular Artists,

Willard E. Weihe, - - - Violinist
Mrs. Jos. Seigel. - - - - Soprano
G. D. Batho, - - - - Clarionet
of the 14th Infantry Band,

Have also been engaged.

The Valuable Assistance of the following Ladies and Gentlemen has been secured:

Miss Belle Anderson, Edith Clawson, Mattie Horne, and Messrs. B. Gardiner, H. G. Whitney and B. F. Chandler.

THE CROXALL BRASS BAND!

PROGRAMME.—PART I.

1. Overture, "Idomeneo,".....Mozart
Orchestra.
2. Quintette, "Bohemian Girl,".....Balfe
Misses E. Clawson, M. Horne, Messrs. H. Gardner, H. G. Whitney and F. B. Chandler.
3. Cornet Solo, Fantasia, "Safe in the Arms of Jesus,".....Cox
M. Croxall.
4. Selection—"Masaniello".....Rivicie
Orchestra.
5. Piano Solo—"Lucia,".....Listt
Miss Belle Anderson.
6. Turkish Review.....Michaelis
Orchestra.
(This composition represents the approach, passing and retiring of a Turkish patrol.)

PART II.

7. Overture—"William Tell,".....Rossini
Orchestra.
8. Duet—"May Bells and the Flowers,".....Mendelsohn
Misses Edith Clawson and Mattie Horne.
9. Violin Solo—"Souvenir Concerto,".....Vieuxtemps
Willard E. Weihe.
10. Selection—"Fatinitza,".....Meyder
Orchestra.
11. Ballad—"It was a Dream,".....Cowen
Mrs. Jos. Siegel.
12. Waltz—"Tres Jolie".....Waldteufel
Orchestra.
13. Selection—"Peanuts,".....Southwell
Croxall Brass Band.

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Beg to thank their Friends and the Public for the generous patronage bestowed upon them during the past five years; and have much pleasure in announcing that their MAIN GALLERY, 99 Main street, has been handsomely decorated and furnished throughout, and is now under the management of Mr. C. W. SYMONS.

In consequence of the great increase of business, Messrs F. & S. have leased the Gallery formerly occupied by Mr. C. W. Carter and opened a BRANCH GALLERY, under the management of Mr. ALEXANDER FOX.

Both Galleries have received from the east the Finest Accessories and Backgrounds, painted by the first artists, for picturesque effects, that can be procured, comprising Interiors, Terrace and Balcony, Boating, Cottage, Window, etc., etc. These, with the addition of new and improved instruments, enable them to compete with and surpass the productions of any other gallery in Salt Lake. The public are respectfully invited to visit both galleries and see for themselves.

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" Lemon Do.
" Orange Do.
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Pembroke Meat Market STILL LEADS.

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Take pleasure in announcing to their numerous friends and patrons that they have purchased for the Christmas and New Year's Markets the Very Best of Animals that Utah's ranches can afford. Part of their show will consist of

One 5-year-old Pure Bred Durham Cow, A superior animal, bred by Hon. Wm. Jennings.

Forty Choice 3-year-old Steers and Heifers, Selected from the Hon. Wm. Jennings' Durham Herd.

A Choice Variety of Fine Mountain Fed Beef.

Our Mutton Cannot be Surpassed.

Pork of all sizes, from the Sucking Pig to the Monster of 1,000 Pounds.

THE BEST EXHIBITION OF FAT ANIMALS

Ever Set Before the Public.

WHITE & SON take the present opportunity of returning thanks to their numerous customers and friends for the liberal amount of patronage bestowed upon them during the time they have been in business, and hope that by continuing to keep a choice selection of meats, combined with strict attention to business, to continue to receive their patronage. d21

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