

until Joseph Smith the Prophet was raised up to lay the foundation of the Church and Kingdom of God on the earth: a privilege for which I would have felt amply repaid if I had had to travel a thousand miles in the days of my boyhood on foot to have witnessed.

Now my young friends I wish you to remember these scenes which you are witnessing during the visit of President Young and his brethren Yea, my young friends, treasure up the teachings and sayings of these prophets, and apostles as precious treasure while they are living men, and do not wait until they are dead. A few days and President Young and his brethren, the prophets and apostles and Brothers Benson and Maughan, will be in the spirit world. You should never forget this visitation. You are to become men and women, fathers and mothers; yea, the day will come, after your fathers, and these prophets and apostles are dead, you will have the privilege of going into the towers of a glorious Temple built unto the name of the Most High, (pointing in the direction of the bench) east of us upon the Logan Bench: and while you stand in the towers of that Temple and your eyes survey this glorious valley filled with cities and villages, occupied by tens of thousands of the Latter-day Saints, you will then call to mind this visitation of President Young and his company. You will say: "That was in the days when Presidents Benson and Maughan presided over us; that was before New York was destroyed by an earthquake; it was before Boston was swept into the sea, by the sea heaving itself beyond its bounds; it was before Albany was destroyed by fire; yea, at that time you will remember the scenes of this day. Treasure them up and forget them not."

President Young followed and said: "What Brother Woodruff has said is revelation and will be fulfilled."

On Sunday morning Apostle George Teasdale spoke at length on the responsibilities of those who receive the sacred covenants of the holy Temple, and the sin of revealing the secrets of the Lord. He denounced the glibness of tongue indulged in by some and desecrated upon the "Mormon" creed—"Mind your own business." The necessity of holiness in order to abide the presence of the Lord, and the folly of expecting to obtain enduring blessings without personal righteousness was strongly impressed upon all the Saints present.

Elder C. W. Penrose followed on the necessity of obedience to law, introducing the word of the Lord concerning the observance of both divine and human law. The subject of constitutional law, the jurisdiction of courts and the limit of the power of the various departments of the national government were elucidated, and the duties of the Saints in relation thereto were pointed out.

In the afternoon after the general and local ecclesiastical authorities were sustained, President Wilford Woodruff delivered a discourse on "The Mysteries of the Kingdom," which consisted firstly of practical suggestions as to cultivating the earth wisely, keeping out of debt, living within our means, industry, economy and honesty. The speaker then took up the subject of the ordinances for the dead; related some of his experiences in the St. George Temple and the manifestations he received in that holy house; touched on the question of sealings and adoptions. Cautioned the people in regard to haste in the latter, and deprecated the anxiety of some to get men adopted into their families; exhorted the Saints to righteous lives. He also touched on the necessity of young men preparing themselves for missions abroad, and closed with a general exhortation to righteousness and faithfulness by which alone true exaltation could be secured.

The Conference was largely attended. On Sunday the Tabernacle was densely crowded, and in the afternoon the building would not hold the Saints who gathered from all parts of the State. The Spirit enjoyed was most excellent, and the singing, under Professor Lewis, was characteristic of the Logan choir—sweet, harmonious and in perfect time. "A splendid Conference," is the popular verdict. Meetings were held as follows on Sunday evening: President Woodruff went to Smithfield, Apostle George Teasdale to Millville and Elder C. W. Penrose to Providence.

President Woodruff returns on Monday, Elders Teasdale and Penrose remain a few days in the lovely valley of Cache.

IS IT A JUDICIAL ANTI-"MORMON" CRUSADE?

THE refusal of Judge Zane to admit Rudger Clawson to bail pending his appeal to a higher tribunal was generally anticipated. Any other decision would have been inharmonious with the course of the Court in a special class of cases, and would not have accorded with a programme that has evidently been decided upon, by the Judge with a mission to break up "Mormonism."

That the refusal to admit Mr. Clawson to bail is bordering upon the extra judicial line of jurisprudence is perfectly clear. Sureties to secure the custody of Mr. Clawson could have been obtained to any amount, and his presence in court here at any time when his cause reaches final adjudica-

tion would have been the next thing to an absolute certainty. His release would have subverted and not defeated the ends of justice, because if a final adjudication results in a decision that he has been illegally convicted his imprisonment pending it is an outrage, being punishment without cause before the law. Should the decree be adverse to him, which we think is not at all likely, his deprivation of liberty in the meantime is none the less outrageous, being punishment in addition to that defined by the sentence. Looking at the refusal to admit to bail from any standpoint it is opposed to common sense, and therefore opposed to good law, the two terms being synonymous.

The position assumed by Mr. Clawson, when asked by the Court whether he had anything to say why sentence should not be passed upon him, was noble and consistent. It defined his position clearly. He believed the law which deprived him of the right to practise his religion to be unconstitutional, and when the laws of man conflicted with the law of God, he was bound by the rule of conscientious conviction to abide by the latter.

This expression elicited a discourse on marriage from the judge, but, however much of an adept he may be as a judicial missionary in other respects, sermonizing is not his forte. His address was specially conspicuous for its attenuated character. It was dreadfully incongruous and contradictory throughout.

He said that monogamy "is the institution which that Infinite Source that manifests all things has manifested as the union existing between man and woman in civilized society." He gave no evidence that "that Infinite Source" had authorized him to speak as the oracle thereof. And people generally will not be apt to receive his statement without reserve. He should remember that one of the ablest statesmen, lawgivers and administrators of the law, under "that Infinite Source," of which history gives as any information, was a practical polygamist, and through him were given statutes intended to regulate that form of matrimony. And it is from Moses that the fundamental principles of jurisprudence which govern civilized nations are derived. We do not, however, desire to discuss that part of the ground assumed by Judge Zane, but to refer to another point, in which he gave himself away most marvelously.

Said Judge Zane in his sermon to Mr. Clawson:

The Constitution of the United States, as construed by the Supreme Court and by the authors of that instrument, does not protect any person in the practice of polygamy. While all men have a right to worship God according to the dictates of their own conscience, and to entertain any religious belief that their conscience and judgment might reasonably dictate, they have not the right to engage in a practice which the American people, through the laws of their country, declare to be unlawful and injurious to society.

Thus the court admitted that a man has a right to believe as his conscience dictates and he cannot be rightfully be punished for it.

Now, hear what he says:

I confess that I should have been inclined to fix this punishment smaller than I shall, were it not for the fact that you openly declare that you believe it is right to violate the law—that you believe you are right in doing it.

It would be pertinent to ask Judge Zane how much punishment he inflicted on Mr. Clawson on account of his belief and thus violated his own theory.

To make it unmistakably plain, we will say that had Mr. Clawson's belief been unknown to the Judge the sentence would have been two and a half years imprisonment and \$200 fine on the charge of polygamy, and three months imprisonment and \$100 on the unlawful cohabitation charge; then one year's imprisonment and \$500 fine are imposed purely on account of Mr. Clawson's belief.

How is that for justice in a free country? How is that for toleration of even religious opinion, leaving practice out of the question? How is that for "fanaticism on the bench?" How is that for judicial missionary business?

The refusal to allow Mr. Clawson's release on bail pending his appeal appears to admit of one of two constructions.

One is that, the matter being in the discretion of the Court, there must have been some feeling other than that of magnanimity in the breast of the judge.

The other is that a specific programme has been decided upon for ulterior purposes, such as the opening of an avenue through which it is hoped that any man in the community, innocent or guilty, can be deprived of his liberty.

It may be presumed that men with anti-"Mormon" missions have an idea that the road leading to the imprisonment at will of any individual that may be deemed objectionable, has already been paved, the ground being composed of the following flags:

An open venire—outside of the law—by which grand and petit juries can be packed to indict and convict.

A Court that allows the prosecution a license never witnessed before in any Court on this continent, whose rulings are anticipated by the spectators of its proceedings, being almost exclusively one way. Indeed, the "objection is overruled" and "the witness may answer the question," have become

stock expressions. Combine this situation of affairs judicial with a refusal to admit convicted persons to bail pending an appeal to higher tribunals, and it can be seen how much safety there is for citizens against whom charges may be preferred.

Judge Zane, in his sermon on the bench, spoke of religious superstitions "whose pathway has been lit with the aggot and red with the blood of innocent people." Let him scan again the pages of history and he will discover that unjust and fanatical judges have issued the decrees that have consigned to the stake, the sword and the prison those who have been the world's martyrs for conscience sake, the Saviors of the world being no exception to the rule.

JUDGE ZANE'S DECISION.

DENYING THE MOTION TO ADMIT RUDGER CLAWSON TO BAIL.

It is known to our readers that the arguments on the motion to admit Rudger Clawson to bail pending his appeal to the Supreme Court of the Territory from the judgment of the District Court, concluded last evening, and that Judge Zane, while admitting that it was in the discretion of the Court to so release him, refused to do so, but committed him to the Penitentiary. Following is the full text of the Judge's ruling, which could not be obtained last evening, owing to the lateness of the hour when it was delivered:

Counsel for the defendant have entered a motion for the admission of the defendant to bail after sentence has been made to the 366th section of the criminal practice act of 1878, which reads as follows:

"An appeal to the Supreme Court from a judgment, upon filing with the clerk of the court in which the conviction was had, a certificate of the Judge of such court, or of a Justice of the Supreme Court, that in his opinion there is probable cause for the appeal, but not otherwise."

Also reference has been made to the Sec. 367 which provides: "If the certificate provided for in the preceding section is filed the sheriff must, if the defendant be in his custody, upon being served with a copy thereof, keep the defendant in his custody without executing the judgment, and detain him to abide the judgment on appeal."

Reference is also made to Section 388, which is: "After conviction of an offense not punishable with death, a defendant who has appealed may be admitted to bail—

"First—As a matter of right, when the appeal is from a judgment imposing a fine only;

"Second—As a matter of discretion in all other cases."

This section first provides that he shall be admitted to bail, as a matter of right, when the appeal is from a judgment imposing a fine only; and as a matter of discretion, in all other cases. Then Section 389, items 5 and 6, provide, in case the discretion be exercised, how it shall be done. This is about all there is in reference to it. These provisions of the statute, when taken together, give the court a discretion to admit persons to bail who have been sentenced to imprisonment.

Reference has been made to a number of decisions, among others, to the Sixtieth Barbour.

(The Court here read from the case, and stated that it did not appear what all the provisions of the statute were). I have been referred to a number of cases in California, and one of them, at least, seems to be a decision of the Supreme Court of that State. The practice had been, it seems, in that State, to admit persons to bail after judgement, pending an appeal, where there was a certificate of probable cause, but the Legislature adopted a section afterwards, which is, I believe, in the very language of the statute of Utah upon the same subject, as I have read them. The court says in ex parte John J. Marks, 49 Cal., 680, (reading from the syllabus): "The rule laid down in Hoge's case, (48 Cal., 5), in relation to admitting a prisoner to bail after his conviction, and pending an appeal, has been modified by section 1,243 of the penal code. Under the provisions of said section, bail should not be allowed, except by a judge of the court in which conviction was had, or by a Justice of the Supreme Court, and then only when circumstances of an extraordinary character have intervened." That case has been followed since that decision was made. I believe, in all the cases which have been referred to.

The statute would seem to indicate that it was the intention of the Legislature, that the court should admit a party to bail where the sentence was to imprisonment, as a matter of discretion, in all cases except murder. If the court is to exercise its discretion in admitting a party to bail, it would seem that there must be something upon which the court has to exercise that discretion. The court does not admit to bail in its discretion unless there are facts or circumstances upon which it can base that discretion.

I am of the opinion that it would not be a correct rule of practice under this statute to admit all persons to bail who might choose to take an appeal in good faith. There should be some reason for it, and of course, the rule applied in this case must be a general one.

As there are no reasons shown, applicable to all cases, I am of the opinion that the party is not entitled to bail, unless there is some reason shown why he should be. This seems to be the rule established by the weight of authority. The statute of California is substantially the same as that of Utah, and the Supreme Court of that State has so construed it, and construed it before it was adopted by the Legislature of Utah. In respect to the practice in this Territory, I have inquired of Judge Twiss, and he says that application was never made to him but once, and that was before the judgment was rendered, and he suspended judgment, but he did not admit the party to bail—never admitted any one to bail after judgment. Judge Emerson states that the question has never been raised before him. I do not know what the practice has been in this district, but I am of the opinion that the proper rule is that the defendant must be ordered into custody, unless some extraordinary circumstance is shown authorizing the Court, in its discretion, to admit him to bail. The order will be made.

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ORDER.

In the Probate Court in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of James W. Cummings, Deceased.

M. E. CUMMINGS, THE ADMINISTRATOR of the Estate of James W. Cummings, deceased, having this day rendered and presented for settlement, and filed in this Court an account of administration of the estate of said deceased, and petition for discharge: It is ordered that the third day of November A.D., 1884, at ten o'clock a. m., at the court room of said Court in the County Court House of said County, be, and the same is, hereby appointed the time and place for the settlement of the said account, and petition for the final distribution and closing up of said estate, and that the Clerk give notice thereof by causing notices to be posted in three public places in this city and county, and published in the DESERET WEEKLY NEWS at least three weeks before said day of settlement, according to law.

ELIAS A. SMITH, Probate Judge.

Dated October 3rd, 1884.

Territory of Utah, County of Salt Lake, ss

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of Order appointing time and place to hear petition for settlement of account, final distribution of Estate and discharge of Administrator, in the matter of the Estate of James W. Cummings, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 3rd day of October A. D., 1884.

JOHN C. CUTLER, Probate Clerk

LEGAL NOTICE.

In the Probate Court, in and for Salt Lake County, Utah Territory.

In the matter of the Estate of Christopher Williams, deceased.

Order appointing Time and Place for hearing Petition for Order to Sell Real Estate and distribution.

IT APPEARING TO THE HON. ELIAS A. SMITH, Judge of the said Court, by the petition of Jacob Weiler and Peter Sinclair, Executors of the Last Will and Testament of Christopher Williams, deceased, (herein filed, praying for an order to sell real estate belonging to said estate) that it is necessary to sell the whole or some portion of the real estate and that all the devisees desire and are willing to have said Real Estate sold and the means derived therefrom for payment of all the expenses incurred in the settlement and distribution of said estate, divided among the devisees according to the provisions of said Last Will and Testament of said deceased.

It is hereby ordered: That all persons interested in said estate appear before the Probate Court of the County of Salt Lake, Territory of Utah, at the Court Room of said Court, in the Court House in Salt Lake City, on Wednesday, the 19th day of November A.D. 1884, at 10 o'clock a. m., then and there to show cause why an order should not be granted to the said executors to sell the real estate of the said deceased at either public or private sale to pay the expenses of settlement and distribution, and the residue divided among the devisees according to the provisions of said will.

And it is further ordered that a copy of this order be published in the DESERET WEEKLY NEWS, a newspaper published in Salt Lake County, and that notices be posted by the Clerk, of said day of hearing in three public places in said county, at least four weeks before said 19th day of November A. D., 1884.

Dated October 14th, 1884.

ELIAS A. SMITH, Probate Judge.

TERRITORY OF UTAH, County of Salt Lake, ss

I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of an order appointing time and place for hearing petition for order to sell Real Estate and distribution, in the matter of the Estate of Christopher Williams, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 14th day of October A. D., 1884.

JOHN C. CUTLER, Probate Clerk.

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THE LIVER AND ITS FUNCTIONS.

It has become a well established fact that the larger portion of diseases to which the human family is subject arise in the first place from some derangement of the Liver. This organ is not only the largest, but at the same time one of the most important. The venous blood, on its return to the heart, passes through this organ, and in its passage the impurities, as also the secretions which are necessary for digestion as well as for a cathartic to assist in the renewal of waste material, are eliminated. From this it is easily seen that the Liver is liable to get out of order to a greater or less extent, and when this occurs it is impossible for it to properly fulfill its office of removing all objectionable matter from the blood, but allows it to pass through, carrying with it the poisons of which it should have been relieved.

With impure blood the whole system becomes affected, and no organ can properly perform its function unless it is supplied with pure blood to maintain its strength. So the Liver becomes all important, and when it has the feeling of being continually tired, worn out, is constipated, has a bitter taste in the mouth, with tenderness to the Piles, Headache, Sick Stomach, Sallow Complexion, Eruptions of Skin, etc., they may be sure their Liver is deranged, and a remedy is required to assist nature in relieving itself of all accumulations, and restore it to its original strength and vigor. For all the complaints of this kind there is no medicine that equals

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