UTAH CENTRAL RAILWAY COMPANY.

PIONEER LINE OF UTAH.

(o)

NEW TIME CARD—IN EFFECT JUNE 1st, 1882.

(o)

PASSENGER TRAINS leave Salt Lake City daily for Ogden, and Intermediate Stations, at 7 a. m. and 3.40 p. m.; arrive in Ogden at 8.40 a. m. and 5.20 p. m.

PASSENGER TRAINS leave Ogden daily at 10.10 a. m. and 6.15 p.m.; arrive in Salt Lake at 11.50 a. m. and 7.55 p. m.

SPECIAL PASSENGER TRAIN

Leaves Salt Lake daily for Juab, and Intermediate Stations, at 7 a. m.; connects with R. C. R. R. W., & J. V. R. R., S. L. & Western Railway, Utah and Pleasant Valley R. R., and Sanpete Valley Railway; arrives in Juab at 12.05 p. m.

Leaves Juab at 1.20 p. m.; Nephi, 2.00; Provo, 4.00; Lehi Junction, 5.00; Sandy, 5.45; Junction, 5.50; Germania, 6.02; Francklyn, 6.05; arrives in Salt Lake at 6.30 p. m.

REGULAR PASSENGER TRAIN leaves Salt Lake at at 2 p. m. for Frisco, Milford and Intermediate Stations; connects with Stage at Milford for Southern Utah, Nevada and Arizona.

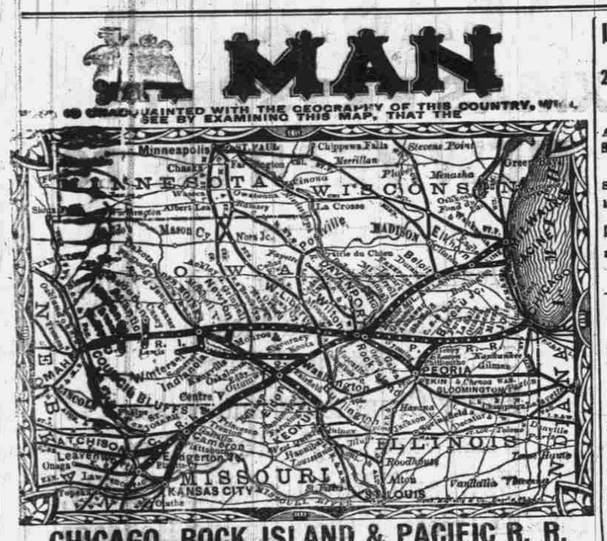
Leaves Frisco at 4.00 p. m.; Milford, 6.10 p. m.; Juab; 4.30 a. m.; Nephi, 5.08; Provo, 7.25; Pleasant Grove, 7.55; American Fork, 8.07; Lehi, 8.19; Draper, 9.00; Sandy, 9.15; Junction, 9.19; Lovendahl's, 9.27; Germania, 9.32; Francklyn, 9.35; arrives in Salt Lake at 10 a. m.

FREIGHT TRAINS run as usual.

☞ **FOR FULL PARTICULARS SEE TIME CARDS.** ☜

(o)

FRANCIS COPE, Gen'l Fr't & Pass. Ag't. **JAMES SHARP,** Ass't Gen'l Sup't. **JOHN SHARP,** Gen'l Supt.



CHICAGO, ROCK ISLAND & PACIFIC R. R.

IS THE GREAT CONNECTING LINK BETWEEN THE EAST & THE WEST!

Its main line runs from Chicago to Council Bluffs, passing through Joliet, Ottawa, La Salle, Geneseo, Moline, Rock Island, Davenport, West Liberty, Iowa City, Marengo, Brooklyn, Grinnell, Des Moines (the capitol of Iowa), Stuart, Atlantic, and Avoca; with branches from Burnside Junction to Perry; Wilton Junction to Muscatine; Washington, Fairfield, Eldon, Belknap, Lancaster, Princeton, Gallatin, Cameron, Leavenworth, Atchison, and Kansas City; Washington to Sigourney, Oskaloosa, and Knoxville; Keokuk to Farmington, Bonaparte, Bentonsport, Independence, Eldon, Ottumwa, Eddyville, Oskaloosa, Pella, Monroe, and Des Moines; Newton to Monroe; Des Moines to Indianola and Winterset; Atlantic to Lewis and Audubon; and Avoca to Harlan. This is positively the only Railroad, which owns, and operates a through line from Chicago into the State of Kansas.

Through Express Passenger Trains, with Pullman Palace Cars attached, are run each way daily between CHICAGO and PEORIA, KANSAS CITY, COUNCIL BLUFFS, LEAVENWORTH and ATCHISON. Through cars are also run between Milwaukee and Kansas City, via the "Milwaukee and Rock Island Short Line."

The "Great Rock Island" is magnificently equipped. Its road bed is simply perfect, and its track is laid with steel rails.

What will please you most will be the pleasure of enjoying your meals, while passing over the beautiful prairies of Illinois and Iowa, in one of our magnificent Dining Cars that accompany all Through Express Trains. You get an entire meal, as good as is served in any first-class hotel, for seventy-five cents.

Appreciating the fact that a majority of the people prefer separate apartments for different purposes (and the immense passenger business of this line warranting it), we are pleased to announce that this Company runs *Pullman Palace Sleeping Cars* for sleeping purposes, and *Palace Dining Cars* for eating purposes only. One other great feature of our Palace Cars is a SMOKING SALOON where you can enjoy your "Havana" at all hours of the day.

Magnificent Iron Bridges span the Mississippi and Missouri rivers at all points crossed by this line, and transfers are avoided at Council Bluffs, Kansas City, Leavenworth, and Atchison, connections being made in Union Depots.

THE PRINCIPAL R. R. CONNECTIONS OF THIS GREAT THROUGH LINE ARE AS FOLLOWS:

At CHICAGO, with all diverging lines for the East and South.

At ENGLEWOOD, with the L. S. & M. S., and P. F. W. & C. Rds.

At WASHINGTON HEIGHTS, with P., C. & St. L. R. R.

At LA SALLE, with Ill. Cent. R. R.

At PEORIA, with P. P. & J.; P. D. & E.; I. B. & W.; Ill. Mid.; and T. P. & W. Rds.

At ROCK ISLAND, with "Milwaukee & Rock Island Short Line," and Rock Isl'd & Peo. Rds.

At DAVENPORT, with the Davenport Division C. M. & St. P. R. R.

At WEST LIBERTY, with the B., C. R. & N. R. R.

At GRINNELL, with Central Iowa R. R.

At DES MOINES, with D. M. & F. D. R. R.

At COUNCIL BLUFFS, with Union Pacific R. R.

At OMAHA, with C. & N.-W. R. R. in Neb.

At COLUMBUS JUNCTION, with B. C. R. & N. R. R.

At OTTUMWA, with Central Iowa R. R.; W., St. L. & Pac., and C. R. & Q. R. Rds.

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At CAMERON, with H. St. J. R. R.

At ATCHISON, with Atch., Topeka & Santa Fe Atch. & Neb. and Cen. Br. U. P. R. Rds.

At LEAVENWORTH, with Kan. Pac. and Kan. Cent. R. Rds.

At KANSAS CITY, with all lines for the West and Southwest.

PULLMAN PALACE CARS are run through to **PEORIA, DES MOINES, COUNCIL BLUFFS, KANSAS CITY, ATCHISON, and LEAVENWORTH.**

Tickets via this Line, known as the "Great Rock Island Route," are sold by all Ticket Agents in the United States and Canada.

For information not obtainable at your home ticket office, address,

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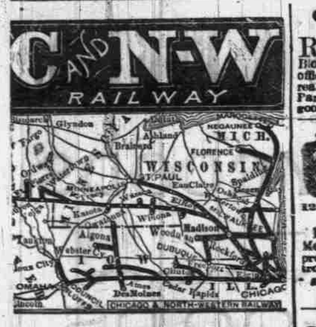

THE

CHICAGO & NORTH-WESTERN RAILWAY

Is the OLDEST! BEST CONSTRUCTED! BEST EQUIPPED! and hence the

LEADING RAILWAY

OF THE

WEST AND NORTHWEST!

It is the Short, Sure and Safe Route between

COUNCIL BLUFFS

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CHICAGO, MILWAUKEE

And all points EAST, such as

Niagara Falls, New York, Philadelphia, Boston, Washington, Baltimore, Pittsburgh, Montreal, Toronto, Detroit, Cleveland.

At Council Bluffs the Trains of the Chicago & North-Western and the U. P. Railways depart from and arrive at the same Union Depot.

At Chicago, close connections are made with the Lake Shore, Michigan Central, Baltimore & Ohio, Fort Wayne and Pennsylvania, and Chicago & Grand Trunk Railways and Pan Handle Routes.

PULLMAN PALACE DRAWING ROOM CARS

Are run on all through trains of this road. It is the Only Road upon which are Run the celebrated

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WEST OR NORTHWEST OF CHICAGO.

Insist upon Ticket Agents selling you Tickets via this Road. Examine them, and refuse to buy if they do not read over the Chicago & Northwestern Railway.

If you wish the Best Traveling Accommodations you will buy your Tickets by this route. AND WILL TAKE NONE OTHER.

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Denver and Rio Grande Railway.

NOTICE TO PASSENGERS.

ON AND AFTER WEDNESDAY, December 6th, 1882, Trains will Leave and Arrive at Salt Lake, from temporary station, corner of Second South and Fifth West Sts., Daily as follows:

	LEAVE.	ARRIVE.
All Points between Salt Lake & Pleasant Valley..	7.10 a.m.	6.30 p.m.
For Bingham Branch.....	7.40 a.m.	6.00 p.m.
For Sandy, Granite and Wasatch, Tuesdays, Thursdays and Saturdays only..	7.40 a.m.	6.00 p.m.

D. C. DODGE, Gen'l Manager. HENRY WOOD, Gen'l Supt.

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EVENING NEWS.

Thursday, - Jan. 25, 1883.

MANDAMUS.

THE WEBER COUNTY PROBATE JUDGESHIP.

ARGUMENT OF COUNSEL FOR THE INCUMBENT.

The case of James N. Kimball *vs.* Franklin D. Richards decided by Judge Emerson in favor of the former, is now pending in the Supreme Court of the Territory. Mr. Kimball was the Governor's appointee, Judge Richards is the occupant of the office of Probate Judge for Weber County. Following is the brief of Richards & Williams, which we consider a conclusive argument and worthy of general perusal. We cannot publish it in full in one issue of the NEWS, but will issue it by instalments:

In the Supreme Court of Utah Territory.

James N. Kimball, Appellee, vs. Franklin D. Richards, Appellant. } Mandamus.

I.

This case is disrobed of any question as to polygamy or bigamy, because there is no charge of such made in the plaintiff's complaint; not a single fact is stated or charged from which the Court can determine that such offense was ever committed by the appellant.

The only allusion or charge is in the following language, and found on page 2, printed record—

"That on said first Monday in August, 1882, and at all times hereinafter stated, as plaintiff is informed and believes, and upon such information and belief so charges the fact to be, said defendant was a polygamist and not entitled to hold said office of Probate Judge."

But for the apparent overlooking, this important defect by the able Judge who tried the case below, no further remarks would be made on such a patent defect, but circumstances seem to demand more attention to it than counsel first thought necessary. To charge a man with being a polygamist is the statement of a conclusion of law, and not the charging of the facts essential to show the offense. If this had been an indictment instead of a complaint in mandamus, would any Court hesitate to say that no offense was charged, or that not a single fact from which the Court could determine that an offence had been committed, was stated?

Greenleaf, in Vol. 3, on Evidence, sec. 203, eighth edition, says: "This offense consists in having *a plurality of wives at the same time*," and in the next section he says: "The indictment states the first and second marriages, and alleges that at the time of the second marriage, the former husband or wife was alive."

In Bovnier Law Dictionary it is defined thus: "Polygamy—The act or state of a person who, knowing that he has two or more wives, or that she has two or more husbands, marries another."

And he defines: "Bigamy.—The wilfully contracting a second marriage when the contracting party knows that the first is still subsisting."

But, as said by writess and Courts, these terms have now, by common usage, become convertable.

In law, therefore, no man is a bigamist or polygamist unless he contracts a second marriage whilst a former one is subsisting, and the fact of this former marriage, and that it still subsists, must be shown in the pleadings.

Philologically, a man need have no wife to be a polygamist, for if he believes in, and justifies it, he comes within the definition.

Webster, in his Academic Dictionary, defines: Polygamist.—One who practices or justifies polygamy."

Can any Court determine whether the pleader, in this instance, used the term in its legal or philological sense and, if the latter, whether he meant that defendant practiced rather than justified it?

II.

But under the several acts of Congress, known as the act of 1862, and the Edmunds statute, approved March 22d, 1882, other essential facts must appear.

Previous to the enactment of July 1st, 1862, the United States had no law against bigamy in any Territory or place over which it had exclusive jurisdiction and, as a matter of course, under the United States Constitution forbidding the enactment of any *ex post facto* law, this statute of 1862 was made prospective and not retrospective in its operation; its language applies it to only future marriages; it could not, constitutionally, have retroacted upon past marriages. Its language is: "Every person having a husband or wife living, who *marries* another, whether married or single, in a Territory, or other place over which the United States have exclusive jurisdiction, is guilty of bigamy."

Under this statute there are three essential facts, all of which must have occurred to make the offense.

1st—The accused must have a previous legal wife.

2nd—The marriage complained of must have occurred since July 1st, 1862.

3d—It must have occurred in a Territory or place over which the United States have exclusive jurisdiction.

Neither of these facts, much less all of them, are set out in the plaintiff's pleading.

The Edmunds statute, which is an amendment to the act of July, 1862, is still more specific; its language is: "Every person who has a husband or wife living, who, in a Territory or other place over which the United States have exclusive jurisdiction, *hereafter*, marries another, etc., is guilty of polygamy." Thus explicitly making it prospective as to this crime.

And with this express prospective operation provided in the first section, the eighth section says: "That no polygamist, bigamist, or any person *cohabiting* with more than one woman, * * * in any Territory or other place over which the United States have exclusive jurisdiction, *shall* be entitled to vote at any election held in any Territory or other place, or be *eligible* for election or appointment to or be entitled to hold any office or place of public trust, etc.

This section applies to all the Territories, etc., and in harmony with the first section uses terms denoting a prospective operation and not a retrospective one, for as it added new penalties, disabilities, etc., it could only escape the constitutional denunciation against *ex post facto* laws by a prospective operation. The disabilities attach to persons "*cohabiting*" with more than one woman, not that has *cohabited*; therefore, before any disabilities could attach under this amendment to the statute of 1862, it is essential that either a forbidden marriage, or the forbidden cohabitation should have occurred since its approval, March 23d, 1882.

Even had this clear indication of the intention of the enacting power been wanting or not found in the statute, still courts always give a statute only a prospective operation unless a retroactive operation clearly appears, even when there is no constitutional barrier, as there is here.

Wade, on Retroactive Laws, sec. 34, says: "One of the cardinal rules by which Courts are governed in interpreting statutes, is that they must be construed as prospective in every instance, except where the legislative intent that they shall act retroactively is expressed in clear and unambiguous terms, or such intent is necessarily implied from the language of the statute, which would be inoperative otherwise than retrospectively."

And a very long list of concurring authorities are referred to. This Edmunds statute manifest, by its language, a clear legislative intent that it should have a prospective operation but were it otherwise,—were those prospective words eliminated. Still, neither expressly, nor necessarily impliedly, would it appear that a retroactive operation was intended, and if it did it would clearly render the statute unconstitutional as *expost facto*. See Wade on Retroactive Laws, sec. 273.

This direct point as to office, came up in the Appellate Court of New York, 58 N. Y., 303, People, *ex rel.*, *vs.* Green, the relator being a deputy clerk of the Court of Special Sessions, and who was subsequently elected to the General Assembly, after which the city charter was amended, making the offices incompatible, and the question being whether said amendment vacated his office of deputy clerk. Chief Justice Folger, for the Court, says: "The point made by the appellant, that section 114 of the last charter of the City of New York, operates to vacate the office of deputy clerk, held by the relator, is not tenable. The language of the section is prospective. A law may not operate upon existing rights and liabilities without it in terms expresses such intention. 2 Hill, 288, Johnson *vs.* Bursell. Though there is no valid right to an office which may not be disturbed by legislation. Yet the incumbent has, in a sense, a right to his office. If that right is taken away by statute, the terms should be clear in which the purpose is stated."

But again, how it is to be ascertained whether a party has committed the offense denounced by those statutes? Is it to be by due process of law, or without such? Is a citizen to be put under disabilities and debarred of civil rights and degrading penalties attached to him without a hearing? without a trial by his compeers? without indictment or information? without a verdict of his countrymen? and without a judgment of a competent Court on legal proceedings? These grave questions demand serious attention.

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COL. L. T. FOSTER,

YOUNGSTOWN, Ohio, May 10th, 1880.

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L. T. FOSTER.

Kendall's Spavin Cure

Is sure in its effects, mild in its actions as it does not blister, yet it is penetrating and powerful to reach every deep seated pain or to remove any bony growth or other enlargements, such as spavins, splints, curbs, ringbone, callous, swellings and any unnatural all enlargements of the joints or limbs, or for rheumatism in man or for any purpose for which a liniment is used for man or beast. It is now known to be the best liniment for man ever used, acting mildly and yet certainly in its effects.

Send address for illustrated circular which we offer still greater proofs of its virtues. No remedy has ever met with such unqualified success in our knowledge, for beast or man.

Price $1 per bottle, or six bottles for $5. All Druggists have it or can get it for you, or it will be sent to any address on receipt of price by the proprietors, DR. B. J. KENDALL & CO., Enosburgh Falls, Vt.

SOLD BY ALL DRUGGISTS.

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REAL ESTATE AND LOAN AGENTS, Second South Street, in Groesbeck Block, over building lately occupied by Post-office, have now for sale some choice lots of real estate. Also several places to rent. Parties desiring to rent or buy or to borrow on good securities should call on them. dtf

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1235 *First South Street, Second Shop from East Corner,*

Dealer in all kinds of MEAT in season. Meat ordered by Telephone will receive prompt attention to the satisfaction of patrons. All kinds of

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OVERLAND HOUSE,

Three Doors South of Walker House,

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Better Accommodations at Less Rates than any other Second-Class House in the City. Terms $1.00 to $1.75 per Day.

SINGLE MEALS 25 CENTS.

W. A. PITT, Proprietor.

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HENRY'S CARBOLIC SALVE

The most Powerful Healing Ointment ever Discovered.

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Loss of Appetite, Bowels costive, Pain in the Head, with a dull sensation in the back part, Pain under the Shoulder blade, Fulness after eating, with a disinclination to exertion of body or mind, Irritability of temper, Low spirits, with a feeling of having neglected some duty, Weariness, Dizziness, Flattering at the heart, Dots before the eyes, Yellow Skin, Headache generally over the right eye, Restlessness, with fitful dreams, highly colored Urine, and

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TUTT'S PILLS are especially adapted to such cases, one dose effects such a change of feeling as to astonish the sufferer.

They Increase the Appetite, and cause the body to Take on Flesh, thus the system is nourished, and by their Tonic Action on the Digestive Organs, Regular Stools are produced. Price 25 cents. 35 Murray St., N. Y.

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GRAY HAIR OR WHISKERS change to a GLOSSY BLACK by a single application of this DYE. It imparts a natural color. Acts Instantaneously. Sold by Druggists, or sent by express on receipt of $1.00.

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The blood is the foundation of life, it circulates through every part of the body, and unless it is pure and rich, good health is impossible. If disease has entered the system the *only* sure and quick way to drive it out is to purify and enrich the blood.

These simple facts are well known, and the highest medical authorities agree that *nothing* but iron will restore the blood to its natural condition; and also that all the iron preparations hitherto made blacken the teeth, cause headache, and are otherwise injurious.

BROWN'S IRON BITTERS will thoroughly and quickly assimilate with the blood, purifying and strengthening it, and thus drive disease from any part of the system, and it will *not* blacken the teeth, cause headache or constipation, and is positively *not* injurious.

Saved his Child.

17 N. Eutaw St., Baltimore, Md. Feb. 12, 1880.

Gents:—Upon the recommendation of a friend I tried BROWN'S IRON BITTERS as a tonic and restorative for my daughter, whom I was thoroughly convinced was wasting away with Consumption. Having lost three daughters by the terrible disease, under the care of eminent physicians, I was loth to believe that anything could arrest the progress of the disease, but, to my great surprise, before my daughter had taken one bottle of BROWN'S IRON BITTERS, she began to mend and now is quite restored to former health. A fifth daughter began to show signs of Consumption, and when the physician was consulted he quickly said "Tonics were required" and when informed that the elder sister was taking BROWN'S IRON BITTERS, responded "that is a good tonic, take it."

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BROWN'S IRON BITTERS effectually cures Dyspepsia, Indigestion and Weakness, and renders the greatest relief and benefit to persons suffering from such wasting diseases as Consumption, Kidney Complaints, etc.

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