

That "the prosecution of the petitioner is in defiance of the action of the District Court in similar cases and its further continuance a degradation and scandal of the courts of justice."

The petitioner then asks that a writ of prohibition issue, and the case was set for Friday, Jan. 22, for hearing before the Territorial Supreme Court.

Verily, the morality-screchers are determined to shield themselves in the practice of the most shocking crimes against law and morality!

PARDON OF D. K. UDALL.

STATEMENTS UPON WHICH THE PRESIDENT ACTED.

PRISON EXPERIENCES.

From the *Orion Era*.

Bishop D. K. Udall called at this office on the day after his return from Detroit, and gave us an interesting account of his experiences from which we gather that his treatment while in prison was good, and after the officers discovered his quiet, gentlemanly character, as kind as the strict rules of the well disciplined institution would permit. The strict surveillance that the rules require was somewhat galling to the Bishop, who, while he realized they were necessary to retain many of the inmates, could not but feel their humiliating effects upon his conscious innocence. He expressed very kindly feelings towards many of the officers of the prison. Although registered as a Mormon, he found no spirit of persecution on account of his religious faith. The compulsory silence required of prisoners was relieved in his case by the officers allowing Mr. Udall and Mr. Tenney, also from St. John's, to occupy the same cell. The same privilege is also allowed to P. J. Christofferson and C. I. Keupe, who now occupy the same cell. The three last-named have been in prison without bail for more than a year, pending an appeal in their cases to the Supreme Court of the Territory.

The four met together at monthly periods and interchanged views, and the Bishop says of the three now in Detroit, that while they keenly feel the indignity of their imprisonment, they are full of faith in their religion, and hope for ultimate justice.

One point he was very emphatic upon: He desired us in his behalf to thank his friends for the cheering visits and letters he received, and to urge them to continue to write to those who are still there. Visits and letters are not against the rules, and are worth a great deal to those who are subject to enforced silence.

He worked at chair-making, and did not stay long enough to fully learn the trade.

All four of the parties named have full credits of five days per month for good conduct, but this did not count in this case, as he did not stay long enough to get a free pass home, and had to borrow money to pay his fare.

We did not enquire how he was fed, as his extra ten pounds of avoirdupois shows that he could not have suffered for lack of proper food.

We asked the Bishop if he had any objection to our publishing copies of the papers sent to President Cleveland, to which he replied he would be glad to have any and all facts in connection with the case published, and expressed his gratitude to the persons who had interested themselves in procuring his pardon, and to the President in granting it.

The following are copies of the papers referred to, and also a copy of the President's pardon:

STATEMENT OF DEFENDANT'S ATTORNEYS.

To His Excellency, Grover Cleveland, President of the United States:

We the undersigned attorneys employed in the defense of David K. Udall, who was convicted of the crime of perjury in the month of August last past in the District Court of the Third Judicial District of the Territory of Arizona, do most respectfully represent to your Excellency the following facts relative to the trial and conviction of the said David K. Udall.

From the evidence introduced it appeared that one Miles P. Romney had filed his declaratory statement upon a certain tract of land in the county of Apache, in said Territory of Arizona, and that afterwards he undertook to make final proof before Alfred Ruiz, who was the Clerk of the District Court of the Third Judicial District of the Territory of Arizona in and for the County of Apache.

That David K. Udall and Joseph Crosby were called upon as witnesses on the final proof.

That Ruiz, before whom the proof in the land matter was taken, swore the said David K. Udall as a witness, and that his answers were taken down in writing, and that in answer to the question as to whether Romney had continuously resided upon the land his answer in the deposition is "Yes."

The evidence produced at the trial, however, went to show, or tended to show that Romney had not continuously resided upon the land.

Upon the trial in the district court the defense asked Mr. Ruiz, the clerk before whom the proofs in the land matter were taken, if Udall made any explanation or qualification to his answer to that question of continuous residence. The court, however, ruled that the answer was plain and unambiguous and sustained an objection to the testimony. The court holding that the written deposition of the defend-

ant Udall could not be contradicted or explained.

The defense then offered to prove that when the question of continuous residence was put to Udall by the clerk Ruiz, that he, Udall, answered "No." That Mr. Ruiz, the clerk, then said: "Has he (Romney) abandoned the place for six months at a time?" That Udall replied: "No, he has not; I have passed by the place and have been there on the place at different times and have seen members of his family and hired men there making improvements, and saw nothing that indicated an intention to abandon it." Ruiz, the clerk, then said: "Then, under the law, that constitutes continuous residence." That thereupon Udall said: "If that is so, I can answer yes." But the court refused to permit us to make such proof, and ruled that the answer being in writing and not ambiguous could not be contradicted or explained.

This proof we offered to make by several witnesses, including Mr. Ruiz, the clerk, before whom the deposition was made and the defendant himself, but the court sustained the objection to all evidence of that character for the reasons above stated.

The jury found the defendant guilty and the court sentenced the defendant to imprisonment for a term of three years in the House of Correction at Detroit, Michigan, where he is now serving out his sentence.

While technically the verdict of the jury in this case may have been correct, yet we do say that had the defendant been permitted to prove the explanation made by him at the time his deposition was taken, then the verdict would have been different in our judgment. We take it that the law does not intend that any one shall be punished when the wilful and corrupt intent is lacking.

In view of these facts we most earnestly urge your Excellency to examine carefully and fully into the annexed papers which bear out our statement, and if consistent with reason and justice, that David K. Udall may be pardoned, and restored to his family and friends.

The attention of your Excellency is respectfully called to the statement of Hon. J. A. Zabriskie, United States Attorney for Arizona, who in person prosecuted the case, and the statement of Alfred Ruiz, Clerk of the District Court, before whom the deposition of said David K. Udall in the land matter, was taken, together with all the other papers hereto attached.

Respectfully submitted this 11th day of September, 1885.

JOHN A. RUSH,
HARRIS BALDWIN,
J. C. HERNDON.

LETTER OF U. S. DISTRICT ATTORNEY.

PRESCOTT, A. T., Aug. 24, 1885.

D. K. Udall, Esq., Prescott, Arizona:

Dear Sir:—As you requested in my conversation with you that I would express my views in writing in regard to the new feature of your case I submit the following:

I believe that, technically speaking, the evidence in your case and the law applicable thereto justified the verdict of the jury.

Since the trial, however, I have reflected and deliberated carefully over additional facts, which could not be presented on the trial.

I am credibly informed that when asked by the clerk of the court (before whom the testimony was given) if the residence of Romney had been continuous. You replied in the first instance, "No," and subsequently, you swore that it had been continuous, upon the statement of the clerk, that the existing facts constituted, in contemplation of law, a continuous residence.

While the law will not permit a man to justify his oath as to a physical fact, upon the affirmative your change was induced by a change in belief, caused by confidence in the clerk's knowledge of the legal intentment of the word continuous.

If this is a fact, then the wilful and corrupt intent was wanting, and without this character of intent the crime of perjury is impossible.

I am free to confess that a careful review of these points, impartially, has raised in my mind a reasonable doubt of your guilt, and I am willing to grant you the benefit of that doubt. You can use this as you please.

Respectfully,
J. A. ZABRISKIE.

STATEMENT OF APACHE COUNTY OFFICERS.

St. Johns, Apache Co., A. T.

Sept. 10th, 1885.

In the matter of the Application of David K. Udall for pardon.

We the undersigned citizens of Apache County in the Territory of Arizona, holding the official positions herein after indicated do represent and state that David K. Udall, who was lately convicted of the crime of perjury in the District Court of the Third Judicial District of the Territory of Arizona in the month of August 1885, has resided continuously in the town of St. Johns in said county since the fall of the year 1880 to the time of his conviction as aforesaid.

That his business was such as to bring him in contact with our citizens generally, that we each have known him during the period he has resided here, that his conduct in his business relations was such as to create for him an unblemished reputation for honesty, integrity and veracity. And we unhesitatingly represent that prior and up to the time of his said conviction, no man in the community stood higher

in estimation of our people for honesty, integrity and veracity, than did David K. Udall, and we cannot believe that he knowingly swore to that which was false, and do believe that there were circumstances reasonable in their appearance surrounding the matter testified to, which induced him to believe that the facts sworn to were true. And we verily believe that the ends of public justice will be best subserved by the granting to him an unconditional pardon.

This statement is signed by J. L. Hubbell, sheriff of Apache County, Arizona; Alfred Ruiz, Clerk of District Court, Apache County; W. B. Leonard, member of the Board of Supervisors; Henry Hanning, chairman of the Board of Supervisors; Earnest Tec, Supervisor of Apache County; C. L. Gutterman, District Attorney for Apache County, Arizona; Wm. M. Rudd, County Judge; Dionicio Baca, Treasurer; Antonio Gonzales; E. C. Bunch, Probate Judge.

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT.

In the matter of the application of D. K. Udall, for pardon.

I, Alfred Ruiz, certify as follows: I am now and was during the month of April, 1884, clerk of the District Court of Apache County, and recorder of said county; that on the 28th day of April, 1884, one Miles P. Romney, (with two witnesses, D. K. Udall and Joseph Crosby) came before me for the purpose of making his final pre-emption proof of 160 acres of land in this county.

D. K. Udall testified as a witness for Miles P. Romney on that occasion when the question of said Romney's continuous residence upon said land was propounded to said Udall his reply was "No, Mr. Romney has not lived on the land continuously."

Thereupon I expressed to said Udall my interpretation and construction of the requirements of the federal statutes as to continuous residence upon public lands under the pre-emption laws.

Said Udall then told me the extent and time of said Romney's residence on said land and said, "If that is continuous residence then Mr. Romney has lived on that land continuously," I said, "That is continuous residence under the law."

Whereupon Udall to the question said "Yes." I did not in reducing Udall's testimony to writing use his words but only put my construction upon the legal meaning, and told him that I had written substantially in point of law just what he had said.

[Seal.] ALFRED RUIZ,
Clerk Third District Court.

PRESIDENTIAL PARDON.

To all to whom these presents shall come, Greeting:

WHEREAS, At the June term, 1885, of the United States District Court for the Territory of Arizona, David K. Udall was convicted on a charge of perjury and, on the 10th of August, 1885, was sentenced to three years imprisonment at the House of Correction at Detroit, Michigan; and

Whereas, It appears that while the said Udall was technically guilty of the offense of which he was convicted, it is not believed that there was a wilful and corrupt intent on his part to commit a crime and that his action in the matter was the result of a misconception; and

Whereas, The United States District Attorney and the Judge who officiated at his trial both recommend his pardon;

Now therefore, be it known, that I, Grover Cleveland, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby grant to the said David K. Udall, a full and unconditional pardon.

In testimony whereof, I have hereunto signed my name and caused the seal of the United States to be affixed. Done at the City of Washington, this 12th day of December, A. D. 1885, and of the Independence of the United States the one hundred and tenth.

GROVER CLEVELAND,

By the President,

T. F. BAYARD,

Secretary of State.

An enthusiastic reception in the Assembly Hall was tendered Bishop Udall on the evening of his return. The hall was crowded to its utmost capacity.

MIRACULOUS ESCAPE.

W. W. Reed, druggist, of Winchester, Ind., writes: "One of my customers, Mrs. Louisa Pike, Bartonla, Randolph Co., Ind., was a long sufferer with Consumption, and was given up to die by her physicians. She heard of Dr. King's New Discovery for Consumption, and began buying it of me. In six months' time she walked to this city, a distance of six miles, and is now so much improved she has quit using it. She feels she owes her life to it."

Free Trial Bottles at Z. C. M. I. Drug Store.

Dr. Henley's Celery, Beef and Iron a Household Necessity.

Serious and expensive sickness is often prevented by keeping on hand a bottle of Dr. Henley's Celery, Beef and Iron. Sold by all druggists and country dealers.

For sale by Z. C. M. I. Drug Store, Roberts & Nelden, Moore, Allen & Co., Godbe, Pitts & Co. and A. C. Smith & Co.

Ayer's Sarsaparilla is the most potent blood purifier, and a fountain of health and strength. Be wise in time. All baneful infections are promptly removed by this unequalled alterative.

BUCKLEN'S ARNICA SALVE.

The BEST SALVE in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box.

FOR SALE AT Z. C. M. I. DRUG STORE.

THE BEST EVIDENCE.

Of the merits of a remedy is the effect on the system, so there can be no doubt that the California Fig Syrup Company is pursuing the wisest plan possible to make known the wonderful efficacy of Syrup of Figs for all the ailments arising from an inactive condition of the Liver, Kidneys, Stomach and Bowels, in giving away sample bottles free of charge. Ask our enterprising druggists for a free sample bottle, or you can buy large bottles for fifty cents or one dollar.

Dr. Henley's Celery, Beef and Iron should be patronized by all who regard their health.

For sale by Z. C. M. I. Drug Store, Roberts & Nelden, Moore, Allen & Co., Godbe, Pitts & Co. and A. C. Smith & Co.

Ayer's Hair Vigor improves the beauty of the hair and promotes its growth. It imparts an attractive appearance, a delightful and lasting perfume. While it stimulates the roots, cleanses the scalp, and adds elegance to luxuriance, its effects are enduring; and thus it proves itself to be the best and the cheapest article for toilet use.

Beauty in place of Blotches.

By using Syrup of Prunes, the fruit laxative, the blood is purified and health regained, thus removing imperfections from the skin better than cosmetics. Sold by Z. C. M. I.

Angostura Bitters were prepared by Dr. J. G. B. Siegert for his private use. Their reputation is such to-day that they have become generally known as the best appetizing tonic. Beware of counterfeits. Ask your grocer or druggist for the genuine article, manufactured by Dr. J. G. B. Siegert & Sons.

A Sore Throat or Cough, if suffered to progress, often results in an incurable throat or lung trouble. "Brown's Bronchial Troches" give instant relief.

THE PHOTOGRAPHS

Copied from lithograph, and published in 1839 by Sam Brannan, of the Extermination of the Latter-day Saints from Far West, Missouri, in 1838, with remarks made by the members of that Court Martial, are now ready and for sale. 8x10 size mailed for 60cts.; Cabinets, 25cts.

Also, the Photographs of the Prophet Joseph Smith, copied from the original daguerrotype, taken at the City of Nauvoo. These Photos, by those acquainted with him, are pronounced the best in existence. 8x10 size mailed for 75cts.; Cabinets, 25cts.

I still have on sale those Photographs connected with the Tennessee Massacre, 8x10, 60cts.; Cabinet, 25cts.; Cards, 15cts. Good in postage stamps.

A good Agent wanted for the city; also, in every settlement.

Address—C. W. Carter, Photographer, Third South, corner of Main. P. O. Box, 186. d1w s4t wlm

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25 YEARS IN USE.

The Greatest Medical Triumph of the Age!

Symptoms of a TORPID LIVER.

Loss of appetite, BOWELS COSTIVE, Pain in the head, with a dull sensation in the back part, Pain under the shoulder-blade, Fullness 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, Fluttering at the Heart. Dots before the eyes, Headache over the right eye, Restlessness, with awful dreams, Highly colored Urine, and

CONSTIPATION.

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 25c. 44 Murray St. N. Y.

TUTT'S EXTRACT SARSAPARILLA

Renovates the body, makes healthy flesh, strengthens the weak, repairs the wastes of the system with pure blood and hard muscle; tones the nervous system, invigorates the brain, and imparts the vigor of manhood. 25c. Sold by druggists.

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GLASS BLOWERS, WHO THOROUGHLY understand the Blowing of Glass Bottles. a&w 2wc

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KIDNEY AND LIVER TROUBLES

FOR SALE BY ALL DRUGGISTS

The Genuine has Trade Mark and crossed Red Lines on wrapper.

TAKE NO OTHER.

LEGAL NOTICE.

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

In the matter of the Estate of Elnathan Eldredge.

Order appointing time and place for settlement account, and to hear petition for distribution.

ON READING AND FILING THE Petition of Elnathan and F. B. Eldredge, administrators of the estate of Elnathan Eldredge, deceased, setting forth that they have filed their final account of their administration upon said estate in this Court, that all the debts and expenses of administration have been fully paid, and that a portion of said estate remains to be divided among the heirs of said deceased, and praying among other things for an order of distribution of the residue of said estate among the persons entitled.

It is ordered that all persons interested in the estate of the said Elnathan Eldredge, deceased, be and appear before the Probate Court of the County of Salt Lake, at the Court Room of said Court, in the County Court House on the 21st day of January, 1886, at 10 o'clock a. m., then and there to show cause why an order of distribution should not be made of the residue of said estate among the heirs and devisees of the said Elnathan Eldredge, deceased, according to law.

It is further ordered that the Clerk cause copies of this order to be posted in three public places and published in the DESERET WEEKLY NEWS, a newspaper printed and circulated in Salt Lake County, three weeks successively prior to said 21st day of January, 1886.

ELLAS A. SMITH,
Probate Judge.

Dated December 28th, 1885.

TERRITORY OF UTAH,

County of Salt Lake.

I, John O. 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 for settlement of account and distribution, in the matter of the Estate of Elnathan Eldredge, 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 28th day of December, A. D., 1885.

JOHN O. CUTLER,
Probate Clerk.

LIFE! LIFE! LIFE INSURANCE!

THE BEST PLAN OF LIFE INSURANCE in the World, is the McDonough Life Benefit Association, of Bushnell, Illinois; Branch Office, Ogden, Utah. The object of this association is to provide for the families of the deceased members a perfect indemnity at the lowest possible cost consistent with the greatest possible security. The plan has been carefully prepared to meet a general want long felt in this Territory. By establishing a Branch of the McDonough Life Benefit Association of Bushnell, Illinois, for this Territory, making it a Home Institution, this Branch has already accomplished a great work in this Territory, and it is still gaining ground and will continue to do so. This Branch offers superior advantages over the ordinary plan of Life Insurance, and has a large and rapidly increasing membership. The membership of this association is composed of both sexes, and divided into Four Classes, as follows:

Class A, 18 to 34 years.
Class B, 35 to 49 years.
Class C, 50 to 60 years.
Class D, 60 to 71 years.

Each person, upon becoming a member of either Classes A or B, shall pay a Membership Fee of twelve dollars, and on becoming a Member of either Classes C or D, shall pay a Membership Fee of Fifteen Dollars. After the payment of this fee, the membership is not required to pay any thing, excepting Death Assessments. A member is assessed only on a death occurring in his or her Class, and does not pay anything on a death occurring in any other Class.

Members of this Branch are only assessed at the death of one of its members, and do not pay any death losses occurring outside of this Branch.

Active, reliable Agents wanted. For Terms and particulars address

C. H. BEVANS,
General Manager, Ogden, Utah.
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