

## DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - JUNE 28, 1876.

## EDITORIAL NOTES.

—Lager beer bottling has suddenly leaped into extraordinary activity in New York. New establishments turn up at the rate of one a day.

—A colony of 2,000 to 6,000 Mennonites is expected to settle on the line of the Wisconsin Central, north of Stevens Point, Wisconsin, this year.

—The Philadelphia *Business Advertiser* says, "Several prominent New York and Boston dry goods, boot and shoe and grocery dealers talk of transferring their business to Chicago next fall."

—The Pope spoke in this way lately to a body of pilgrims who waited on him, "I pray that God may guide us to the means of destroying Islamism, which is no longer confined to the banks of the Bosphorus, but is extending to so many other countries."

—Mr. Baird, ironmaster of Gartsherrie, Scotland, has given \$2,500,000 for Presbyterian uses, and is said to contemplate another and a similar gift. The Church of Scotland gets the largest share of this donation. Here is one generous Scotchman, at any rate. A dispatch to-day reports his death.

—At the Centennial Switzerland exhibits a perfect watch no larger than a silver half-dime, and set in a finger ring. The 15,000 rhododendrons in the Horticultural annex are faded and gone. The Grand Duchy of Luxembourg has sent 1,000 varieties of rose trees, which are about to bloom.

—Domestic cotton goods are said to be cheaper in all the leading markets of the United States than ever known before. Turkish, Egyptian and Russian merchants, heretofore purchasing in England, are now buying in New York, and liberal shipments are being made to other Asiatic markets.

—The Cleveland *Plain Dealer* says of that plank in that platform—"The republicans, in their Cincinnati platform, pitch into the Mormon polygamists, but they have nothing to say of the Oneida prostitutes. If the republicans propose to crusade the ists and isms they should be more comprehensive in their wrath."

—The Penn. *Yan. Democrat* says the administrative reform in New York State by Gov. Tilden has reduced taxation from \$16,000,000 to \$8,000,000 and says the people will rejoice that the same system of saving is to be guaranteed to the people of the entire Union, provided he shall be elected to sit in the presidential chair.

—The *Western Paper Trade* recommends farmers to devote more attention to the raising rye, as it produces from 20 to 30 bushels per acre, sells at a good price, is much more hardy than wheat, does not impoverish the land as the latter does, and rye straw is worth 25 per cent. more than wheat straw, and is far better for paper making.

—An exchange looks at the moral situation in this way—"It has become painfully apparent that the acts of our public men should be distinguished by higher motives and a nobler tone than they at present give evidence of, and a stronger pulse of popular feeling should be indicated among people of every station, to make kindness spontaneous, duty urgent and self-denial easy. But there is an undercurrent of luxuriousness already pervading society which has poisoned the moral sense of many in high stations, and infected the people with its malicious exhalations. It must be dried up at the source, and its barren channel filled and enriched and made to yield sustenance for public virtues and a better faith among the people. It requires a large instalment of moral sense to make a patriot; more than the ordinary medium of Christianity to make a statesman; and the principles of both must be immovably founded upon the Rock of Ages to enable them to resist the temptations of inevitable surroundings, the seductions of party, and the taunts of opposing factions, and persevere to the end of the race."

## THAT THIRTEENTH PLANK.

THE 13th plank of the late Cincinnati Republican platform, upon which the nominees of the Convention were chosen, runs this way—

"The Constitution confers upon Congress sovereign power over the territories of the United States for their government, and in the exercise of this power it is the right and the duty of Congress to prohibit and extirpate in the territories that relic of barbarism, polygamy; and we demand such legislation as shall secure this end and the supremacy of American institutions in all the territories."

Respecting the "sovereign power" of Congress over the Territories, we have little to say just now. It is a question upon which the two main political parties of the day are agreed to fight, and if they wish to fight it out why should we wish to hinder them? But whatever power Congress shall exercise over the Territories, that body is bound to exercise it constitutionally, as intimated in the plank quoted. A very good reason for this is that all the power that Congress has is derived from the Constitution. Outside of the Constitution, Congress has no power whatever. All political power outside of the Constitution is by that instrument expressly reserved to the States, or to the people; to the people really, because the people constitute the State or the States, in this country.

The conclusion that the Convention arrived at, that "it is the right and the duty of Congress to prohibit and extirpate in the Territories that relic of barbarism, polygamy," we consider erroneous, at least under circumstances which we proceed to indicate.

The plank mentioned was expressly intended to apply to Utah, and to any other Territory wherein any of that religious people known as "Mormons" might be found. As everybody well knows, that people believe in and practise a plurality of wives, as an essential part of their religion, and for this reason, if for no other, Congress is prohibited by the Constitution from interfering with that order of marriage among the "Mormons," or among any other portion of the people who practise it as a religious duty.

Therefore the Convention was entirely wrong in demanding such legislation from Congress as that asked for.

The Acts of Congress are of a penal character, there is a penalty for disobedience of them, and Congress has no power to inflict a penalty upon any person for doing a religious act which does not infringe upon the common rights of other citizens. Men as individuals, if they consider polygamy a bad thing, have the right to oppose it and to try to abolish it by persuasion or by argument. But Congress does not abolish things by persuasion or by argument, therefore it cannot abolish polygamy or anything else in that way. Not being able to attack religious polygamy by persuasion or argument, and being constitutionally prohibited from interfering with religious faith or practice, Congress can do nothing with the order of marriage named, except to let it alone.

It is likely enough that the Convention meant very little by this 13th plank, that it was inserted in the platform just to satisfy the prejudices of certain sectarian bigots and fanatics, whose votes might be useful, but who have got the idea into their infatuated nodules that a crusade against the "Mormons" must be inaugurated in some way or other, and that "death to polygamy" would be a very taking battle-cry, especially to the corrupt multitude whose brains do not lie in their heads.

## HAYES AND WHEELER.

RUTHERFORD B. HAYES, the nominee of the Cincinnati Republican Convention, and the possible President of the United States after March 4 next, was born at Delaware, O., October 4, 1822. He graduated at Kenyon College, Gambier, O., and attained his professional education at the Cambridge law school. He began the practice of his profession at Cincinnati, in his 35th year, and became city solicitor till 1861. He enlisted in the 23rd Ohio Volunteers near the beginning of the war, in which regi-

ment he served until 1864, when he received the command of a brigade. As Lieutenant Colonel he commanded his regiment at the battle of South Mountain, where he was severely wounded in the arm. In December, 1865, he took his seat in Congress, representing Ohio. He was elected to the next Congress, but soon after was elected Governor of Ohio. He was re-elected Governor in 1869, and again last fall.

William A. Wheeler, the nominee for Vice-President, was born at Malone, Franklin County, New York, June 3, 1819. He received a common school and an academic education in his native town, and passed a year or two in the University of Vermont. He made up seven years' study in a lawyer's office, was admitted to the bar, and began practice in Franklin County. He was elected district attorney of the county, and subsequently twice as a representative to the State Assembly, and in 1858 sat in the State senate, where he was chosen President *pro tem*. In 1859 he was elected to Congress. He was a member and chairman of the Constitutional Convention of June, 1867. In the fall of that year he was re-elected to Congress, and again in 1870, in both of which Congresses he served as chairman of the committee on the Pacific Railroad. He also served in the 43rd Congress. In the present Congress he is on the committee of appropriations. The Wheeler compromise in Louisiana matters was largely due to him.

## Local and Other Matters.

FROM FRIDAY'S DAILY, JUNE 23.

Another Title.—The jokes cracked at the expense of the "immaculate jurist," "white souled," &c., have now reached the culminating point. It is that "ripe statesman" now.

Recovering.—A letter from Elder S. P. Neve, written in England, states that he was rapidly recovering from the attack of rheumatism from which he suffered on the voyage from New York to Liverpool.

Boy Found.—A boy, about three or four years old, who had strayed from his home, was picked up by a lady this morning and taken to the City Hall, where he has been awaiting the arrival of parent or guardian. He is unable to tell his name.

Excommunicated.—This is to certify that Owen Cole was cut off the Church of Jesus Christ of Latter-day Saints, in the 2nd Ward, Provo, for apostacy.

JAMES W. LOVELESS,

Bishop.

JAMES HARDY, Clerk.

PROVO, June 22nd, 1876.

Treasury Drafts.—Treasury drafts, in favor of the following named persons, for return purchase money, are at the United States Land Office, in this city, for delivery—

Daniel D. Ryan,	\$142 00.
John Wheeler, Jr.,	200 00.
William Milliner,	100 00.
Joseph Wheeler,	100 00.
Joseph Godfrey,	200 00.
William J. Hill,	200 34.

Precautions Against Fire.—The proprietors of the National Bank of Deseret Building are supplying the structure with ample apparatus against the contingency of fire. Hydrant taps are placed upon each of the three floors, to which are attached in working order 110 feet of linen hose, so that water could be turned upon any part of the building at any moment. The apparatus has been fitted by Mr. James.

Dam Bursted.—Yesterday the children of the 7th Ward spent the day very pleasantly at Spring Lake Pleasure Grounds. Boating was one of the favorite sports engaged in until about three in the afternoon, when the dam of the lake suddenly gave way, making an immediate scarcity of water for sailing purposes. The break was caused by muskrats digging through the embankment.

Men were set to work last evening to make the necessary repairs, and the lake would be as good this afternoon as it was before.

The Escaped Prisoners.—The last heard of the escaped desperadoes from the penitentiary is that there were six of them together, four of whom were known to be mounted, and probably ere this all of them have obtained animals, and, according to tracks were mak-

ing their way towards the Big Mountain, between Parley's and Emigration Canion, the officers in pursuit.

Cain, the remaining one of the seven, took a different direction from the others, and it is supposed he is somewhere in this valley. It was he who shot Harrison Carter. He is one of the murderers of Captain Bergher. He killed a man some years ago in a mining camp south of Beaver, and is one of the most brutalized specimens of humanity.

Mormonism in our Midst.—For some time past Mormon Elders have been engaged in preaching their doctrines in this vicinity, and, strange as it may seem, have met with considerable success. We learn that on Saturday last they adopted into their church six new members by baptism and confirmation, and on Sunday morning organized a branch church in this place, to be known as the Marion County Branch. They elected our townsman, H. J. Hill, as their president, and ordained J. H. Ward, of Prospect, an Elder in said church. They will hold communion meetings every two weeks.—*Marion (Ohio) Democratic Mirror*, June 15.

Railroad.—To-day we were pleased to receive a visit from J. H. Mountain, Esq., Western Agent of the Chicago and North Western Railway Company, to whom we are indebted for interesting tables showing the time made by the late Jarrett & Palmer fast train. That excellently furnished and managed road did its part finely, making the run from Chicago to Omaha, 492 miles, in ten hours and forty-two minutes.

From F. A. Myers, of the Pennsylvania and Fort Wayne road, we have also received circulars on the same subject, showing that over the splendidly equipped line with which he is connected the lightning train traversed a distance of 912 miles in twenty hours and fifty-seven minutes, 444 miles of that being without stoppage.

## WHOLESALE ESCAPE.

The Prisoners Take Possession of the Building.

One Man Shot.

Yesterday afternoon, just as we had gone to press, we learned that there had been an escape of prisoners from the penitentiary, and that one man had been shot in the operation.

The break was made about three o'clock yesterday afternoon, seven persons escaping to the mountains. At the hour named the prisoners are allowed the freedom of the yard, in which the prison building stands, and at that time yesterday the guards were at dinner, one of the latter, unarmed, being detailed to look after the prisoners. A guard named Mr. Jewett had just been relieved by Mr. Filbrook, when the latter was suddenly surprised and seized by prisoners Cain and Davis, who forced him into the prison building, threatened to kill him if he raised any alarm, and stood ready to make their threat good, while others tore from the building a plank, with long spikes in it. This was placed against the wall, and, by its aid, the desperadoes mounted the wall, gained access to the guard room and armory, when they immediately secured all the arms, and a quantity of ammunition. This done, Charles L. Williamson and Willis, the latter one of the recently captured stage robbers, dropped to the outside and entered the Warden's house. The Warden and guards being at dinner, the two desperadoes entered the room where they were, with leveled guns, commanding those present to hold up their hands, which they unhesitatingly did, being at the mercy of the two ruffians.

A couple of prisoners acting as cooks, Harrison Carter, of Provo, and F. J. Woodward, ran into another room and sped to the armory, in the hopes of securing arms with which to fight the escaping prisoners, but they were met and repulsed by convicts stationed there, at the muzzles of several guns. The two then ran out, when they were fired upon from the wall by Cain and Kelley, one shot taking effect in Carter's arm and breast. They made for a clump of brush, where Woodward bound up his comrade's wounded arm and then went to an adjoining house, obtained a horse and brought intelligence of the af-

fair to the Marshal's office, in this City.

The Warden was compelled to give up his keys, when all who did not take part in the break, guards and all, excepting one prisoner, who had been overlooked by the desperadoes, were secured, marched into the prison, and the door locked upon them.

Williamson and Kelly took the Warden's two horses from the stable and rode off up the creek, followed by the other prisoners on foot, in the same direction.

The prisoner who had been overlooked by the crowd who escaped came to the relief of the guard, setting them at liberty by bursting the lock with a hammer.

As soon as Marshal Nelson was made aware of what had occurred, preparations were at once made for the pursuit and capture of the runaways, a number of mounted deputies being at once dispatched, the Marshal also going in person, and Drs. Thompson and Smith went out to the Penitentiary and attended to the injuries of Carter, who is expected to recover, although, owing to the severance of a leading artery close to the shoulder, the wound is not without danger.

The desperadoes who escaped are Charles L. Williamson, horse thief and murderer, one of the participants in the killing of Captain Bergher; Willis, a stage robber, recently captured in Millard county; Charles Patterson and Joseph Cain, both under indictment for the murder of Captain Bergher, and the latter having been already convicted and sentenced for another similar crime; William Kelley, Thompson Davis, and Harry Mayfield, thieves.

These are all characters of the most desperate kind, and, being well armed, they would be likely to make a tremendous fight before they would yield, about half of them knowing that it is a matter of life and death with them any way, and therefore their capture is a matter attended with no small danger to those who may attempt it.

FROM SATURDAY'S DAILY, JUNE 24.

Supreme Court.—Yesterday afternoon the Supreme Court adjourned till the 3rd of July, when it is expected decisions on matters submitted will be rendered.

Pleasure Seeking.—Yesterday was pleasantly spent at Lindsey's Garden by the 14th Ward School, of which Mr. George J. Taylor is principal.

Destructive.—We learn from parties living in various parts of the City that large numbers of caterpillars are devouring lucerne, beans and other green stuffs.

Leeds Ore.—We have been shown a specimen of the celebrated Leeds ore, the sparkling specks of silver being plainly visible in the dark-colored sandstone. It averages between \$600 and \$700 to the ton.

Provo Manufacture.—The Provo Woolen Factory started in operation again a few days since, with an intention, on the part of the management, to continue until the coldest winter weather sets in. A plentiful supply of raw material is on hand to keep it running.

Relics.—We have been shown, by Bro. Morris B. Young, a quantity of charred corn and cobs, and a remarkable specimen of petrified corn, cobs included, all of which were found in some ancient Indian mounds, which were in process of excavation, in the vicinity of Sevier County.

Still Another.—Another branch of home manufacture has just been commenced, by Amos Patterson & Co., whose place is near St. Mary's Church. It is the manufacture of fine white and Cheviot shirts, and they are confident they can compete successfully with importations in that line.

Superior Brick.—A very superior article of red brick is being made at Provo, by Smoot & Co., a specimen of which we have been shown by Brother Samuel Stephen Jones. It is made from a very tough clay, is burned with sagebrush, and thorough tests show that it stands water and frosts excellently. It has the clear, genuine ring to it.

Missionary.—We have been permitted to peruse a letter from Elder Theodore McKean to Bishop F. Kesler, from which we learn that he was recently in New York. He had been preaching in various