

expressly states that Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof. It cannot be denied that marriage when attended and sanctioned by religious rites and ceremonies, is the establishment of religion. The law of 1832 and the Edmunds bill were expressly designed to operate against marriage as practiced and believed in by the Latter-day Saints. They are, therefore, unconstitutional, and cannot command the same respect that a constitutional law would. That is all I desire to say, your Honor.

The Court. 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 consciences, and to entertain any religious belief that their conscience, reason, and judgment 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.

The view expressed by Clawson is in conformity with the uniform sentiments of the Mormon people. But while this is their creed, it is evident that many Mormons are reluctant to enter into the polygamic relation, and it would be strange if the trial and conviction of Rudger Clawson should not have a restraining influence upon the young Mormons. Before passing from this subject we wish to bear testimony to the marked ability with which this cause was prosecuted by the United States district attorney and his assistants.

Following this trial there was another conviction for polygamy in the case of Joseph H. Evans, on the evidence of his second wife, who was a willing witness against him. He was sentenced to a fine of \$250, and imprisonment in the penitentiary for three and a half years.

In another case, lately tried in the same court—that of John Connelly—there was an acquittal upon evidence tending to show that the prosecution was barred by the statute of limitations.

We advert to these prosecutions for the purpose of giving information of current events in the Territory, as well as to give confirmation to a statement made in our report submitted April 29, 1884, as follows:

In regard to those provisions of the act of Congress relating to the punishment of the crime of polygamy (which appertain to the courts of justice, and not to this Commission), we beg leave to suggest that a vigorous enforcement of those provisions ought to go *pari passu* with the execution of those provisions that come under the authority of this Board; and we are assured that by vigorous and energetic action the guilty parties can be brought to justice in many cases.

We have more than once in our former reports suggested that, as the government has to deal here with a people who are wonderfully superstitious and fanatically devoted to their system of religion, the public should not expect as the immediate result of the present laws of Congress, nor indeed of any legislation however radical, the sudden overthrow of polygamy, and we now repeat that the most that can be predicated upon such legislation is that it will, if no step backward is taken, soon ameliorate the harder conditions of Mormonism, and hasten the day for its final extinction.

We have understood and believed that the "Edmunds law" when enacted was considered, and offered by Congress, as a tentative measure, so to speak, with the intention on their part of going further in the same direction if the information to be furnished by the agency appointed to administer the law should warrant. Accordingly from time to time, as we have been able to perfect our judgment as to the requirements of the case, we have by reports to the President advised additional legislation in the nature of amendments to the original act. Such recommended amendments have been embodied in Senate bill No. 1283, which was passed by the Senate at its last session, and is now pending in the House of Representatives. If these should pass into law they would greatly strengthen the hands both of the Commission and the courts. But the investigation and the experiences of the past convince us that still other enactments are required; and, although none of those before submitted have received the final sanction of Congress, we venture in addition thereto to present the following: The number of elective offices in the Territory should be reduced, and the number of offices appointable by the governor should be correspondingly increased.

It is not unlikely that finally the Federal Government will find it necessary to take into its own hands all the civil power in this Territory. For the present, however, we advise only—

First. That the offices of Territorial auditor and treasurer should be definitely defined by Congress as offices to be filled by appointment. And we may remark in this connection that although the organic act would seem to leave no doubt as to the appointable character of these officers, and the Commission has persistently refused to recognize the right of election under the law, and the local courts have sustained this view, still the incumbents of these offices at the present time are holding over from previous elections. We would recommend that, in addition to the above, commissioners to locate university lands, probate judges, county clerks, county selectmen, county assessors and collectors, and county superintendents of district schools, be made by act of Congress appointable by the governor, and that all these after the nomination of the governor

shall require to be confirmed by a majority vote of the commission, before being commissioned. The reason for this is obvious. The organic act now requires that all nominations by the governor shall be confirmed by the legislative council. The council is always the creature of the Mormon power; hence no suitable appointments can be secured. The governor and the commission acting respectively as nominating and confirming powers would insure such appointments as would be effective in the effort of the Federal government to overthrow polygamy.

For the courts, after conferring with the judges and district attorney of this district, we recommend:

First. That the provisions of the law of 1874, relative to juries and the mode of selection, be revised either by providing for a greater number of jurors, or by authorizing an *open venire* when the names in the box have been exhausted.

A better provision perhaps would be one authorizing an *open venire* in all cases prosecuted by the United States.

Second. The jurisdiction of the several district courts ought to be extended so as to give to each jurisdiction of all cases of polygamy, wherever, in the territory, the crime may have been committed.

Third. In United States cases the territorial courts should be invested with a power co-extensive with that possessed by the United States circuit and district courts in the several States, in matter of contempt and the punishment thereof.

Fourth. Prosecutions for polygamy should be exempted from the operation of the general limitation laws. Certainly while the parties continue to live in polygamy the statute should not run against the principal crime, polygamy.

Fifth. The process of subpoena in all cases prosecuted by the United States should run from the Territorial courts into any other district of the United States.

Sixth. Provision should be made for the binding over of witnesses on the part of the government, in all United States cases, to appear and testify at the trial.

Seventh. When a continuance is granted upon the motion of the defendant, provision should be made for the taking of depositions of witnesses on the part of the government, with the opportunity given the defendant to be confronted with the witness or witnesses, at the taking of such deposition, and to cross-examine. Such deposition to be used at the trial in the event of the death of the witness, or in case of his or her absence from the Territory at the time of trial, or in the event that such witness concealed himself or herself, so as to elude the process of subpoena.

Eighth. It should be made a penal offense for any woman to enter into the marriage relation with a man knowing him to have a wife living and undivorced. This should be coupled with a provision that in cases where the polygamous wife was called as a witness in any prosecution for polygamy against the husband, her testimony given in such case could not be used against her in any future prosecution against herself, with a like provision as to the testimony of the husband called as a witness in a prosecution against his polygamous wife.

For the Commission,  
Very respectfully,  
ALEX. RAMSEY,  
Chairman.  
HON. HENRY M. TELLER,  
Secretary of the Interior.

#### An Extraordinary Case.

An eminent lawyer of the city of New York, Hon. Jos. R. Flanders, formerly law-partner of ex-Vice President Wheeler, and for several years a member of the N. Y. State Legislature, was called upon by a Reporter at his well appointed office in "Temple Court," and interviewed in regard to his experience with Compound Oxygen. "I found him," says the Reporter, "disposed to engage in conversation regarding his illness and his complete restoration to health." His statement was substantially as follows:

"For many years I suffered from weak digestion and the dyspepsia consequent upon it. My health since I was twenty-one years of age was not at any time vigorous. Gradually I declined into a state of physical and nervous prostration, in which work became almost an impossibility. In 1879 I was all run down in strength and spirits. Energy and ambition had departed.

"So I kept on until the summer of 1882. Then I went to Thousand Islands, where I stayed several weeks with friends. But I found that the atmosphere did not agree with me. I came away feeling that the battle of life was nearly ended. The next time I saw my old law-partner Vice President Wheeler he told me that the Doctor had said to him that he never expected again to see me alive. When I arrived at home in September, it was in such a state of exhaustion that I was unable to leave the house except on mild days, and then only to walk slowly a block or two.

"Meanwhile my son had learned something about Compound Oxygen, and wrote, urging me to try it. But I had lost all faith in remedies. I had tried many things, and had no energy to try any more. In September, however, my son came to New York and persuaded me to visit Dr. Turner, who is in charge of Drs. Starkey & Palen's office in New York. I went, not because I had any faith in this Treatment, but to

gratify my son's kind importunity. When Dr. Turner examined my case, he thought I was so far gone that he hardly dared to express the faintest hope.

"On the seventh of October I commenced taking Compound Oxygen. To my great surprise I began to feel better within a week. In a month I improved so greatly that I was able to come to my office and do some legal work. I then came to the office regularly except in bad weather. On the nineteenth of December a law matter came into my hands. It was a complicated case, promising to give much trouble and to require close attention. I had no ambition to take it, for I had no confidence in my ability to attend to it. I consented, however, to advise concerning it, and to do a little work. One complication after another arose. I kept working at it all winter and into the spring. For three months this case required as continuous thought and labor as I had ever bestowed on any case in all my legal experience. Yet under the constant pressure and anxiety I grew stronger, taking Compound Oxygen all the time. In the spring, to my astonishment and that of my friends, I was as fit as ever for hard work.

"My present health is such that I can without hardship or undue exertion attend to the business of my profession, as of old. My digestion is good, my sleep is as natural and easy as it ever was, and my appetite is as hearty as I could desire.

"My confidence in the restorative power of Compound Oxygen is complete, as also it is in the ability and integrity of Drs. Starkey & Palen, otherwise I should not allow my name to be used in this connection. I have thus freely made mention of the history of my case as a duty I owe of rendering possible service to some who may be as greatly in need of physical recuperation as I was."

DRS. STARKEY & PALEN 1109 and 1111 Girard St., Philadelphia, will send free to any one who will write for it their Treatise on Compound Oxygen.

Orders for the Compound Oxygen Home Treatment will be filled by H.E. Mathews, 606 Montgomery Street, San Francisco.

#### BRIEF TELEGRAMS.

Don Carlos has arrived at Bombay.

The Laporte, Ind., savings bank has closed its doors. Assets, about \$90,000; liabilities, \$15,000 less.

The crew of the bark *Holmstrand*, sunk by the steamer *Chelydra*, off Edystone, it is feared, are lost.

Thomas Van Valin, of Syracuse, N. Y., aged 104 years and 11 months, died yesterday. He was a pensioner of the war of 1812.

Joseph Francis, the famous inventor fell on the ice in the street in New York recently, and was badly hurt. As he is 84, the worst result is feared.

Josef Zenari, manager of the discount bank of Carniola, at Layback, Austria, a defaulter for 70,000 florins, killed himself in the bank yesterday when about to be arrested.

The Christmas card business has fallen off this year fully 25 per cent., and Putnam & Company's sales of cards in '82 amounting to \$12,000, was this year less than \$8,000.

A five-story building on Hennepin and Washington avenues at Minneapolis occupied as offices and also rooms of the law library of the Minneapolis Bar Association, burned Thursday. Total loss, \$200,000; total insurance, \$150,000.

Rev. John R. Thompson of Grace Methodist Church, of Brooklyn, who was supposed to have lost his reason and wandered off has been traced to Jersey City, where he drew \$1,500 from a bank. Detectives think he has gone to California or New Mexico to buy a farm.

Paris, 27.—The Senate adopted the clause of the budget establishing the principle of taxation of religious bodies.

Warm Springs, N. C., 27.—The Warm Springs Hotel was burned to-day. It was one of the largest hotels in the South. Nothing was saved. Loss, \$150,000; insured for \$50,000. Colonel Rambough, who owned a two-thirds interest, says the hotel will be rebuilt.

Shenandoah, Pa., 27.—The Philadelphia and Reading collieries, of this vicinity, shut down indefinitely to-day, throwing out of employment 2,000 men and boys.

New York, 27.—The Aldermen have been cited to appear before the grand jury on Monday.

New York, 27.—Imports of specie at the port of New York for the week ending to-day, were \$422,000.

The National Gazette says: "A majority of the Reichstag intends to place a new check upon Bismarck, by rejecting his demand for a credit of 50,000 marks to conduct explorations in Africa.

New York, 26.—A dispatch from Charles Francis Adams, Jr., to the directors of the Union Pacific Co. has been made public. He says: "All stories that the company is in distress for money with which to meet the January and February interest are simply preposterous, and manufactured out of whole cloth. We have made no application for money anywhere. Our coupons will be met promptly as they mature."

New Orleans, 27.—The car drivers' strike was renewed to-day. Ten thousand people at the Exposition have finally secured steam transportation by rail and boat to the city.

#### AN EDITOR'S TRIBUTE.

Theron P. Keator, Editor of Ft. Wayne, Ind., *Gazette*, writes: "For the past five years have always used Dr. King's New Discovery, for coughs, of most severe character, as well as for those of a milder type. It never fails to effect a speedy cure. My friends to whom I have recommended it speak of it in same high terms. Having been cured by it of every cough I have had for five years, I consider it the only reliable and sure cure for Coughs, Colds, etc." Call at Z. C. M. I. Drug Store and get a Free Trial Bottle. Large Size \$1.00

#### From the Corporal.

From the Marine Barracks, Pensacola, Florida, Corporal Ben Barger writes of the benefits of Brown's Iron Bitters in that malarious region. He says: "I have used several bottles and must say I am greatly benefited by using it. Several of my comrades use Brown's Iron Bitters, and you may rest assured they all think it is the greatest thing on earth." This kind of testimony comes from all quarters concerning Brown's Iron Bitters—the best tonic.

WESTFIELD, Mass., Feb. 18, 1882.

Dr. J. C. Ayer & Co.—Gentlemen: About five years ago I had a very bad cough and tried several remedies without any relief, until I was advised by Mr. Whitney, druggist of Gouverneur, N. Y., to try your Cherry Pectoral, which I did, and before I had taken half a bottle, I was entirely cured.

Yours, &c.  
CHARLES MEACHAM.

#### That Old Torment.

Although dyspepsia has its chief seat in the stomach, yet it affects the whole digestive apparatus. The liver, pancreas, and intestinal glands share in the general trouble. The whole machinery needs renovation. Brown's Iron Bitters is the article with which to do the happy work. Mr. W. H. Eckhart, Marion, O., writes, "I used Brown's Iron Bitters for indigestion with most excellent results."

Having experienced marked relief from Nasal Catarrh and Hoarseness by the use of Ely's Cream Balm. I recommend it to singers, clergymen and others afflicted.—Louis E. Phillips, 1428 N. Y. Ave., N. W. Washington, D. C.

If your complaint is want of appetite, try half a wine-glass of Angostura Bitters half an hour before dinner. Beware of counterfeits. Ask your grocer or druggist for the genuine article, manufactured by Dr. J. G. B. Siegert & Sons.

#### An Extended Popularity.

BROWN'S BRONCHIAL TROCHES have been before the public many years. For relieving Coughs and Throat troubles they are superior to all other articles. Sold only in boxes.

#### VERY REMARKABLE RECOVERY.

Mr. Geo. V. Willing, of Manchester, Mich., writes: "My wife has been almost helpless for five years, so helpless that she could not turn over in bed alone. She used two Bottles of Electric Bitters, and is so much improved, that she is able now to do her own work."

Electric Bitters will do all that is claimed for them. Hundreds of testimonials attest their great curative powers. Only fifty cents a bottle at Z. C. M. I. Drug Store.

## THINK OF IT NOW!

Although much is said about the importance of a blood-purifying medicine, it may be possible that the subject has never seriously claimed your attention. Think of it now!

Almost every person has some form of scrofulous poison latent in his veins. When this develops in Scrofulous Sores, Ulcers, or Eruptions, or in the form of Rheumatism, or Organic Diseases, the suffering that ensues is terrible. Hence the gratitude of those who discover, as thousands yearly do, that

## Ayer's Sarsaparilla

will thoroughly eradicate this evil from the system.

As well expect life without air as health without pure blood. Cleanse the blood with AYER'S SARSAPARILLA.

PREPARED BY

Dr. J. C. Ayer & Co., Lowell, Mass.

Sold by all Druggists; \$1.50 six bottles for \$5.

#### NOTICE TO CREDITORS.

Estate of William H. Dame, Deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administratrix of the Estate of William H. Dame, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said administratrix at her residence in Paragonah, Iron County, Dated at Paragonah, December 23d, 1884.

LOVINNA A. DAME,

Administratrix of the Estate of William H. Dame, deceased.

#### LEGAL NOTICE.

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

In the matter of the Guardianship of the Estate of Ernest I. Young, Lou C. Young, James T. Young, Ray Young and Leo Young, Minors.

IT APPEARING TO THE JUDGE OF this Court by the petition filed in this Court by Sybella W. Young, Guardian of the Persons and Estates of Ernest I. Young, Lou C. Young, James T. Young, Ray Young and Leo Young, Minors, praying for an order of sale of Real Estate, that it is necessary to sell the whole or some portions of the Real Estate belonging to said minors for the purpose of raising means for the support, maintenance and education of said minors.

It is therefore ordered by the Judge of said Court, that all persons interested in the estate of said minors, appear before the said Probate Court on Tuesday, the 30th day of December, 1884, at 10 o'clock a.m. of said day, at the court room of said Probate Court, at the County Court House, in the City and County of Salt Lake, Territory of Utah, to show cause why an order should not be granted to said Guardian to sell the real estate belonging to said minors for the purposes mentioned in said petition. It is further ordered that a copy of this order be published for at least three successive weeks in the DESERET WEEKLY NEWS, a news paper printed and published in said City and County.

ELIAS A. SMITH,  
Probate Judge.

Dated November 26th, 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 to sell Real Estate in the Guardianship of the Persons and Estate of Ernest I. Young et al, minors, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 23th day of November, A. D. 1884.

JOHN C. CUTLER,  
Probate Clerk

## GRANT, ODELL & CO., AGENTS

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#### Visitors to Conference

Are respectfully invited to call and examine our large stock of FARM and SPRING WAGONS and DEERE PLOWS, before purchasing elsewhere.

— O: —

#### THRESHER MEN, ATTENTION!

ONE IMPROVED DWYER WOBBURY TEN HORSE POWER for sale on reasonable terms.

GRANT, ODELL & CO., Half Block South of Theatre