

FROM SATURDAY'S DAILY, JULY 23.

Third District Court.

Proceedings before Judge Zane, today:

Edward Rotch vs. A. N. Hamilton et al.; default and judgment against A. N. Hamilton.

Chas. Street vs. Park Mining and Milling Co.; default of defendant.

J. W. Eardley vs. John Beck et al.; order correcting the return of U. S. Marshal on order of sale.

The People vs. E. L. Brown; on appeal; judgment of dismissal of appeal set aside.

Accounts of Wm. H. Dickson as U. S. Attorney allowed.

Hector Frazier was admitted to citizenship.

Clara Woolley vs. J. Harvey Woolley; default of defendant, and decree of divorce granted plaintiff.

J. W. URE DISCHARGED.

No Evidence on which to Hold Him to the Grand Jury.

At 10 o'clock this morning James W. Ure again appeared at the marshal's office, preparatory to the investigation of the charge of unlawful cohabitation made against him by Joe. Bush, who swore to the complaint, which recited that the offense had been committed since June 18, 1884.

There is out little doubt that the case was one of spite-work. The defendant says that he has been warned several times that a certain person whom he arrested a short time ago in a lumber yard near the Utah Central depot for violating a city ordinance, had sworn to have revenge for the act, and he believes this prosecution to be the outcome. He was arraigned this morning, and pleaded not guilty. J. H. Moyle represented the defendant and C. W. Zane the prosecution.

Assistant District Attorney Zane called the witnesses to be sworn. Deputy Sprague suggested that all but the witness under examination be excluded from the room, and at the request of Mr. Zane, an order was made to that effect. The case was then proceeded with.

Miss L. A. Ure was the first witness. She testified—I live in the Fifteenth Ward; have lived there 18 years; the defendant is my father; he owns the dwelling house; does not own any other house; only the family live there, except the hired girls; no one else has lived there except a party named Cunningham, who stayed there two weeks about a year ago; my brothers and sisters live at home; the youngest child, Bertha, is three years old; the hired girls are my cousins; I do not know of my father having another wife; have not heard such a report; about five years ago, a Miss Grant was at the house, and somebody, in fun, talked to her about being the defendant's wife; other ladies have been talked to similarly in my hearing; the three Misses Player were among this number; neither of these ladies have lived at the house; never saw any lady who conducted herself as though she was defendant's wife; do not know of a lady living there, except the family, for any length of time, during the past three years.

Mrs. Lucinda A. Ure was next called and sworn. She testified—I am the defendant's legal wife, and live with him as such; I do not wish to be a witness in this case. She was excused.

Mrs. Leonora Ure testified—The defendant is my husband's brother; I live next door to him; I know of no one living at Mr. Ure's during the past three years but his family; have heard that he has a second wife; it is not the general understanding in the neighborhood; never heard who the second wife was; the deputies told me he had a second wife; couldn't name anyone else who spoke of it; simply heard the rumor; may have heard such a thing three or four years ago; do not know Miss Grant; am acquainted with a Miss Player; my brother told me he had heard the rumor referred to; it is a common thing for people to say somebody has a second wife in a spirit of joking, when such a thing is untrue.

Robert A. Ure—Testified—the defendant is my brother; I live next door to him; do not know that he is reputed to have a second wife; I do not know anything about it; do not know of anyone but his legal wife being received in the family as his wife; I do not know of his being married to any but one wife.

Mr. Zane—We have no more evidence.

Deputy Sprague—There are some other ladies outside.

Mr. Zane went out and on his return said—Your honor, that is all the evidence for the prosecution, and there don't seem to be much of it. I suggest that he be discharged.

Commissioner Norrell—I would say that from the evidence the repute of this marriage has become exceedingly rarified and transparent; and there not being probable cause to believe the defendant guilty, he is therefore ordered discharged.

Probate Court.

In the Salt Lake County Probate Court, the following business was transacted yesterday:

In the estate of A. F. Gulwitz, deceased; decree showing that due and legal notice to creditors has been given.

In the estate of Horace K. Whitney,

deceased; petition of Helen Mar Whitney, asking that she be granted letters of administration on said estate; Friday, August 5th, at 11 a.m., appointed as time for hearing petition.

Order appointing time and place—Friday, August 5th—for hearing the petition of Joshua K. Whitney, asking that he be appointed administrator of the estate of Orson K. Whitney, deceased.

Order appointing time and place for settling administrator's account, and directing notice to be given, in the matter of the estate of John Swanson, deceased.

In the estate of Adam C. Brown, Tuesday, August 2d, appointed as day for hearing of petition of Ann Holley Brown, asking that she be appointed administratrix.

In the matter of the estate of Don Carlos Whitney, deceased; petition of Joshua K. Whitney, asking that Horace G. Whitney be appointed as administrator of said estate; Friday, August 5th, appointed as day for hearing the same.

Wyoming Jots.

The ground was cleared and work commenced on the new jail and jailor's residence at Evanston last Monday. It will cost about \$12,000.

During the early part of last night, James Conrad, one of the prisoners confined in the jail at this place to await the action of the grand jury, made his escape by digging through the floor and down under the foundation, coming up between the side of the jail and the well curb.

On Monday evening a badger was brought into town, and a bet was made that Tommy Painter's bull dog could kill the animal in twenty minutes. The two quadrupeds were turned loose on Front Street, and after gnawing each other until the time was up, the badger was allowed to depart, seemingly unhurt.

Last Thursday night, about half past ten o'clock, as Pat Hoyt was walking along the sidewalk near Judge White's office, some one struck him senseless. He fell in the ditch and after he was down he was struck on the breast. There are several severe bruises about his head and face, and he thinks there must have been more than one who assaulted him. He has no idea who the parties were nor what their object was.

Charles Wesley Turman, better known as "Wes" Turman, and David R. Baker, two well known and successful hunters of this county, arrived in this city yesterday morning from a quite extended hunt in the northern part of the county on the tributaries of the Green River. They met with very good success, having killed thirteen bears, one lynx, one coyote and nine wildcats, for which they received the following bounty: \$5 for each bear; lynx, 25 cents; coyote, \$1.50; wildcats, each 25 cents; making a total of \$93.00 bounty.

Last Thursday two houses were burglarized in the bottoms north of Evanston, while the owners were absent watching the circus parade. John Johnson, who resides in one of the houses, the property of his brother, was the heaviest loser. His losses were \$40 in money, a pair of sleeve buttons, a ring and a hat. His gold watch hung on the wall, but they failed to see that. The other victim, William Timmins, lost a suit of clothing, two pistols and a pair of shoes. Thomas Alfre, the jeweler, also lost a gold watch, and a small sum of money was stolen from a room in the Rippon hotel. The sheriff has received news from Orden that two men were under arrest at that place for burglary, and that after they had been placed in jail they told one of the other prisoners of a number of houses which they had ransacked at Evanston.—*Utah Chieftain*, July 21.

The Last Freight.

The last freight going south over the narrow-gauge Utah & Northern will leave on two trains of twenty-five cars each this morning. The last narrow-gauge passenger train will leave South Butte at 8 o'clock in the afternoon instead of 7:10 p.m., so as to get to Pocatello before morning when the change of gauge will be begun. Men will be strung all along the track. The usual number to the mile is one man to the mile; on that day there will probably be six men to the mile. General Dana at the request of Superintendent Blickensderfer will start out a train which will go as far as Spring Hill on Monday morning. He expects on Monday evening to send the first passenger train through to Pocatello over the broad gauge. When the train that leaves there at 9 o'clock on Sunday passes Silver Bow the Montana Union will take up the frogs of the narrow gauge down there and put down standard gauge.—*Butte Miner*, July 21.

NOT A TIME FOR FESTIVITY.

The precarious condition of President Taylor's health suggests to us that elaborate festivities and rejoicings are not what the Saints should indulge in on the approaching Twenty-fourth, as they would be inappropriate under the circumstances.

Many of the shade trees on Sacramento streets are dying from some unexplained cause.

There is a force of 6,000 or 7,000 men at work on the Oregon & California grade, which is nearly completed. They expected to reduce the staging to twelve miles by the 15th.

THE UTAH PROBLEM.

The *Detroit Free Press* of July 9th has the following under the head of "The Utah Problem."

"It is very easy to say that the people of Utah are not acting in good faith in incorporating in their constitution a prohibition of polygamy. It is far more than likely, indeed, that they are not. Yet it would be establishing a dangerous precedent to refuse the Territorial admission as a State—all the technical requirements being complied with—on the ground that the constitution may hereafter be amended or changed so as to permit polygamy."

Such a precedent would furnish the excuse for refusal in any case, no matter how complete the qualifications for Statehood. Dakota might be rejected on the very same ground, for no power can compel that Territory, when once admitted as a State, to retain intact the constitution upon which it is admitted. Its right to amend when once it becomes a State will be as broad and as unquestioned as that of Michigan. Yet, if Utah is refused admission because of a suspicion—no matter how strong—that the constitution is to be amended in any objectionable way, the suggestion of a suspicion—no matter how weak—that Dakota intends to do a similar thing will furnish all the excuse necessary for rejecting that Territory's application.

The difficulty is fundamental. It has its basis in the exercise by the United States of a control over the morals in the case of the people of the Territories which it cannot exercise in the case of the people of the States. There is no power in the United States to demand an anti-polygamic constitution of a State. Michigan has no such constitution nor has any other State. The United States would be powerless to repress or prevent polygamy in Michigan or any State if the laws prohibiting it were repealed. It would be equally powerless to repress or prevent polygamy in Utah if that Territory became a State, even though its constitution prohibited polygamy. And as a matter of fact, it has no right to demand an anti-polygamous constitution of Utah as a condition precedent to admission. The adoption of such a constitution is practically gratuitous on the part of the people of Utah, who know, undoubtedly, just as well as anybody else, that they cannot be compelled to do it. It is because they know this—because their anti-polygamy provision is a mere sop—that we feel so little doubt as to their intention to disregard or abrogate it.

In the case of Utah the difficulty can of course be surmounted by arbitrary refusal to admit, against which the Territory can do nothing. That, however, as we have already pointed out, would establish a dangerous precedent. The only sure way out is the adoption of an amendment to the Federal Constitution prohibiting polygamy everywhere in the States as well as the Territories.

The *Free Press* pointed this out long since when the amendments to the Edmunds bill were under consideration in Congress. The remedy is not in accord with our theories of State and national government. It devolves upon the latter jurisdiction in a matter which should appertain under our system exclusively to the former. We doubt very much its being worth while to adopt it even for the solution of the Mormon problem. But it is the only way in which that problem can be effectively solved."

THE CONSTITUTION

Of the United States and the "Mormon" Religion.

BOTH AMERICAN PRODUCTIONS AND, AS SUCH, CLAIM OUR SYMPATHY AND SUPPORT.

The American people, after declaring their independence, more than a century ago, formulated a Constitution, the provisions of which are broader, more liberal and better fitted to satisfy and supply the wants of humanity than have been furnished by any other civil government that we are acquainted with, and will bear the test of comparison in every particular. Its originality is something of which the American people should feel more than proud, while the very genius and spirit of it is soul-inspiring.

The men who framed it were mostly God-fearing men and earnestly sought divine aid to assist them in their labors. Heaven not only inclined a listening ear but responded with such aid as to stamp the instrument not only as sacred but as God-like. Although of heavenly origin, yet its organic life having first shown itself upon American soil, we feel proud of this native production and rightly call it OURS. If ever it is supplanted by anything superior, heaven itself must furnish it, for man is powerless even to conceive anything better.

The advancement that has been made in art, science and mechanism, since the framing of the Constitution and the establishment of the American government under its fostering care, is astounding. It is not at all strange that religion itself should leave the old beaten track of bygone ages and, like the Constitution of our country, assume a garb altogether new and novel, though strictly in keeping with those broader views embodied therein, and should look to the government of our country for that support which it can legitimately claim. The religion we had heretofore was (like the gov-

ernmental yoke of Great Britain) of foreign supply and not at all of native growth. Throwing off the one so completely as we did and retaining the other so persistently, seems altogether an anomalous proceeding, especially in view of the fact that we have had produced upon American soil and consequently of purely native production, a religion that is every way superior to anything that we had prior to its existence. The hue and cry that is raised about the priesthood and priestly rule of this native born Church is altogether a false alarm and is confounded with priesthood, which simply constitutes the ecclesiastical government of the Church. Also the accusation that the Church dominates the State is equally false. These and many other things with which the Church is charged are simply a rehash (though from a religious point) of the old arguments used in favor of British rule as against American independence.

Prior to the existence of this new Church there was hardly a religion in America but had its origin in Catholicism, each a separate organization, though discarding many, still retaining more or less of the tenets of that old church; while the new Church repudiates the dogmas and creeds of all others and like our glorious Constitution is entirely new and every provision in its constitution or the laws pertaining to its government is in perfect harmony with the spirit as well as the letter of the Constitution of the land.

All the arguments used against this new Church have been equally as weak as those used against the principles of republicanism. Its superiority is demonstrated beyond a question in more than one particular. It has so far withstood every attack made against it. The religious, the scientific, the philosophical, as well as the political world have each in turn, and many times repeated, expended their full strength upon it, but in vain. It is the paramount religion of America and the world, and instead of trying to overthrow it the American people should seek to preserve it. Instead of its undermining in the least degree, it will furnish such aid and support to the government of the country as will be looked for in vain in any other church. It is not a supporter of tricksters, demagogues, or tyrants nor of centralizationists, but it will support with all its powers, honesty, integrity and righteous rule, in fact, all rule based upon the fundamental law of the land, and will denounce tyrants and usurpers as a recognized religious duty.

Being itself of heavenly origin it easily recognizes anything springing from the same source; therefore it is no wonder that it should so persistently proclaim the American Constitution to be of God.

Then, all hail to such a Church that is purely of native American growth! a product of the same soil where the principles were proclaimed and maintained to the death, "that all men are born free and equal." That "life, liberty and the pursuit of happiness" are man's inalienable rights. And let paid pulpits, orators, pot-house politicians, carpet-baggers and their ilk, whose only resource is misrepresentation and whose only hope is in misrule by which to obtain plunder, be forever silenced by the universal recognition of a purely home production of which every American may be justly proud.

BROTHER JONATHAN.

OBITUARY.

WHITTLE.—Nelson W. Whittle was the son of Daniel Whittle and Mary Tilly. Born in the town of Sanford, Broome County, New York; emigrated to Ohio when nine years old, where he was married to Susan Bailey at Elvira, Lorain Co., August 7, 1843. He was baptized by Elder Milton Bartlett, in Hendersonville, Knox Co., Illinois, May 14, 1844. He shared in most of the persecutions that the saints endured in Nauvoo at which place he received his endowments, Jan. 8, 1846. He was compelled to leave Nauvoo with many others in their exodus, crossing the Mississippi River on the ice. He resided in Garden Grove and Kanesville until the year 1850, when he emigrated with his family to Salt Lake City. He took up his residence in Salt Lake City, where he has since resided. Since he became connected with the Latter-day Saints he has labored hard and faithfully for the upbuilding of the kingdom and the support of his family.

Brother Whittle was the husband of three wives and the father of eighteen children and the grandfather of thirty.—[Com.]

DEATHS.

WILSON.—Of general debility, July 20th, 1887, at her residence in the 21st Ward, Mary Ann, wife of Benjamin S. Wilson and daughter of Andrew W. and Mary Case. Deceased was born at Windham, Somersetshire, England, Nov. 4, 1812, and immigrated to Utah in 1838. *Millennial Star*, please copy.

CUMMINGS.—At Millville, Cache County, July 13, 1887, George Washington Cummings. He was aged 75 years and 9 months; was a member of the Mormon battalion. He died in full faith of the Gospel.—[Com.]

DANIELS.—In this city, 10th inst., of chronic diarrhea, Sophia Alice, daughter of James and Louie Daniels; aged 1 year, 2 months and 11 days. Interment at Payson.

SHORT.—Of whooping cough, Samuel Joseph Short, son of Samuel Joseph Short and Isabel Clayton Short. Born May 16, 1887; died July 14, 1887.

WILLENBECK.—At her residence, Fifth East Street, corner of Seventh South, Salt Lake City, at 4:30 p.m., July 22nd, 1887, of dropsy, Johannie Willenbeck.

BRINGMAN.—At the residence of the parents, in this city, July 22, at 5:10 a.m., of

sunstroke, John A. C. Bringman, aged one year and ten months.

RANDALL.—In St. George, Utah, from the effects of a congestive chill, July 12, 1887, Louisa Jane Hall, beloved wife of Joseph H. Randall and daughter of Newton D. Hall, and Sarah Jane Husebark, of Washington, Utah. Deceased was born Sept. 8, 1834, in Byron, New York; joined the Church in her youth, came to Utah with her parents, and moved south with them on a call to settle the muddy in 1867. After the settlements there were vacated, she came with her parents to Washington, and since then her home has been in Dixie.

She was truly an exemplary woman, a kind and loving wife, and a true Latter-day Saint in every respect. She leaves three children, parents, brothers, sisters, and a host of friends to mourn her loss, and died in full faith of a glorious resurrection. Peace to her remains.—[Com. Home papers please copy.]

HIGHAM.—In the 21st Ward of this city, July 18, 1887, of cholera infantum, Brigham Y., son of Thomas S. and Ida Y. Higham, aged 3 months and 25 days.

DUNCAN.—In this city, after fifteen years illness of chronic disease, Asenath M. (Barker) Duncan, wife of Homer Duncan. Deceased was born in Plattsburg, New York, November 14, 1822; married in Chateaugay, N. Y., November 7, 1841; moved to Nauvoo in 1843, and suffered in the persecutions there; came to Utah October 16, 1848; shared in common with the Saints the privations during the early settlement of Utah without murmuring. She died as she had lived, a faithful Latter-day Saint, beloved by all who knew her, and those that knew her best loved her most. She leaves a husband and five children to mourn her loss; she has buried five children. She departed this life July 18, 1887, in full fellowship of the Saints and in hope of a glorious resurrection.—[Com.]

COMMERCIAL.

The Stock, Money, Groceries and Provision Markets.

DESERET NEWS OFFICE, Salt Lake City, July 23, 1887.

SALT LAKE MARKETS.

Corrected daily by Leading Houses.

PROVISIONS.	Buying	Selling
Whole Wheat Flour.....	2 75	3 00
Flour, XXXX.....	2 00	2 25
Patent Roller.....	2 50	2 75
High Patent Roller.....	2 75	3 00
Wheat per bu.....	75	80
Oats per 100.....	1 40	1 75
Barley per 100.....	1 00	1 40
Barley Cracked.....	1 25	1 50
Corn.....	1 15	1 60
Corn Cracked.....	1 50	1 60
Potatoes per bu.....	50	75
Lucern seed, 100 lb.....	7 50	8 50
Brass per 100.....	97 1/2	1 00
Shorts per 100.....	1 00	1 00
Timothy seed, 100 lb.....	7 50	8 00
sted top seed, 100 lb.....	7 50	8 00
Clover seed, 100 lb.....	10 00	12 50
Hay, timothy, baled per ton	16 00	20 00
Hay, timothy and clover,		
per ton.....	16 00	20 00
Hay, lucern, per ton.....	9 00	12 00
Beans per 100.....	3 00	5 00
Carrots per bushel.....	25	35
Onions per bushel.....	1 65	2 00

GROCERIES.	Buying	Selling
Eggs per doz.....	11	17
Table butter.....	25	30
Cooking.....	12	15
Home Cured Breakfast		
Bacon.....	11 1/2	13 1/2
Home Cured Side Bacon.....	8	10
Eastern Cured Breakfast		
Bacon.....		14
Eastern Cured S. S. Short		10 1/2
Eastern Cured Hams.....		15 1/2
H. M. Cheese.....	12 1/2	14
Eastern Cheese.....		15 1/2
Prime of Japan Tea 1/2 lb		84 1/2
peppers.....		85
Gunpowder Tea.....		65
Japan Garden Tea.....		34 1/2
Japan Package Tea.....		75
English Breakfast Tea.....		40
Roast Java.....		29
Green Java.....		29
Roast Mocha.....		25
Green Mocha.....		25
Roast Rio.....		21
Green Rio.....		21
Granulated Sugar per 100.....		7 00
A sugar.....		7 1/2
Extra C.....		7 25
Gold C.....		7 00
Cut Lard.....		16
Honey, Utah pr lb.....		7
Molasses, Utah pr gal.....		6
Candles, per box 20 lbs.....		2 00
Candles, per box 40 lbs.....		1 00
Cal. Raisins, L. M. 20 lbs.....		2 40
Cal. Raisins, L. M. 20 lbs.....		2 05
Coal Oil, 110 lb. p. c. 10 g.....		2 90
Coal Oil, 150 lb. p. c. 10 g.....		3 10
Coal Oil, 175 lb. p. c. 10 g.....		3 10
Currents, per b.....		8 1/2
Salt, per 100 lb.....		60
Vinegar, 60 grain.....		35
Valley Tan Beans.....		3
Navy Beans.....		4
Lard, 5 lb pails, per b.....		10 1/2
Lard, 5 lb pails, per b.....		10 1/2
Lard, 10 lb pails, per b.....		10

FRESH MEATS.	Dressed
Beef, choice steers, 3c. gross, selling	6c.
" medium, " " " "	5c.
Cows, " " " "	5c.
Sheep, " " " "	5c.
Hogs, " " " "	5c.
Home cured hams, " "	15c.
Bacon, " " " "	10 1/2c.

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