

THE CASE WELL STATED.

George Ticknor Curtis on Utah's Admission.

In the November number of the Forum George Ticknor Curtis has an article entitled, "Shall Utah Become a State," in which the justice of her claim to admission into the Union is ably set forth.

Mr. Curtis says that at that time he was more than thirty years of age, and was just as conversant with what was taking place as he is with what is going on to-day.

A DIRECT SANCTION OF POLYGAMY, what was, at least, a marked manifestation of public indifference about it.

The government could just as well have sent a non-Mormon to be governor; but Brigham Young was selected because it was assumed that his people were to be a community by themselves.

In 1852, during the first term of the governorship of Brigham Young, plural marriage was officially announced as a doctrine of the Mormon Church.

THE MORMON CIVILIZATION, in respect to marriage, thus came in contact with that other civilization that has always existed throughout this Union.

In 1862 an act of Congress was passed, making polygamy unlawful in the Territories, and punishing it as bigamy, with fine and imprisonment.

Mr. Curtis shows that even after this decision, the law of 1862 was allowed to remain practically a dead letter until the passage of the Edmunds law of 1882.

administration of this section of the Edmunds law by the Utah courts.

The writer says it is disgusting to read, as it has been his duty to read, the accounts of these persecutions, perpetrated without the least necessity, and made possible by the fact that the territorial judges have known that their

FORCED AND OUTRAGEOUS

constructions of the statute are not subject to revision by the highest judicial tribunal in the land.

It has become a common practice with the territorial judges to make an ostentatious show of clemency, by asking the prisoner, after conviction for unlawful 'cohabitation,' if he will obey the law in the future.

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UTMOST PENALTIES

of the statute. What is the more extraordinary in this artificial and absurd construction of the law is, that it has been regarded as aimed against the Mormons alone, and not as including ordinary fornication; so that in Utah a man may dwell or be in the same house with any number of prostitutes, and may have sexual connection with every one of them, and yet he cannot be convicted of unlawful 'cohabitation' with more than one woman.

Mr. Curtis disclaims holding that the omission of Congress to exercise authority has abrogated it; but while admitting the anti-polygamy statutes to be constitutional, he makes the moral deduction that Congress, having tolerated polygamy from 1857 to 1862, and from the latter date to 1882, ought to shape its policy differently from the mode which has been lately followed.

Mr. Curtis declares that the "Mormon question" has lately assumed an entirely new aspect, in consequence of the move that has been made to secure the admission of Utah as a state, and he contends that "the sole question for the people and Congress of the United States, is whether the Mormons now offer satisfactory and reliable guarantees that they can and will

PUT AN END TO POLYGAMY

themselves. They are a large majority of the population, and they make a certain offer. It is equally unimportant what has led them to take this step.

The writer says that he presumes that "no person at the present day who understands the relation between the Government of the United States and those peculiar dependencies called Territories, will dispute the following proposition: That Congress is at all times under the obligation of a public trust to bring every Territory into the Union as a State whenever its inhabitants desire it, and they have population and resources sufficient to sustain a State government.

CREATE AND GOVERN

those peculiar political bodies which are denominated Territories, is in Sec. 3 of Article IV. of the federal Constitution, commonly called the Territorial Clause.

tended thirty years ago, in arguing the Dred Scott case before the Supreme Court of the United States. It was the doctrine accepted by the minority of the judges, and it is now almost universally held to be the true doctrine.

Mr. Curtis treats of Section 3 of Article IV of the Constitution, which confers upon Congress all the authority which that body possesses in respect to governing the Territories and co-cedes that it has authority to regulate the social relations in the latter.

NOR TO PROLONG

the territorial condition for the purpose of keeping up the exercise of federal power. If the social peculiarity which is supposed to require removal is one that the people of the proposed State can themselves deal with, and they offer safe guarantees and compacts which will insure its removal by the State power in place of the federal, there can be no good reason for continuing to exclude them from the privileges and rights of Statehood.

"The following is the provision of the proposed Constitution of Utah, on the subject of polygamy:

Art. XV., Sec. 12.—Bigamy and polygamy being considered incompatible with a republican form of government, each of them is hereby forbidden and declared a misdemeanor. Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, and imprisonment for a term of not less than six months nor more than three years, in the discretion of the court.

AS A FURTHER SECURITY,

the power of amendment is limited by the following proviso:

Provided, that Section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

Mr. Curtis declares that he is not unaware of the depth and magnitude of the constitutional question which arises on these provisions. But after full and, he trusts, dispassionate study, he is prepared to "express his entire conviction that it is perfectly competent to a State, especially to a new State, when it enters the Union, to make a compact with the United States that will effectually limit its own sovereignty in a matter peculiar to itself and its social condition."

Mr. Curtis, in closing, says that "every state in the Union has, in many ways, limited its sovereignty by compacts with the United States," and expresses the opinion that Congress has power to enforce such compacts, should an attempt be made to violate them.

The Forum is published by The Forum Publishing Co., 97 Fifth Ave., New York, and is one of the most influential magazines in the United States. It devotes much space to the discussion, by the ablest living writers, of the questions relating to social and political science, and kindred themes.

A Sad Accident.

A month ago there arrived at Liberty some relatives of Brother Derricott's direct from the old country. The newcomers consisted of a mother and several children who had left the husband and father back in England, and who is struggling now to save means to emigrate himself.

About two weeks after their arrival, one of the little ones fell sick and died. On last Friday one of the children, a little boy of 12 years, went in company with Brother Derricott's boy, up what is called North Cañon for a load of poles.

what, the load having caught his legs, but he got his pocket knife out and dug the dirt from under them, and thereby was enabled to crawl out, make his way down the canyon and apprise some friends, who immediately went and found what we have described.

Diphtheria at Morgan.

Yesterday Dr. H. J. Powers returned from Morgan City, whither he had been on professional business. He states that upon investigation the disease which has lately carried off a number in death at that place proved to be nasal diphtheria.

Two Arrests.

Saturday morning a young man named Alexander Hill, Jr., of Wellsville, was arrested by Marshal Dyer's deputies and brought to Logan on a charge of adultery. It is charged that about a year ago he married a Miss Walters, of the place named, and that lately he has been acting in a criminal manner towards her sister.

Yesterday morning Deputy Marshal Steele arrested at Brigham City, Mansfield L. Snow, on a charge of larceny. The complaint alleges that the defendant several days ago wrote an article to the Salt Lake Herald in which it was stated that "Charles L. Low had been arrested on a charge of adultery," which was followed by a description of the current report of the alleged facts in the case.

ROME, Nov. 10.—An earthquake has occurred in northern Italy. There were no fatal results.

PARIS, Nov. 10.—It is reported that Prime Minister Rouvier has threatened to resign, unless M. Wilson leaves the palace of Elysee, the residence of the president, immediately.

How's Your Liver?

Is the Oriental salutation, knowing that good health cannot exist without a healthy Liver. When the Liver is torpid the Bowels are sluggish and constipated, the food lies in the stomach undigested, poisoning the blood; frequent headache ensues; a feeling of lassitude, despondency and nervousness indicate how the whole system is deranged.

NEVER BEEN DISAPPOINTED.

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LEGAL NOTICE.

In the District Court, in and for the Third Judicial District of Utah Territory, County of Salt Lake.

Daniel H. Kimball, Andrew Kimball, Alice Kimball and Sarah Kimball Sickles, Plaintiffs,

vs. Benjamin Johnson and Harriet Johnson, Defendants.

The People of the Territory of Utah, send greeting: To Benjamin Johnson and Harriet Johnson, Defendants.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you by the above named plaintiffs, in the District Court of the Third Judicial District of the Territory of Utah, and to answer the complaint filed therein, within ten days (exclusive of the day of service) after the service on you of this summons—if served within this county; or, if served out of this county, but in this district, within twenty days, otherwise within forty days—or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to obtain a decree of this Court declaring void a certain deed made and executed by plaintiffs on or about May 1st, 1884, to said defendant Harriet Johnson, on the ground that the said deed was obtained by fraudulent representations of said defendants, and purported to convey Lot Two instead of Lot One, Block 29, Salt Lake City Survey, and ordering also that said defendant deliver up said deed for cancellation and for plaintiffs' costs of suit.

And you are hereby notified that if you fail to appear, and answer the said complaint as above required, the said plaintiffs will apply to the Court for the relief demanded therein.

Witness the Hon. Charles S. Zane, Judge, and the seal of the District Court of the Third Judicial District, in and for the Territory of Utah, this Fourth day of September, in the year of our Lord, one thousand eight hundred and eighty-seven.

H. G. McMILLAN, Clerk.

By J. M. ZANE, Deputy Clerk. wlp

NOTICE.

Ferron Townsite.

NOTICE IS HEREBY GIVEN, THAT whereas Orange Seely, as the Probate Judge of Emery County, U. T., and in accordance with the laws of the United States and of this Territory, did on the 27th day of September, A. D. 1888, duly enter at the U. S. Land Office, in Salt Lake City, U. T., in trust for the several owners and occupants of the lands involved, and as a townsit, to wit: The town of "Ferron," the following described tracts of land, viz: The south east quarter (SE 1/4) of section nine (9), and the west half of the north west quarter (NW 1/2 SW 1/4) of section ten (10), township twenty (20) south, of range seven (7) east, Salt Lake meridian, United States survey for the Territory of Utah, containing 240 acres of land.

I, Jasper Robertson, the successor to said Judge, duly come in and qualified, do now notify all persons claiming any rights whatever in or to any lot or parcel of said land, to sign a statement in writing, describing in an accurate manner the lot or parcel of land so claimed, and deliver the same to the Clerk of the Probate Court of Emery County, U. T., within six (6) months from the 31st day of August, 1887, the same being the date of the first publication of this notice, or be forever barred the right of claiming or recovering said land in any court of law or equity.

In witness whereof, I have hereunto set my hand, at Castle Dale, Emery Co., U. T., this 20th day of August, 1887. JASPER ROBERTSON, Probate Judge, Emery Co., U. T.

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