#### THE CASE WELL STATED.

George Ticknor Curtis on Utah's

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. The writer begins by saying that "it is forty years since the people called "Mormons" expelled from the State of Illinois by the pres-

people called "Mormons" expelled from the State of Illinois by the pressure of an odium excited by their religion, organized and made an emigration en masse across the public domain of the United States, in search of a country where they could found a community on their own religious and social ideas. This great body of men, women and collidren, among whome were very few persons of foreign birth, were for a whole year on the national domain, out of the limits of any State, marching slowly through the wilderness, until they got beyond the Rocky Mountains. The whole country knew that they carried their polygamy and their church organization along with them; they were within reach of the federal power until they passed out of the United States; yet not a finger of the law was lifted against their practice of plural marriage."

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. "Theistate of public sentiment was one of entire indifference to the polygamy of the Mormons, provided they took it where it would no longer be in contact with the civilization of the country in the matter of marriage. In July 1947, the head of the column reached the neighborhood of the Great Salt Lake, It was some months, however, before they were all gathered in: but, when all bad come, they amounted to a population of 20,000 souls. They immediately raised the Stars and Stripes, founded the community which they contemplated, called it the State of Deseret, and soon after applied for admission into the Union. The country was then a province of Mexico. At the termination of the war between the United States and Mexico this province of Utali became, under the Treaty of Guadalupe-Hidalgo, the property of the United States. It was organized into a Territory by an act of Congress passed in 1850; and then occurred, if not

#### A DIRECT SANCTION OF POLYGAMY,

what was, at least, a marked marifestation of public indifference about it. Brigham Young, the civil and religious leader of the Mormons, was made by the government of the United States, Territorial Governor, and he held the office for seven years. He did not seek it, it was offered to him, and he accepted it. Every well-informed person in the United States knew that he had numerous wives, and numerous families of children by his several wives.

ne hal numerous wives, and numerous families of children by his several wives.

"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, and because the people of the United States did not care enough about the polygamy to take any public action against it. This torpor and indifference continued for a period of lifteen years, during which plural marriages were greatly multiplied in Utah.

"In 1852, during the first term of the governorship of Brigham Young, plural marriage was officially announced as a doctrine of the Mormou Church, and published abroad as well as at home. In that period there began to be a considerable influx into the Territory of persons who were not Mormons, and who are now known there as 'Gentlles.'

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 OUTITAGEOUS

constructions of the statute are not subject to revision by the highest judicial tribunal in the land." He is willing to believe that the omission to provide any appeal to the Supreme Court of the United States in these "cohabitation" cases was an unintentical oversicht on the part of unintentional oversight on the part of Congress, but it was none the less a

Congress, but it was none the less a great wrone.

"It has become a common practice with the territorial judges to make an osteniations show of clemency, by asking the prisoner, after conviction for unlawful 'cohabitation,' if he will obey the law in the future. If he will make this promise, it is intimated that a light sentence will be imposed for his past offense. Again and again the answer has been, 'I cannot obey the law as you interpret it. I married my plural wives for time and eteroliy, in the full belief that anch marriages were innocent in the sight of God. I cannot renounce my duty to provide for women who are were innocent in the sight of God. I cannot renounce my duty to provide for women who are dependent upon me, although since this law was passed, I have had no sexual relation with any wife but the one with whom I have dwelt. This has not been accepted as a sufficient submission, and the man has been sentenced to the

#### UTMOST PENALTIES

of the statute. What is the more extraordinary in this artificial and ab surd construction of the law is, that it surd 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 may 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,' under the third section of the Edmunds Act. That law is held in Utah to have reserved all its terrors for cases where there was a claim of a marriage relation with more than one woman, according to the Mormon belief and practice. It is not strange that, among a people like the Mormons, this abominable construction has been regarded with horror and indignation, especially in towns where prostitution was unknown until Gentile vice had peace.

with horror and indignation, especially in towns where prostitution was unknown until Gentile vice had penetrated thereadong with Gentile victue."

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 "Mormen 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

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 satis factory and reliable guarantees that they can and will

### PUT AN END TO POLYGAMY

it. This torpor and indifference continued for a period of fifteen years, during which plural marriages were greatly multiplied in Utsh.

"In 1852, during the tirst term of the governorship of Brigham Young, plural marriage was officially announced as a doctrine of the Mormon Church, and published abroad as well as at home. In that period there began to be a considerable influx into the Territory of persons who were not Mormons, and who are now known there as 'Gentlies.'

"THE MORMON CIVILIZATION, in respect to marriage, thus came in contact with that other civilization that bas always existed throughout this Union. In 1862 the country rather suddenly awoke to the necessity of exterminating polygamy. This change from a state of indifference and nonaction to measures of suppression, coming after manifest neglect, not to say encouragement, has been, like other paroxysms of public virtue succeeding public toleration of as supposed evil, productive of about as much harm as good.

"In 1862 an act of Cengress was passed, making polygamy unlawful in the Territories, and punishing it as bigany, with fine and imprisonment. At first the Mormons honestly believed this law to be unconstitutional, because polygamy was an article of their religious faith. Bat in 1879 they learned, from a decision of the Supreme Court of the United States, that marriage, being a civil relation between the mormon having more than one living Mr. Curtis shows that even after this decision, the law of 1862 was allowed to remain practically a dead in they care a large major that they have driven that shed them to take this step. Those who have been in favor that what has led them to take this step. Those who have been in favor the heroic' measures pursued by the federal government of the population, and they make at they have deviced by the federal government and they make at they have detail of the heroic' measures surged by the federal government and what has led them to take this step. Those who have been in favor the horsons will the populatio

of their religious faith. But in 1878 trust to bring every Terrntory into the United States, that marriage, being a civil relation between lines and women, it is no Infringement of religious I berty for the legislative authority to prohibit a man from having more than one living wift."

Mr. Curtis shows that even after this decision, the law of 1802 was allowed to remain practically a dead letter until the passage of the Edminus law of 1882, which embraced the provisions of the former law, and created a new offense known as "unlawful consbitation." Mr. Curtis shows the injustice of creating this offense without defining it, and in graphic and eloquent language depicts the sufferings faat have been entailed by the judicial

tended thirty years ago, in arguing the Dred Scott case before the Supreme Court of the United States. It was the doctribe 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 re-

article IV of the Constitution, which confers upon Congress all the authority which that body possesses in respect to governing the Territories and coacedes that it has authority to regulate the social relations in the latter. But he maintains that the authority of Congress over the Territories is held as a trust to allow of their formation into States, "and not for the purpose of indefinitely prolonging the territorial condition, thereby keeping open a field for the exercise of federal patronage and power." He says that "there may be, in the social condition of a particular Territory, at the time when its people seek for admission into the Union, special circumstances which require special treatment," and after making this admission says: "But it is the manifest duty of Congress so to deal with such a peculiar state of at fairs as not to obstruct the entrance of that community into the Union as a State, and State, and

#### NOR TO PROLONG

the territorial condition for the purpose of keeping up the exercise offederal 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 lustre its rem val by the State power in place of the federal, there can be no good reason for continueing to exclude, them from the privileges and rights of Statehood, because of a peculiarity of their social condition, their manners, their customs, or their religious beliefs.

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

subject of polygamy

subject of polygamy:

Art. XV., Sec. 12.—Bigamy and polygamy being considered incompatible with a resulting considered incompatible with a resulting form of government, each of them is hereby torbidden 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. This section shall be construed as operative without the aid of legislation, and the offense prohibited by this section shall not be barred by any claimte of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon chall be approved by the President of the United States.

#### "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, ar 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 ratification be proclaimed by the President of the United States, and it not so rainfed and proclaimed said section shall remain perpetual.

Mr. Curtis declares that he is not naware 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

States that will effectually limit its own sovereignty in a matter peculiar to itself and its social condition."

Mr. Curtis, in Iclosing, says that "every state in the Union ass, 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.

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. Mr. Curtis' views, made public through such a medium, will attract a great amount of intelligent attention. We have been compelled to omit and pass hastily over valuable portions of his article, but the whole will be found extremely interesting to people in Utah. They should get the magazine in which it appears in full.

## A Sad Accident.

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 frients, who immediately went and found what we have described.

The nother is almost heart broken. The sincere sympathy of the whole community goes out to her.—Southern Idaho Independent, Nov. 4. what, the load! having caught his legs.

#### Diphtheria at Morgau.

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 masal diphtheria. Eight deaths have already occurred from the effects of the disease, and the day schools have been closed in order to prevent its spreading.—Ojden Herald, Nov. 9.

#### Two Arrests.

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. He would have been bound over by Commissioner Goodwin, in whose court he appeared, but he desired to be locked up, for the reason that a male relative of the ruined girl had sworn to kill him. He is now in the county jail.

Yesterday morning Deputy Marshall Steele drested at Brigham City, Mansfield L. Snow, on a charge of livel. The compleint alleges that the defendent several days ago wrote an article to the Salt Luke Herald in which it was stated that "Guarley 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. Mr. Snow was taken before Commissioner Carrington, of Brigham City, and placed under bonds of \$500. A. H. Snow and P. F. Madsen being the bondsmen. He will appear before Commissioner Goodwin, at Logan on Thursday, for examination. Mr. Snow was greatly surprised at being arrested as he had an intention of going north to a station in Montana to accept a position in a railroad offile.—Oqden H. rald, November Sth.

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?

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#### LEGAL NOTICE.

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

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

VS. Renjamin Johnson and Harriet Johnson,

Defendants.

The People oft he Territory of Utah, send greeting

To Benjamin Johnson and Harriet Johnson, Befendants.

To Benjamin Jobnson and Harriet Johnson, Befendants.

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 nut 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 soid a certain deed made and executed by plaintids on or about May 1st, 1884, to said defendant Harriet Johnson, on the ground that the said deed was obtained by fraudulient 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 smt.

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 refiet demanded therein.

Witness the Hon. Charles S. Zane, Judge, and the seal of

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 Lard, one thousand eight hundred and eighty seven. [SEAL.]

H. G. McMILLAN, Clerk.

By J. M. ZANE, Deputy Clerk.

#### NOTICE.

Ferron Townsite.

Ferron Townsite.

To all whom it may concern:

VOTICE IS HEREBY GIVEN, THAT whereas Orange Scely, as the Probate whereas Orange Scely, 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. 1836, duly enter at the U. S. Land office, in Salt Lake City, U. T., in trust for the several owners and occupants of the hands myodyed, and as a townsite, to wit: The town of "Ferron," the following described tracts of land, viz: The south cast quarter (SE2) of section nine (f), and the west haif of the snuth west quarter (W2SW24) of section ten (lo), in township twenty (21) south, of range seven (7) cast, Salt Lake meridian, Danted States survey for the Territory of Utah, containing 240 acres of land.

I. Jusper Rubertson, the successor to said

the Territory of Utah, containing 240 acres of land.

I, Jasper Rubertson, the successor to said Judge, duly count issioned and qualified, do now notify all persons clauming nur 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 laud so claimed, and deliver the same to the Olerk 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 rotice, 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.

Probate Judge, Emery Co., U. T.



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