

# EVENING NEWS.

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CHARLES W. PENROSE, EDITOR.

Friday, May 26, 1893.

## A SOUND LEGAL ARGUMENT.

A PAMPHLET on the constitutional and legal aspect of the "Mormon" question, has just been published at Boston, Mass. It is the text of a lecture delivered in the Science Hall of that city, by Hon. James W. Stillman, and is a lucid and factually correct criticism of the Edmunds bill. The author indulges in no flights of oratory or attempts at flowery sentence-making, but in clear, terse and forcible language discusses anti-polygamy legislation, its force and probable effects, and demonstrates its injustice and unconstitutionality.

He announces himself a believer in monogamy, and a free thinker in theology. He does not approve of polygamy, but recognizes the right of others to believe in it if they choose. He does not consider it a question of morality, but of taste and expediency, to be left to the choice and discretion of the parties affected. But admitting it to be immoral, he urges that it does not follow that reason the Government has the right to interfere with it. "The State," he declares "has no moral function." Government is not organized for the purpose of promulgating or enforcing any system of morals, theology or philosophy. It is for the suppression of crime and to protect from encroachment the rights of the individual.

This leads to the question what is crime? That he answers in this way: "It is the infringement of the rights of an individual." He quotes the dictionary definition and shows that it is fallacious. If it is "the violation of public law," crimes are committed by thousands of people every day. It is a crime in Boston to smoke on the public streets or travel on Sunday for pleasure or recreation. He argues that unless an act is a direct infringement by one person upon the rights of another, it is not a real and actual crime. Under this definition he contends Utah polygamy is not a crime, and therefore the Government has no right to interfere with it.

He expresses his firm belief that "the crusade upon the Mormons is nothing more nor less than an exhibition of religious bigotry and persecution, which has disgraced the history of the world," and considers it his duty to raise his voice "in condemnation of this outbreak of sectarian intolerance." He then exposes the inconsistency of people who believe in the Bible opposing the institution of polygamy, and challenges anyone to produce a single precept in the Bible wherein that institution is denounced "or even spoken of with disapprobation."

In support of his proposition that the object of Government is "to establish justice between man and man," he quotes the preamble to the Constitution as follows:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

He goes on to show that the powers of the Government are limited by the Constitution, and that those not specified therein are reserved to the States or to the people, and that the "power to make needful rules and regulations respecting the territory or other property of the United States" does not signify unlimited and despotic jurisdiction, because the inhabitants of the Territories, if born or naturalized in the United States are citizens thereof, and no law can be passed abridging their privileges or immunities.

Taking up the common saying, that slavery and polygamy are "twin relics of barbarism," he shows that there is a decided difference between the two institutions:

"Slavery was a direct infringement on the rights of the slave. His liberty and sometimes his life were taken from him without his consent. He was bound to labor, he was the property of his master, but nothing of the kind is true of polygamy. There is no such thing as slavery in the Territory of Utah, because this institution has the support of both sexes, the women as well as the men."

The Edmunds bill is then taken up and it is shown that it is criminal legislation; "a bill designed to define and punish a certain crime, namely, the crime of polygamy." Quoting section 5, which disqualifies a person from serving on a jury in a polygamy case, who "is or has been guilty of an offense punishable by either of the foregoing sections," or who "believes it right for a man to have more than one living and undivorced wife at the same time, etc.," and also section 8, which renders ineligible to vote of hold office any polygamist, bigamist or person cohabiting with more than one woman, etc., he says:

"Now, I maintain that a more unconstitutional Act was never passed by the Congress of the United States, and I doubt if any Legislature throughout the length and breadth of this land has ever dared to pass a statute which is in such direct contravention to the fundamental law of the land as the statute I have just read. As you will perceive, this bill is retroactive in its character. It does not provide for the punishment of offenses in the future only, but goes back into the past, and punishes for crimes committed if they are crimes—ten, fifteen, twenty, or, it may be, fifty years ago. Such legislation as this is utterly repugnant to a plain provision of the Constitution, which I will now read. Article I, Section 9, Clause 5, says:

"No bill of attainder, or ex post facto law, shall be passed."

does that, and is therefore, a bill of attainder, and is necessarily, in direct opposition to this provision of the Constitution.

Again, what is an ex post facto law? It is a law which punishes past offenses which were not punishable at the time they were committed, or increases the penalty therefor. Therefore this bill is an ex post facto law; because it increases the punishment for polygamy by disqualification and disqualification to hold office; and it is, per se, in direct antagonism to the Constitution. Every Senator and every Representative who voted for that bill had taken a solemn oath to support the Constitution of the United States; but, unmindful of that oath, actuated by the spirit of religious bigotry, fanaticism, and avarice, they have, by their vote, nullified one of the most important provisions of that great instrument.

He further shows that the bill is in violation of the Constitutional provisions concerning the right of trial by an impartial jury and of previous indictment by a grand jury. And says:

"According to Section five of this bill, no polygamist is allowed to sit on a jury, no person who believes that it is right, although he may not practice it himself, is allowed to be a juror when one of his fellow-citizens is charged with this crime. If there is a trial allowed in that Territory, the jury is packed in advance by the enemies of the accused party; and what show for justice would such a case have, under such circumstances? I admit that a jury should not be packed wholly in favor of the criminal; but, if packed at all, it should be rather in his favor, and not against him; because it is our policy to give the criminal the benefit of every doubt, and to see that his rights are secured, instead of trampled under foot. It matters not whether a man's liberty is taken away from him by the act of a person having superior physical strength, or whether he is despoiled of his rights by the act of the Government. The result is the same in both cases. As the individual has no right to do wrong by his fellow-citizen, neither has the Government a right to do wrong by him while within its protection and under its jurisdiction."

He then proceeds to discuss the religious phase of the question. Proves that the "Mormons" are sincere believers in their doctrine, plural marriage included; shows that a religious test cannot be applied as a qualification to any office or public trust; and that Congress has no right to make any law respecting an establishment of religion, and considers, therefore, that "The conclusion is irresistible, from what has already been said, that this legislation is totally unconstitutional; and I only hope that a test case will be made, and that the constitutionality of this bill will be brought to the consideration of the Supreme Court of the United States, the highest judicial tribunal in the land. If this is done, I have no doubt whatever as to what will be the decision of that tribunal."

Several very interesting paragraphs are devoted to proof that the women of Utah are not "oppressed and down-trodden" as supposed; that the language of Governor Murray in denouncing "polygamic slavery" is "entirely false"; that the ballot is given to the women of Utah and that they have petitioned Congress against interference with their marital relations.

The concluding part of the pamphlet is devoted to a review of the Cannon-Campbell case, showing that our Delegate was entitled to his seat in Congress; and he closes by predicting that legislation will never abolish polygamy, and that the Edmunds bill will never be enforced as it ought not to be.

The lecture was several times applauded, and is a bold and manly defense of an unpopular cause, entitling the orator to the thanks of the people of Utah, and of all true believers in constitutional liberty.

## BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

## AMERICAN.

### LATEST DISPATCHES.

#### Heavy Loss by Fire.

CHICAGO, 26.—A Grand Haven, Michigan, special says: Simon and Lillies yard at Spring Lake burned yesterday, and the lumber and mill were nearly consumed. There were seven million feet of lumber, valued at \$100,000. Owned by Kelly, Rathbun & Co., of Chicago. Insured for a total of \$75,000. This firm lost 9,000,000 feet here last fall.

#### Fast Train.

Postmaster General Howe, now here, says the money to expedite mail specially appropriated by Congress, will probably be used to increase speed. He is here to hasten the post train between New York and San Francisco. The chief question is now whether it shall leave New York in the morning or evening. Opinions differ on this point. The interests of New York and Chicago seem to clash regarding the time, which will probably result in both a morning and evening train. He also thinks there should be later time between New England and the south western states with New Orleans or some other city as the distributing point. He expects hearty co-operation from the railroad.

#### Murdered, Robbed and Cremated.

At Highwood, on the northern suburbs, this morning, the house of a man named McCarthy was discovered to have been burned and his body was found in the ashes. Indications point to murder. The object is supposed to be money. Recently received from stock sales. Nobody knew of the affair until daylight when the smoking ruins attracted attention and the charred remains were found. A posse of citizens is scouring the country around and every effort is being made to overtake the murderer.

#### Failed for \$20,000.

A Marshalltown, Iowa, special says: The Holland, Grundy County, Bank, Ely J. president, has failed for \$20,000. It will pay about 20 cents on the dollar. Creditors mainly eastern. A reckless cashier was the cause.

#### Tombstone Burned.

SAN FRANCISCO, 26.—A Tombstone dispatch says: Fire this afternoon destroyed large number of buildings here. The portion of the town destroyed comprised the most of the business part of the place. The three principal hotels are burned and the office of the Daily Epiphany was destroyed and the Daily Epiphany office heavily damaged. The Western Union Telegraph office is also destroyed. It is impossible to estimate the loss accurately at present; it will probably reach \$500,000. The insurance will aggregate \$250,000.

#### The Tariff Commission.

WASHINGTON, 26.—The Star says: It is reported that five of the nine

tariff commissioners have been agreed upon, viz: ex-Vice-President Wheeler, Alex. Mitchell, Wis., former democratic representative in Congress, now President of the Chicago, Milwaukee & St. Paul R. R., Jno. L. Hayes, Rep., formerly President of the National Wool Association, Henry W. Oliver, Pittsburg, leading iron manufacturer, and R. P. Porter, formerly in charge of the statistical bureau of the census office.

#### Conflicting the President.

NEW YORK, 26.—The Times says of recent appointments: If the President imagines that to stand well with the country it is necessary to appear as the author of "My Policy," or champion of "My Party," we think he has made a grievous blunder. If his policy is to consist in turning one set of men out of office and putting another in, merely to satisfy the demands of his personal adherents, if his party is to consist solely of Arthur, as distinguished from those who are only republicans, then he will show that the blunders of his predecessors who reached the Chief Magistracy by Vice-Presidential succession, have yielded him neither instruction nor warning.

#### Conkling and the President.

The Tribune's Washington special says: It is understood here that Conkling intimated that he would not ask his friends to stand by the Administration in the contest for governor, inasmuch as Arthur had failed to do what he expected of him.

#### FOREIGN.

##### The Ultimatum.

CAIRO, 26.—Government has given 24 hours to come to a decision on the ultimatum.

##### Terrible Conflagration.

BERLIN, 26.—Reports have reached here of a terrible conflagration in Kief. The flames have been raging since Tuesday.

##### Hard Labor for High Treason.

VIENNA, 26.—Ritchie, the editor of a socialist paper, was sentenced to 12 years' imprisonment at hard labor for high treason.

##### English Emigration.

LONDON, 26.—One hundred and fifty Herefordshire farmers left for Canada to-day.

##### MINNESOTA CONFERENCE.

Minutes of a Conference held at Monticello, Wright Co., Minnesota, May 13th.

Meeting convened at 10 a. m.

Elders present from Utah: Wm. M. Palmer, President of the North-western States Mission, Denmark Jensen, President of the Minnesota Conference, R. P. Wolfenstein, President of Wisconsin Conference, James L. Jensen, Christian Wal-lentine, Gilbert R. Belnap, H. Jacob Fisher, John W. Coons, T. Riggs, John Ormond and Christian Berger.

After singing and prayer, Wm. M. Palmer said the late Conference at Salt Lake City was one of good teaching and instruction to the Latter-day Saints, and that it would be long remembered; bore his testimony to the truth of the work.

Gilbert R. Belnap spoke on the history of the Latter-day Saints, their moving to the mountains, Mormon Battalion, etc., and how the Lord led the Saints in a miraculous way in crossing the plains, and how they were sustained after getting there.

John Ormond gave a short sketch of his first experience in Utah.

Christian Wal-lentine said the records of the conference show less crime among the Mormons than any other class of people in the United States; spoke on the Kingdom of God as it was set up in the last days. It is necessary to obey his teachings if we expect to obtain salvation.

John W. Coons bore his testimony to the truth of the work.

Thomas Riggs said it is our duty to gather seed from the four corners of the earth, and for this reason we should seek to have the testimony of Jesus; spoke of his experience as a servant of God.

Christian Berger expressed desire to help spread the truth. Adjourned till 3 p. m.

After singing and prayer the general Church Authorities were presented by President Wm. M. Palmer and sustained as at the last Annual Conference at Salt Lake City.

The following Elders were sustained: Wm. M. Palmer, as President of North-western States Mission; Denmark Jensen, President of Minnesota Conference; James L. Jensen, Christian Wal-lentine, Gilbert R. Belnap, H. Jacob Fisher, John W. Coons, T. Riggs, John Ormond and Christian Berger.

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Wm. M. Palmer spoke on the pre-existence of man and showed how this knowledge was made known to John the Revelator. Encouraged the Saints to faithfulness, urging them to be diligent in prayer.

H. Jacob Fisher said the plan of salvation is plain before us and expressed his desire to press on.

Denmark Jensen said: "Without the spirit of God can do nothing to forward the work of God but we are savors on mount Zion in the last days."

Wm. M. Palmer said we have men here to day who never raised their voices in public until yesterday. The judgments are coming upon the earth, God has prepared an ark of safety in the valleys of the mountains.

#### Adjourned till 10 a. m. Sunday.

We met at Adams Hall; after singing and prayer Wm. M. Palmer said we must be diligent in prayer, life or death unto death; exhorted the Elders to labor diligently in the ministry.

James L. Jensen spoke upon the first principles of the gospel, proved the apostacy from the ancient church, spoke of the restoration in the last days through Joseph Smith the Prophet.

R. P. Wolfenstein spoke of the authenticity of the Book of Mormon.

Wm. M. Palmer showed how the spirits in prison were to be saved. Adjourned till 3 p. m.

#### Singing and prayer.

The Sacrament was administered. Wm. M. Palmer referred to St. Math. 5, 33; 2nd John 9, 10, showed the organization of the Church. We must look for the righteousness of the kingdom and in teaching as in the principles of the Church. Showed the mode of baptism and how we should walk in newness of life and receive the Holy Ghost.

There were but few outsiders who attended our conference; a good spirit prevailed throughout. We had the pleasure of baptizing eight persons.

We held a good many other meetings which will long be remembered.

## CONFERENCE ADJOURNED FOR SIX MONTHS FROM DATE.

A council was held in Monticello, Wright Co., Minnesota, May 12th, at three p. m. After the usual opening exercises, James L. Jensen was sustained as secretary pro tem. of council and conference. Wm. M. Palmer spoke on the duty of missionaries as watchmen on the towers of Zion, gave instructions in regard to honoring those who are set over us; cautioned the Elders in regard to washing of feet as a testimony against the wicked, and to go into new fields and warn the people there as well as others have been.

Denmark Jensen, James L. Jensen and R. P. Wolfenstein gave reports of their fields of labor.

Wm. M. Palmer spoke of his experience on his former missions; encouraged the Elders to preach.

JAMES L. JENSEN, Secretary.

## RENEFACTORS.

When a board of eminent physicians and chemists announced the discovery that by combining some well known valuable remedies, the most wonderful medicine was produced, which would cure such a wide range of diseases that most all other remedies could be dispensed with, many were sceptical; but proof was made by actual trial has dispelled all doubt, and to-day the discoverers of that great medicine, Hop Bitters, are honored and blessed by all as benefactors.

HOPBERRIES ACID PHOSPHATE is sea sickness is of great value. Its action on the nerves of the disturbed stomach is soothing and effective.

## THE IMPERISHABLE PERFUME.

Murray & Lanman's FLORIDA WATER, Best for TOILET, BATH and HANDKERCHIEF.

## Wanted.

WANTED. COAL MINERS AT WALSLEY, Sanpete County. For particulars apply to office of S. A. DAVIS, 185 Main Street.

## Wanted.

TO BUY A SECOND-HAND HORSE. I want a good, sound, and a second-hand one. C. N. SMITH, 2nd Ward School-house. Two Blocks South 2nd Ward School-house.

## ESTRAY NOTICE.

I HAVE IN MY POSSESSION: One gray Mare, five years old, branded on the right thigh, and left on the right shoulder.

One bay roan Horse colt, three years old, branded on the left side.

One brown Horse colt, two years old, white on the face, branded on the left side.

If not claimed within ten days from date, will be sold to the highest bidder, on Monday the 5th day of June, 1893, at the Estey Foundry, Springfield, Utah, County, U. S. May 26, 1893.

WM. MENDENHALL, District Poundkeeper.

## ESTRAY NOTICE.

I HAVE IN MY POSSESSION: One red COW, white under belly, about four years old, all in each ear, no brands visible. If not claimed on or before Saturday, May 27th, 1893, will be sold at public auction at the Estey Foundry on the 5th day of June, 1893.

JAMES SCHOW, District Poundkeeper.

## ESTRAY NOTICE.

I HAVE IN MY POSSESSION: One black COW, about six years old, crop, with two white in right ear; branded (O) on left hip.

One blue roan COW, 7 or 8 years old, both horns broken off; crop and under half crop; right ear, crop and under half crop; and hole in ear; branded on the left hip (O) with a half circle on lower end of it, has a calf.

One brindle 6 or 8 year old COW, white under belly and in hind, all in left ear, under half crop in right, branded (O) on left hip, has a calf.

If the above animals are not claimed on or before June 5th, 1893, they will be sold at auction according to law at the Estey Foundry in Salt Lake City, on June 5th, 1893.

W. L. THOMPSON, District Poundkeeper.

## NOTICE TO CREDITORS.

ESTATE OF RICHARD V. MORRIS, DECEASED.

NOTICE IS HEREBY GIVEN BY THE undersigned Executor of the estate of Richard V. Morris, deceased, to the creditors 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 Executors at the Utah Central Railway in Salt Lake City, in the County of Salt Lake, in the State of Utah.

RICHARD MORRIS, Executor of the last will and testament of Richard V. Morris, deceased.

Dated at Salt Lake City, April 27, 1893. 4125 41 1w

## NOTICE TO CREDITORS.

ESTATE OF STEPHEN FOPE, DECEASED.

NOTICE IS HEREBY GIVEN BY THE undersigned Administrators of the Estate of Stephen Fope, deceased, to the creditors 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 Executors at the Utah Central Railway in Salt Lake City, in the County of Salt Lake, in the State of Utah.

THOMAS MCKRAN, Administrators of the Estate of Stephen Fope, deceased.

Dated Salt Lake City, April 27, 1893. 4125 41 1w

## NOTICE TO CREDITORS.

ESTATE OF BRANA SHINGLETON, DECEASED.

NOTICE IS HEREBY GIVEN BY THE undersigned, Executors of the last will and Testament of Brana Shingleton, deceased, to the creditors 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 Executors at the Utah Central Railway in Salt Lake City, in the County of Salt Lake, in the State of Utah.

CATHERINE MITCHELL, Executors of the last will and Testament of Brana Shingleton, deceased.

Dated at Salt Lake City, May 10th, 1893. 4125 41 1w

## FOR SALE.

A GOOD NEW MILCH COW. Apply to T. E. TAYLOR. This Office.

## NOTICE.

NOTICE IS HEREBY GIVEN, THAT A Cashier's Check, No. 2511, issued by the Deseret National Bank of Salt Lake City, April 22nd, 1893, for \$200.00, favor of Oron A. Dalton, has been lost or destroyed and payment thereon stopped. Oron A. DALTON. 4125 1w

## NOTICE.

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

Before the Hon. Elias Smith, Judge.

IN THE MATTER OF THE ESTATE OF JOHN HICKETT, DECEASED.

AND IN THE MATTER OF THE ESTATE OF WILLIAM CLAYTON, DECEASED.

WILLIAM GRIFPIN, EXECUTOR OF the will of John Hickett, deceased, having the day of this Court setting forth that he as such executor has a claim against the estate of William Clayton, deceased, secured by a mortgage, and praying for an order of this Court directing J. M. Lyman, administrator of the estate of Wm. Clayton, deceased, to sell the real estate described in the petition, for the purpose therein mentioned.

It is therefore ordered by the said Court that all persons interested in the estate of William Clayton, deceased, appear before this Court on the 25th day of May, 1893, at 10 o'clock a. m., at the Court House in said County, to show cause, if any there be, why an order should not be made, directing J. M. Lyman, as administrator of the estate of Wm. Clayton, deceased, to sell the real estate described in the petition, for the purpose therein mentioned.

The east half of the southeast quarter of section 15 in township 42 south range 10 west, Salt Lake meridian, that being the property described in the petition.

It is further ordered that Nephi W. Clayton be appointed guardian of the estate for all the minor heirs to the estate of William Clayton.

And that a copy of this order be published in the Deseret News for at least ten successive issues before the said 25th day of May, A. D. 1893.

And that a citation issue to the said F. M. Lyman, citing him to appear in this Court on the 25th day of May, 1893, at 10 o'clock a. m., to show cause, if any there be, why the order of said Court in the matter of the Estate of William Clayton, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 15th day of May, A. D. 1893.

E. SMITH, Judge of Probate.

## THE HEAVIEST AND HANDSOMEST COOK STOVE IN THE WORLD!

Combining every modern improvement with many entirely new and distinctive features.

## TINWARE, GRANITE IRONWARE, ETC.

Extras for the "EVERLASTING" and "TARGET" on hand.

## P. W. MADSEN & CO.,

OPPOSITE HOOPER & ELDREDGE BLOCK.

## D. C. YOUNG,

CIVIL ENGINEER & ARCHITECT.

Drafting, Etc.

## WOOD ENGRAVING A SPECIALTY.

## KIRKS STANDARD SOAPS

ESTABLISHED 1839.

Annual Production over 50,000,000 lbs.

## NEEDHAM & SPRINGER.

DEALERS IN

## DRY GOODS.

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