EVENING NEWS

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CHARLES W. PENROSE, EDITOR.

Friday, - October 3, 1884.

JUDGE ZANE BLUNDERS AGAIN.

THE case of Rudger Clawson, who was indicted by the grand jury of the Third Judicial District in April last for polygamy, under the Edmunds law, is now before the Court. The attorney for defendant, F. S. Richards, Esq., moved yesterday to quash the indictment on the ground that the grand jury which found the indictment was illegal. A brief report of his able argument in support of the motion will be found in another column. The prosecution depended chiefly for answer to this argument on a decision of a California Court, to the effect that no challenges could be interposed to a grand jury except such as are named in the statute providing for such challenges. That as the Utah law is taken from the California code, it is therefore subject to the same limitations and the ruling of that Court applies here.

But, as was shown by Mr. Richards, the situation is different in Utah from that in California. The Legislature of Utah stands in a different position to that of a State Legislature. Congress assumes to legislate for the Territories, and in addition to the Utah law in relation to juries, there is the Poland law enacted by Congress. Now over anything that is regulated by the Poland law, the Utah statutes cannot prevail either by excess or limitation. The Congressional law is paramount, the local law subordinate. Therefore challenges to a grand jury may be interposed if it has not been impaneled as the Congressional law requires, even if the Utah statute providing for and limiting such challenges does not cover the ground of the Poland law.

For instance, the law of Congress requires two hundred names to be placed in the box, half of which shall be selected by the Probate Judge and the other half by the Clerk of the District Court, and the Utah statute provides that:

"A challenge to the panel may be interposed for one or more of the following causes only: 1. That the requisite number of ballots was not drawn from the jury box; 2. The notice of the drawing of the grand jury was not given in the manner provided by law; 3. That the drawing was not had in presence of the officers designated by law." (Act on Criminal Procedure, sec. 119, Laws of Utah, 1878.)

But suppose the names put in the box were not selected as required by the Poland law. Would not the jury made up from the persons thus unlawfully selected be an illegal jury? And would the limitation of the local law to the three causes of challenge given above preclude a challenge against the unlawful selection? Clearly not, since the statute providing for such selection is a law of the United States, while the statute limiting challenges so as not to cover the ground is but a law of this Territory. A jury, then, may be challenged if not drawn and impanneled according to a law of the United States, even though the ground of challenge is not included in the local law in relation to challenges. If not, there is no remedy for juries selected by fraud. But there is a remedy, and that is found in Sec. 185 of the Criminal Procedure Act, which provides that the indictment must be set aside, upon motion of the defendant, among other reasons, "Where it is not found, indorsed and presented as prescribed in this Act;" and "this Act" requires it to be found by a grand jury of "fifteen eligible male citizens of the United States, *selected, summoned and impanelled according to law.* If it is not selected according to law it is illegal, and "must be set aside by the Court" on motion of defendant.

The ruling of the Court on the motion to quash the indictment will be found in full in another part of this paper. It does not touch on the question explained above; for some reason the Court avoided this issue. We will draw attention, however, to some points in His Honor's Opinion which we consider fatal defects in his argument. In quoting from the Edmunds law relating to challenges to jurors, Judge Zane in one place omits a very important clause. The wording of the law, as may be seen from the section which he gives in full in another place, is as follows: "In any prosecution for bigamy, polygamy or unlawful cohabitation *under any statute of the United States*, it shall be a lawful cause of challenge, etc." The Judge claims that this covers a grand jury as well as a trial jury. But in that portion of his argument on this point he conveniently leaves out of his quotation the words we give in italics. A grand jury acts entirely under the laws of the Territory. It is *selected* and *drawn* under a law of Congress, but when impanneled it is governed entirely by the local statutes. Therefore the clause "under the laws of the United States" had to be omitted from the Judge's argument or it would have spoiled all his reasoning. It is only in a "prosecution" under the "laws of the United States" that a juror may be challenged as to his belief in bigamy, polygamy or unlawful cohabitation; and supposing that a prosecution commences with the proceedings of a grand jury, as the judge contends, seeing that they act entirely under the local law and not the laws of Congress, his argument falls to the ground.

The question as to when a prosecution commences is very important. In order to make the section of the Edmunds law providing for challenges in the impanneling of a jury, cover the ground of a grand jury as well as a trial jury, His Honor strains a little the meaning of the term "prosecution." It is generally understood that there can be no prosecution in a District Court until an indictment is found. The beginning of a prosecution is the indictment. And the proof of this lies in the fact that unless a "true bill" is found no one is proceeded against. No witnesses for the defense appear before the grand jury; that body simply inquires into allegations to see if there is sufficient ground for a prosecution. If there is not, there is no presentment and consequently no prosecution. The prosecution therefore commences with the indictment.

His Honor says the prosecution begins when the grand jury subpœnas witnesses and commences to examine them. As we have shown, this is not in the nature of a prosecution, but granting his position, where does it place him in the argument? It lays him flat on the floor. For the point in dispute is the right to challenge a juror on his belief in polygamy, etc. This is only lawful in a prosecution for bigamy, polygamy or unlawful cohabitation, and the Judge says the prosecution is commenced when the grand jury subpœnas witnesses; there force the challenging of a grand juror before the grand jury is impaneled, is before the investigation commences, and before there is any prosecution, and consequently by his own argument is unlawful. There was never a more complete case of giving away an argument than this.

Again. His Honor says the object of the law was "to provide an impartial jury by which to try polygamy cases." Correct. And for this purpose it was so arranged under the Poland law that juries should be composed equally of "Mormons" and non-"Mormons." But is a jury anything like impartial when it is made up entirely of persons prejudiced from the beginning against the accused? What kind of impartiality is there in a process that packs a grand jury with persons embittered against a class of citizens, for the purpose of finding indictments against them on frivolous pretences, and then packs a trial jury with the enemies of those indicted, in order to convict them on slender evidence. Is it not a fact, known to the Court as well as to the public, that a bitter prejudice exists against the "Mormons" among the class from which this packing system selects both grand and petit jurors to indict and try them? To secure an "impartial jury," then, His Honor sustains a method by which the enemies of the accused shall say whether he is to be prosecuted or not, and by which his enemies shall also try him, if indicted. A new way to provide an "impartial jury."

It should be observed that Judge Zane's argument in regard to a juror's belief concerning murder, etc., applies to trial juries only. Who ever heard of a grand juror being challenged as to his belief in reference to such crimes? There is always a difference made between grand jurors and petit jurors in the matter of challenges, and that which may be proper for the latter may be improper for the former. Again. It is mere presumption to say that a juror who believes that polygamy is a command of God will not indict one who practices polygamy and violates the law of the land. Belief in the rightfulness of a principle is one thing, violating an oath to judge according to evidence is another thing. One does not pre-suppose the other. A "Mormon" may think it right before God for a man, under some circumstances, to have more than one wife at the same time, and yet, being sworn to find according to a human law and the evidence, he would be bound before God and man to bring an indictment or find a verdict according to his oath. If the Judge cannot see this we are sorry for his mental blindness; if he does see it, we are sorry for his argument, or rather assumption.

His Honor carefully avoids a very important objection raised by Mr. Richards in regard to impartiality in the grand jury which indicted Rudger Clawson. It was shown that while "Mormon" jurors were challenged as to their belief in the rightfulness of certain things "in the marriage relation" and rejected on their answers, non-"Mormon" jurors were not questioned as to their belief in or practice of cohabitation with more than one woman outside of "the marriage relation." This was an individious distinction not at all likely to aid in procuring an "impartial jury." Why did not the Judge pass on that question? The Prosecuting Attorney claimed that he had the right to put questions to some grand jurors and to refrain from putting them to others, just as he chose. In other words, to pick out just such persons as he wanted to indict "Mormons" and exclude all others. Is this what Judge Zane would call "providing for an impartial grand jury?"

This ruling will be passed upon by a higher court. It is to be hoped that it that it will receive due consideration and that if the decision should be sustained, some more cogent reasons will be found for its support than those offered by Judge Zane, which, as we have pointed out, are exceedingly weak and in some instances prove the reverse of his conclusion. His Honor may improve on acquaintance, but the two important opinions he has delivered on the jury question do not comport with the reputation for legal ability which preceded his advent to Utah.

THE RUDGER CLAWSON CASE.

JUDGE ZANE'S RULING.

The arguments made before Chief Justice Zane yesterday on the motion of F. S. Richards, Esq., to quash the indictment found against Rudger Clawson for polygamy, on the ground that the grand jury which found the indictment was an illegally constituted one, were listened to by a full representation of the bar of the city and by many other auditors. The public are doubtless acquainted with the circumstances attending the empanelling of that jury, and will remember that of the thirty names drawn in compliance with the provisions of the Poland bill, five were excused as not having the necessary statutory qualifications. It will not have been forgotten that of the remaining twenty-five, fifteen were "Mormons" and ten non-"Mormons," and that all the former were challenged and excused because they answered the following questions in the affirmative, whereas their non-"Mormon colleagues were spared the necessity of replying to them at all:

"Do you believe the doctrines and tenets of the Mormon church?"

"Do you believe in the doctrine of plural marriage, as taught by the Mormon church?"

"Do you believe it is right for a man to have more than one undivorced wife living at the same time?"

The vacancies thus created were filled up with those known to be non-"Mormons," and it was this peculiarly constituted jury which found the indictment against Mr. Clawson.

Mr. Richards took the ground that this grand jury was not one specially constituted to seek out polygamy cases, but was formed for the purpose of inquiring into all kinds of offenses against the laws of the United States. The statute known as the Poland bill was moreover plain in its provision that both parties in this Territory should be represented in the jury box, and there was therefore no cause for excluding the fifteen "Mormon" jurors from the panel if they possessed the qualifications required, which it was conceded they did. Nor does Section 5 of the Edmunds Act, which provides "that in any prosecution for bigamy, polygamy or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juror or talesman * * * that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman precludes "Mormons" from the right to sit on a grand jury, where all kinds of indictments are to be found, its plain meaning being that in certain trial juries, after the indictment has been found, persons entertaining a certain belief may be excluded. The empanelling of a grand jury is not a prosecution for polygamy or bigamy any more than for murder or burglary; but if the "Mormons" could be asked certain questions and excused on making an affirmative answer to them, the non-"Mormons" should have been asked the same questions. The latter were not asked if they believed it right to cohabit with more than one woman, which was as much a disqualification as belief in polygamy, and there was manifest all the way through a disposition to create such a jury as was not provided for by law. Mr. Richards contended that a person suspected of crime had rights before the law which would shield him from baseless and vexatious indictments, where the latter were illegally found, as much as from conviction by a packed jury.

At the conclusion of his argument the court took a recess, and on re-assembling at two p.m. listened to the reply of C. S. Varian, Esq., Assistant Prosecuting Attorney, who argued that the provisions of the Edmunds bill in regard to the qualifications of jurors on polygamy cases, were applicable to grand jurors as well, and hence that this grand jury was a legal one. He declared that the point made by defendant's attorney that the "Mormon" members had been asked certain questions regarding cohabitation which had not been put to the non-"Mormons," had no weight, from the fact that this was a matter purely optional with the prosecuting attorney. He cited authorities to show that the only ground defendant could have for his motion would be in proving that the requisite number of ballots was not drawn from the jury box, and that the notice of the drawing was not given in the manner provided by law, and that the drawing was not had in the presence of officers designed by law; but that these steps having been regular and fully complied with, there was no legal standing for the motion to quash the indictment by reason of the illegal nature of the empanelling of the jury.

Mr. Richards, in his closing argument, showed that the authorities quoted by Mr. Varian were not applicable to the state of affairs in this Territory, where there were two legislative bodies, the Congress of the United States and the Territorial Legislature, and referred at some length to the jury system which obtains here, and to its history from the beginning, making a strong and concise argument in support of his motion.

The matter was taken under advisement until 10 o'clock this morning, at which hour, in the presence of a full bar, the following was rendered by Chief Justice Zane as his

DECISION.

This is an indictment for polygamy and the objection to the indictment is that the grand jury was not a legally constituted grand jury and the reason, as I understand—the substantial reason is that certain grand jurors were excused illegally and certain others were placed on the grand jury in consequence, that ought not to have been there. It appears from the statement of facts pleaded to by the attorneys for the prosecution and for the defendant that the grand jury was first selected in pursuance of section 4 of the Act of Congress approved, I think, June 23d, 1874. In brief, there were at first thirty grand jurors selected in the mode prescribed by the statute. I do not understand that there is any objection to that; but twenty-five of them were illegal grand jurors, unless these challenges that were interposed were wrongful. The grand jurors excused, fifteen of them I believe, were asked these questions:

Do you believe in the doctrines and tenets of the Mormon Church?

Do you believe in the doctrine of plural marriage as taught by the Mormon Church?

Do you believe it is right for a man to have more than one undivorced wife living at the same time?

And each of these grand jurors answered these questions in the affirmative and was excused, and other jurors were selected in the following mode as provided in section four:

If during any term of the district court any additional grand or petit jurors may be necessary, the same shall be drawn from the said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner.

These were, after the fifteen were excused, the additional jurors selected in the mode prescribed. So it resolved at last into the question whether the act of Congress—so much of it as is applied in this case which is found in the Revised Statute book, section 1039, and this statute of the United States passed at the first session of the general Congress in 1882 shall hold. The statute describes first the crime of polygamy, and without reading a description of that crime, because it is well understood, it imposes a punishment on persons guilty of it by a fine of not more than $500 and imprisonment for a term of not more than five years, and further provides that:

Sec. 3. That if any male person in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

And then Section 5 provides:

Sec. 5. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, first, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections, or by section fifty-three hundred and fifty-two of the Revised Statutes of the United States, or the act of July first, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah," or, second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman; and any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections one or three of this act; but if he declines to answer on any ground, he shall be rejected as incompetent.

That is the whole of section five. Now the question is, whether this section applies to a grand jury or simply to a petit jury. The language is:

That in any prosecution for bigamy, polygamy, or unlawful cohabitation, etc.

The term prosecution, it is insisted, should be limited here to a trial jury, and not to a grand jury. It will be seen that the language expressed in this section is:

Any person appearing or offered as a juror or talesman.

The term juryman is used in its general sense without qualifying by reference to a grand jury or to a trial jury, except so far as the last term, which says, "or talesman;" it is not qualified—the term jury or juror—it is used in its general sense, and the term prosecution is not in it.

In any prosecution for bigamy, polygamy, or unlawful cohabitation, etc.

The prosecution of the defendant may be said to commence when the process of the court, according to methods provided by law, is commenced to be used against him. When is that? It is when the grand jury commences to investigate his case by subpœnaing witnesses and examining them against him. Without that proceeding there is no such thing as a prosecution of a crime under the laws of this Territory in this Court except as minor misdemeanors may be brought by appeal; but for a crime such as is described here, there can be no prosecution without the proceeding before the grand jury, it is a necessary part of the prosecution, and the term should be held here to mean the whole method from the beginning to the end, which results in the conviction of the defendant or of any defendant.

Now, if there is any question as to the meaning of a statute—if it is susceptible to two meanings—it is always proper to refer to the reason for the law—to the wrong which it is intended to remedy. What was it? The intention of Congress was to provide an impartial jury by which to try polygamy cases; there can be no question about that; and it is as important—quite as much probably to the defendant—well, not quite so much, though, to the defendant; but it is of the highest importance at least, that an impartial grand jury shall act upon each case, the case of each party that is charged with crime; it certainly is of the highest importance that an impartial jury shall act in each case. It is of great importance to the party indicted if he is innocent. A partial grand jury might indict an innocent man; because they will act upon their prejudices rather than the evidence; I do not say all men do, some men are able to lay aside their prejudices; but it is important to the State and to the people to have an impartial grand jury, because it would be a wrong to have an innocent man indicted, and it would be a wrong, also, against the public to permit a guilty man to go unpunished when there is evidence sufficient to convict him. That is the method which the people of the United States, through the government which they have provided, have adopted for the protection of society—the punishment of such conduct as they deem to be injurious to society; they have adopted this method of prohibiting and preventing what they have determined is injurious to society as a crime. And the reason for this law is, as I suppose, based on this presumption: that a man who believes it is right to commit the crime which he is called upon to try, cannot be an impartial juror in the trial of that man. He should not be influenced by such a motive as that. If a man believes, for instance—a man called as a juror to try a man for murder—if he believes the man was right in committing the murder, he is not a competent juror, because he will be influenced by that belief. Or if a man is charged with robbery—if a juror who tries him believes it was right for the man to commit the robbery, he is not a fit man to try that man; neither is he in a case of bigamy or polygamy. If a man believes that it is right to practice polygamy, in a polygamy case he cannot be an impartial juror according to all human experience, according to human nature as it exists; he cannot possibly be an impartial juror in a trial of that kind, because the conviction is with him that the man is right in practicing polygamy. Notwithstanding all human laws to the contrary. If he believes polygamy is a command, that it is a law proclaimed by the Almighty—it makes no difference how many human laws are passed, he will still believe that polygamy is right, because he thinks there is a higher law governing him.

Now, the Congress of the United States intended to exclude this class of men from participation in the duties of jurors, from acting either as grand jurors or petit jurors. And this is based upon the principle I have stated. That is the reason, I suppose, for this law—the reason it was passed.

Now, to construe this law simply to apply to the petit jury, and not to the grand jury would certainly defeat the purpose of the law, and, in my judgment, would be contrary to the letter as well. I am of the opinion that the letter and spirit of this law both agree.

I am therefore of the opinion that these jurors by their answers were properly excluded; could not have been otherwise under this law without disregarding it.

Other matters were discussed in the discussion of this question; but I think this view of the case will dispose of them. The motion to set aside the indictment, is, therefore, overruled.

Mr. F. S. Richards asked that the court note an exception to the ruling, which was done.

This decision was scarcely unexpected, after the late series of astonishing judgments and rulings which have emanated from the same high judicial source. No one who remembered his Honor's order in the open *venire* matter last week could indulge the hope for a moment that he would look upon the grand jury which found the Clawson indictment as in any way imperfect.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

FOREIGN.

LATEST TRANS-ATLANTIC DISPATCHES.

Berber Bombarded and Taken by Gordon.

LONDON, 3.—Sir Evelyn Baring sent a dispatch to the government that Gordon, after having bombarded Berber for some time, effected an entry into the place and recaptured it. The Rebels and hostile inhabitants fled, when the bombardment ceased.

Cairo, 3.—The recall of Gen. Wolseley is denied by official authority. The Khedive received a telegram informing him that Berber had been recaptured from the Rebels.

Horrible Hurricane on the Coast of Iceland—Sixty Vessels Lost and 32 Disabled.

LONDON, 3.—Intelligence has just been received of a terrible, disastrous hurricane in Iceland, on the 11th of September. Accounts thus far received show that 19 trading vessels and 60 fishing boats were lost and 32 vessels disabled. The most appalling feature of the hurricane was the loss of life. The exact number of those who perished has not been ascertained, but is known to be very great.

THE floral decorations on the Sacramental stand in the Tabernacle, designed and constructed by George Hamlin, for the funeral services of the murdered Elders W. S. Berry and John H. Gibbs appeared so pretty and unique, that I photographed the same, and to perpetuate the memory of the above Elders, I thought that the portraits of these martyrs would be considered in their place enwreathed in this floral emblem. Consequently I applied to Mrs. W. S. Berry, of Kannarra, Iron County, and Mrs. J. H. Gibbs, of Paradise, Cache County, for the portraits of their husbands, which they kindly responded to by sending. The portrait of W. S. Berry that I copied from was found in his pocket at the time of his death. That of J. H. Gibbs was photographed with Elder W. H. Jones, the missionary that escaped. These photographs are now on sale at my gallery, corner of Third South Street and Main, or they can be mailed to any address at the following prices, viz.: 8 x 10, 50 cents; cabinet or stereoscopic, 25 cents; album size, 15 cents; good in postage stamps.

Agents wanted in every settlement. By forming clubs you can get them at a reduced rate.

C. W. CARTER, Photographer.
Third South, corner of Main.
d s&w

STRAY PIGS.

THREE PIGS STRAYED INTO MY premises, 2 blocks west of 17th Ward School House, which the owner can have by paying expenses and taking them away.
FREDERICK HILLS, 19th Ward.

STRAYED OR STOLEN.

FROM MY PLACE IN THE 21st WARD, a Black Mare MULE, branded R W on left neck and shoulder, a little lame on left front foot.
A suitable reward will be given for any information sent to
RALPH SNOWBALL, 21st Ward.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One roan horse — years old, and poor in flesh; branded on right thigh with a diamond and blotch inside of same.

If said animal be not claimed or taken away on or before Tuesday, Oct. 14th, 1884, will be sold at auction in the city estray pound Washington Square, Salt Lake City, to the highest responsible bidder, at 2 p.m.

JAMES SHELMERDINE,
City Estray Poundkeeper.
Salt Lake City, Oct. 3d, 1884.

NOTICE.

A GENERAL MEETING OF THE stockholders of Zion's Co-operative Mercantile Institution will be held in the Social Hall, in this city, on Saturday, October 4th, 1884, at 2 p. m., for the election of Officers and Directors for the ensuing year, and for the transaction of such other business as may be brought before the meeting.

T. G. WEBBER,
Sec'y and Treas.
Salt Lake City, Sept. 27th, 1884. dlw

A CARD TO THE PUBLIC.

MRS. ALLSWORTH BEGS TO INFORM the public that in consequence of the death of her husband, the 16th Ward Store will hereafter be conducted under the firm name of Allsworth & Edgar, and hoping by strict attention to business to merit a continuance of the patronage of our many friends,

We remain Respectfully,
d ALLSWORTH & EDGAR.

NOTICE TO CREDITORS.

Estate of S. S. McIlhenny, Deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administrator of the Estate of S. S. McIlhenny, 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 administrator at his office, 77 A. E. Second South Street, Salt Lake City, in the County of Salt Lake.

Dated at Salt Lake City, Oct. 3, 1884.

THEUERBARRE, SHOW,
Administrator of the Estate of S. S. McIlhenny, deceased. d sew 6w

BANKS.

U. S. DEPOSITORY.

DESERET NATIONAL BANK,

SALT LAKE CITY.

PAID UP CAPITAL, - - $200,000
SURPLUS, - - 200,000

H. S. ELDREDGE, President.
WM. JENNINGS, Vice-Prest.
FERAMORZ LITTLE,
JOHN SHARP,
WM. W. RITER,
L. S. HILLS, Cashier,
JAS. T. LITTLE, Asst. Cashier. } DIRECTORS

RECEIVES DEPOSITS PAYABLE ON DEMAND.

Buys and Sells Exchange on New York, San Francisco, Chicago, St. Louis, Omaha, London, and principal Continental Cities.

Makes Collections, remitting proceeds promptly

TO RENT.

A NEW STABLE, SUITABLE FOR TWO Horses and Buggy, 2½ blocks east of Theatre. Enquire at No. 333 First South Street.

ASSIGNEE'S NOTICE.

ALL PERSONS INDEBTED TO GEO. W. Davis, are requested to settle with me immediately, or proceedings will be commenced to collect according to law.

DAVID JAMES, Assignee,
67 Main Street.

NOTICE TO CREDITORS.

Estate of David O. Calder, deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Executors of the Will of David O. Calder, 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 Executors at the store of David O. Calder, 45 and 47 First South Street, Salt Lake City, in the County of Salt Lake.

Dated at Salt Lake City, Sept. 27th, 1884.

SAMES SHARP,
JOS. E. TAYLOR,
DAVID G. CALDER,
Executors of the Will of David O. Calder deceased. d26

CANAL COMPANY.

Election Notice.

THE STOCKHOLDERS OF THE UTAH & Salt Lake Canal Company will take notice that in pursuance of Article XI of the Articles of Incorporation of said company, a meeting of the stockholders is hereby called to convene at the company's office Salt Lake City, on Saturday, the 4th day of October, A. D. 1884, at 12 o'clock m. for the purpose of electing a board of seven trustees, a secretary and a treasurer for the ensuing two years, and to transact such other business as may be brought before said meeting in the interest of the company.

D. BOCKHOLT, Secretary.
Salt Lake City, Sept. 18, 1884.