

THE EVENING NEWS.

GEORGE Q. CANNON,
BRIGHAM YOUNG,
REYNOLDS AND PUBLISHERS.

Tuesday, April 23, 1879.

THE INFAMOUS PROCEEDINGS AGAINST DR. CLINTON.

YESTERDAY was the day set for the trial of Dr. Jeter Clinton, indicted for the murder of John Banks. The crime was alleged to have been committed June 15th, 1862. It was one of the Morriste cases. The particulars of that affair were made familiar to the public by the Burton trial. After the surrender of the Morristes to the posse under Gen. R. T. Burton, Banks, who was mortally wounded at the time that Morris was killed, was taken with other prisoners to the Burton camp, close by, and was walked upon by Dr. Clinton, surgeon for the posse. During the night he died from his wounds. Some of the Morristes started the rumor that he had received foul play from the Doctor, and on this senseless and unfounded notion, without a particle of real evidence, he was indicted for willful murder, the indictment specifying that he stabbed Banks with a knife in the neck, or in the shoulder.

After the indictment had hung over him for many months he was suddenly arrested at his residence at Lake Point, brought to this city and hurried off to the penitentiary, where he was shackled and confined in an iron barred cage, called the "sweat box." Here, though in very feeble health, he was exposed to a south wind which blew the dust over his person, and was thence removed to a room with the roof sloping to the south, the average height of which was only six feet, and which had no ceiling and no covering but the shingles. This was in the month of July, 1877, a time of most intense heat. Dr. Clinton was suffering from neuralgia and disease of the kidneys. His bedding was of the most filthy description, and his friends for a time were prevented from furnishing him with useful medicine. His manacles rendered it impossible for him to undress himself. The District Attorney, the notorious Howard, refused consent that he should be admitted to bail, although the Court intimated that it would be proper. At the intercession of his friends Dr. Clinton was removed from the penitentiary to the county jail, and when the case came up for trial, the prosecution not being ready, he was released under bonds for his appearance.

Yesterday, when the case was to have been brought up for trial the District Attorney presented the following, which was placed on file:

The People, etc., } Indicted
vs. } for murder.
Jeter Clinton, }

Now comes Philip T. Van Zile, United States District Attorney for Utah Territory, and filed with said Court the following as reasons for dismissing said above entitled cause, to wit: That he has made a careful examination of the proofs for the prosecution, and is convinced that he would not be able to succeed in convicting the defendant.

PHILIP T. VAN ZILE,
United States District Attorney.

Dr. Clinton demanded a jury trial, but this was not granted. The case was accordingly dismissed. It ought never to have been instituted. It would not have been if Dr. Clinton had not been a "Mormon." More than that, if anti-"Mormon" rumor had not credited Dr. Clinton with a knowledge of supposed secrets affecting other influential "Mormons," he would not have been subjected to the infamous treatment he suffered at the penitentiary. While placed in the position described above, the U. S. Marshal twice took him out in a buggy and offered to him inducements to reveal the "secrets" of which it was vainly imagined he was in possession. It was openly said in this city that Clinton was to be "squeezed" until he would "squeal."

Dr. Clinton subsequently entered suit for damages against the U. S. Marshal, but of course he received no recompense, although the confinement in the penitentiary, to say nothing of the villainous treatment he received there, was clearly illegal. The statutes provide that persons charged with crime and committed for trial, when imprisoned shall be detained in the county jail. Dr. Clinton's alleged offense was against the laws of the Territory; but even if it had been against the laws of the United States he might have been held in the county jail, as may be seen from the Compiled Laws of Utah, sections 2362-4.

The whole proceedings in the prosecution of men acting under the orders of the Court in the Morriste trouble, were absurd as well as shameful. Everybody now acquits Gen. Burton of any wrongdoing in connection with the matter, and sympathizes with him in the trouble and expense which were entailed in his defense. But if the case against him was groundless, as has been abundantly proven, what shall be said of that against Dr. Clinton? Based only on senseless rumor, and prompted simply by inexcusable prejudice, it was an outrage of the grossest character. And when the indignities and cruelties to which the defendant was subjected without any chance of redress are properly considered, indignation is a poor word to express the feeling that is naturally aroused against those who prompted and assisted in the infamy.

Dr. Clinton is now freed from the shadow of the charge trumped up against him. But where is his compensation for the trouble, expense and suffering he has undergone? We take occasion to say that neither the present District Attorney nor Marshal are responsible for the treatment of Dr. Clinton. The indictment and imprisonment complained of occurred previous to their

time. But this shameful abuse of a respectable citizen, because he was a prominent "Mormon," should be placed on record as one more item on the long list of outrages perpetrated upon our people, through the bigotry, intolerance and persecuting spirit of our opponents, among whom, shameful to say, men paid out of the national treasury to officiate in the interests of law, justice and equity, have been among the bitterest and most unprincipled. The course taken by District Attorney Van Zile in this case is highly commendable. In what light does it show up the former officials who instigated and conducted the abominable proceedings against an innocent man?

REVERSE DECISION ON RAIL-ROAD LANDS.

MESSRS. WILLIAMS AND YOUNG, attorneys for the Union Pacific Railroad Company, received a telegram, to-day, from L. Burnham, Esq., of Omaha, Land Commissioner, of the Company, stating that the Supreme Court of the United States had, this morning, reversed the decision of Secretary Schurz in regard to railroad lands.

This is most important ruling and should be generally known and understood. It will be remembered that last summer the United States Land Commissioner, William Williamson rendered a decision in the case of Nelson Dymond vs. the Kansas Pacific Railroad Company, to the effect that all railroad lands which had not been disposed of by the companies to which they were granted, by the time specified in the Acts of Congress in relation thereto, were open to pre-emption by settlers under the land laws, at \$1.25 per acre, which amount when paid was to be retained by the Receiver and placed to the credit of the companies claiming the land. This decision was sustained and endorsed by the Secretary of the Interior, July 23, 1878, and was based upon a strict construction of the last clause of section 3 of the Act of Congress approved July 1, 1862, entitled, "An Act to aid in the construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean," which clause is in the following words:

"And all such lands so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company."

The railroad companies claimed that the lands in question had been disposed of by mortgage as security for bonds. But the Land Commissioner and Secretary of the Interior held the view that the land must be actually sold to a bona fide purchaser to fill the requirement of the law in relation to it, and that therefore the mortgages would not cover the ground.

Instructions were thereupon issued to the Registers and Receivers to accept declaratory statements of pre-emption from settlers on these lands, with rules and regulations governing such cases, in an official circular, a copy of which was published in this paper, and which contained the following list of railroads whose grants were subject to the Act of July 1, 1862, with the dates of their completion, three years after which their claim expired on unsold lands:

Union Pacific Railroad, completed July 15, 1868.
Kansas Pacific Railroad, completed October 19, 1872.
Denver Pacific Railroad, completed May 2, 1872.
St. Louis and Pacific Railroad, completed March 2, 1869.
Central Pacific Railroad, completed July 15, 1869.
Western Pacific Railroad, completed January 21, 1870.

The railroad companies, and particularly the Union Pacific, announced their intention to contest this decision in the courts, and so warned all persons who attempted to obtain possession of their land under its regulations. We took the same view of the matter as the Commissioner and the Secretary, who were each very positive of the correctness of their decision. We considered that a mortgage to secure payment of bonds was not a bona fide sale or disposition of the property as contemplated in the law, and endorsed the following argument by Secretary Schurz:

"It has been from the earliest history of this government one of the most important and beneficent principles governing its land policy, not to favor the creation of large estates, but to put the public lands at such rates, and in such quantities, within the easiest possible reach of the people, and to consider that the latter might acquire homes for themselves and their families, and thereby promote a healthy development of the agricultural resources of the country. This principle has evidently been kept in view by the law-making power when aiding the construction of national highways by extensive grants of land, and in accordance with it, it was wisely provided in this grant that unless the lands granted were sold by the companies within a reasonable time, they should be opened to actual settlement under the auspices of the Government of the United States, and under the provisions of the pre-emption law, so that they might be acquired and settled upon by persons of limited means, while the proceeds of such sales are to be turned over to the companies."

But an appeal to the Supreme Court has legally settled the question in the contrary. According to the telegram received, that judicial body has decided that "the land grant mortgage was a disposal of the lands in question, and that therefore they were not open to pre-emption." The great railroad companies are triumphant. The public are defeated. The soulless corporations still grasp the broad acres of the public domain, and can laugh at the meaning and intent of the law enacted to restrict them and give the poor settler a chance to acquire a home. The U. P. Company now announces its intention to "prosecute to the full extent all squatters who do not move at once from their lands." No matter what may be thought of the justice or logic of the decision, it proceeds from the court of last resort and is final. The poor

"squatter" must go, if he has followed the rulings of the Land Commissioner and Secretary of the Interior. Of course arrangements will be made for the return of any moneys that may have been paid into land offices for railroad lands, but this will be poor satisfaction to those who have commenced to build a home and have made improvements upon the soil they expected to call their own. Their only course now is to make as good terms as possible with the railroad companies. The singular decision of the Supreme Court should be circulated as widely as possible.

THE REYNOLDS CASE.

OUR readers are aware that a motion has been filed in the Supreme Court of the United States for a rehearing of the case of Bro. George Reynolds. There are many, however, who do not understand the status of the case. The Court has first to decide whether it will grant a rehearing, and if so on what points. But after this decision is reached, the grounds put forth why the case shall be heard again must be considered, and also the arguments of the other side against a rehearing. If the Court decides that the case shall not be opened, a remittitur will, in due time be sent to the Supreme Court of this Territory, officially announcing the decision of the higher court, and thence the necessary papers must be issued to the District Court, which will proceed to act upon the sentence. But if the Court of last resort decides to re-hear the case, a time will be set for the re-hearing, when counsel on both sides will present their arguments, with what results remain to be seen.

A Washington dispatch to a New York paper, on the 14th, says: "Notice was to-day given to the Attorney-General that he might file at any time before next Monday a printed brief in opposition to the pending motion for a re-argument of the case of the Utah polygamist, George Reynolds, against the United States, decided last winter. The only point which will be considered is the alleged error of the lower court in sentencing the prisoner to hard labor during imprisonment."

We hope the case will come up again before the Court, and that, in justice to this community who are all affected more or less by the decision, as much latitude as is consistent will be given to its reconsideration, for there are points in it which are of vital importance not only to the defense and the people whom in this case he represents, but, as will be seen in the sequel, to the whole nation and people of the United States.

BY TELEGRAPH.

THE WESTERN UNION TELEGRAPH LINE.

WESTERN.

The Disabled Steamer "Alaska" Heard From.

SAN FRANCISCO, 22.—The anxiety recently felt on account of the non-arrival of the Pacific Mail steamer Alaska, at Yokohama, for which post she sailed from here on March 6th, was dispelled last evening by news per brig Navitus, from Honolulu, of her arrival there on April 1st in a disabled condition, which post she sailed from here on March 6th, was dispelled last evening by news per brig Navitus, from Honolulu, of her arrival there on April 1st in a disabled condition, which post she sailed from here on March 6th, was dispelled last evening by news per brig Navitus, from Honolulu, of her arrival there on April 1st in a disabled condition.

THE "Great Republic" Disaster.

A Portland dispatch gives an additional list of the drowned by the Great Republic disaster, as follows: James McDevitt, sailor; Frank Malley, waiter; and Chris. Mont, sailor; all of whom were lost in the boat capsizing while leaving the ship for the island, on Sunday morning. Lots of freight and baggage have come ashore on the island and along the beach to Shoal Water Bay. Fishermen pirates broke open many trunks, but the island is now guarded by a force of marines from Corvino, and a detachment of soldiers. The pirates have been driven off and much valuable baggage has been reclaimed.

Correspondence.

20 BISHOP'S GROVE,
Ball's Pond Road,
London, March 28, 1879.

To Bro. Robert Campbell:

Dear Brother—According to my promise, I proceed to write you a few lines, though I am at a loss to know what should be written by a traveling Elder, to his quorum. But I can say one thing now which I could not when I last saw you, and that is that I know God lives and we are His children, and I know that by living the principles revealed to us through His servants, we may receive eternal life. I can further say that when I came out into the world, and saw the professions to believe in Jesus Christ, His Father and His holy word, as laid down in the Scriptures, I was astonished at the extreme unbelief of their hypocritical belief. But notwithstanding they have seen the gospel presented in all its purity and plainness, they prefer darkness rather than light, but we know they will not always be allowed to reject God's holy principles, and abuse His servants, as they have since the gospel was again restored to the earth.

Times are very dull here in England, everything is going wrong and getting worse, as our Elders have told them for years, and still they will not repent. The harvest is nearly over; we are gleaners, one here and one there, who are honest enough to accept salvation by obedience to the gospel.

To-morrow I start for Portsmouth to labor in that district; though it is up-hill work, we hope to accomplish some good, by the help of the Lord.

Please accept my best wishes for your health and the welfare of the quorum.

Give my kind love to Uncle Joseph and those with whom I am acquainted. Should be pleased to receive an answer from you.

Your brother in the gospel,
B. YOUNG, Jr.

AN OPEN LETTER.

When duty and pleasure unite, we feel happy, as I do at this moment in offering the gratitude of my heart to my friends, whose name is Legion, for their prompt and unbounded liberality in patronizing my little pamphlet, "Women of the Scriptures," 2,000 copies of which have been sold, by the unsleeping exertions of my friends in about seven months. The printing cost me 60 dollars, which I paid in a little over two months. A favorite axiom of one of our home missionaries is, "Action tells the tale," and my friends have demonstrated it to a charm. Mrs. E. B. Wells heading the list, and "the written word every day I turn the leaf to read it."

HANNAH T. KING.

THE PHYSICAL PARADOX.

It has been said that "the blood is the source of life." It is as truly the source of disease and death. No life, that is to say, no healthy tissue can be generated from impure blood, no organs of the body can normally perform its functions when supplied with impure blood. The fluid that should carry life and health to every part, carries only weakness and disease. Blood is the source of life, only when it is pure. If it has become diseased, it must be cleansed by proper medication, else every pulsation of the human heart sends a wave of disease through the system. To cleanse the blood of all impurities, use Dr. Pierce's Golden Medical Discovery and Pleasant Purgative Pellets, the most efficient alternative, tonic, and cathartic remedies yet discovered. They are especially efficient in scrofulous diseases.

DIRECTION OF SCHOOL TRUSTEES.

A MEETING of the qualified voters of the Seventh School District of Salt Lake City will be held in the Seventh Ward Assembly Rooms, on Monday, May 6th, at 7:30 p.m., for the election of Three School Trustees for the said district.

DAVID MCKENZIE,
Wm. McLAUGHLIN,
GEORGE C. LAMBERT,
Trustees.

TO YOU,

Dear Public,—
Who contemplates sending to the manufacturers for an organ or piano, believing that you can thereby get a bargain, I desire to say that, after you have ascertained the lowest price at which you can purchase the instrument you want, I will furnish it to you at from \$5 to \$20 less, and only require one-half of the amount down. This offer being for our mutual benefit, I hope to be honored with your esteemed orders.

Your most obedient Servant,
DAVID O. CALDER.

VALUABLE INFORMATION

To those interested, I wish to inform the Wool Growers that I am prepared to make arrangements for buying and will pay the highest market price in cash for Wool, Hides, Pelts, Tallow, Pure, &c., for which I pay liberal prices. Corner of South and East Temple Streets, Salt Lake City. E. B. CLAWSON.

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Box Shot open, Monday, April 21.

FIRE! REMOVAL FIRE!

ON Account of the FIRE this morning, the undersigned has removed temporarily to the store formerly occupied by the Singer Sewing Machine Co., one door East of Dinwoody's Furniture Store, First South Street, where he will be pleased to receive calls from his friends and the public generally.

GEO. CARLHES.

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