EVENING NEWS.

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CHARLES W. PENROSE, EDITOR.

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FIFTY CENTS A MONTH FOR LIFE.

O. J. H., THE cash collector of the fifty-cent League, is in trepidation lest the seeming success of its two hirelings in Washington should start the idea that the job is done, and thus check the flow of half-dollars into his hands as treasurer. So he is out with three-fourths of a column of League taffy for miners, the burden of which is, the monthly four-bits must be still forthcoming, as there will be lots of work to do, for the object of the League is "the overthrow of Mormonism as it exists and has existed." This, he says will be contested by the "Mormon" leaders "to the bitter end," and "it is probable that this generation will not witness the end" of the labors of the League. This means that half a dollar a month will be required for at least a generation of the foolish people who have been caught in the toils of the League collector of revenue.

O. J. H. makes the thing as easy as possible for the Loyal Leaguers, outside of steady contributions to the fund that he fingers for love of the cause, hatred of "Mormonism" and—a valuable consideration. He says they need not attend meetings; indeed, "meetings are not obligatory" at all. The obligations of the concern, he says, are simply these: "Enrollment and payment of dues." What could be easier? All you have to do is to enrol your name and pay your money. O. J. H. will take all you like to hand in, as treasurer, secretary, promoter, manipulator and grand centre of cash gravity. Your name and half a dollar to begin with, and fifty cents a month for a generation, make you a full-fledged Loyal Leaguer without further effort. Hollister will do the rest. He will save you the trouble of any thinking or other responsibility. Of course a "Mormon" who is suspected of acting on advice from others is a rebel and a slave; but a Leaguer who pays his monthly tax—just that and nothing more—is a "loyal" and "Liberal" freeman.

So, you half-dollar donators, don't imagine for a mement that there is to be any let-up to the fifty cent demand. For Hollister says: "No, the work we have before us is to enforce growth in a given direction, and growth regardless of time." The growth you see is to be "enforced." That is the proper term to use. Payment of half-dollars is to be enforced by the discharge of workmen in mines and smelters who will not submit to be bled for the benefit of Hollister's League. "Growth in a given direction" is to be "enforced" and the whole League business from beginning to end is a forcing process in the direction of half-dollars. And this is to be "regardless of time."

Therefore rattle in your half-dollars and let Hollister handle them; for, enrollment and payment o' dues are the signs of "manhood" an' "independence," of loyalty and leaguery, and you can make up your minds that this is a life tax, for the destruction of "Mormonism" which is indestructible is the ostensible object, and thus you will be pouring your cash stream into a bottomless hole. But then while Hollister is there to manage it who can doubt that "growth will be enforced in a given direction," even if that direction is the revenue that runs in the direction of Hollister?

ANOTHER CONSPICUOUS FAILURE.

THE grand jury of the First Judicial District has ignored the indictment against Joel Ricks, of Logan. Quite right. This is another of the numerous spite cases, sent up by the ignoramus Goodwin, which have utterly failed in everything but trouble to the falsely accused and fees to the deputies and the Commissioner.

It will be remembered that Mr. Ricks demanded an examination, contrary to the usual method before the Logan functionary, who favored "waiving," as by that means he could grab his fees and save trouble and an exhibition of his own ignorance of law and logic. When the prosecution had done its little utmost, no evidence having been adduced, the discharge of the defendant was demanded. But Goodwin, with that judicially pompous air of his, which he imagined was dignity, informed Mr. Ricks that if he could prove his innocence and would produce a witness that the prosecution wanted but could not find, he would be discharged, otherwise he would stand committed. That such a stupid, coarse and ridiculous numbskull is continued in the office of U. S. Commissioner in an important county like Cache, argues a terrible scarcity of non-"Mormon" material in the north, gross indifference to common decency on the part of the Territorial Supreme Court, and a deplorable lack of respect for its own authority on the part of the United States.

VARIAN'S VAGARIES.

THOSE who have taken the pains to read carefully the whole of Mr. Varian's voluminous argument in the Thompson case at Beaver, and have devoted sufficient time to the theme of the orator to form conclusions at all, must, if they read comprehensively, and reflected without prejudice, have concluded that there were a great many things conspicuous by their absence and a still greater array diminutive by their presence. As a whole, the speech (to call it an argument is to dignify it without sufficient cause) is strikingly suggestive of the effort of a police court lawyer who has read just enough of law to form superficial conclusions, and, having no comprehension of the philosophy of his matter or its fitness for the occasion, puts in his efforts wherever there is a place big enough to receive them.

The fact that as a prosecuting officer he struck his colors and went over to the opposition, would not amount to anything if the conditions otherwise had been proper. It is a circumstance which occurs but rarely, for the reason that the accused having a representative supposedly the peer of the people's attorney and whose duty it is to make the details and theory of his case his special care, the services of the one who prosecutes officially need not be drawn out in that direction but be confined to his own side of the case. Still, it is not only his right but his duty to take the interests of the *whole* people into consideration, and remember that hounding a prisoner to an unjust conviction is not what the better classes require at his hands; in short, he is not supposed to be the hero of a legal combat at the expense of suffering innocence, even though his calling be to prosecute. But was there such a state of affairs in the case of The People vs. Thompson, as justified Mr. Varian in forsaking his position in the proceeding to adopt that of the defense? We answer no, and mean no, because we are as sure we are right as we are certain that the gentleman referred to was wrong—wrong in law, wrong in fact, morally and logically wrong.

After stating that the case hinged upon a proposition of law, as to whether or not an officer armed with a warrant [and a Winchester rifle] had a right to take life in the furtherance and completion of his duty; and that he had devoted considerable time and study to the subject, Mr. Varian says that "this question involves, perhaps, the construction of the Federal law as it is exemplified in the statutes as well as the construction of the Territorial law in relation to kindred matters. I prefer in my discussion to consider the matter solely now in the light of the Federal law. As your honor is aware, there is no common law—criminal common law—known to the jurisprudence of the United States. There are no common law offenses. Our ancestors did not bring with them that portion of the body of the common law." This was a very artful commencement; it has the ring of fairness in it when considered *per se*; it is only when given its place in the chain which follows and considered as a link thereof that its fairness withers as you proceed, and finally disappears altogether. He would have it understood that the question involves a construction of the Federal law, likewise of the Territorial law—but later on the reader will have no difficulty in finding the place where he throws the latter overboard altogether, repudiates it as so much surplusage, words and sentences having a meaning but no actual force or effect. This would naturally give rise to the question as to the necessity of discussing it at such great length, or, for that matter, of discussing it at all. One has to go to the pages of current history and resort somewhat to immediate comparison to ascertain exactly what the attorney's meaning was, for, be assured, he *had* a meaning, and it was not the dramatic effect consequent upon a great forensic display altogether, either.

It is pretty well known that Mr. Varian is an adept in the matter of reversing himself when occasion requires such a performance. Those who do not know this can post themselves by looking over his record as an attorney in Salt Lake. We cite one instance: When certain officers of the city government, a mething over a year ago, took such steps as seemed to them available and effective to abolish the practice of prostitution in our midst, the first two or three of the cases brought against offenders were appealed to the District Court; here Mr. Varian, in his official capacity, again went over to the defense and moved to dismiss every one of the cases, alleging as his excuse that he would not believe the witnesses upon whose testimony the convictions were had in the court below, under oath; but shortly after, desiring to wreak vengeance upon the chief mover in the scheme against the prosecutor's friends, he concocted the scheme of having said mover indicted and prosecuted for conspiracy—to secure which, in both instances, he used the evidence of the very men he had previously stated to the Court were not fit to prosecute with! This will do for one instance, and serves to enlighten us to to why he used the Territorial Statute for a while and then threw it away like a loathsome thing—because it served his purpose to use it for a time, giving as it does authority to an officer to kill a fugitive when the punishment of the offense charged in the warrant would subject the offender to imprisonment in the penitentiary; and for the further reason that it gives his so-called argument the necessary veneering of all-sided consideration and comprehensiveness. Later on, when the necessary groundwork had been laid with its assistance and it was necessary to crown the work with a national crest, the statute could not figure and perforce had to go. The fact that this inconsistency was glaring must have occurred to himself when he thought it all over; but what of that? As in the instance cited, his purpose had been accomplished and stultification was an altogether inferior matter.

If the law of the United States controls—concerning which there is no dispute—if it is not only superior to but erasive of the local enactment on the same subject which we deny—the pleader should (have) planted himself upon it exclusively. Another reason would not do, this was because he all the time would have been to make most of his vapid rhetoric not even showy for the purpose. He says the common law is not recognized where the statutes define offenses, which is true; and that the government statute in relation to all things is supreme. Very well; the government law has (as he himself stated in a moment of thoughtlessness) set aside the common law rule which made polygamy and unlawful cohabitation capital crimes, and reduced them to the rank of mere misdemeanors, for the reason as given truly by himself again—that we are wiser, better and more merciful now than when the common law edict had full sway. Just so; yet Varian, while praising the civilization which has so ameliorated our condition as to reduce the pains and penalties attached to a violation of certain laws, shows how those who commit such violations have not changed an iota; how the offense itself has not changed—it is *only the name of the thing* that has undergone transformation! In other words, unlawful cohabitation in 1608 was a capital crime under the common law, and punishable with death; under the law of to-day it is a misdemeanor punishable with imprisonment, and fine—thanks to our enlarged hearts and expanded minds; but being as bad now as it ever was and practiced by as depraved men as of yore, we *call* it a misdemeanor, meaning thereby that we have advanced as relates to the title of the offense only, but reach the authors of such sin with the same punishment that was inflicted 200 years ago, thus practically still lingering in the dark ages—when it is necessary that a brutal deputy marshal be upheld in the slaughter of a man only *accused* of the lightest grade of offense known to the highest statutory law!

For a lawyer, it is absurd to discuss the subject of common law in the way Mr. Varian does it for the reason that he gives no satisfaction as to whether or not it is our reliance now or ever has been as a means of determining offenses not sufficiently explained otherwise. What is the common law, concerning which the prosecuting attorney speaks so flippantly? Is it or not a collection of precepts and practices evolved out of the necessary demands of people in different ages from the dawn of Christianity down to the era of printing presses and steam locomotion? If it is not the unwritten law, meaning by its very denomination that it has no origin, no special record and no peculiar application, what else is it? It is applicable where there is no other form of law, and where other forms prevail it passes into its proper sphere of a historical guide, an illuminator by precept only. It is in force where nothing more recent has been created, because, crude though it is, it contains essentially the requisite philosophy for our guidance and government. As soon as there is a statutory enactment by a competent body, upon a particular subject, the common law is no longer operative as relates to that subject; Mr. Varian said as much in substance, but in other places said so much the other way that one expression neutralized the other. Why couldn't he say that a law of Congress had completely rubbed out the common law making polygamy and unlawful cohabition felonies, and substituted as its own work all that we can now recognize as the law in relation to the legal measure of those offenses—the provision that they are misdemeanors purely, simply and uncontrovertibly? Was it not because to have done so would have been to fully represent the calling he is supposed to follow, by appearing as the People's advocate and demanding at the hands of the jury simple justice for the people? And, further, because the defendant was in jeopardy only for killing a "Mormon," and that to have been consistent there, would have been to be inconsistent with his inconsiderate, unconditional, unreasonable malignity toward everything and everybody wearing the name of "Mormon" here? It looks that way; he would rather let Thompson go, with twenty mortal murders on his crown if needs be, than jeopardize what he doubtless cherishes so dearly—his vindictiveness toward the people of Utah.

PASSAGE OF THE BILL.

GRAPHIC ACCOUNT OF THE MOMENTOUS OCCASION.

Our Correspondent an Eye Witness.

THE HOUSE OF REPRESENTATIVES A TEMPORARY BEAR GARDEN.

And Out of Confusion the Infamy Sprang.

WASHINGTON, Jan. 12, 1887.

The Edmunds-Tucker bill to-day passed the House. The judiciary committee on Monday were given two days for the consideration of bills which they might present to the House, and even in the assignment of time, Reed, of Maine, began rasping the willowy Tucker about the urgency of the Utah bill, and wanted an assurance that it would receive immediate attention. This Tucker could not give, stating that his committee would meet the day following, when an arrangement for the bringing forward of bills would be agreed to. It was decided that one demanding little if any consideration should first be called up, and then Tucker's substitute to

THE EDMUNDS BILL.

The result was that it obtained the floor about 12:45, and by a few minutes past one the discussion had commenced. When the reading of the bill was concluded, Mr. Tucker stated that two hours would be allowed each side for discussion, after which he would move the previous question. Mr. Long, of Massachusetts, stated that he desired to move to strike out the fifth section, and Mr. Collins, of the same State, said he also had about fifty amendments he wished to propose, but the discussion came on, not, however, until Mr. Bennett, of North Carolina, stated that, as a member of the judiciary committee, he accepted the beggarly time of two hours for opposing the bill as a whole, because he could not get more, notwithstanding the grave issues involved. Mr. E. B. Taylor, of Ohio, began the debate by delivering a short and very watery speech in favor of it. He was listened to with a measure of attention, for it was evident that this bill was exciting something more of attention than usual.

DELEGATE CAINE

then opposed the bill. He spoke for one hour and a half, being given the closest attention, the members crowding around him. His points told well and he pleaded, as he said, not alone for his constituents, but for himself as well, pledging his word and character that the evidence upon which the bill was based, was without foundation in fact. He showed the unconstitutionality of the provisions involved and quoted liberally from the speech of Randolph Tucker when, on March 13, 1882, he had vehemently condemned the very provisions he was now urging at this time as now part of the Edmunds bill, which was approved and made a law nine days later. He was applauded when he had concluded, and was congratulated generally. I believe this was Mr. Caine's maiden speech in the House and it will be found one which neither he nor the people of Utah need have reason to be ashamed of or to view with anything but pride.

MR. BENNETT,

of North Carolina, then took up the cudgel. He read extracts from reports of the Utah Commission in which they affirmed the success of the Edmunds law and the necessity for the lapse of time that the provisions of that enactment might have ample opportunity for working out the legitimate results. He also made quotations from the report of Governor West, all showing that this legislation was not at all needful. The points were conclusively telling, but to no avail. He then entered upon a discussion of the legal points involved and dealt sledge-hammer blows against the oily Tucker by quoting his words as Mr. Caine had also done, and provoked not a little laughter by his witty and biting sallies. Tucker was restless; he moved about, and when the half hour which remained to the opponents of the bill when Mr. Caine was through had been consumed, a member asked unanimous consent that Mr. Bennett be

ALLOWED TO PROCEED.

"Go on! Go on!" were heard in all directions.

Mr. Tucker—I will take the floor and yield the gentleman from North Carolina ten minutes of my time."

This remark was met with a storm of expressions of dissent. "No! No! No!" coming from all parts of the floor.

The Speaker put the question and said he heard no objection. It was then asked how much time was wanted, and again there was a general response "All he wants." And so Mr. Bennett proceeded for another half hour, still exciting laughter and challenging a contradiction of the points he laid down. He also was applauded at the close. He had converted an unfriendly House. Had the previous question then been put it would have been voted down, I believe the bill would have been defeated; but the arrangement was otherwise.

MR. TUCKER

took the floor. He yielded part of his time to Mr. Reed, of Maine. He argued to show that it was not polygamy alone which the bill was designed to correct, but that it was intended to make the Mormons disgorge. He admitted the charge which the friends of your people have persistently advanced, that plunder was the object. Mr. Bennett asserted he no more believed that the bill was a job, and clever as he is, Mr. Reed did but affirm it; the intelligent House, however, either could not detect such slight discrepancies or attached no importance to them. A great deal of both is doubtless the case. He charged the Mormons with usurpation of lands and the establishment of a governmental polity in direct opposition to the United States, and said, that, while he was indisposed to vote for the abolition of

FEMALE SUFFRAGE

he would prefer to do so rather than that this bill should be lost. He wanted Utah made so it could be admitted as a State. He had previously charged the Mormons with going to Salt Lake Valley and taking United States lands. Mr. Collins asked him—

"Is it not a fact that when the Mormons entered the Salt Lake Valley, the country belonged to Mexico? How then could they usurp the lands of the United States?"

Mr. Reed—Well, that does not make any difference.

Mr. Collins—It makes a decided difference in your statement.

Mr. Caswell, of Wisconsin, was the next speaker. The Speaker could hardly get order, and there was no disposition to listen to Caswell, and after a futile attempt at hearing, Mr. Tucker himself began his speech to

CLOSE THE DEBATE.

The effect of the speeches of Delegate Caine and Mr. Bennett was gradually wearing off. Singular, these cool-headed legislators who weigh every matter so carefully and discriminatingly can be blown about by almost every breath and become hot or cold as a speaker of power blows upon them, where the subject is one in which their constituents are not immediately concerned. But, when Mr. Tucker arose, he attracted the scattering legislators, and, warming himself up until his voice would break and screech and the House laughed again at the ridiculous effects caused by its impotence to do justice to the ascending choleric of its possessor, the thermometers gradually arose in the bosoms of his hearers. Those who erstwhile applauded Mr. Bennett now applauded Mr. Tucker and when he was guilty of the chestnutian cant about the House being the nucleus of the government he was applauded to the echo. He became

QUITE BESIDE HIMSELF

when he appealed to the revealed word of the Omnipotent; and never was a voice more faulty to the pressure put upon it than when this eminent "jurorical" mountebank screamed out "they twain, they twain, they twain shall be one flesh," the effect became ludicrous and laughter followed from the treachery of his voice. "Not they twain" called forth laughter again, as I followed immediately after the words "one flesh" or as soon after as the crack in the voice would be mended. He quoted Delegate Caine as authority that the Kingdom of God had to be set up at the expense of this government.

Delegate Caine—The Delegate from Utah made no such assertion.

Mr. Tucker—I wish the gentleman would tell us

WHAT HE DID SAY.

Mr. Caine—I made use of no language that could be construed that way.

Mr. Tucker—But the gentleman has his speech.

Mr. Caine—I said no such thing.

Mr. Tucker—I did not mean to misrepresent the gentleman. I hope his speech will appear in the *Record*.

Mr. Caine—It is already in the hands of the printer.

He then described the colonization of Utah; the establishment of the Government of the State of Deseret, declaring that the act passed by it incorporating the Church of Jesus Christ of Latter-day Saints was a nullity. During the course of his remarks later on he was compelled, in order to make a point good, to declare that these acts were subsequently adopted by the Legislature of the Territory of Utah. He then undertook to clear away the objections to the bill, but it was

PAINFUL TO NOTICE

that he kept shy of the remarks that had been made by him on the Edmunds bill and against some of the provisions which he now lurged the House to adopt. It was a matter for great regret to see such a man go back on the unfinished record a life so win a few plaudits from persons as mercenary and untrue as he himself. He referred to his course, to the desire he had to see Utah admitted as a State. "I do not care what you believe, but I do not want your belief expressed in overt acts." "I believe that, among the mixing generations the dislike of polygamy is steadily growing." I want to see Utah take her position as a State, by renouncing polygamy and that is why I propose a

CONSTITUTIONAL AMENDMENT

so as to prevent the possibility of her relapsing, or any other Territory, and re-establishing polygamy as a State." He was frequently applauded, and when he referred to the fact that he was about to retire from the House, and that his only wish was to leave some legislation after him that would help to settle the unhappy question his mellowing brought down the House. The applause had not died away before he moved the previous question.

Mr. Scott, of Pennsylvania, asked unanimous consent to offer an amendment. Immediately the wildest disorder prevailed, 20 or 30 shouting at once, "Regular order; regular order!" Mr. Tucker, with a bland smile and with both hands extended as though in the act of pronouncing a benediction, said, "My dear friend, I would like——" and the rest was drowned in the noise.

Mr. Scott then appealed to the House only to allow his

AMENDMENT TO BE READ,

but no, not even that. The House clamored with arduous wrath against the Mormons. The Speaker hastily put the previous question and it was carried with an "aye" so vehemently that the like of it has not been heard for years. Then the amendment offered by Tucker which is intended to vacate all the offices immediately and make the municipal offices also appointive, was put and carried with another assenting acclamation so strong and unanimous that a Mormon might have cut it, while the three or four "noes" that arose faintly afterwards only served to be taken the "ayes" of the preceding "aye." I would wager anything against ten cents that not one of them had any conception of the nature of the amendment.

"I demand the ayes and nays," sang out a voice. In an instant

ALL WAS CONFUSION.

"No, no. All no; sit down, sit down; keep down," and kindred sounds rolled up to the galleries while the Speaker was looking with an anxious eye to see if enough would keep their feet to carry the demand.

"But three gentlemen vote for the ayes and nays," said the Speaker, raising his voice above the din going on in the den of legislators.

The motion to accept the substitute as amended was also carried by a resonant "aye," while Mr. Bennett raised a lone but determined "no," and the motion to pass the bill drew out the loud approval of many lusty lungs, and when the chair announced that the bill had passed there was some applause which I noticed was industriously set in motion by no less a person than he who has so signally disgraced an honored name and the record of a long life, Mr. Randolph Tucker. The House at once adjourned.

GENERAL NOTES.

Throughout the day the two B's were in the House and a smile of unusual satisfaction played about the features of unctious Bennett as he strode through the rotunda. He should be a proud man. His success would be considered a defeat by a more scrupulous man.

Speaker Carlisle and Governor West marched from the House arm in arm, both smiling. Any number of members declare that Speaker Carlisle has bulldozed this thing through, and the like has rarely if ever before been known. His change of heart is undoubtedly due to Governor West. I have said all along that his presence here was a menace to your people. I am led now to believe that I spoke but too truly.

I rode from the Capitol in the same car with Mr. Tucker. Like a new bride, he was bathed in blushes and spoke constantly of the bill he had just bulldozed through Congress. A smile played about his ruddy mouth, but he seemed too anxious to learn of the approval of his colleagues about him to the possessor of a conscience satisfied with the course he had pursued.

WALTON WOLD.

"The amendment is as follows: "That this act shall not take effect till six months after its approval by the President, and there shall be an election held in the several precincts of said Territory on the third Monday in March, 1887, at which the qualified electors of the said Territory may elect, from each legislative district, double the number of delegates they are entitled to elect of Councilors and Representatives to the Legislative Assembly of said Territory, and the delegates so elected shall meet at Salt Lake City, on the first Monday of April, 1887, at 12 o'clock, noon, and shall form a constitutional convention, and if said convention shall frame a constitution republican in form, and which shall prohibit polygamy as said State, and the same shall be ratified by a majority of the votes cast by the qualified electors at an election to be held for that purpose in the several precincts of that Territory on the first Monday of June, 1887, then the provisions of this act shall continue to remain inoperative until such constitution shall be presented in the usual manner and acted on by Congress. The elections herein provided for are to be held, conducted and returns thereof made in the manner now provided by law for the holding of elections for county and precinct officers in said Territory, and all acts and parts of acts in conflict with the provisions of this section shall and will remain inoperative until the expiration of said six months, and in the case of the adoption and ratification of said constitution, as hereinbefore provided, the said provisions shall remain inoperative until action on said constitution by Congress."

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One span of bay COLTS, about 2 years old; no brands or marks visible; one with rope around its neck.

If the above described animals are not claimed and taken away before January 27th, 1887, they will be sold at public auction at the City Estray Pound, Washington Square, to the highest responsible bidder, at two p. m.

M. SHELMERDINE,
City Poundkeeper.

S. L. City, Jan. 17, 1887. d3t

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One red COW, 10 years old, branded U S on left hip, slit in right ear and half crop in left.

One dark brown heifer CALF, about 10 months old.

If said animals are not claimed and taken away within ten days from date hereof, they will be sold at public auction at the South Bountiful estray pound, at 2 o'clock p. m., Thursday, January 27th, 1887.

JOHN JOHNSON,
Poundkeeper.

South Bountiful, Davis Co., Jan. 17th, 1887.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One cream colored HORSE, branded A on left thigh, L in a circle on right thigh, four black legs, two white feet, 4 years old.

One bay HORSE, big left hind leg, star in forehead, shod all round, no brands.

If not claimed and taken away within 10 days from the date hereof, they will be sold at the estray pound, Rockport, Monday, January 24th, 1887, at 1 o'clock, m.

JOHN HORTON,
Precinct Poundkeeper.

Rockport, Summit Co., Jan. 13, 1887.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One bay mare COLT, about 6 months old, three white feet, little white in face, no brands.

One roan bull CALF, about 6 months old, crop off right and under half crop off left ear.

If said animals are not claimed and taken away before 10 a. m., January 26th, they will be sold at public auction at the estray pound in Farmers Precinct, Salt Lake County, to the highest responsible bidder.

ALMA PRATT,
Poundkeeper.

January 17th, 1886.