

# **EVENING NEWS.** Published Daily, Sundays Excepted, AT FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE **DESERET NEWS COMPANY.** CHARLES W. PENROSE, EDITOR. Tuesday, April 21, 1892. **THE ANTI-POLYGAMY DECISION REVIEWED.** THE second part of the pamphlet on "The Mormon Problem," by a citizen of Massachusetts, treats of the decision of the Supreme Court of the United States on the anti-polygamy law of 1890. The writer takes the ground that "nothing is law that is not reason," and that although it is popularly supposed that the Supreme Court decision settles the matter, it is one of the rights of the people, under the Constitution, to criticize the acts of their public servants, including the judges. It is well known that the "Mormons" view the decision as illogical, unjust, and in some portions absurd. For expressing their views and pointing out the inconsistencies of the opinion, they have been declared "rebellious," "contumacious," and "defiant." But we hold, with the writer of the pamphlet under consideration, that we have a perfect right to say what we please about the ruling of the judges, freedom of speech, and of the press, not yet being denied to the "Mormons" more than any one else; and the reasoning of the judges bears up in this position. As a legal proposition the constitutionality of the law of 1890 may be considered settled; but as a question for argument it is still open, and the inherent rightfulness or wrongfulness of polygamy is just as fair a subject for discussion to-day as it was before the Reynolds case was adjudicated. The writer gives a brief history of the case and then takes up the attempt of the Court to define "religion," having conceded that the provision of the Constitution against Congressional interference with religion applies to the Territories. For this definition the Court had to go outside of the Constitution, and the writer maintains that the term religion is "too broad, too high, too profound, too subtle, too spiritual, to be comprehended in any network of words," and that a definition of it by law is both "an establishment of a religion" and "a prohibiting of the free exercise thereof," because it is a "limitation, restriction and circumscription of religion." He shows that the "history of the times," from which the Court drew its definition of religion, does not disclose any circumstances analogous to those existing in connection with this case, and that in the question of the constitutional powers of Congress to legislate in respect to marriage was for the first time brought before the Court. The objects of the Constitution, and particularly in regard to its provision concerning freedom of religion, are shown to be "to establish justice and secure the blessings of liberty." On this point we clip the following from the pamphlet: "The aim and object of the Constitution was to secure the blessings of liberty to each and every person of the United States then living, and to each and every one of their posterity. The blessings of liberty in every department of human thought and action, without any restriction of liberty, whether with no possible limitation of that liberty, provided that it did not work injustice to any other person (for to establish justice was another object and aim mentioned in the preamble), were to be secured to each and every one of the people of the United States, and to each and every one of their posterity. It was to secure the blessings of liberty in politics, in trade, in action, in speculation, in religion, and in every other conceivable sphere of mind and matter that human beings can engage in, with the limitation of doing injustice to no one, that the Constitution was ordained and established. Its purpose was not merely to secure fragments of liberty, such as property, religion, and the rights of man, but to secure the full and complete liberty of each and every one of the people of the United States in their Declaration of Independence, and that all men were created equal, and were endowed with the right, among other rights, of the pursuit of happiness. Illumined by this light from the Declaration of Independence, it is clear that the purpose, object, end, and aim of the Constitution was to secure to the people of the United States their posterity, to each and every one of them individually, all the blessings of universal liberty in their pursuit of happiness, with no limitation or restriction of liberty, save the single one of not doing injustice to any one. Constitutionally, therefore, every American is a free man with liberty to do all that he may wish to do in his pursuit of his individual and social happiness, provided that he does not do injustice to any person. This liberty declared, and limited by avoidance of injustice to any one (for to establish justice) was another purpose mentioned in the preamble coinciding in meaning with the first principle of ethical science stated by Herbert Spencer, his disciple, John Stuart Mill, and the conditions essential to Human Happiness" (p. 121); viz., that "every man has freedom to do all that he wills, provided that he infringes not the equal freedom of any other man," a principle which he declares to be "a law of right social relationships." In regard to the limits on religion which the Court prescribed, the writer says: Now, when the Supreme Court say that Congress "was left free to reach actions which were in violation of social duties, or subversive of public order, or in any judgment, and I desire to speak with proper deference, if I say what the Constitution has not authorized it to say. A man's social duties grow out of his individual rights, and his individual rights are not springing from his social duties, but are inherent in and essential to him as being a man. He can perform his social duties, only as he has capacities for their performance, and by being left in the full and unrestrained possession and enjoyment of all his individual rights, it may be a man's and a woman's social duty to attend dancing parties and prayer meetings. But whether it is a duty thus to do, shall be decided by the right to decide it. Any statute of Congress compelling such attendance under pain and penalties, or any court's interpretation of the Constitution, is not such statute, to the effect that, not attending such

# **BY TELEGRAPH.** THE WESTERN UNION TELEGRAPH LINE. **AMERICAN.** LATEST DISPATCHES. Details of the Loss of the "Hesperus." New York, 21.—Gilder sends the following open dispatch: Verkeyansk, March 29. I arrived here yesterday and leave to-night for Belaitz to meet Melville. I will reach Yakutsk toward the end of April. Melville with the inspravnik of this district started on the search Feb. 11th. There is no news from them since then. W. N. GILDER. Jackson's dispatch continues, as unfortunately I can't see the dispatches of Gilder which are sent under seal to Governor Thorne. I give you information received from the inspravnik of Sredni Kolmak and have asked the governor to aid him. He made the long journey overland among the Chukchees and had arrived at Kolymsk in the latter part of February. The journey to that point in midwinter had been a terrible one. The inspravnik says that the steamer Rodgers was burned on the first of January of this year; that Lieut. Berry and the crew are at Tukpan, where they get food enough from the Chukchees. The inspravnik sent tobacco and tea to them for bartering purposes; they needed the things. Three months ago provisions were saved from the ship. Tukpan is near Cape Smerdes. Kamen, in further details, says that endeavors to save the ship were made in vain. She lay within short distance of the shore but the young ice could not bear the weight of the men and a line from the ship to the shore was fixed with much difficulty. By means of this line the boats and crew were all safely landed. The entire ship company are in good health and spirits, and no danger of their starving. Governor Tchernaief has given orders to the Chukchee chiefs to do all in their power to assist the shipwrecked crew. The latest news from Verkeyansk is that they are anxious thereabout the inspravnik who went with Melville and who they think ought to have returned in February (old style). He has not yet returned. Terrible hurricanes with snow have prevailed of late in the Verkeyansk district, and they are afraid the inspravnik has perished, and possibly by the whole party. The inspravnik had orders to accompany Melville until such time as the latter might choose to send him back. I believe there is no reason for anxiety." Hanged. New York, 21.—William Sindram was hanged this morning in the yard of the city prison for the murder of his landlady, Mrs. Margaret Crane, in January, '81. The criminal met his fate with fortitude and never showed any signs of fear from the moment the hangman called upon him until the black cap was drawn over his eyes, his halter fastened to the clip behind his head, and himself swung into eternity. At 8.33 the procession emerged from prison led by Sheriff Bowe and under Sheriff Stevens; after them walked Dr. Morgan, praying aloud, and immediately behind came the prisoner walking firmly, having on either side a deputy sheriff. Sindram was calm and nodded to those he knew as he passed on his way to the gallows. The hangman's assistant was nervous and forgot to lower the cap until reminded. Sindram's face twitched, but he merely said, "Hurry up." Pulling the cap down with a jerk the assistant stepped in front of the people, and when Sheriff Stevens gave the signals it was seen that the man was dead. Two seconds before the difficulty was covered and the signal again given, when the body shot up in air five feet and settled back six inches, the arms and legs twitching convulsively. In three minutes the body was lowered within nine inches of the ground, and six minutes after the pulse ceased to beat, and the heart stopped its action in fifteen minutes after the drop fell. He was not lowered until ten minutes afterwards, when it was discovered that death was caused by strangulation. Suggested Pills for New York. The sugar interests of this city are excited by the cause of which the San explains by the following details: The latest Pacific mail steamship arriving in this port brought a small quantity of Hawaiian sugar. The first of this particular class of nominally raw material to reach this market. There can be no question of the admitting of this lot of sugar free of duty, for it has been so admitted in San Francisco, but its coming nevertheless, awakens a very lively interest among the sugar men, not simply because of curiosity about its grade, which is expected to be illustrative of the character of a vastly greater quantity now afloat and bound here direct from the Sandwich Islands, but for the reason that it is regarded as the first showing of the kind which if the present reciprocal treaty with those islands is maintained, must quickly overshadow and have a most pernicious influence upon all other sugar interests in this country except those of one ring of California speculators known as the Claus Spreckels combination. More Destruction. PITTSBURG, 20.—The damage by yesterday's storm in Fayette County was worse than at first reported, and the loss to property will exceed \$75,000. The tornado started at Bradford and subsided seven miles east of Pennsylvania. In its course, trees of the largest dimensions were twisted and uprooted. Houses were blown down and fences and barns demolished. An old lady named Demond was killed and a number of others so badly injured they may not recover. Self-Government for Ireland. OTTAWA, 21.—The House passed unanimously an address to Her Majesty, praying for self-government to be granted to Ireland, and that citizenship be granted those imprisoned there for political offenses. Rumored Indian Outbreak. SAN FRANCISCO, 21.—A Tucson dispatch says: Rumors from Eagle Creek say McMaster and six Mexicans were killed there. A large force of Indians still remain on Eagle Creek and are entertained for the safety of Tom Newland and wife, McMoran and son, Lamb and some other parties. A party from Safford says, at Eagle Creek, this morning, there were three prospectors killed on the Apache road. The bodies were warm when the troops came up with them. The Indians destroyed freight, shot some horses and carried others off with them, they also tried to set fire to the wagon. Later news says: There were 10 Mexicans killed at Eagle Creek, including McMaster, wife and children. He also states one of his Indian servants, who was taken prisoner by Newland and Jupp, escaped, and says that Newland, McMaster, and party are all killed. A special from San Carlos says: "Christians made a raid in there, after a long hunt, and secured everything before them, killing 30 people. As far as heard from, there were not sufficient troops to protect the place." Panama Outbreak. MEMPHIS, 21.—Reports from Key West, Tampa and Pensacola confirm the outbreak of cholera at the city of Panama, and Mississippi and

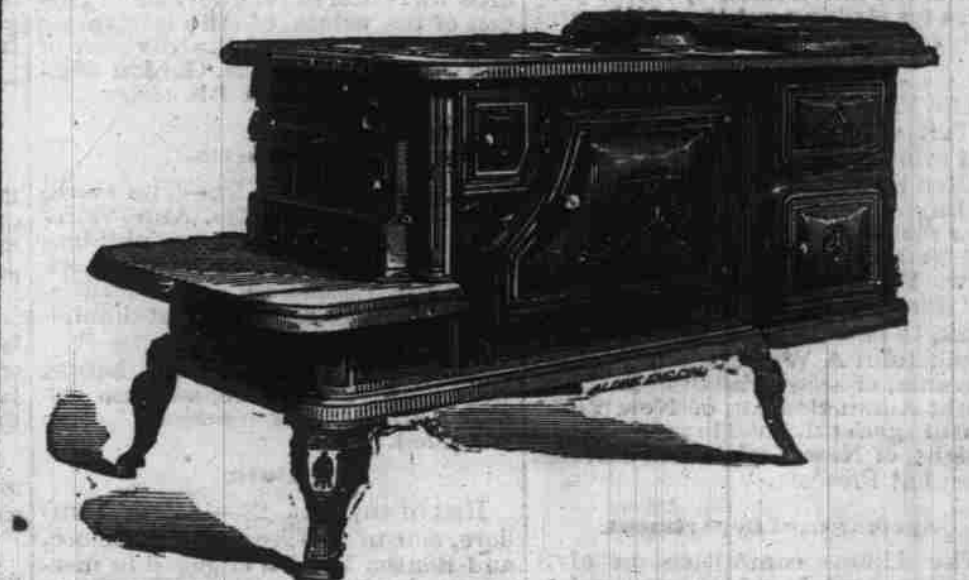
# **CRITTENDEN COUNTY OF ARKANSAS.** are to the effect that the frosts of Friday, Saturday and Sunday nights killed all the cotton up, in those counties necessitating replanting and setting farmers back about two weeks. The Sudden Death of Minister Hurlbut. PANAMA, 21.—The last steamer from the South coast brings the particulars of the death of Gen. Stephen A. Hurlbut, United States minister at Peru. Up to the morning of his death he had been enjoying the best of health. He awoke and dressed as usual early on the 27th, played for some little time with his two grandchildren, and whilst washing his face was suddenly seized with such a pain in the region of the heart as compelled him to give vent to agonizing cries. For some minutes he remained in strong agony and totally deprived of all power of articulation. He was placed upon a bed, where he momentarily recovered consciousness. His first exclamation was "God bless you all, I am dying. Oh my heart." A few more disjointed phrases, all uttered in less than 20 minutes from the time of the first attack, and he ceased to exist. Directly the calamity became known the legation was thronged by multitudes of all nationalities whose subdued voices and agonized condolences proved how terrible and wide-spread the blow had made itself felt. General Lynch offered in the name of the government of Chile to take charge of the remains and give them a public funeral, conducted with the ceremony and honor due to the high official position and military rank of deceased. This offer, however, was declined by Mrs. Hurlbut, who was averse to a military display, and expressed the wish that appropriate services be held at the legation and that the body have temporary lodgment in the Melg's vault at Villages, kindly placed at her disposal by Henry Melg's, pending the transfer of the remains to the United States. Some important Peruvian gentlemen requested and obtained permission to drape the residence in mourning and constructed in one of the largest saloons a mortuary chapel in which the body lay and was viewed by a great number of visitors. The remains were surrounded by ornate funeral decorations and a wreath of floral adornments. Owing to the suddenness of death and the extravagant rumors that deceased had been poisoned, it was thought best to hold a post mortem. The result plainly indicated that death from aneurism of the heart. In deference to the opinion of the examining physicians, portions of the stomach were taken for chemical analysis. General Moore, Consul at Callao, at once took charge of the legation. Outward signs of mourning were visible everywhere during the funeral ceremonies. Torrance in Pennsylvania. PENNSYLVANIA, 21.—This district is a scene of woeful devastation, waste and distress. The cyclone of Wednesday was of such a short duration, but accurate description of it can be given. Are You Bilious? Brown's Liver Pills will cure you. For sale by all Druggists in Utah. d&w **DIED.** At Shelton, Nebraska, Dec. 23d, 1891, of congestive chills, JANE DUGDALE, wife of the late William Thompson, of Warrenton, England, aged 67 years, 8 months and 4 days. Deceased was born April 27th 1824, in England and emigrated to America on the ship Joseph Bradley, in the year 1850. Her life was spent in two days. She leaves four children and a large circle of friends to mourn her loss. MRS. Star, please copy. **MeiDeMeyer's CATARRH CURE** ABSOLUTELY CERTAIN. WANTED. A FEW GOOD MEN, APPLY AT FIDELITY. NEAR PERPETUAL TIME KILL. IMMEDIATELY. None but first class men need apply. d&w **GRAND** **Orchestral Concert!** GIVEN BY THE **SALT LAKE ORCHESTRAL UNION,** UNDER THE AUSPICES OF THE **Army of the Cumberland,** AT THE **SALT LAKE THEATRE,** Monday Eve., April 24. ASSISTED BY Miss A. E. Shearman, Mr. ROBERT GOELINKEL, Mr. J. CARLISLE, Mr. L. STIGLER, Prof. C. J. THOMAS, Mr. H. S. KROUSE. **PROGRAMME.** 1. Gen. McDowell's March. Conducted by the composer. 2. "Volunteer" Scherzo. Conducted by Prof. C. J. Thomas. 3. "The Star-Spangled Banner." Conducted by Mr. W. E. Wells. 4. Waltz, Where Olden Days. Conducted by Mr. W. E. Wells. 5. Capture of Vicksburg. Conducted by Mr. W. E. Wells. 6. Visions in a Dream. Conducted by Mr. W. E. Wells. 7. Ovation to Austria. Conducted by Mr. W. E. Wells. 8. Selections. Conducted by Mr. L. Stigler. 9. Overture to "The Bohemian Girl." Conducted by Mr. W. E. Wells. 10. Oat Duet. Conducted by Mr. W. E. Wells. 11. Madam Newton and Mr. D. Sternberg. PART II.—MILITARY BAND CONCERT. **U. S. SIXTH INFANTRY BAND.** L. STIGLER, Band Master. 1. Arise, Zaire do Wells. Bandmaster. 2. Overture, "The Bohemian Girl." Bandmaster. 3. Jamboree Musical. This is it. Bandmaster. Reception Committee. Major Gen. ALEX. McDOWELL MCCOKE. Brig. Gen. J. E. MURRAY. Col. J. E. MURRAY. General Officer. G. S. HILL, Chairman. J. R. Walker, S. G. Chamberlain. H. S. Krouse, H. W. Lawrence. The musical character of the concert is highly commendable. It is to be held at any number of the companies, or at the Theatre box office on the day of the concert.

# **SALT LAKE THEATRE.** TWO NIGHTS ONLY. COMMENCING Thursday, April 20th. Engagement of the Greatest American Character Actor, **MILTON NOBLES** AND HIS Superb Company of Comedians. EXCITING Bolle Nobles, Estelle Mortimer, Alonzo Schwartz, Etc. THURSDAY Evening, April 20th. The unique American Melo-drama, written by Milton Nobles, and played by him. Seven Continuous Years, called **THE PHOENIX!** An American play by an American Author, correctly interpreted by American Actors. Carrol Graves, a New York Dramatist. Friday Evening, April 21st. An entirely new and original American Comedy, in four interviews, by MILTON NOBLES. **INTERVIEWS:** ON, BRIGHT BOHEMIA. Qualified Director, MILTON NOBLES. Florence Wetherston, DOLLIE NOBLES. EARLY MATINEE, SATURDAY AFTER-NOON, 12.30. NO PERFORMANCE SATURDAY NIGHT.

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