AT FOUR O'GLOCK. PRINTED AND PUBLISHED BY TH DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Monday, · October 27, 1884. PEOPLE'S TICKET. FOR DELEGATE TO CONGRESS, JOHN T. CAINE.

EVENING NEWS

## THE BAIL QUESTION.

THE attempt on the part of the prosecution in the Rudger Clawson case, to prevent the defendant's admission to bail pending an appeal to a higher court, appears malicious yet Indicrous to common minds. It is very evident that Congress, in providing that a writ of error from the Supreme Court of the United States to the Supreme Court of the Territory shall He in criminal cases where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy, intended to protect the citizens of

Mr. F. S. Richards put this matter the position he took, and concluded by stating that it was the intention of the clearly before the court, and it is to be hoped that the desire to punish defendant's for this particular offense will not be allowed to override the clear intent of the law of Congress.



Will you be kind enough to answer the following question: Who pays Judges of Election for cities, they be-ing appointed by the Utah Commission?

impressiveness. Its effect upon the judge may be seen by what follows. Mr. F. S. Richards said: If the court please: Although it appears to be a little irregular to speak upon this mat-ter now after your honor has intinat-ed what your decision would be. I trust I will be pardoned for saying a few words on this subject. The Dis-trict Attorney admits that no occasion has arisen since he has been in office for the determination of this question. I have not until recently been in regu-har practice at this bar for some years past, but I am informed by gentlemen here who know, as I believe, that it has been the universal practice of this court to allow a defendant to go on bail, not only after a verdict and be-fore judgment, but pending an appeal; of the Court to decisions based upon statutes precisely like those hardbeen convicted of a felony the Court about refuse to admit to ball, unless there were extraordinary circumstan-ces in favor of it. In this instance no extraordinary circumstances could be shown, and he therefore asked that a time be fixed for passing judgment upon the defendant. Mr. Bennett agreed with counsel so far as fixing a time for passing judg-ment was concerned. It was the inten-tion of the defendant to prepare for and take an appeal. They desired to prepare a bill of exceptious upon which they might move for a new trial before judgment should be passed. He thought they could prepare such a bill in ten days, and he asked that they be allowed ten or twelve days for that purpose, and then they would address themselves to the other question—that of ball. Mr. Snow, in a brief speech, objected to the bill of exceptions being prepared before the motion for a new trial was made, snd further argued in favor of the committal of the defendant to the custody of the Marshal until judgment was obtained on the verdict. on the defendant.

ball, not only after a vertice and be-fore judgment, but pending an appeal; and I know that in all prosecutions for bigamy and polygamy that have occur-red in this Territory, the defendant in each case has been allowed to go on bail. It has never been denied. While we did not want to enter into the merits of not want to enter into the merits of this question and discuss, to-day, the right of the defendant to bail pending the appeal, believing that the exercise of your discretion to allow him bail until the judgment, was' sufficient at this time, I teel it my duty, in justace to my client, to refer briefly to his right in this regard. Your honor will remember that a short time ago in a discoverion in record to the construc-

was obtained on the verdict. Mr. Bennett repeated that they de-sired to move for a new trial. They un-derstood they must do that before judgment, and he thought ten days was little enough time to prepare for that remember that a short time ago in a discussion in regard to the construc-tion of a Territorial statute in connec-tion with the act of Congress known as the Poland law, I had the honor to call your attention to our peculiar sit-uation in this Territory with reference to the legislative power of Congress and that of the Territorial Legislature. Congress, the paramount power, has said that in cases of this kind writs of error shall lie to the Supreme Court of the United States. No person, then, can be conclusively presumed to be guilty, if he takes the proper means to prosecute his appeal, until his case has been passed upon by that court of last resort, and we insist here to-day, that it is a right which

Mr. Dickson saw no reason why udgment should be delayed until the judgment should be detayed until the bill of exceptions was prepared. Judge Zane ultimately decided to grant the ten days asked. Mr. Bennett-That would make it on the 4th of November-election day. I don't want it on that day nor the day following; for when Mr. Blame is elected I will have something else to ttend to. (Laughter, in which the Judge joined). Judge Zane-Well, say Monday, the 3d of November, how will that do?

or convicted of bigamy or polygamy, intended to protect the citizens of Utah from persecution at the hand of over zealous officials. The convict is to have the benefit of a review of his case before a court supposed to be thoroughly competent and impartial. The object of the appeal, for that is the nature of the proceeding, is to save a defendant from imprisonment who has been unlawfully convicted. To deny him bail then, pending the supeal, would be to turn the law into a bur-lesque on both justice and common sense. Of what avail would it be to grant an appeal to a man condemned to death, if you kill him while the sp-peal is pending? And on the same kround, of what use is an appeal in a polygamy case if the defendant suffer-the penality of the law before it has been finally decided that he is guilt?? Mr. F. S. Richards put this matter

prosecution, not only in this case, but in all cases of this kind, to take this position, and thus be aided, if the court supported them, in the enforce-

Mr. Bennett then addressed the court as follows:

court as follows: May it please the court, ( am not the familiar with this statute, as I have a before announced, and as your honor, during the progress of this case has C doubtless scen. As I remember the reading of these sections they relate to bail on appeal in every instance. Upon conviction, the bondsmen who have stood for the defendant's appearance up for trial are exomerated, as I remember the reading of the statute. The ques-tion which gentlemen have argued to the court, therefore I claim, is hoot now before the court. If the

The laws of the United States minst re-receive payment from the United States. The Secretary of the Utah Commission will, no denbt, serto the payment of fees to the Judges of Election for tites. Mr. Varian-Let me make one sug-gestion to, you. The act of Congress giving an appeal does not give an ap-peal from this court to the supreme court of the Territory, and if your construction be the true one, the question could only arise when the case leaves the supreme court of the Terri-tory for the Supreme Court of the United States, and the laws of the Territory must govern the preliminary matters of procedure incident to the appeal to the supreme court of the Ter-I am not asking for bail pending the appeal. We propose to make a motion for a new trial, in which we have some confidence and I think we have a right to entertain it, too that when we prematters of procedure incident to the appeal to the supreme court of the Ter-ritory. If it be true that yon are en-itiled as a matter of right to ball, pend-ing the appeal given by the Poland bill, that question can only arise when the will show that this defendant has not been tried according to law. With all nue deference I say it; we certainly have a right to attempt to show it, and will, no doubt, poil a good many votes in the north. Then the Oneida County soreheads who have organized as the anti-"Mormon" party, while making up a mongrel ticket for local officers, have put the name of the Democratic candidate at the based officers. candidate at the head. This is curious company for "honest John Thingy," but it takes so many votes from Sinfla-ser in the south and renders his defeat doubly certain. Mr. Taylor, though a Republican, seeking Republican support, ridicules the opposition to "Mormon" votes in passed, the defendant be allowed to go upon bail, in such amount as your honor shall deem just and wise. When that is done, and if your honor shall still taink that the jury was properly ampaueled, and everything was properly done, and that judgment should be given upon the verdict, then we shall ask on the other question, ball, pending the appeal.
The best administration of the criminal, as well as the sivil law, is that peedy and that which is imwhich is speedy and that which is im-partial as well. In saying that, they have spoken the truth and the law; but it is true that the best administra-tion of the criminal law is not at op-pressive administration. It shall be an administration which is just; it shall be an administration which is speedy; it shall be an administration which is certain, but it shall not be with the strong hand of steel; it shall be ins-tice tempered with morey, or every benefit which society is likely to draw from the speedy administration of the law is lost.

tion fof a new trial will be made, and if overruled, Mr. Clawson will be sen-tenced. BY TELEGRAPH PER WRITTERS OFFICE TELEGRAPH LINE. AMERICAN.

> LATENT BY LIGHTNING. Benj. F. Butler.

TROY, N.Y., 27.—Benj, F. Butler ar-rived in Troy this morning from New York, coming by boat. He was driven to the depot in a hack and took train for Saratoga, where he spoke this morning, accompanied by Capt Al-bright of New York; Hen. Thomas B. Carroll, of Saratoga, ex-Mayor of Troy. Butler will speak at Sandy Hill this afternoon and Whitehall this evening leaving for New York to-night. He will then start to stump the western part of the state.

#### **Riddled** with Buckshot.

CHEYENNE, Wyo., 26.—Leader special Fort Fetterman: Tom Diamoud and George Sanders got into an altercation, when the former fired point blank at the latter, but missed him. Sanders then emptied a load of buckshot into Diamond, who died almost instantly.

More Snow.

There was a very heavy fall of snow at Cheyenne to-day.

# FOREIGN. LATENT TRANS-ATLANTIC DIS-

PATCHES.

The Situation in Egypt.

LONDON, 27.—Recent official corres-pondence relating to Egyptian affairs has been made public. A letter of in-structions from the government to General Wolsely, stated the object of the expedition was to bring Gordon and Stewart from Khartoum. No fur-ther offensive operations than should has been passed upon by that court of last resort, and we insist here to-day, that it is a right which this defendant has, to go on bail dur-ing the time his appeal is pending. The prosecuting officer makes the broad admission that we are entitled th a stay of execution during this ap-peal, but he also says that the defend-ant should be held in custody in the meantime. Is not this a distinction without a difference? Is it not some-thing that is going to work a double hardship on the defendant? It is a rule that never has been admitted in this court; it is a practice that has never been followed in this Territory; and I insist, if your honor please, that it never should be-come the practice, What! A man con-victed, but having the right of appeal; must remain in custody two, three, or five years pending his appeal; im-prisoned, but not serving out his sen-tence? The sentence may be for three years, and his appeal may be pending two years; at the end of the latter time the sentence is affirmed. What is the result? The man is in custody two years, waiting to find out whether he has been legally convicted, and if so he has to serve two or three years more; in other words, by appeal-ing he gets five or six years' incarcera-tion in the penitentlary, when, if he had not taken the appeal, when, if he ther offensive operations than should prove necessary to secure this end would be permitted. Neither the Eng-lish nor the Egyptian government was prepared to assume the responsibility of the government of the Nile Valley be-yond Wady Halfa, though they would be glad to see an independent govern-ment established at Khartoum, which would keep peace with Egypt, would encourage commerce and prevent the slave trade. When it was known that General Gordon had sent Stewart to burn Berber, the government directed Kitchener to send a counter order to Col. Stewart.

Kitchener to send a counter order to Cel. Stewart. London, 27.—In a letter dated April 22, General Gordon writes he has offer-ed freedom and pay to slaves who de-serted El Mahdi. This policy he hopes will sound the doom of slavery in the Soudon. He declares if Shendy is cap-tured by rebels, it swill be due to the government's failure to send Sec. Behr Pasha to him. He expresses the hope that for the sake of the honor of Eng-land, Abyssinians have not been en-gaged to fight England's battles.

THE Fourth Quorum of Seventies. meet in the 21st Ward meeting house three years in the penitentiary without to-morrow evening at 7.30.

three years in the penitentiary without a legal conviction. Now, if your honor please, this act of Congress giving to the defendant the right of appeal, should not be a shadow, it should be a substance; it should carry with it the right to immunity from imprisonment if he can give bail, until that court has passed upon the question of his guilt or innocence, or as to the regularity of his trial and cor-Of Parisian Hats, Bonnets and Nov-

elties will take place at her New and Elegant Parlors, No. 16. Main Street, Monday, Tuesday and Wednesday,



"One year ago I was induced to try ATER'S PILLS as a remedy for Indigestion, Con-stipation, and Headache, from which I had long been a great sufferer. Commenc-ing with a dose of five Pills, I found their action easy, and obtained prompt relief. In continuing their use, a single Pill taken after dinner, daily, has been all the medi-cine I have required. AYER'S PILLS have have a series and the medi-Peterson's Meat Market. PETERSON & WEST, 11110 01101123 SAUSAGE A SPECIALTY. kept my system regular and my head clear, mily Trade Solicited. Order by Telepho 34 WEST, FIRST SOUTH STREET. and benefited me more than all the medi-cines ever before tried. Every person similarly afflicted should know their value.

152 State St., Chicago, June 6, 1882.

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NOTWITHSTANDING GEORGE THUR-GOOD'S breach of promise to us and the invitation he extends to his old custo-mers, we having bought out his good will in the Globe Market, desire to return our thanks to them for their liberal patronage in the past, and hope that in the disposal of none but CHOICEST MEATS to retain their patronage in the future. For all diseases of the stomach and bowels, Dr. J. C. Ayer & Co., Lowell, Mass. patronage in the future.

SHERWOOD BROS., Opposite Z. C. M. I. DR. FOOT, Jr., (of New York.) Author, Lecturer, and America's

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tion in the penitentiary, when, if he had not taken the appeal, he would only have three years' imprisonment. On the other hand, if the case should be reversed, and the man shown to be innocent, he would have served two or

POLITICAL TRICKERY IN

IDAHO. POOR SINGISER's chances for re-election in Idaho seem slimmer than ever. W. S. Taylor has come out as an inde-pendent Republican candidate, and

the opposition to "Mormon" votes in this way through the columns of the

"'Suppose the Democratic Territo-ial Convention had indersed the Col. Wall resolutions'—where would Singl-ier & Co. been lectioneering to-day? I a Co. been lectioneering to day? I tail ye voters: they would Sinci-Co. would to day be lo the Mor-counties, and here is their ch:

speach: "Fellow citizens of the Mormon faitht Row can you support the Democratic ticket? Look at the Wall resolutions! The Democrats are not your friends!" And, people of Idahe, these printous political tricksters and carpet-baggers, would have been too busy at it to have time to blackmall Taylor or other de-cent Remublicans."

The Republicans of Idaho have al-vays resorted to the lowest kind of olitical tricks in order to work against political tricks in order to wors annual the well known Democratic insjority in that Territory. The latest move is to try and repudiate the registration over the law. He stands here appy over the law. He stands here appy law, which if enforced, effectually ed; he stands here down ed; he stands here willing to give a stands the shameful dodges to which ball which, he your honor's discretions have resorted at former elections. The chief plank in the sore-head plat-form in Oneida County is the repeal of the modulation law which prevents your honor should overrule his motion

form in Oneids County is the repeal of the registration law which prevents repeating at the polls. Let the Demo-crats be on their guard. The following, which we clip from the Idaho Democrat of October 22d, shows how the Republican are trying to revive their old schemes in Boise City: D. P. B. Pride, territorial secretary, who was kicked one of the ind office for crimes worse than stelling, on Monday, the last day for registering voters, ontered the office of Judge Haas, register a soldier, whom he had braught with him. Haas told Pride that if the soldier, would take the pre-scribed oath he would take the pre-scribed oath he would take the pre-refused to do so, and of course was not redistered. At this Pride sold.

scribed onth he would take his mane, otherwise he wouldn't. The soldier refused to do so, and of course was not registered. At this Pride sald: "If you don't take my men 111 count your's out on the returning board!" He finally talked so loud, made so many threats, and became so inscient, that Judge Hass, intended to register every republican soldier at Boise Bar-racks. Pride's action was only car-rying out the well-matured plan laid several weeks ago, and which Fred Dubols is now attempting in Oneida

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the law as justice of allowing an appea

BULBS! BULBS!!

Hyacinths, Tulips, Crocus, Narch as, Silus arriving by the Thousand at 0. F. Bue's, 2 1-2 blocks West Cliff House.

MRS. DYES

Grand Winter Opening

Utah Bitters for Female weakness.

Hay-Fever. After trying in vain for eleven years to cure my hay-fever, I purchased a bottle of Ely's Cream Balm which entirely relieved me, R. W. Harris, Letter-Caryler, Newark,

DURHAM, IOWS, March 2, 1882.

Ayer's Sarsaparilla has cured me of the inflammatory rheumatism, after being troubled with the disease for eight years. W. M. MOORE.

## AN EDITOR'S TESTIMONIAL.

A. M. Vaughan, editor of the Greenwich Review, Greenwich, O., writes: "Last January I met with a very severe ascident, caused by a run-away horse. I used almost every kind of salve to heal the wounds, which turned to running sores, but found nothing to do me any good till I was recommended Henry's Carbolic Salve. I bought a box, and it helped me at once, and at the end of two mouths I was completely well. It is the best salve in the market, and I never fail of telling my friends about it, and urge them to use it whenever in need.

## DEATHS.

TAYLOR .- At Hennefer, Summit County. Utah, October 18th, 1884, of pain in the oowels, William Henry Taylor, son of John and Esther Britton, born November 24th 1878, at Neshanock, Mercer County, Penn sylvania; aged five years, one month' and twenty-five days.

Millennial Star please copy.

BEAN-In the 11th Ward of this city, October 27th, 1884, Amy Bean.

Deceased was born July 19, 1866, in London, England. She is the beloved wife of Joshua B, Bean and daughter of Wm. and Jane Hulbert. She leaves a husband and two children.

Mill. Star please copy.

MESICK-At West Weber, Weber County Utah, October 16, 1884, of old age, Peter I. desick, aged 80 years, 11 months and 23 davs.

The funeral services were held at the fam ly residence on the 17th inst., and were attended by many of his friends and acquain ances of the past 25 years.

Peter I. Mesick, the son of Jacob P. fesick and Lovisa Stafford, was born in the own of Knox, Alwany County, New York, October 24th, 1833. He married Pheba Lew-

Mr. Bichards-Yes, sir; and I am clad the gentleman referred to that case. There was a man who had been twice tried and convicted of murder, his case had gone to the Supreme Court of the United states and had been reversed and sent back both times. The defendant was tried the third time and was again convicted and Octoper 24th, 18.5. He many ber the father is, Jap. 24th, 1827, and was by her the father of three children. His wife died June 24th, 1825, and the children were cared for by their grandparents. He was hapited a member of the "Mormon" Church in November, 1834. He, soon after the death of times. The defendant was tried the third time and was again convicted and his case appealed to the Supreme Court of the Territory. He applied, through his counsel, to the judge who tried the case, for a certificate of probable cause, which would stay the execution of the sentence of death imposed. That was refused. I will not say anything about why it was refused. Everybody who knows anything about the circum-stances knows the public sentiment and feeling in regard to the matter. But that certificate which would have stayed the execution of the sentence was refused. The case went to the Suhis wife, moved to Leyden, Lewis County, New York. He and family joined the Saints gathered in Missouri. He shared in the peras endured by the Saints and was tving with Hyrum Smith at the time of his martyrdom. He served as private in the Mormon Battalion, being one of those sent back under Captain James Brown, he reached Salt Lake Valley July 27th, 1847, at which time and place he was formally discharged. He returned to Winter Quarters, in the company of President Young. He re-turned to Utah the following summer, arwas refused. The case went to the Su-preme Court and the court sold that it had no power to stay the execution, but recommended that the Governor riving October 25th, 1848. In the spring of 1851 he want to California and helped to found the Mormons were called hack from there he returned to Utah and settled in but recommended that the Governor of grant the prisoner a reprieve so he will might five to see the result of his ap-peal. If there is anything in that re-cord that the prosecution can point to with pride, let them have all the glory there is in it. For my part, I fail to see the law as justice of allowing an appeal. West Weber in 1859. There he spent the re-maining years of his life, and, dying, left a-large family of children, grandchildren and great grandchildren to mourn his loss.

0 z н -00 Ê 5 PHOTO 0 0 C . YER'S PILLS A large proportion of the diseases which ment of the stomach, bowels, and liv AVER'S CATHABTIC PILLS Set directly upon these organs, and are especially designed to sure the diseases caused by their derangement, including Constipation, Indiges-tion, Dyspepsia, Headache, Dysentery, and a host of other allments, fer all of which tuey are a safe, sure, prompt, and pleasant remedy. The extensive use of these PILLS by eminent physicians in regular prac-tice, shows mainistakably the estimation in which they are held by the medical profes-These PILLS are compounded of vegetable substances only, and are absolutely free from calomel or any other injurious ingredient. A sufferer from Headache writes : "Aver's Pitts are invaluable to me, and are my constant companion. I have ber.a is severe sufferer from Headache, and your "its are the only thing I could look to or relief. One dose will autokly move my builts and free my head from pain. They are the most effective and the easiest physic there ever found. It is a pleasure to me to speak in their praise, and I slways do so when occasion offers. W. L. Page, of W. L. Page & Bro." Franklin St., Richmond, Va., June 3, 1882. "I have used Aver's Pitts in umber-Mexia, Texas, June 17, 1982. The REV. FRANCES B. HARLOVE, writing from Allente, G2., says: "For some jean past I have been subject to constipution, from which, in spite of the use of medi-cines of various kinds, I suffered increasing inconvenience, until some months ago, I began taking AVER'S PILLS. They have entirely gorrected the consider habit, and began taking AVER'S FILLS. They have entirely corrected the consider habit, and have vanity improved my gengral health." Aven's Carinantic Fills correct irregu-iarities of the bowels, simulate the appe-tite and digestion, and by their prepart and thorough action give tone and tigor to the shole physical scopomy, PRHPARED BY Dr. J. C. Ayer & Co., Lowell, Mass. Sold by all Druggiats. ...... YOUNG, All experience the wonder







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