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EVENING NEWS.

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CHARLES W. PENROSE, EDITOR

Saturday

A LEARNED LAWYER, ON UTAH AFFAIRS.

A LETTER from the eminent lawyer, George Ticknor Curtis, on the "Mormon" question, was filed with the Sec- and act, that requires legal protection retary of the Interior on the 1st of against bigotry and the power of November, and has made considerable majorities.

Nov. 27, 1886

stir in the country. A synopsis tele-The question here arises, what is and graphed to some leading papers was what is not injurious to society? Mr. copied a day or two ago by others, and Curtis admits that polygamy may be commented upon from the meagre in- forbidden by the civil law on that formation conveyed in the dispatches. ground, thus assuming that it is We preferred waiting until the whole necessarily injurious to society. We document could be presented in our might take issue with him and contend columns before making any remarks that, under some conditions, it is upon it, knowing too well that it is not positively beneficial to society. safe to rely upon the incomplete But leaving that as an open reports of the remarks of prominent question (Mr. Curtis however persons which often appear in print. considers it settled as against us) We present the letter to our readers the right that is claimed to dissever saw defendant he had no check, but saw to-day, and surrender much of our the religious marital relationships space to its text.

It is a very strong and comprehensive paper. Careful reading will show, be- is clearly unconstitutional on Mr. yond doubt, that the assertion which Curtis' irrefutable construction. has been made that it was prepared or inspired by leading "Mormons" is totally eroneous. The position taken by Mr. Curtis on the rightstand powers from the absurd and unprecedented of Congress over the Territories, is that which he has occupied for many years before the country, but the very oppusite to that assumed by the "Mormon" reople and their chiefs. That alone is sufficient to disprove the statement of anti-"Mormons" concerbing its origin. .It is clearly Mr Curtis' own effort, embodying his own views and setting forth his own plans and propositions.

The letter from President John Tayrulings of the Utah courts on this conler, queted by the gentleman, should settle the fallacy about any contemsonable and outrageous perversions of plated exodus of the Latter-day Saints from Utah. It will give but cold comfort to the adventurers who have lotted to assist in serving civil process and to on a general migration of the "Morprevent armed resistance to the laws. mons" and a consequent harvest for is handled vigorously but in polished those who have not done the planting; style, and the nonsense of such a dethere will be no loot to freebooters, nor houses and lands to be sold for a song. This occasion for it, is made ludicrously apwe have frequently affirmed in these parent. The reason why the flity priscolumns, and it may be laid down for oners in the Utah penitentiary respecta fact that Salt Lake does not propose fully declined to make the promise and to become another Nauvoo. President Taylor's letter sets terth the "Mormon" position in emphatic, authoritadefended ably. tive and unmistakable language.

The Utah Commissioners are next Mr. Curtis very clearly explains the treated to some deserved criticism, stand taken by the" Mormons" in regard their gratuitous charges of "fanatito the promise which many good people cism" and "superstition" against the think they ought to make, concerning "Mormons" are promptly answered, future obedience to the law. He and it is shown that even if they are other times and places indica'e his clearly shows that this implies some- true, Congress has no right to legislate guilt. His address was very brief and

right to legislate against polygamy berth and go towards the car comalght-exactly five minutes to twelve even if it is enjoined by religion. The phrase, "Congress shall pass no law respecting an establishment of reli-At that time defendant came in again and got up into his own iberth. Witgion," he explains as a prohibition ness was on his way to San Francisco, and occupied his own car all the way against any national religion or one supported by Federal authority. The E. S. Luty was sworn. He is conphrase "nor prohibiting the free exerductor on the train in question and saw the defendant there first in the smoking car Cornne. He run as far cise thereof," he construes as forbidding Congress "to make a law which prevents individuals from carrying out as Carlin, met first eastbound train at in their lives those religious beliefs Tacoma. Searched the train near Wells, which dictate or lead to actions in no Nev., for defendant but could not find

which dictate or lead to actions in a way injurious to society." This expo-sition we think is unanswerable. To sition we think is unanswerable. To bins. Kate Liewellyn, wife of icom-plainant, next testified. Was on the train with ner husband. Saw defend-train with ner husband. Saw defendprotection at all. Belief is free, of was in her berth. He was push-ing against the berth of itself and in the nature of things. It is the expression of that belief in word

The helpless position in which the

people of Utah are placed, and its

manifest injustice, in having no appeal

rulings of Judges in whose election or

appointment they have no voice, is

portrayed in glowing colors. It is con-

tended that in constituting the new

offense of "unlawful cohabitation"

Congress should either have defined its

meaning, or provided for an appeal to

the Supreme Court of the United

States to obtain a competent and

impartial judicial construction. And he

demonstrates conclusively that the

structive offense are forced, unrea-

Governor West's request for soldiers

mand in the face of the Governor's own

accept the clemency kindly offered by

the Governor, is set forth correctly and

admission that there is not the least

justice.

Mr. Allen. Her husband asked him what he was doing. He said he "was sleeping" and if he was disturbed he

ocket.

would go to a car by himself. R. H. Slater, of Hot Springs, was there on the 22nd of June. Saw the souri Pacific passenger train, due here at 7:30 this morning, collided with a defendant there with some lady whom he claimed as his wife. On the 21st freight train near Greeowood, 20 miles regist train near Greenwood, 20 miles east of this city. The engines were wrecked and the freight engine was hurled upon the forward part of the mail car, crushing it and killing Elijah Magofin, postal clerk, F. H. Beebe, another clerk, is in a dying condition. The engineers they came to Ogden. He returned to the springs next morning at 11:05 Luty was recalled and said they seldom have passengers on their train for the Hot Springs, but if they do they, by request or permission, put them off opposite the springs. The west-bound and firemen saved themselves, by jumpassenger train leaves Ogden at 7 p.m., ing. None of the passengers were hurt. The accident was caused by a blunder of the telegraph operator at Greenwood, who sent forward train local time B. F. Deal, detective officer of San Francisco, deposed to arresting the defendant on the 1st of July last be-No. 6 instead of No. 123.

tween Ogden and Corinne. Whea he first him take one out of another man's hat go into the closet, and came out again

introduction of these articles. He also found \$20 in gold, and ten and five dollars in greenbacks. When at Corinne he shipped him and made a thorough search of him. He also brought him to Ogden and searched there at the city jail, when the prisoner acknowledged that he had given a \$50 note to Tanner which detective had not seen. He also had a diamond worth \$125 concealed on his person. Sheriff G. R. Belnap deposed to searching the defendant at the jail about the first of July and finding a diamond in the lining of his pants

Jailor M. F. Brown testified to the tion. Witness subsequently visited Lord and Lady Campbell int London. She found Lady Campbell suffering inlefendant being brought to the jail by beal and being searched by both of them. No other person had searched him up to the time the prisoner was delivered to the sheriff that day. At tense pain, and Lord Campbell ex-plained by saying, "There has been foul play upstairs, and Lady Campbell has had a miscarriage." She protest-ed that this could, not be so, and de-12:30 the court took recess till 2 p. m. At that hour Mr. Kimball moved to strike out all the evidence of Mr. Deal fendant reaffirmed that it was. Witrelative to finding the railroad check on defendant. The objections was ness believing Lord Campbell, that he had kept his promise relating to the overruled and partly admitted. two years and had been deceived, The testimony being all in, Mr. Og-den Hiles addressed the jury for the prosecution. He recapitulated the substance of the indictment, traced the movements of the defendant up to the date of finding, reviewed testimostraightway accused Dr. Bird of having taken advantage of his position. Dr. Bird denied the accusatiou, and refused to longer attend Lady Camp-bell unless the accusation was withdrawn. ny of the witnesses and argued that A family council ensued. At this

upon no other theory could they ex-plain the conduct of the accused at the Lord Colin admitted that he had not meant all he had said and had asked time of his arrest and his conduct here. Lady Miles to apologize for him to Dr. Bird. At the same time he complained only that he is guilty. He pointed out with clearness that all the movements of the length of time General Butler remained when he called on Lady Campbell. Witness said that at Lord of the defendant on the train and at request she

her arms around his neck.

For chicken cholera St. Jacobs Oil is infailible, says Mr. J. McCann, Bridgeport, W. Va. New York, 27.-Henry M. Stanley, African explorer, arrived on the steam-

BIRTHS. CINCINNATI, O., 27.-J. and S. B. Sachs, boot and shoe manufacturers, 109 West Pearl Street, assigned to-day. Assets \$100,000, liabilities \$300,000. The WILCKEN-November 27th, 1886, to Mrs. Wilcken, wife of the late August Wilcken, a on. Mother and child doing well. failure causes surprise.

Investigating the Hotel Fire.

Arrived.

Failed

Killed by Collision.

ship Allen yesterday.

CHICAGO, 27.-An the investigation of the Continental Hotel fire by the DEATHS. JONES--In this city, of old age, November city fire inspectors to-day four wit-ness were examined. B. T. Tomlin-26, 1886, Mary Jones. The deceased was son, who had boarded at the hotel for years, and who left the day preceding the fires, said he had been confidential-ly warned by Mrs. Rowan, who was in native of Monmouthshire, North Wales, and was in her 87th year. She died in full faith of the Gospel.

The funeral service will be held at her barge of the hotel, and that he in turn son's residence, No. 73, Grape street, Sevenwarned several other friends who left teenth Ward, on Sunday, November 28, at on the same day. No arrests have been , m. Friends are invited.

PLAYTER .- In Salt Lake City, on the 26th KANSAS CITY, Mo., 27.-The Misnst., Mrs. Caroline L. Young-Playter.

subscribed Capital, Paid Up Capital, Funeral on Monday at 12 m HEBER J. GRANT, JAMES SHARP, TLIAS A. SMITH, AXTON.--In this city, Tuesday, Novem-ber 23, 1886, Matilda Lovetta, wife of John Axton; born in London, England, July 31,

Funeral from family residence, 473 Sev-enth Street, on Sunday, at 12 m. Friends of the family are invited. Henry Dinwoodey, |

- OF -

MAMMOTH

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BARGAINS! BARGAINS!

NOTICE. HERE WILL BE A MEETING OF L the Stockholders of the Sait Lake Glass Works, at the office of the President. Sait Lake City and County, Territory of Utah, Wednesday, December 15th, 1886, at seven p. m. The meeting is called for the purpose of submitting a proposition to in-crease the Capital Stock of said Company. the Stockholders of JOHN A. EVANS, Secretary,

STRAYED OR STOLEN.

Salt Lake City, Nov. 24, 1886.

FROM NEAR PARK CITY, TWO BAY HORSES, weighing about 1000 pound each. One with a white strip in face, brand ed with a quarter circle on thigh; a shot wound on the left side about three inches below the back bone. The other is rough shod, a ringbone on right hind foot, branded on thigh. They are both collar marked and had on when lost halters with ropes ties to be his witness so far as to state that around their necks. he had not been guilty of ill-usage of Information leading to the recovery his wife, but said she knew the defendthese animals will be liberally paid for. JESSE AYLETIE, ant did not call her because she knew West Jordan, Salt Lake Co. d&s of his relations with the girl Mary Watson, and felt sure they would



TRADE

THE





thing that under the circumstances no against any people on such a hypothetrue MAN can make, and he effectusis. The folly of their suggestions in really punctures the sophism that gard to stopping "Mormon" immigrabecause the "Mormons" cannot give tion is also exhibited, and the wrong that promise, they are therefore and impracticability of such laws as in hostility and rebellion against the they ask for are established. laws of the United States. In this The able lawyer and author then connection the extraordinary and unmakes some propositions for the precedented rulings of the Utah courts, settlement of the "Mormon" question in order to entrap the "Morn.ons" and which the considers within the purrender it impossible for them to com- view of the General Government, ply with requirements alleged to be and competent to cure the evils in demanded by the law, are laid bare as Utah complained of by the country. It only an experienced and level-headed is not our purpose to discuss them. lawyer could expose them. A thorough We do not think it probable that they acquaintance is exhibited with the will be favorably entertained by the course pursued towards men who have | national authorities, because they are honestly endeavored to comply with both rational in their character and the Edmunds law, but who neverthe- humaue in their intent. And they less have been sentenced to severe would have the effect of bursting to penalties for its pretended infracpieces the scheme to despoil and rob this Territory and to make of it, in the tion.

Here comes in the important ques- language of the brilliant writer, the tion of what may and what may not be I Ireland of America. Whatever we may done by the civil power, in regard to think about the value of these propoacts purporting to be prompted by sitions, we accord to their author the religious motives. Mr. Curtis takes most kindly purpose to an afthe popular view of the powers of Conflicted Territory, and a most gress over the Territories. This, we earnest and patriotic desire to need not repeat, is the opposite of that serve his country, promote its interheld by the majority of the people of sets, preserve its policy and settled in-Utah. It is the reverse of the doctrine stitutions, and save it from the calamenunciated by the lamented jurist, ities which are sure to come upon it in time as inevitable retribution, if the Jeremiah Black, and which we believe to be correct and incontrovertible on a course commenced against a religious strict construction of the Constitucommunity is pursued to its logical tion. But Mr. Curtis has the and shameful ultimate. advantage of the support of lead-We hope our readers will find time ing statesmen of both political parties, to read every word of Mr. Curtis' can-

and of a large majority at did and clever letter to the Secretary least sigthe Supreme Court of the of the Interior, and that it will secure United States. The ground they occupy however, is that of expediency, every branch of the National Governand its stability is predicated more on account of its long establishment than on its inherent rightfulness. Congress, it is assumed, may legislate in all things directly for the Territories because it can, and the fundamental principle of republicanism that the consent of the governed is an essential to just government, is thrown aside to make way for the monarchial assumption of the sov-

erighty of Congress over the so-called "wards of the nation." Mr. Curtis Dred Scott case.

strength of the able writer's argument is displayed on a vital point to the people of Utah. While not only admitiing but declaring and supporting the powers of Congress to legislate on the marriage relation and all others, directly, for the Territories, he shows beyond rational dispute that those powers must be exercised within the limits of the Constitution. And he proves further that "Congress (or other civil authority) can constitutionally interdict or punish no conduct and no relation between indiits consequences."

Mr. Tanner followed for the defense He argued that in order to find the. defendant guilty, they must find beyond is reasonable doubt that the money found in the possession of the accused was the identical money-bills of the actual denomination and kind as those which are alleged to be lost by Mr. Llewellyn, and also that Branson had taken them unlawfully from the complainant. He pointed out that it was shown in the testimon of Llewellyn, that he did not remembe whether the \$50 bill was a national bank bill or whether it was, a United States treasury note, and so with some of the other bills alleged to have been stolen from him. He thought the jury were not satisfied beyond a reasonable loubt, that if the complainant had been robbed of the money alleged, that he defendant had stolen it from him. They must be satisfied of this fact be fore they can find him guilty. There has been no evidence adduced to warmant them in such a finding. Mr. 'Kimball followed Tanner and

argued in the same strain for a short Mr. Dickson made the closing speech. He said he did not aver that any one point of the evidence taken lone was sufficient to convict, but he did claim that the whole taken together, was amply sufficient for this pur-pose. Counsel for defense had asked if there was any peculiar characteristic in the features of the defendant that would indicate crime. In answer, Mr. Dickson said, pointing to the accused man, "no man can look into that face, and look into those eyes without see-ing crime written there." Counsel analyzed the whole of the evidence, analyzed the whole of the evidence, and in his most scathing terms' de-nounced the defendant as a liar and a thief, and said he was plying his pro-fession as a robber when he was ar-rested by Deal og the train. He sub-mitted the case to the jury, assuring them than Branson stole the money he s accused of, and that they ought to convict him. The Court then charged them and at 4:10 p.m. they retired. the attention of every leading man in While the jury were absent John

Stoddard was arranged on two indistribution in the statutory time to plead. Emma, Sarah, Eliza-OGDEN DEPARTMENT. bethe Agnes and Ellen Stoddard were placed under two hundred dollar DISTRICT COURT PROCHEDINGS

bonds to appear in this case on AT TEN O'CLOCK Thanksgiving morn-Wednesday morning next, December 1st ing his honor took his seat. The clerk the bonds of Elder Stoddard are \$1.500 read the proceedings of the 24th, which was ratified by the Court. W. H. Dickson, Esq., prosecuting attorney, came up from the capital and took his seat among the members of the bar and the court prometer and and \$2,000 respectively. At half past four the jury filed into court again, and answered to their names and presented a verdict of "guilty" against Charles W.Branson, as

ment.

transpire under cross-examination. After Lady Campbell had seperated from defendant, he complained to wit-NOW-THE TIME TO SPECU-LATE.

ness of having been badly treated. She CTIVE FLUCTATIONS IN THE retorted that he ought to think himself A Market offer opportunities to specu-lators to make money in Grain, Stocks, Bouds and Petroleum. Prompt personal lucky because his wife had obtained a mere separation and not a divorce, which she would have got if witness had been called to testily concerning Mary Watson. Lady Miles testilded that Märy was the housemaid. Wit-ness found Mary Watson in Lord Campbell's room in Cadogan Place. At the time defendant was 'string or the attention given to orders received by wire or mail. Correspondence solicited. Fall information about the markets on our Book, which will be forwarded free on application. H. D. KYLE, Banker and Broker, the time defendant was 'sitting on the

side of the bed clad in his night dress and the girl was lying on the bed with DISSOLUTION OF PARTNERSHIP.

The witness continuing, said that when she saw Lord Colin Campbell and Mary Watson together, he said: "Mary is a good little thing. She is very fond of me. She has very nice hair. I often take it down and play

hair. I often take it down and play with it." Witness had seen letters from Mary Watson to defendant, signed "Your affectionate Mary." Witness, being questioned, admitted she had heard Lady Campbell say in the pres-ence of her husband, that there were a dozen men she liked better than him. Here the letter was produced written

Here the letter was produced written Nephi, Juab Co., Utah. by witness to defendant, advising him

o get divorced and then to "take a nice little woman to be a companion and comfort to him." Witness admit-ted that she wrote the letter, and said LEGAL NOTICE.

that in reply to it Lord Campbell asked her whether Lady Campbell would re-quire alimony if he allowed her to get n the matter of the Estate of Ann Jenkins divorced from him. To this witness answered that the Blood family would Deceased.

not ask for alimony and would pay Lady Campbell's costs. The case was

adjourned at this point. LONDON, 27.—In the Campbell di-vorce case, the plaintiff's counsel closed her side of the case to-day, Lady Miles was crosse-examined. She said she was not aware that a cabman bearing a letter from the Duke of Marlborough once entered Lady Campbell's bedroom. A cabman Campbell's bedroom. A cabman might, witness thought, have handed Lady Campbell a letter indoors instead of through a servant, and might have received from her a reply direct, be-cause under the circumstances which

she was placed in, Lady Campbell might have suspected her servants, es-pecially her husband's nurse, and ieared to entrust them with any cor-Dated at Salt Lake City, November 23rd

At this point certain lettets written by witness to defendant were produced

HAS ONE OF THE

Robert Baanallyne finally opened the case for the defense. He said it af-forded an expressible relief to Lord



IS^{IX}

From the Wasatch and Crismon Mines, and

or Telephone No. 384.

F. A. MITCHELL, Secretary and Manager



