

THE EVENING NEWS.

PUBLISHED DAILY, SUNDAYS EXCEPTED, AT FOUR O'CLOCK.

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

Wednesday, May 21, 1879.

"CONCLUSIVE" TESTIMONY.

SEVERAL papers are making comments on the Miles case, but few of them seem to have taken the trouble to investigate it. The "Mormon" question, however, is always a tempting subject to a certain class of editors, and their rashness in plunging into it is only equalled by their ignorance concerning its merits. [The San Francisco Bulletin, referring to the trial, makes a number of very foolish remarks betraying a lamentable lack of knowledge of the matter. We make the following extract:—

"The jury in the Miles case were not long in considering their verdict. Ten minutes sufficed for them to make up their minds. The testimony was clear, and conviction appeared almost certain from the time the jury were impaneled. There was the utmost difficulty in obtaining a jury, and the number of challenges for bias was almost unprecedented in any trial. The only hope for the defendant was in raising the issue that the first marriage must be conclusively proved before the victim of the polygamous marriage was allowed to take the stand. This appeal was overruled by the court, and Miss Owen was allowed to testify. Her testimony of the proceedings at the Endowment House was conclusive of the first marriage, and also that of her own. With the uncontradicted evidence of two marriages before them, there was no course left to the jury but to return a verdict of guilty."

The reason that the jury required no time for deliberation was not in consequence of the plainness of the evidence, but because their verdict was "a foregone conclusion," as the Bulletin tacitly admits in the remark that, "conviction appeared almost certain from the time the jury were impaneled." Was this in consequence of the testimony? None had been introduced. Why, then, was conviction "almost certain" before a single witness was placed on the stand? Simply because the defendant was to be tried, not by a jury of his peers, but by a body of men, picked out and chosen for their known antagonism to him and his religion. What caused the great difficulty in obtaining a jury, and why was the number of challenges "almost unprecedented?" The answer is, because no one but the defendant's political and religious opponents were permitted to serve on the jury. We go further than the Bulletin, and say such a course was entirely unprecedented. And it will be a very bad precedent to establish in any country. It remains to be seen whether it will be sustained by competent judicial authority. Such proceedings were never known before and ought never to be known again. A religious test was applied, in violation of a well known constitutional prohibition, and jurors were not only made to answer under oath in regard to facts which might tend to their own depreciation, but in reference to their religious belief.

The Bulletin speaks of the testimony of the chief witness in relation to proceedings in the Endowment House, as "conclusive of the first marriage." What was her testimony? Nothing more than that she saw the lady in that house on the day she was herself married to the defendant. Scores of people were there also. Marriage is only one among a number of ceremonies frequently performed there without marriage or being connected therewith. Not another soul but the witness, who in testifying was carrying out her admitted course of vengeance against the accused, saw the alleged first wife at that place, and not even that willing witness saw any ceremony performed between that lady and the defendant. Very "conclusive evidence," certainly.

The truth is, the defendant was convicted on the strength of popular rumor. It was commonly talked of in the community that John Miles had married two wives—at first, report said three—on the same day. That was the chief "evidence" that brought a verdict of guilty. We hear of a similar influence at work in the recent Shurtliff case. Whatever may be the facts, the evidence adduced was insufficient to convict the accused. But "common fame" had attached guilt to the defendant, and we are reliably informed that the grounds on which some of the jury held out for a verdict of guilty, was the reputation of the prisoner.

Is it not time that this way of trying an accused person was put a stop to? If it is to grow into a custom, what innocent defendant will be safe? Whatever opinion might be formed of the person at bar, and however dark the clouds of suspicion that had gathered around his head, it was the duty of the jury to consider the evidence adduced at the trial and that alone, and from the sworn testimony, not from outside considerations, they must be convinced beyond a reasonable doubt or they had no right to pronounce a verdict of guilty. If a defendant is popularly charged with cattle stealing, that is no proof that he is guilty of robbing a train; and a common report that a man has married two wives on the same day is no legal evidence that he is guilty of bigamy or polygamy.

As a further proof of the ignorance of editors in handling "Mormon" matters, we take the following from the same article in the Bulletin:—

"There is no excuse for this defendant. The polygamous marriage was not consummated until October last, two years after the passage of the statute by Congress.

The law that Miles is accused of breaking was passed in 1862, more than sixteen instead of two years

before the alleged double marriage. And we are told that the defendant had only been one year after its passage that the wedding took place. Miles would have been exonerated. The Bulletin says further:—

"The attitude of one of the Mormon elders in refusing to give testimony, indicates a spirit of hostility to the United States Government."

What a terrible strain editors are put to in undertaking to make the "Mormons" appear "hostile to the Government!" A curious and impertinent attorney, a sort of legal "Peeping Tom," who has boasted that he would have the secret religious ceremonies of the "Mormon" Church exposed in open court, undertook to badger an honorable gentleman on the witness stand and force him to divulge things which he considered himself religiously and sacredly bound to keep secret, and which had no more bearing upon the case at bar than the Masonic sign of distress, or the cut of a Mason's apron.

The witness declined to answer, and O ye gods and little fishes! that refuse to "indicate a spirit of hostility to the United States Government!" To what desperate stratagems are small-brained anti-"Mormons" reduced, when they wish to stir up the powers that be against a doctrine which they cannot refute by argument, and a people whom they cannot convict of evil by any fair, legitimate or constitutional method! If the conviction in the Miles case is a "victory for the prosecution," it is a victory over the established rights of the humblest person accused of crime, and over the plainest principles of constitutional law. It has not yet occurred, but if it were, it would be no triumph to a just and honorable officer or tribunal.

BY TELEGRAPH.

FROM WESTERN UNION TELEGRAPH LINE.

EASTERN.

Cotton Merchants Fail.

NEW YORK, 21.—Williams, Birnie & Co., cotton brokers, 65 Beaver Street, sent a notice to the cotton exchange to-day of their inability to meet their engagements. Great excitement prevailed among the cotton merchants, as the failure of this firm, being one of the most promising in the trade, is acknowledged the firm was "short" about 50,000 bales, or estimated in money, \$31,500,000. It is said to be worth more than several millions and promises to pay creditors in full, but it is stated the firm will be dissolved.

Political Propositions—The Silver Bill.

Under the heading, "Democrats giving up the fight," the *Star* of Washington to-day says: "It is absolutely certain that both legislative, executive and judicial, and the army appropriations will be made. Congress adjourns to-day. The number who were originally in favor of withholding supplies till grievances were redressed is constantly decreasing. Either the appropriations will be regularly made, or resolutions extending them will be passed.

The World reviewing the present debates in the Senate, says: "The backers of Grant are bent on getting from the democrats a new sign of acquiescence in the legal definition of this, 'An indissoluble union of indestructible States,' and let the democrats in Congress calmly and resolutely press forward until that banner to make this definition a reality."

The World further says: "The section of Warner's bill which provided that any bill of silver should 'put' it to government at its coin value and not at its billon value was defeated, yesterday, in spite of the silver count afforded it by Speaker Randall, as it served to be. So far as the increase of silver currency goes, the bill seems to be very nearly as effective in its present shape as in that in which it was introduced. Government, as the agent of the people, and not the holder of bullion, will get the advantage of the legal increase of its value, and nobody but the bonanza kings should rejoice at that."

The *Times*' Washington special says: "The only resource now left to the silver men to save free coinage is to reject the fourth section, which they endeavor to do to-morrow. In this, however, it is believed they will not succeed, and their leaders admit, to-night, that the last two votes furnish no grounds of hope for their success in the House."

The *Herald*'s Washington special says: "Speaker Randall encourages a prolonged session; and holds that the army appropriation bill ought not to be passed until the struggle with the President ought to be made as pronounced and bitter as possible. The Speaker has a good deal of influence in the House, and may happen in the House this session or next."

The *Times* also rejoices at the practical death of the measure, saying the *Washington* has received a severe check at the hands of the republicans aided by a certain number of democrats, and also, rejoicing, enough, by a smaller number of greenbackers. Among the democrats who have considered the interests of the country as superior to those of the bullion owners, native or foreign, are those who became disgusted with the extreme character of Warner's bill.

The *Times* Washington special says: "The findings of the Stanley-Hazen court-martial are not satisfactory to Hasen and his friends. It is believed Stanley is substantially acquitted of the charges, though his conduct in some minor details is censured."

The South American Sea Fight. The *Herald* has the following dispatches:—

Valparaiso, Chili, April 16, via Rio Janeiro, 26.—The Chilean gunboat *Magallanes* was attacked by the Peruvian corvette *Union*, of 1,150 tons, carrying twelve seventy-pounders, and with a crew of 400 men, assisted by the *Piscoyaco*, of 600 tons, carrying two seventy-pounders, and four forty-pounder guns. The engagement took place off the mouth of the River Los Rios, forming the harbor of the same name. This river forms the boundary line, near the coast, between Bolivia and Peru. The two Peruvian vessels fired 150 shots at the *Magallanes* which fired forty shells and solid shot in return. The firing of the *Magallanes* was very wild, the *Union* only being struck once, and that by a ricochet shot. The *Union* then stopped firing and escaped with the *Piscoyaco*, which was badly damaged. The Chilean ironclad *Almirante Cochrane* has gone in pursuit.

WESTERN.

China and Japan News.

SAN FRANCISCO, 21.—The following is received per ship *North American*, from Yokohama:—

Hong Kong, April 9.—News of the veto of the anti-Chinese bill excites various and conflicting comments. Americans throughout China express satisfaction at the rejection of the summary plan for disposing of the question at issue. Europeans merely surprise, having in most cases anticipated a different action. The Chinese take contradictory views even among themselves. In the immediate neighborhood of Hong Kong the port of emigration, where the friends and relations of the Chinese now in America reside, much gratification is shown. The idea appears to prevail that future persecutions are impossible, but there is no indication of increased departures. Around Shanghai the press is apparently indifferent and the official reticent. Private advices from Peking warrant the supposition that the veto will not be received with unmixed pleasure. It is reported on good authority that the government had prepared for a contrary result and intended to take advantage of the veto to announce retaliatory proceedings. It is even probable that the Chinese minister in America was provided with special instructions to the effect that should the bill be vetoed, he should at once announce retaliatory proceedings. Under the changed aspect of affairs, the precise truth on this point will be difficult to discover. It is certain now, that after learning of the passage of the bill by the House of Representatives, members of the Chinese legation displayed a feeling of the reverse of disappointment. Many foreign residents of Peking were convinced that the government would have welcomed an extension of the bill, and that it was at least anti-American policy. These statements are communicated in good faith and with perfect confidence in their accuracy, though it is impossible to verify them with absolute certainty.

The Chinese newspapers exhibit indignation at the final incorporation of the *Soo Choo* and *Rim Kin* with Japan. Minor officials are emphatic in the denial of the legality of the act. Higher authorities are equally uncompromising on the subject, with no sign of obsequious opposition.

L. Kung Chang, viceroy of Chili and commander-in-chief of the army, is preparing a grand review of all the troops at Tientsin for the enlightenment of General Grant. In Shanghai, Grant will be the guest of Vice-Consul General Bailey.

The Tongtun rebel movement is as before, with no recent advantage on either side.

Yokohama, April 23.—There is another change in the vacillating plans of the Japanese government respecting the treaty revision. Two years ago it was determined to negotiate new treaties at the several capitals of the treaty powers, beginning with the United States. The result of that initial experiment was so bad, however, owing to the introduction of the final clause, responsibility of which now is openly acknowledged by the Japanese officials, that proceedings were stayed. Meanwhile, the espionage step was alleged to have been taken by the Japanese envoy at London, who either originated or consented to a scheme for a general convention in that city not to renege the terms of the entire treaty, but simply to alter the scale of customs duties. The Japanese government was opposed to such partial and imperfect revision, and consequently the movement was repudiated and arrangements are now in progress for the complete revision. In Tokyo proceedings to begin this summer. No important results are hoped for, Japan having unfortunately betrayed a weakness and fear to confront the inviolable power of the United States. The Japanese minister, who is publicly assumed all authority, and Yoshida, late envoy to Washington, declares that if any clause is to be altered, Mr. Evans must not be charged with it, inasmuch as the proposition came from him (Yoshida) under the instructions from Tokyo.

The methods now pursued by the Japanese authorities are considered by many still somewhat dubious, secret negotiations being in progress with certain legations, and inviting suggestions of modifications required.

The new dollar continues at a premium of 25 cents over the Japanese money, with no buyers or sellers except in trifling amounts.

Counterfeit treasury two yen notes are largely circulated, and are believed to be executed abroad and introduced through the mails. It is believed that in various cities are undergoing preparation for their occupation by General Grant.

TELEGRAPHIC NOTES.

The fishing schooner *Ida E. Baker*, of Gloucester, Mass., is lost with a crew of 12 men. The schooner, Hersey, of Gloucester, has been elected president of the Reichstag in place of Herr Rorckenbach, resigned.

The German Emperor has annulled the judgment of the court martial in the case of the ironclad *Grosser Kurfurst* and appointed another under the presidency of Gen. Podbielsky.

MORGAN STAKE CONFERENCE.

ENCORE.

The seventh quarterly conference of Morgan Stake of Zion, convened in the Bowery in South Morgan, Saturday and Sunday, the 17th and 18th insts. There were present of the Twelve Apostles, Moses Thatcher, of the Presidency of the Morgan Stake of Zion, Willard G. Smith and Richard Fry; Samuel Francis, 2d Counselor to the President, having been suffering for a few days from a severe cold, was unable to attend. A majority of the High Council were present, and the Elders and their counselors of the various wards in the stake, and a good representation of the people. Each ward was represented by its Bishop, and from the representation it was elicited that there is an increase of faith and a renewal of spirit existing among the Saints, and a determination to roll forth the work with greater zeal.

On Sunday afternoon the general authorities of the Church were presented to the conference for their approval or disapproval, as they were presented at the last Annual Conference, when the vote was unanimous to sustain them in their positions. The local authorities of the stake were presented, who were unanimously sustained; one change having been made: James R. Stuart was ordained a High Priest by Apostle Moses Thatcher, and set apart as 1st Counselor to Bishop Charles Turner, of the South Morgan Ward; vacancy occasioned by Thomas Lerwill, who has been lately excommunicated from the Church.

Elder Thatcher favored us during the conference with three truly timely sermons, and notwithstanding the fact that he had been somewhat discouraged with the gloomy prospects ahead of them on account of the grasshoppers, their minds were drawn out in another direction, and they forgot the mischiefs the hoppers were doing, and appeared as though they would be difficult to discover. It is certain now, that after learning of the passage of the bill by the House of Representatives, members of the Chinese legation displayed a feeling of the reverse of disappointment. Many foreign residents of Peking were convinced that the government would have welcomed an extension of the bill, and that it was at least anti-American policy. These statements are communicated in good faith and with perfect confidence in their accuracy, though it is impossible to verify them with absolute certainty.

JOHN S. BAKER, Clerk of Conference.

HOTEL ARRIVALS.

VALLEY HOUSE, May 20th.

John Pounce, Ophir; Joseph Nicholls, 1st; E. L. Baker, Brigham; Wm. Franklin and wife, Missouri; Jonas Myers and wife, Laramie; A. B. Cooper, Washington; C. W. Moulton, Washington; D. C. D. P. Hughes, Peter Fugle & John Cook, Wyoming; George McDonald, Wm. Webster, Omaha; James Hill, San Francisco.

DIED.

In this city, at 2 o'clock a.m., May 21st, 1879, of bleeding after diphtheria, IDA KOTHE, daughter of Samuel A. and Sarah Ann Koth, born March 2nd, 1871, being 1 year, 9 months and 28 days old.

Funeral services at Farm house, Sugar House Ward, to-morrow (Thursday), at 10 o'clock a.m.

At Franklin, Oueda County, Idaho, May 18th, 1879, of diphtheria, ASIA CHAPMAN, daughter of Jared and Harriet Porter, aged 11 years, 6 months and 5 days.

Also at the same place, May 18th, of same disease, EDWARD JAMES PORTER, aged 1 year, 3 months and 18 days. Both deaths in the same family.

BLACK MARE LOST.

STRAYED from the owner, on the 18th inst., a two year old Black Mare (gentle), with halter on, and harness, and information that will lead to her recovery, to JOHN C. LAMBERT, Juvenile Instructor, O. O. will be rewarded, \$10.

ESTRAY NOTICE.

I HAVE in my possession: One dark bay STALLION, about 2 years old, no brands visible. If anyone has taken away he will be sold May 23rd, 1879, at the District Court, Moroni, Sanpete County, at 2 o'clock p.m.

JOHN BAILEY, District Court Reporter, Moroni, Sanpete County, May 19, 1879.

STEEL PENS.

of superior English make; famous for durability, and good style of writing. For sale by J. W. SNELL, at 35 cents per doz. by mail on receipt of price.

W. AND F. FALCON, by mail on receipt of price.

Isivson, Blakeman, Taylor & Co., SOLE AGENTS FOR THE U. S., 138 & 140 Grand St., New York.

A REVIEW.

OF THE...

DECISION.

OF THE...

SUPREME COURT.

OF THE...

UNITED STATES.

IN THE CASE OF...

GEORGE REYNOLDS.

VS.

THE UNITED STATES.

BY GEORGE Q. CANNON.

Printed and for Sale at the...

DESBERT NEWS OFFICE.

PRICE, - 25 Cents.

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Geo. C. Riser, the Pioneer of Salt Lake and Deseret, has moved to more commodious quarters. No. 83 First South Street, Salt Lake City, three doors west of Dinwoody's Furniture Store, where he will make and repair all kinds of Boots and Shoes on the shortest notice and at lowest prices. d14

FOR SALE.

OR EXCHANGE for good City Property a FARM of 100 acres, five miles south-west of Salt Lake City, with a good house, and all kinds of Farming implements, etc. Apply to COOPER BROS., Under T. H. Jones' Bank. d14

WANTED.

2 STRONG respectable youths, as apprentices to the trunk, satchel and valise business. Apply to the Salt Lake City Trunk Factory, 35 First South St. d14 J. W. SNELL, Proprietor.

THE VALE ARTIFICIAL LEG.

Recommended by leading Surgeons, and those who wear them testify to the comfort and perfect fit guaranteed without the presence of the patient, a descriptive pamphlet sent free. Address GEO. B. HOGGSON, New Haven, Conn. d14

WANTED.

A PARTNER, with a capital of \$2,000, who is capable of taking the charge and oversight of the books and financial management of a good paying business, now being established in this city. For special information, apply to letter to ENQUIRER, Post Office box, 1129, Salt Lake City. d14

NOTICE.

I HEREBY GIVEN that a meeting of the taxpayers of the 13th School District will be held in the upper room of the school-house on Tuesday evening, June 2d, 1879, at 7:30 p.m., for the election of trustees and the transaction of other important business.

By order of A. S. GRAY, WM. L. BINDER, Trustees. Salt Lake City, May 20, 1879. d14

A. D. WHEELER,

Lately of U. S. Land Office,

LAND AGENT & ATTORNEY.

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ATTENDS promptly to Preparing Land and Mining Papers, Contracts, etc. Furnishes Plans of surveys, information, etc., to interested parties. Furnishes documents for paying Pre-emption Claims with Scrips. Will answer correspondence free. Refers by permission to Williams & Young, Attorneys; Bennett & Hartness; McConick & Co.; Harker; Telford & Hagan; L. S. Hilt, Cashier Federal National Bank; W. S. McCormick & Co.; Harker; R. Jones, Real Estate; Wells, Fargo & Co.; Bankers. d14

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HAS just received a splendid PIPE AND REED ORGAN, made by the celebrated Geo. Wood's ORGAN CO. For great power and sweetness of tone it excels any Organ ever seen in Utah.

He has also a very beautiful Wood's UPRIGHT PIANO. The tone is sympathetic, and of fine singing quality, the action perfect, the design elegant, and the finish and workmanship of the very finest.

He is also agent for the "KNAKE," "ARON," "HARDMAN" and "WATER'S" Piano. And most respectfully invites his friends and the public to give him a call at his NEW STORE on First South Street, two doors east of Dinwoody's Furniture Store, and examine his splendid stock of all kinds of Instruments, SHEET MUSIC, Strings, &c., &c. 137 1/2

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Trunks, Satchels, Valises and Travelling Equipments.

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J. H. CLEMENTSHAW, Supt. of Factory. J. W. SNELL, Proprietor.

The business heretofore conducted at the

"BIG BOOT."

Has been transferred to Zion's Co-operative Mercantile Institution.

A Full Line of All Styles and Best Qualities of

HOME-MADE BOOTS & SHOES,

At Lowest Prices, will always be found in Stock at

Z. C. M. I.

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CALL AT.....

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NEW TALMAS.

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A HOUSEHOLD SOAP FOR GENERAL USE

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H. B. CLAWSON has just received a car of Diamond Steel Bottom Scrapers, Assorted sizes, 20 inch, 22 inch, and 24 inch For Shape, Strength, Durability and Low Price they are unequalled. Call and Examine.

ATTENTION FARMERS

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