

the smallest in Illinois in 25 years. From the best information obtainable, it appears that the competing factions in the company are nearly equally divided. It is stated that Elijah Smith has proxies for 116,000 shares, and the remaining 8,000 shares are held by the other side. Both sides are trying to get these 8,000 shares for next election.

Francis Adams, President of the Oregon and Navigation Company, is extending by special from Portland to Portland in 91 hours. The company is trying to get these 8,000 shares for next election. Adams, President of the Oregon and Navigation Company, is extending by special from Portland to Portland in 91 hours. The company is trying to get these 8,000 shares for next election.

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were scouting in the vicinity of Guadalupe Cañon, his camp was attacked by Indians about noon on the 8th. Five of his men were killed and two mules and five stores burned. The camp was in charge of one non-commissioned officer and seven men. The Indian scouts say there were 25 or 30 Indians in the party. Lawton and Wood are now on their trail.

(Signed) GEO. CROOK, Brigadier-General.

DES MOINES, 13.—News of the effect of the storm last night is slow coming in. About four miles north of Ruthven five houses were destroyed by the wind, a man named Hilgson fatally and his wife slightly injured. Their baby was carried quite a distance and left under a board pile unharmed.

In Pulaski a number of buildings were demolished and three lives lost. At Council Bluffs the storm struck the Deaf and Dumb Institute, tearing the roof from its moorings and carrying it 600 feet.

The storm at Whiting blew down many houses and barns and severely injured Mrs. John Crossley. It tore W. Packard's house to pieces, broke Mrs. Packard's arm and carried her babe, a week old, 200 yards, stripped it of all its clothing and left it unharmed.

Near Marshalltown the Christian Brothers' Institute was unroofed and the river bridge blown down.

In the neighborhood of Sloan several houses and other buildings were wrecked and fifteen persons injured, several seriously. A babe was blown from its mother's arms and found at daylight, several yards distant in the mud. It was supposed to be dead, but after being washed and laid out, suddenly came to and is recovering.

In Casper County the rivers are all overflowing. The bridge on the Iowa Central was carried away, and two miles of track on the Newton & Monroe Railway was washed out.

At Halburton freight cars were blown from the track into a ditch. Crops suffered but little.

The house of Solomon Meyers, in Davis County, was blown to fragments, wife and one child instantly killed and himself and three other children seriously injured. One mile east the house of John Sterick was destroyed and Ella Hoffman, a hired girl, killed. Much live stock was lost.

SAN ANTONIO, Tex., 13.—Major Sumner of the Eighth cavalry, with four troops of cavalry and four companies of infantry, are to join in the pursuit of the Apaches. Two troops of the Eighth cavalry left here to-night by a special train for Spofford Junction, where two more troops of the Eighth and four companies of the Eighteenth from Fort Clark, under the command of Major Wilcox, will join the detachment. The command is en route to Deming, New Mexico, under telegraphic orders received this evening. Sumner and Wilcox are known as hard riders, and will press the trail day and night.

PHILADELPHIA, 13.—Mayor Smith called the citizen's committee for the relief of Plymouth together to-day and read them a letter from W. A. Pettet and 180 others of Low Gap, Cabell county, West Virginia, reciting the starvation, sickness and suffering to the committee and asking for aid from this city. After some discussion as to the proper method of reaching and aiding these fame-stricken people, it was determined to appoint Robert McWade of the *Ledger* and Dr. M. S. French a committee to visit Low Gap, and \$1,000 was placed in their hands to use as they deem best. They left for the scene of their labors and will telegraph upon their arrival as to the state of affairs.

LOUISVILLE, 13.—United States Marshal Gross and Detective Baner returned from Versailles, Ky., to-day, bringing Alonzo Fuget, one of the most widely known and skillful counterfeiters in the country. Fuget's record covers pages of the books in the Government Secret Service, and he has produced some of the most deceptive currency ever issued. He began operating New York 16 years ago, and has since turned out his spurious coin in nearly every State in the Union. He was at the head of the notorious Crabtree gang, and was reported killed when most of its members were captured in 1876. His work was afterwards recognized by experts, and many efforts were made to discover his whereabouts, which was only learned a few days ago. Fuget was living in a lonely hut near Versailles. The officers arrested him last night as he was leaving home in a buggy. Hundreds of tools of the finest pattern were captured, and also dies of treasury notes that have given the most trouble to banks. Fuget has recently been calling himself Fuzine. He is aged 65, and looks decrepit, though he is still active and strong.

WINNIPEG, 14.—News came in this morning that 300 Indians had left the reservation at Tale Hills and gone to join Pasquash's band which is located on Qu'Appelle Lake above Qu'Appelle. The 91st battalion was sent from Fort Qu'Appelle to intercept and turn them back. It is not expected there will be anything like a warlike movement, but a collision between the Indians and troops might occur.

HUMBOLDT, 14.—A dispatch states that 40 prisoners taken at Batouche consisting of eight Indians, two Whites and 30 halfbreeds passed through there yesterday on their way to Regina. They were under an escort of mounted police with special constables in charge. Inspector Sander's escort was strengthened at Humboldt by men from the Toronto Cavalry. A dispatch from Clark's Crossing states that gunner Carpenter of "A" battery, wounded in the leg at Batouche, died

in the hospital at Saskatoon to-day, the other wounded in the hospital there, numbering 21 are all doing well. No news from Big Bear yet.

ST. PAUL, 14.—Chippewyan Mission, Portage, Beaver River, June 11th, 6 p. m. via Fort Pitt and Winnipeg.—A courier who has just arrived from Middleton's camp, near Loon Lake, reports Big Bear heading this way. Steele's men are pressing him very hard. The river has risen several feet in the past few days, thus preventing Big Bear crossing with his stock, east of this point. The Sixty-fifth is stationed three miles down the river. The timber being heavy east of there, Big Bear will come in by an untraveled trail and will thus be snared.

WILKESBARRE, Pa., 14.—The Darance Shaft of the Lehigh Valley Coal Company met with a serious accident last night, which, though destructive to property, was not attended with loss of life. A workman's lamp ignited a blower of gas in the stope a short distance from the bottom of the shaft, and so furiously did it burn that the men were unable to safely combat the flames, and were compelled to take flight. Fortunately there were two ways of escape, one by means of an air shaft, the other through a second opening. When it was found the fire could not be extinguished by appliances at hand, the fire department was called out. About midnight the department responded and began flooding the mine with water taken from the Susquehanna River, a few hundred feet from the mine. This, however, did not prove to be a very prompt extinguisher. The pumping had to be kept up all night and to-day, and how long it must be continued nobody knows at present. Exploring parties were lowered into the pit this evening, but the fire was so fierce that nothing could be done by them. Present indications are that it will be several days before the fire can be extinguished. The accident will throw about 200 men out of employment for some time; damage to the mine will be heavy.

NEW YORK, 13.—After Doctors Douglas and Shady and Sands had held their usual Sunday consultation at Gen. Grant's house to-day, Dr. Douglas said that the General had suffered some little disturbance during last night, the cause of which is attributed to eating some asparagus, but that he slept with little break from one a. m. to five a. m., and was not suffering to-day through feeling the heat. Dr. Shady said that the swelling on the outside of the throat had increased and had affected the patient's voice. Col. Fred. Grant, after the consultation, said his father had a bad night, that the General was growing weaker and that his condition now seems to be one of increasing debility without pain. The Col. added that if possible the General would be removed from the city on Tuesday next, one week earlier than before intended.

NEW YORK, 14.—The bark *Johanna*, from the Mauritius, which arrived here this morning, reports having passed, on the 12th instant, off Cape May, a light ship in range of a man-of-war. It is supposed to be the *Isere*, with the Bartholdi statue.

INDIANAPOLIS, 14.—Vice-President and Mrs. Hendricks left this afternoon for New York. Mr. Hendricks is billed for an address at Yale College during commencement week.

PITTSBURG, 14.—The mills of Oliver Bros. and Phillips, employing over 3,000 men, will resume operations tomorrow. After the adjournment of the conference last night the firm met the committee of the Amalgamated Association and signed the scale with a slight modification of the clause providing for extra pay for working over old rails. It is now believed that the conference on Tuesday will result in a settlement of differences between the manufacturers and workmen, and that before the end of the week all the mills will be running.

WASHINGTON, 14.—The President attended the "Children's Day" services at Dr. Sunderland's church this morning.

PORTLAND, Oregon, 15.—The excursion of the Iowa Press Association arrived here yesterday in fine spirits. They were well entertained at Baker City and The Dalles. They leave tomorrow for Puget Sound.

SAN FRANCISCO, 15.—The steamer *City of Sydney*, from Australia, arrived this morning with Sydney dates of May 21st, Auckland, New Zealand, May 26th. The Auckland papers contain an account of the arrest, on May 5th, of Walter H. Lennox Maxwell, alias Theodore Cecil Dangleire, charged with having murdered Charles A. Preller in St. Louis. The arrest was made by U. S. Consul Gamble, who received a telegram from the chief of police of St. Louis, with instructions to that effect. Two days later Consul Gamble received a telegram from the U. S. Secretary of State authorizing him to make the arrest.

Two detectives boarded the steamer at Tiritiri. The purser in reply to their questions stated there was a man among the steerage passengers answering to Maxwell's description. The man was summoned on deck. The first question asked him was whether he was a physician. He promptly denied this, saying he was a native of France and an officer of the French army. The detectives informed him they had a warrant for his arrest, and would have to take him into custody. Maxwell appeared to be disconcerted, but recovered his composure while the officers were handcuffing him, coolly remarking that the whole matter was a mistake which would be quickly explained away. On May 5th he was brought into the police

court and the charges against him read. The crown solicitor appeared for the prosecution, Messrs. Napier and Burton for the defense. The latter claimed that the court had no jurisdiction, and after some argument the case was remanded to the 7th, after which it was again remanded to the 11th. On that day the case was again brought up. Consul Gamble was the first witness called. He testified on behalf of the prosecution as to the various articles found in Maxwell's trunk, which among other things, contained two embroidered handkerchiefs marked "C. A. P." and a shirt with two large spots of blood on the tail. In reply to a question as to how these articles, not bearing his name, had come into his possession, Maxwell said they had been given to him in San Francisco by a man named Robinson. Detective Toohy, one of the two who arrested him on the steamer, testified to finding the following articles in Maxwell's gripsack: Thirty-four cuffs and two handkerchiefs, all marked "C. A. P.," a memorandum book marked Dangleire; a pocket medical dictionary in which was written "W. H. Lennox Maxwell, M. D., F. A. R. C. S.," and a dressing case marked "W. H. Lennox Maxwell." All of these articles Maxwell said he bought from the same man, Robinson, in San Francisco. The counsel for the defense at this point in the proceedings again contended that the court had no jurisdiction in the matter, and asked for dismissal. The case was then remanded to May 16th. On that day to the 23d and again on that day to the 30th. Judge Smith, who is hearing the case, stated that he would remand it eight days at a time until the officers from St. Louis arrived.

OMAHA, Neb., 15.—The second severe rain and wind storm within half a week visited this section yesterday. A brakeman named Sullivan was killed by lightning near Columbus. Immense damage was done in the country to wind-mills, sheds and barns by the wind. The storm along the Union Pacific was particularly severe. At Millard, twenty miles west, two lumber sheds were entirely blown away. At Elkhorn two houses and a barn were blown down. For a distance of six miles west of Grand Island, the telegraph poles are all laid flat. The same storm struck the North Platt depot and was blowing it to pieces, when telegraphic communication was cut off. The depot at Phelps Station, on the Burlington and Missouri railroad, was partly wrecked. A great deal of damage was done for a distance of fifty miles along the Nebraska railway. In the south part of the State, a great many buildings are wrecked. Reports are meagre, so far, owing to interruptions of telegraphic communication.

NEW YORK, 15.—Mrs. Sarah Butler widow of James H. Butler, late President of the New York Central and Hudson River R. R., died yesterday morning of inflammation of the brain at Sing Sing, where she was under the care of Dr. R. L. Parsons. Mr. Butler died of diabetes on Friday last. The death of several dear friends, and anxiety about her husband's serious illness in 1881, so affected Mrs. Butler's mind, that it was deemed advisable to put her in charge of a doctor. On Wednesday last, she had an acute attack and shortly after she became unconscious. Both she and her husband were dying at the same time, but neither knew anything about the other's condition.

JUDGE POWERS' OPINION.

IN THE SIMPSON POLYGAMY CASE.

The case of the United States vs. Thomas Simpson, for polygamy, was argued before the Territorial Supreme Court, and submitted June 8, 1885, and was decided this morning. The following is the opinion of Judge O. W. Powers, in which Chief Justice Zane and Associate Justice Boreman concur:

The defendant was indicted for polygamy, tried, convicted and sentenced to the penitentiary, in the Third District Court of this Territory. The substantial averments of the indictment were, that he intermarried with one Emma Everett, while at the same time his lawful wife, Hannah Powell Simpson, was living.

The court charged the jury that if the evidence convinced them beyond a reasonable doubt that the defendant married Emma Everett as charged, and that at the same time he had a lawful wife living, then they should find a verdict of guilty, provided the jury further found that the first marriage was lawful. The jury were instructed that to establish the fact of marriage, it is not necessary to produce a marriage certificate or any record evidence, neither need an eye witness of the ceremony be sworn. That marriage may be proven like any other fact, by the deliberate declarations and admissions of the defendant, but that the defendant could not be convicted unless it was found beyond a reasonable doubt that he was guilty as charged in the indictment. The jury were also informed that they were the sole judges of the credibility of the witnesses and of the weight to be given to the testimony.

The defendant urges that the Court erred in charging the jury that they could infer marriage from the deliberate statements or admissions of the defendant. None of the testimony is brought up

with the record. We must therefore presume that there was evidence to sustain the charge, that Hannah Powell Simpson actually existed, and that the marriage took place in this Territory. In order to have arrived at a verdict of guilty under the charge as given, the jury must have been convinced beyond a reasonable doubt that a lawful marriage had been entered into between this woman and the defendant.

In this Territory there is no law regulating marriage. No form or ceremony is required, and no record of marriage is kept. Marriage is left as it was at common law, and a consensual marriage is in all respects valid. There need be no witnesses present. If the parties are competent to contract, all that is essential is a present agreement. The marriage is competent when there is a full, free, and mutual consent by parties capable of contracting, although not followed by cohabitation. (Nine authorities were here cited). Cohabitation is but one of the many incidents to the marriage relation. It is not essential to it. (See *Murphy vs. Ramsey* 114, U. S. 42).

Under our law, a marriage depends solely upon the mutual consent of the contracting parties. They may enter into the marriage relation secretly, and the fact may be unknown except to the man and woman. As was said in the argument, a couple may meet in the highway at any hour in the day or night, and there contract a valid marriage. Whether it tends to good morals to leave the matter thus loose and completely at the will of the parties, is not for us to discuss. That is a matter for the legislature. We have to take the law as we find it.

No particular form or ceremony being essential, and no witnesses being required, the question that arises is, how shall the fact of marriage be proven? Surely it is not necessary to produce a marriage certificate or record evidence, for the law requires none. Clearly the ceremony need not be proven by eyewitnesses, for a marriage is valid without witnesses, and no ceremony is necessary. If evidence of that nature was required, people might transgress the laws prohibiting polygamy with impunity. A man could secretly marry as many women as he pleased, and the law could not reach him.

Proof that two parties have treated each other as husband and wife, have lived together as such, and have held each other out to the world as such, is sufficient to enable a court or jury to find that at some previous time, the parties did as a fact, agree to be husband and wife. This is the conclusion of all the decisions of authority. The previous actual consent, or agreement to be husband and wife, is the ultimate and essential fact the jury must find. The mode of life, the holding out, the declarations or admissions of the accused and the like, are circumstantial evidence from which the fact may be inferred. (4 West Coast Rep. 51 note.)

The conclusion at which we arrive is, that in order to prove the first marriage on an indictment for polygamy, it is not necessary to produce eye witnesses of the ceremony to produce a marriage certificate or other record evidence. Marriage may be proven by the declarations and admissions of the accused, and such declaration, are proper to be considered by the jury as tending to prove an actual marriage. If such declarations convince the jury beyond a reasonable doubt, that the parties are married, that is all that is required (U. S. vs. Miles 2 Utah. 19: Miles vs. U. S. 103: U. S., 311.)

While the instructions complained of might have been more carefully worded, still the charge when taken as a whole carefully guarded the rights of the defendant and he was not injured thereby and the judgment of the court below should be affirmed.

A whisker dye must be convenient to use, easy to apply, impossible to rub off, elegant in appearance, and cheap in price. Buckingham's dye for the Whiskers unite in itself all these merits. Try it.

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