

Friday. . July 1, 1887. UTAH JUDICIAL LAW AND LOGIC. THE Supreme Court of Utah, before adjournment on Wednesday delivered some decisions in cases of unlawful cohabitation on appeal from the First District Court. Of course they were uniavorable to the appellants. On any other class of cases some prospect of a reversal might be looked for when

public has become accustomed to expect both law and reason to be strained to the utmost against any person accused of that offense.

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The decisions of the Court are entitled to respect as the acts of the final judicial tribunal on the important question involved. Eut any citizen has the right to object to such decisions on principle and to criticize the reasoning by which they have been reached. We do not think that in the cases just decided the ruling was right nor that the logic of the Court was sound. The case of George T. Peay answers for the other similar cases. It was appealed on the ground that the verdict was contrary to the evidence. Judge Boreinan, speaking for the Court, the other two fJudges concuring, said:

"It was shown, the appellant claims, that the defendant ostensibly ceased ilving with any woman except his law-ful wife, after the passage of the Ed-munds law, and that no action of the defendant afterwards, towards either of his plural wives, would imply co-habitation with either of them. "The first part of this argument," the Court stated, "conveys the ides that the defendant may be guilty in fact, but that if he be not 'ostensibly,' he cannot be legally convicted. She same thought a frequently presented in the District Courts by polygamists who ask how they can act towards their polygamous wives and not lay themselves liable to conviction for to other men's horses and not isy him-self liable to conviction for larceny. To tell him that he must simply cease stealing would be not at all satislac-tory to him. To tell a polygamist that to escape conviction he must simply cease fiving with his polygamous wives is not at all satisfactory to him. The facts proven are not allke in any case of horse stealing, nor are the facts proven in any case of unlawful cohabi-tation alike."

The Supreme Court of the United States in an argument on this question made the gist of the offence to be the "flaunting before the face of the world" the autocrats will pocket a few adcase there was no such "flaunting;" the defendant had ostensibly ceased those relations which are comprehended in the offence with which he was charged. If the argumeat which the Court assails claims that though the defendant might be guilty in fact, yet if he was not "ostensibly" guilty he ought not to have been convicted, we think most lawyers will admit it to be sound. It is the evidence which is to determine the guilt of a defendant. It must not only be a fact that a man is guilty of an offence, it must be made to appear by proof that he is guilty. A defendant may be innocent in fact, but if the evidence shows him to be guilty, as has been the case in many moral phase of it left to one side, it is instances, a jury would be justified in convicting him. His "ostensible" position, not the actual fact, would be the determining thing. Many accused persons who were really innocent have been convicted because they were ostensibly guilty, and many guilty percons have been acquitted because the evidence did not show them to have ben ostensibly guilty. And the juries in both justances were justified because they were eworn to judge by the evidence adduced. To use the Court's illustration, a man may have stolen a horse, but if there if there is no evidence that he stole it he cannot be legally convicted. And if no proof was adduced that a horse had been stolen, how could a verdict of guilty be in accordance with the evidence? In this case there was no body of the offence exhibited. All was proven was that that the defendant had been seen at or near the house of a plural wife. It was not shown that he had lived with her. Therefore there was no evidonce of cohabition. Therefore the verdict of guilty was not porne out by the critichce. Suppose a man who was known to have been a horsethief had been seen farm, who created the riches in which at or near where a horse was in a stable. If there was no proof that the horse was stolen, would the fact pocket the profits? Because their of his presence and opportunities | methods are wrong. be sufficient in law to [convict him? Yet this is the kind of logic that the Court uses in regard to this case of unlawful cohabitation. The defendant was known to have recognized the measures of self-protection. Merplural wife as such and he had former- | chants lock out for per centages to be ly lived with her. But the legal presumption was that since the passage of mthe Edmunds Act he had not lived with her in that relation. The evidence only showed he had not repudiated the marital ire- | ces. And he is victimized simply belationship It did not show that he cause he don't resist. had actually lived with her and thus violated the law. Ostensibly he was are the means by which all classes of innocent, actually he may have been men protect themselves in fnancial guilfy, but who was to know the fact? | matters, in these days, and agricul-The mere opportunities and the relationship, coupled with the fact that he had been seen about the premises, do not prove the alleged sell their grain soon after barvest in fact, any more than the opportunities of the horse-thief and his presence near a stable where a horse is kept would prove him guilty if it was not shown that a horse had been stolen. We do not expect either good law or sound logic from such a Judge as Boreman, but naturally look for something superior from a lawyer like JudgeZane. However there may be some Lis harvest time obligations with

event, whether it be an upward or a downward, a "bull" or a "bear" movement, and thus, do the money kings become money despots. This is what it is to buy and sell stocks; that is what invests the board's reports which the NEWS publishes every day with so much interest to a certain class, every trifling fraction one way or another being as full of significance to holders of stock there and elsewhere throughout the country as are the signs of the zodiac to an astronomer.

It is a good business to keep out of. especially if one's means are limited tunate to get \$600 or \$700 in cash at and he has no comprehension of the the end of the month. The pian conmodus operandi. Even with the imtemplated is to secure the name of a bad traffic, for, like gambling with every man who plays any game of chance for money and place these cards and other devices, where one lists in the hands of the merchants, wins a dozen must lose. Cyrus W who shall pledge themselves to refuse Field will endorse this idea now for the credit to any man so registered. The ilrst time, perhaps, in his life; he paid merchant declares that it is a necessity, a few million dollars for a moral lesthat he hates to meet it, but that he son. He is not utterly ruined by any must do so in self-defense. means; far from it. But his feelings are hurt and he is no longer classed among the upper tiers of plutocrats. He has perhaps two millions left, and -A workingman in Halquin, Cuba, tried with carefpiness and economy ha can to disinfect his house with a coal fire and

probably get along on this for the few years yet retailing to bits.

FARMERS' FINANCES.

On the first of last October. Saupete farmers sold oats at about one dollar per hundred; before the first of February, or within one hundred and twenty days, farmers in the same county sold oats for from a dullar and fifty to a dollar and sixty cents per hundred. An advance of at least fifty per cent took place within four months. These figures express a volume of sound advice to the farmers of this

Territory. Who made that fifty per cent? Certainly not the toilers on the such a heavy rise took place in so short a time. Why did not the farmers

The farmers of Utah are victimized by dealers, and lose a heavy share of the wealth they produce, for no other reason than because they adopt no made in sixty, nipety and a hundred and twenty days; mechanics generally

protect themselves by unitedly keeping up the price of labor, but the farmer is the unresisting victim of circumstan-Organization and concerted action

wiltful falsehood turists will look in vain for other effective means of self-defense. It is of Dublin. urged that farmers are compelled to order to raise means wherewith to pay the Alps. for farm machinery, settle store bills and meet obligations of various kinds,

incurred at a time of year when current funds were exhausted. It is true that the farmer's creditor generally Patterson. begins the squeezing process just about thrashing time.

are very heavy. But there is a way in which the farmer can protect himself and yet meet

against the gambling fraternity, whose in Wall street yesterday that John W name is legion, many family men all through the city indulging to excess-Mackay and Jay Gould were in conference at the Western Union buildmen, too, who are so situated that ing presumably in regard to telegraph they cannot afferd to lose a solitary matters. Mackay, who was found at the Nevada Bank, said he knew nothing of any conference. "There is dollar of their salaries, without cutting short the absolute necessaries of life from their households. Of course, not a word of truth in the story, it is simply on a par with many others consuch men fail to meet the monthly bills necting my name with Gould's that have been fleating about. It would of the merchants with whom they deal, and it makes the storesaid merchant take all my time to deny the yarns which have been started about me. I am not negotiating with Gould or any one representing his interests with a view, is cable or telegraphic consick to listen to the excuses made which he must pretend to believe if he ever hopes to realize anything. He says that out of every \$1,800 due he is forsolidation."

France's Opposition.

PARIS, July 1 .- The Journal des De bats, referring to the action of the French ambassador at Constantinople la relation to the Egyptian conven-tion says: "Nothing is more natural than that French diplomats should at one time have considered that possibly France would assent to a convention shortening by several years the period of English occupation of Egypt. We are ready to negotiate on that basis, but we cannot agree that E gland by any pretext should have the right to perpetuate the occupation of the coun

try or that she should be allowed to reparation with which I am acreoccupy it for reasons which she alone should judge. No Frenchman of common sense would thus sanction a British protectorate and convert into uainted.'

Yes; utterly "-impossible " when al malarial poisons are driven out of the system, leaving the Blood New, Bich, and Pure. No place for eruptions, ul-

cers, or Rheamatism, when all Blood taint has been eradicated by the use of BROWN'S SABBAPAMILLA and Dandelion with lodide of Potas-sium. Thousands of witnesses, among of Servia abroad stating that the chief them the best Prugists and Physipoints in the policy of his government are to improve the financial condition clans, testify to the wonderfal cures

wrought by BROWN'S SABBAPARILLA. all diseases of the Blood, Liver, and Kidneys. Use only the nusr Medicines.

tage to call at Arbogast & Trumbo Co.'s

for thei. Ice Cream supplies. We guar antee a purer article than can be found

in this Territory, and 13 years g percess patronage of the citizens of Salt Lake is

proof that we are appreciated. Prices as low and quality guaranteed. Pure Home Made Candles of our own

make fresh every day at wholesale and

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Eruptions, and positively cures Piles or no pay required. It is guaranteed

SCARLET FEVER AND DIPH-

THERIA

and from the intestines and urinary or

retall.

GRAND CELEBRATION OF THE POWRTER

The PEOPLE's PARTY will meet at Calder's Farm to celebrate the Fourth of July. No pettifogging barragues nor insulting speeches. A great variety of exercises and amuse-ments, and plenty of shady nooks. A fee of 25 cents will be required to de-free or another and a statements and dest MONTREAL, July 1 .-- There is an opt demic of measles at Point St Charles; fray expenses. s2 d sat

> TEMPERANCE BEVERAGES, Do not go to the country without a bottle of Angostura Bitters to flavor yeur Drinking Water, Soda and Lem-onade and keep free from malaria and all disorders of the digestive organs. Be sure it is the genuine Angostura of world wide fame and manufactured

only by DR. J. G. B. SIEGERT & SONS.

An End to Rome Scray Edward Shepherd, of Harrisburg, lil., says: "Having received so much benedit from Electric Bitters, I feel it my duty to let suffering humanity know it liave had a running sore on my leg for eight years; my doctors told us I would have to have the bone scraped or leg amputated. I used, in-stead, three bottles of Electric Bit-ters and seven boxes Bucklen's Arnics Saive, and my leg is now sound and Electric Exters are sold at fifty cents a bottle, and Bucklen's Arnica Salve at 25c. per boz at Z. O. M. I.

Drug Store. Rosults in Every Case.

Padre Agostino, who is described as the Henry Ward Bescher of Italy, prajs to a skull. D. A. Bradford, wholesals, paper dealer of Chattanooga, Tenn., writes that he was seriously afflicted with a severe cold that settied on his lungs: bad tried many remedies without ben-efit. Being induced to try Dr. King's New Discovery for Consumption, did so and was entirely cured by use of a few bottles. Since which time he has used it in his family for all Coughs and Coughs with best results. This is the

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and is a desirable acquisition also to THE BEST SALVE in the world for Cuts, Bruises, Sores, Ukcers, Sall Rheum, Fever Sores, Tetter, Chapped Hands, Chilbiains, Corns, and all Shin every student of theology and other person who values the means of adve cating and defending scripturally and to give perfect satisfaction, or money refunded. Price 25 cents per box. FOR SALE at Z. C. M. I Drug

historically the principles of the Ges-

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are spread by contagion, by the trans-fer of living matter. These particles come from the skin, the membranous to as to be within the reach of every lining of the mouth, nose and throat, person desiring it, have been studied

in this as well as the first edition, and

gans." Disinfect promptly and thor-oughly with Darbys Prophylactic Fluid, therefore no discount except for cost

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Finest Grades Embroidery and Lace Trimmed Chemase at \$1.15, 1.25, 1.19, 1.75, 2.50, reduced from \$1 50, 1.75, 2.25, 2 50 and 3 50.

Drawers at \$1.10, 1.25, 1.50, 1.75 and 2.25, reduced from \$1.50, 1.76; 2.25, 2.59 and 3 25.

Night Gowns at \$1.50, 1.75 and 2.00, reduced from \$2.25, 2.50 and 2,50. Skirts at \$1.25, 140, 1.65, 1.75 and 2.40, reduced from \$1.75, 2.00, 2.35, 9.50 and 8 50.

500 Yards Sea Side Bunting, in Cream, Black and a variety of colors, at 5c. Just the thing for July and August dresses.

2000 Yards of High Priced Muslin, Mid-summer Dress Fabrics, in a variety of styles and in Cream, Tan, Cardinal and Black, at lac , reduced from 50, 40 and 50c

Dur entire stock of Novellies, in best Scotch Zephyrs, at 40c., reduced from 60 and 65c.

3) Pieces Fashionable Summer Dress Goods at 12No, worth 25c.

50 Pieces Best Styles and Quality Crinkley Seersuckers at 12%o, worth 20c

300 Pleces Best Makes and Choicest Styles Dress Prints, 16 yards for \$1.00.

25 Pieces Lace Bunting in Cream, Cardinal, Light Blue and Pink, 12 yards for 83c.

to Dozen Ladles' Jersey Lisle Gloves, in best Tan Shades and State, at 250 worth 50c.

We offer our Entire Stock of Colored Embroideries at HALF PRICE !

50 Dozen Corseis, embracing Six Styles, which we nve been selling from \$1.00 to 1.50, are now offered for 50c, as the space they occupy is to be torn down.

We also offer about 40 SITIN CORSETS at \$2.00, reduced from \$5.00.

COHN DROS.





GRAND PROCESSION!

Reading of the Declaration of Independence !



sire to become supporters of peace

Measles Epidemic.

and order in the Balkan peninsula."

500 cases have been reported.

In Eureka, Cal., June 24, F. M. Haines dropped dead. He was a na-tive of Onio, aged 45 years. He was prominent in various fraternal ofders, and was the last representative from that place to the Grand Lodge of the Ancient Order of United Workmen.

DEATHS.

BRAIN-In the Twentieth Ward, of this city, June 36th, 1887, of malarial fever,

tobacco, and himself, his wife and eight children were asphyxiated. a right recognized by France what now -Parts of New England were shaken up s merely a fact." with an earthquake yesterday. -If the crimes bill is not reached by The Proper Policy. Monday"next, the cloture will be applied. BELGRADE, July 1.-M. Ristics, the -A prize fight has been arranged between Carney, the English light weight new Servian prime minister, has sent champion, and McAuliffe, the American circulars to the various representatives

champion, for \$2,500 a side. -The Ohio prohibition convention yesterday sat down on the Dow law of Maine. of the country, reform the constitu - Plearo-pacumonia is prevalent in Westtion, maintain an entente with all the era New York. powers, including Austria, and im-prove relations with Russia. The cir-cular concludes as follows: "We de-

NEWS OF THE DAY.

-Jeff, Davis characterizes the flag episode ts "a tempest in a teapot." -The Pacific Investigation Committee was going ahead with its work at Omaha

vesterday. -The American Shipping and Industrial eague session at Chicago was sparsely attended yesterday.

-Dun's statement for the first half of this year shows the total number of failures to

be 234 less than the same period of last voar. -Chasl Raark the express robber, gets 20 years. -The captain of the British bark Lady

Deuglas and three of his crew have been conteneed to death for murdering a Malay sailor.

-L. D. Whitney, Secretary of the Mon treal Board of Harbor Commissioners, is missing; believed to be a defaulter. -Some interesting fish statistics are re oried from Washington.

-The President has pardoned a number of convicts, among them Jacob Heickle, o Utah, for unlawful cohabitation.

-.Bird's story about Mexican outrages seems to be a gross exaggeration if not

-Money is still in great demand at high figures at the New York stock market.

Winstansley has been chosen Lord Mayor -One American is reported killed and another injured by falling over a precipice in

- Mackay denies that there is a com tion between Jay Gould and himself.

-Albert Turner, one of the murderer Jennie Bowman, was hanged to-day at

-Dry goods importations to New York

Louisville. He exculpated his accomplice

-Dom Pedro, of Brazil, is off for Europe, -The anti-pool law of filinois went into

offect to-day.

Asiatic Cholora DATROIT, July 1.-Patrolman Fanterson was taken suddenly ill and had to be removed home. Dr. Bittle, after

