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January 7, 1886 Thursday.

THE DEBATE ON THE BILL.

THE debate in the Senate over the new patches, is quite interesting. It shows up the good sense of some members and the Ignorance of the Utah que under which Mr. Edmunds labors.

The proposal to abolish the Utah Commission, was probably prompted by Senator Van Wyck's personal animosity to ex-Senator Paddock. The motive was doubtless bad, but the ob tect was good, for the Commission is of no earthly benefit to any one but those who draw salaries from its continuance.

The idea that forcibly misappropriating property which religious people have donated for Church uses is not interference with religion, is one that no person but an anti-"Mormon" bigot would ever, entertain. It remained for Mr. Edmunds to advance it, and it is certainly novel if not con-

vincing. Mr. Teller put the matter in a tra and forcible light before the Senate. His testimony to the condition of Utah this paper and which are not necessary previous to the introduction of "Christian civilization" is true. It is also a fact that the crusade against the Saints' has done more to confirm the faith Opinion is that which defines the of-of monogamist "Mormons" in the fense of unlawful constitution under rightfuiness of plural marriage than the Edmunds law. The Court adopts a thousand sermons in its favor. And the rough handling of the martes which Mr. Teller deprecales, will never drive out conviction from the "Mormon" heart, or solve the "probten" which troubles the nation At. wife? The answer that will come to will only tend to perpetuate and come every person's mind who does not 180003940306 plicate it.

is designed to "cut off the one-man pressed by Justices Miller and power in Utah,,' is truly laughables The only "one-man power" now existing here is Federal. A Governor holds sanctioned only by the marriage state the one-man power of veto over the have ceased, cobabitation, or living toacts of the people's elected represen-tatives. The President of the United States, in whose election the people here have no voice, nominates the Governor and all the chief officials of the Territory. And now Mr. Edmunds wants to make the President the appointing power in the Church as well as in the State, to give fourteen trustees authority, without the consent of, which the law was strained in order to the people whose property they handle, to control their Church funds and de-vote them to other purposes than those for which they were epimopristed. What is that but elevating he one man power," and depriving the people of the people whose property they handle,

paper continually faisifies both facts The difference; between the status of a defendant and Annie Dver and Annie and arguments that it so often places polygamist and a person guilty of un. lawful cohabitation is also drawn by itself beneath contempt. But to the point in dispute. It may be true that persons are known to be polygamists, that they teach polygamy as a religious doctrine, that they hold out to the world more than one woman as wives, and yet they may be, "in point of fact," not guilty of slolating is may a lengthy quotation from the opinion the Edmunds law. For that law supports and visits, but with whom he does not cohabit and he is does not forbid men to acknowledge their wives, nor punish them, except not thereby liable to the law. The by disfranchisement, for being in the means by which a polygamist can become a monogamist, during the life status of polygamy, nor for preaching

or teaching the doctrine which they time of his wives the court declines to e and practice. A man may be a soint out polygamist and not subject to prosecu-The decision provides several nuts Edmunds bill, as reported in our dis-tion under the Edmunds law, if he has for Judge Powers to nibble at, and patches, is quite interesting. It shows not married a plural wife or lived with those who support his recent rulings

of interest.

when he does not cohabit?

ANOTHER VICTIM.

DISTRICT COURT.

more than one woman in the marriage will find it very hard to justify them in relation since the passage of that law. And any pretense to the contrary is so respect for the opinion of the

much nousense, filly, met with the ex-presence word Fudge!" If the Tribune would use a little The latter part of the Opinion is an elaborate disguisition on minor points more reason and a little less misreprewhich the public care little about, but sentation, with some decent language which were sprung by counsel for the instead of such torrents of abuse, it appelfant and had to be disposed of. To meet them the Court could fied would not be so much of a degradation precedents and authorities, while for respectable journals to notice its not

effusions in a serie which a li THE SUPREME COURT DE-

CISION. WE publish to-day the full text of the decision of the Supreme Court of the United States in the case of President Angus M. Cannon, omitting only the documents to which reference is made,

which have already been published in to a correct understanding of the rulings of the Court. 77 24 14 "The most important portion of the

the dictionary definition of the word "complet" that is, "to dwell of live together a husband and wifs." The question naturally arises, how do persons live itogether saihusband and wish to put a special construction up-

Mr. Edmunds' statement that his bill on it, will be similar to that ex-Field in their dissenting orinion. If those intimate relations which are gether as man and wife, may be reasenably stated to have ceased. If a man and woman live in the same house without those relations, can it be

truthfully said that they live together Editor Deseret News : as a man lives with his wife? The Court evidently perceived the

difficulties of the position they assumed on this question and the extent to reach it. For they say: "The context

it." A meaning, then, had to be assigned

defendant and Annie Dyer and Annie Balley. Benjamin Gaf? was next put under oath to testify. Knew defendant and the allared wives, and flyed near Mr. Taylor since 1872, but during the year 1882 was part of the time away from home; and, during the time away from home; and, during the time maned had seen defendant in the yard of Annie Dyer, and had also seen him go back and fourth to Annie Balley's home, but this was seldom—and he had seer seen him in either home of the ladles, except on two occasions. It was the repute that since 1882, these ladles ceased to live with James Taylor as his wives. wives.

ANNIE DYER

was the next witness. She was, prior to the passage of the Edmunds law, the wife of the defendant. During the year 1882, he called at her house several times and ate at her house seve-times and ate at her table a few times. She had not during that time met defendant at the house of Annie Bailey; had walked with this lady and defendant to church. Defend-ant had also slept in her house a few times, and also taken breakfast there several times during 1882, but not dur-ing the last year. She had also several times been invited to ride into town in the smallest degree if they have any Supreme Court of the United States. the same carriage with Mr. Taylor and Thomas D. Dec. Defendant controbited partially towards the support of witne Eliza M. Garr was next sworn. Sh

was acquainted with defendant anchis alleged wives. She had seen the de-fendant and the ladies waikone could be cited on ing together a few times, and also riding a few times, and also riding a few times, The alleged wives were called by their maiden names to distinguish them. Witness has been at the bone of Annie Dyer a few times, but never saw defendant there. This closed the testingony for the proceeding. the all-important question - the meaning; of "uglawful cohabitation." The lawful signification of the term being decided for the present; it remains to be seen how much the Utah Supreme Court will pay respect to it testimony for the prosecution. Wm. Burker was the first witness called for the defense. He lived in Mound Fort; had lived there fifteen years, and had known defendant all that time. Knew Annie Dyer and Annie Bailey. They also as well as defendant, lived at Mound Fort. Since March 1882, Annie Dyer had lived for the brick house where she now resided. Annie Balley had occupied her present resi-dence since prior to 1682. In that seighborhood they had not been con-sidered the wives of defendant since 1882, and they had been known as Annie Dyer, and Annie Balley. "They were not still known as his wives by the community where they lived. Charles Morton, Julius, Farley and John Maddock testified, but their statements were simply corroborative of the other witnesses. testimony for the prosecution. when the latest judicial variations are brought to a test. The public will await its action with no small degree ONLY ONE ELEMENT. THE Ogden News pretending to reply to the DESERET NEWS in regard to the case of Apostle Lorenzo Snow says: "The Courts have held that the of fense is complete waen a man holds out to the world two or more women as his wives." "The Courts" have not done any thing of the kind. On the contrary of the other witnesses. of the other witnesses. Both sides now rested, and at half past four p.m., the court charged the jury. The instructions were urlef and similar to the charges given in former cases of this character. His honor quoted the dd-charges the Summer of the ddthey have held that as only one element of the offense. Read the decision of the U.S. Supreme Court. Will the Ogden paper tell us how a man can

be guilty of unlawful . cohabitation claim of the Supreme Coart on the definition of cohabitation. He closed by saying: "I charge you further that to public act of divorce, or proclama-tion, that he had put away the women will be sufficient to hold him guiltless, AMES TAYLOR CONVICTED OF UNLAW will be sufficient to hold him pulitless, if you find beyond a reasonable doubt, that he lived, or cohabited, as I have defined the term, during the time mentioned in the indictment, with the women, or any of them named in the indictment. All such matters would be I nmaterial. The question before you is: did they live or cohabit, as the FUL COHABITATION IN THE FIRST OGDEN CITY, Jan. 6, 1886. After the reading of the minutes to-day, the following named jurors were accepted to try the case of the United

term has been defined to you, during the time named in the indictment? After a brief absence the jury re-turned into court and the foreman stated that they had not reached a states vs. James Taylor, indicted for UNLAWFUL COHABITATION : verdict, owing to a misunderatanding in relation to the evidence of Annie Dyer, which was read by the official reporter, when they retired and short-ly after six o clock rendered a verdict of "Guilty!" WEBER. Walter Holbrook, George Corey, C. J. Goodwin, W. H. Wattis, Chas. Webb, P. J. Thorsted, John Keek, Thomas Grant, W. W. Corey, D. H. Spencer, A. Kuhu, E. M. Williams: The prosecutwit topattain





their votes upon their own ecclesiastito it for a special purpose. The usu-The more the bill is canvassed, the ally accepted meaning did not suffice, cal affairs?

THE DIFFERENCE.

Our of two-thirds of a column of balderdash, pettifogging and abuse in this morning's Tribune, we extract one the subject and worthy of a reply. It is this in reference to the Suow case: "We beg to ask the NEWS what dif-

terence there was according to his own showing between his case and that of Angus Canuon.

The difference is this: In the Cannon case it was shown that the defendant had lived in the same house with two women whom he acknowledged were takes in the "Mormon" who lives with his wives. He offered to prove that cohabitation in its generally accepted sense had ceased with the passage of the Edmunds Act. The Court ruled that living with and holding out two or more women as wives, constituted unlawful cohabitation, and that sexual intercourse need not be ted in the highest degree to protect the proved nor disproved. The Supreme Court of the United States affirmed that ruling, taking Webster and civil jurisprudence for authorities, and ignoring the established meaning of the term in criminal jurisprudence. Although, according to Justices Miller affect the question at all, for it may be and Field, this was the first time such answered that legislation on meretrician interpretation was ever given to ous marital intercourse belongs just definition now stands as the legal as the other. If Cougress can directly meaning of "unlawful cohabitation." meaning of "unlawful cohabitation." legislate on the latter, it can do so on In the Snow case it was proven by the the former, one just as much as the prosecution's own witnesses that the other. And II "cohabitation with defendant had not lived with two or more than one woman" meant only more women, either in the same house "in the marriage relation," it could or in separate houses, but that he had have been so specified, and doubtless only lived with one, in a house that would have been, if that was the inhad no connection with the houses in which his other wives resided. And further, that during the time mentioned in the indictment, he had not coupled with bigamy and polygamy in visited them, or either of them, except for a very few minutes, to inquire franchisement, is of the thinnest kind after the health of children, or trans-act some financial business, and that in the day time. The evidence was positive that he had not lived with classes from voling? If a law, defining them as a husband lives with a wife and punishing murder, arson But the Court raled that it was not and necessary, in order to convict, to show that the defendant had lived under the same roof with these women, or either of them.

Now, if the Tribune cannot see the wers connected in the context? "Codifference between these two cases, it habitation with more than one woblind. The difference is essential. The habitation a man must live with, as well as hold out as wives, two or more women. Judge Powers has ruled that a man is guilty of that offense if he holds out more than one woman us wives if he does not live with them at all. Mr. Cannon lived with two women in the same house, Mr. Snow only lived with one woman. If living with two or more women as wives is the essential ingredient of the offense, how can a man be guilty who only lives with one woman as a wife?

The Tribune adds the following to

The more the bill is canvassed, the greater the folly and villality of its pro-jectors are made manifest to God and and the world. ted, but that limit did not reach far enough to give it special application to "Mormon" cases. The Court do not pretend to cite a single authority to sustain their strained application of question which is decent, relevant to the term, and it is clear from the dissenting opinion of two members of the Court that no such cltation could be made from decisions in criminal law. If the court stretched the term be yond its legitimate limits so as to reach 'Mormon" cases, they also contracted

it quite as much in 'another direction to exclude Gentile cases. Cohabitation with more than one woman, not only more than one wife without sexual cohabitation, but it shuts out from the law's penalties the "Gentile" who cohabits with any number of women with sexual consbitation outside the marriage relation.' i A very moral, "Christian," and virtuous definition, calculafamily and conduce to the sanctity of

home! The argument that "legislation on meretricious animarital intercourse with more than one woman is left to the Territorial government, does not term in criminal law, that as much to the Territoral government

tention of Congress. The reasoning that the term meant in that sense only, because it is the sections of the law relating to disforgery provided that persons suilty of murder, arson or forgery should be disfranchised, would that connect those crimes in nature and character, because they

must be either very dense or wilfully man" is a separate and distinct offense bilind. The difference is essential. The court of last resort has ruled that to constitute the offense of unlawful co-law or logic that it means within the marriage relation because the same law which makes it criminal contains provisions against the other offenses. The necessity of screening persons who cohabit with more than one woman outside of the marriage relation, appears to have much more to do with the shallow quibble of the courts than either sound argument or legal

ing attorney then stated the case to the jury, which was that the defend ant had three wives Annie Taylor, Annie Dyer Taylor Annie Bailey Taylor. Counsel said the charge covered a period of from Jun 1st, 1882, to May 1st, 1885, inclusive. He expected to show that there had been no interruption between these women and the defendant in their relations of husband and wives during the three years above named. Thomas D. Dee was the first witness called: He lived in Ogden during the past four years; knew the defendant; lived about 39 rods from him; was de fendant's brother-in-law-Annie Tay-for was his sister. The other two adies were generally reputed to be de fendant's wives, but witness had not heard defendant speak of them as his wives, but had heard him speak of Annie Taylor as his wife during the time named; neither did he remember stating before the Commissioner that he had met the defendan in Annie Dyer's house; had no recol-lection of hearing the defendant speak ALL OF THEM AS HIS WIVES. Witness had, during the time named seen the defendant and Annie Dyer and Annie Bailey at his (witnesses) house together, but they did not go or return together. He had seen the defendant and these three ladies, in company with many others, go to and return from church. Annie Dyer went to the Lake a few days previous to the passage of the Edmunds law, and on her return she went to live in her own house, where she still resided. During

a portion of the time mentioned de fendant had provided for the mainten-ance of Annie Dyer. Counsel consulted notes supposed to be statements taken before the grand jury, and asked witness a question suggested by those notes. Counsel for West india merchants, have become bankrupt. Their liabilities are re-ported at 500, and the assets are said to be shadowy.

the defense objected, and the Court ruled that the attorneys on either side could consult notes, no matter where they came from or originated, simply for the purpose of aiding

OR REFRESHING THEIR MEMORY. On cross-examination witness stated that the residence of delemdant was two miles north of the city proper, on Main Street, and the general repute of the neighborhood was that during the time charged in the indictment, the reations of husbands and wives between defendant and Annie Dyer and Annie

Bailey Taylor were severed. F. A. Miller was the next witness. He knew the defendant and those who were alleged to be his wives; previous to the time named in the indictment he understood that these three ladies were the wives of defendant; but durthe time so named the general repute was that the relations of husband and wives had ceased to exist between him and Annie Dyer, and Annie Bailey Tay-

Court then took recess till 1.30 p.m.; at that hour M.C. Thompson, a Scan-dinavian was admitted to cltizenship, after stating that he liked the Consti tation, government and country of the United States, and promising to obey

all the laws of the country. In the case of Nathan Kimball vs. the Orden Herald Publishing Company, by stipulation of counsel, the suit-against all the defendants except the

against all the defendants except the corporation and Hemenway was dis-missed, and jadgment was entered for 500 and costs. The case of James Taylor was then resumed, and Joseph Balley was called as a witness. His testimony was im-material. Matilda Balley, aged 13 years, was next called. Annie Balley was her mother, and the previous wit-ness was her brother. She knew de-fendant, but had not seen him eat at her mother's home, nor sleep there during the last year, and did not remember to have seen him go out with her to church or any other place during the church or any other place during the

time named. Frank Lunquist was called to the stand. He said, prior to 1882 the ladies

FER WESTERN ENION TELEGRAPH LINE. AMERICAN. LATEST BY LIGHTNING. Boycotting in St. Louis. ST. LOUIS, a.-John Eggler, propri etor of the Heim's hall and saloon, i

the victim of a boycott instituted against him by the Knights of Labor, and unless he can prevail upon the Knights to withdraw the boycotting order, he will have to withdraw from business. Eggler can get no one to rent his hall, can get but few to patronize his bar, and can get nobody to sell over his counter, even if he had customers to consume it. Eggler refused to let the St. Louis street car drivers have his hall for a ball just after the dynamite flends tried to blow up several street cars loaded with women and children. As some of the dynamiters were on the ball committee, Eggler though the ball not deserving of patronage.

The state of the second s FOREIGN. LATEST TRANS-ATLANTIC DIS-

PATCHES,

Heavy Failure. LONDON, 7.-Eugene Scharner & Co.

Crisis Approaching tor the Pan-

ama Canal

LONDON, 7.—The Times Paris cor-respondent says: The French govern-ment will, at the request of the Pana-ma Canal Company, send Rousseau to inspect and report on the condition and prospects of the Panama Canal. If the report is favorable a loan will be granted the company to push the work to completion. If it is adverse, the enterprise will be allowed to collapse, and government will assume the reand government will assume the responsibility. Rebel Outrages in Anam.

PARIS, 7.-General de Courcey, com-mander of the French forces in Ton-quin, telegraphs the war office as fol-lows: "During the latter, part of December the rebels destroyed the Catholic mission houses at Ughean, Anam, and killed a French missionary and five hundren native Christians. A column of French troops was sent in column of French troops was sent. In parsuit of the rebels. It overtook and routed them and captured their arms

DEATHS.

BUTTERFIELD,-In this city, Jan. 7, 1880 Charles Butterfield, son of John and Esther Nicholson Butterfield, horn May 15, 1834, at Doncaster, Yorkshire, England. Funeral at 10 a. m. to-morrow, at resi lence of Charles Balmforth, 337 Third East St. All friends are invited to attend.

PROPOSALS FOR PRINTING. Electricity Is Life! UTAH TERRITORY. EXECUTIVE DEPARTMENT, SECRETART'S OFFICE January 6th, 1886 ELECTROPATHIST,

THE UNDERSIGNED WILL RECEIVE bids for the printing, binding, press, work and material for the following, until to o'clock a.m., on Monday, January 11 1886. Composition on the inwato be printed in book form, and to be set in small prov.

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