EVENING INEWS.

FRAGMENTS.

THE members of the Salt Lake City brass band will please accept our hearty thanks for the cheering sere-nade to which the NEWS was treated yesterday while the boys were around town arousing the enthusiasm of the electors. The band presents a fine appearance and idiscourses excellent music.

SISTER Desdemona Fullmer Smith, one of the wives of the Prophet Joseph Smith, and a sister of the late David Fullmer, dled at her home in the 6th were excused. Ward this morning. We will publish an interesting obituary notice to-morrow. Her funeral will take place on Thursday, the service to be held in the 6th Ward meeting house, commencing at 1 p. m.

In the House branch of Legislature this afternoon Mr. Smoot recommended the appropriation of \$20,000 to the Territorial Asylum for the insane. Mr. Howell reported favorably to the petition asking aid to build a road from Fremout, Sanpete County, to Bluff City, in San Jaan County, and recommended that the sum of \$2,500 be appropriated for this purpose. A substitute for the House bill in relation to balls running at large in Rich County, was presented by Mr. King, who also presented a bill defining estrays and providing for the disposi-Challenged and excused. tion to be made of them. A petition was also read from the city council of Ogden City, asking for the passage of an act to amend the charter of that

In the Legislative Council this afternoon a bill to provide revenue for the Territory of Utah and the several counties thereof was considered. The 13th sub-division of section 2 provides that money loaned where the same is secured by morigage on real estate, and the real estate taxed, said money shall not be taxed. This brought out an animated discussion between Messrs. Francis, Smith; (Mr. Page in the chair), Taylor, Hammond and Barton. The sub-division was stricken out on motion of Mr. Francis. The further consideration of this bill was made the special order for Tuesday. The Governor's yeto message of the jury bill was read, and the clerk explained the reason why the message had not been sent to the Council earlier.

LOCAL NEWS.

Free Lecture. - Brother Andrew Jenson will deliver a free lecture this evening on Church history, in the Fourteenth Ward Assembly Rooms, ander the anspices of the Improvement Association of the Ward. The public are cordially invited to attend. The lecture will commence at 7:30.

THIRD DISTRICT COURT. CASE OF S. H. B. SMITH IN PROGRESS NO CASE FOR THE PROSECUTION-BUT THE VERDICT IS JUST THE SAME. Our report of yesterday's proceedings in the Third District Court closed with eight persons having been selected as jurymen for the case of S. H. B.

Smith and the issuance of a special she went; saw him twice after the fourth child was born; never saw the child in his arms. Gross-examined by Mr. Rawlins-Was on friendly relations with Julia Winter; had lived in the Fifth Ward centre for 30 more names from which to complete the panel. After Court was opened this morning a call was made for 1 W. H. Remington, 46 Joseph , R. Mergan, all her life; when she visited her sister 52 Moroni Gillespie and 4 Wm. A. Crabtree, all of whom responded.

all her life; when she visited her sister first she stayed all night, but did not, see defendant there; when she did see him he was at' work in the lot; had also seen him in the house, in the day time; he went away before witness did; he was there at work; when he got through work he went away; he took dinner with her sister in the summer of 1885, in the Seven-teenth Ward; had had conversations with the defendant, regarding the chil-dren, including the youngest, last win-ter; it was when defendant visited there; Julia was not present; defen-dant called the child his; they were talking about being arrested for co-habitation; she said she would testify if called on, and he told her the young-W. H. Remington did not believe it right for a man to have more than one wife, and was passed. Messrs. Morgan, Gillespie and Crab-tree believed in plural marriage, and

were excused. Mr. Remington in a general way had formed an opinion as to the guilt of the accused. It would require evi-dence to remove that opinion. If a man was arrested charged with crime, he would conclude he was guilty, but would be guided by evidence. Challenged by defense. To Mr. Dickson — Believed all ac-accused of unlawful cohabitation to be eulty. called on, and he told her the young

est child was his; witness had not ai-est child was his; witness had not ai-ways been on friendly terms with de-fendant; had nothing against him now. James Smith was again called for. He had not been subpensed, but the defendant said the witness had prom-Court — You had better stand aside. The following named and numbered were then called for: 50 Isaac A. Em-ery, 41, H. N. Greene, 107 F. H. Bemis and 29 George M. Scott. sed to be present. He was, however, Mr. Emery was excused for his be ot to be found.

When court convened this afternoon H. N. Greene, of the firm of Knowlden & Greene, real estate agents, did not believe in plural marriage, nor did F. H. Bemis or George M. Scott, who fol-

James M. Smith was called but knew very little of the case. U. S. Marshal E. A. Ireland testified that he had received a subpoena for Julia Winter; he served and returned it; an attachment was issued, and an Mr. Greene had no bias against the detendant; was friendly with him; knew some of the facts in the case, and had formed an unqualified opinion. attempt made to serve it upon her, without success; Collin had the matter in hand; had never been able to find the witness.

F. H. Bemis was a miner; he knew nothing of the case, and had no opinthe witness. The prosecution rested their case. Mrs. Mary Smith was sworn for the defense. She was the wife of the de-fendant; was acquinted with Julia Winter; had lived in the 10th Ward 15 years; Julia had lived there until May ion or prejudice; would give the de-fendant the benefit of the doubt the law allowed him. Geo. M. Scott had formed no opinion from what he had read; had no bias

from what he had read; had no bias in this class of cases, nor against the defendant; had a bias against the crime, as compared with other offen-ses; thought it would not require less evidence to convict in these cases than in others; there was a presumption of guilt in this class of cases, which it would require evidence to overcome. Challenged by defense. To Mr. Dickson—Had a general prejudice against the offense of unlaw-ful conabilation; thought he could give the defendant a fair trial. Chal-lenge denied by the prosecution. The Court overruled the challenge and the juror was accepted. Edmunds law. To Mr. Dickson – Defendant had lived with her continuously since

May, 1882, every day and every night; was always there ex-cept when at work; he stayed all night; she left him in bed at night; and found him there in the morning; he was not away a single night; he slept at home every night, except once when he went out into the country on busiand the juror was accepted. Mr. Rawlins said the defense desired ness; did not know of his taking meals

to exercise their peremptory chalanywhere else than at home; he might lenges, and objected to any more jurors have taken meals elsewhere; had con-versed with her husband several times eing sworn until the panel was inil. The Court overruled the objection. Messrs. Bemis and Scott were then about the charge against him; had not given or received any advice; had not talked with him of his relations with Julia Winter; had not talked of the worn. Two others, 36 Edwin Pettit and 63

John M. Young, were called. roungest child. Mr. Pettit was excused for his belief. This was all of the testimony for the John M. Young did not believe in defense, and Mr. Dickson addressed defense, and Mr. Dickson addressed the jury. He argued that for a number of years prior to the passage of the Edmunds oill the defendant lived in one house with his wife, and with Julia Winter in the apparent relation of husband and wife. The defendant then moved Julia away, with the osoural marriage, but would not be as piural marriage, but would not be as zealous in prosecuting this class of cases as others. Excused. Next came 197 Stanley H. Clawson, and 92 Joseph A. Peck, both of whom were excused for their belief; as were also 58 Zadoc Mitchell, and 154 Wm. Galbraith for the same reason. The next called were \$1 Bolivar Roberts, and 79 J. J. Greenwald. Bolivar Bohorts would be as zealons tensible purpose of conforming to the law; when she had moved, Mr. Smith was several times seen in her house; another child was born, which Salina Winter had testified the defendant Bolivar Roberts would be as zealous in punishing those entering the relation

F. AUEBBACH & BRO. continued: This fourth child was a

continued: This fourth child was a boy three of four months old; the third child was between two and three years old then; the children went by the family name of Smith; did not know the name of the youngest; wit-ness had seen Mr. Smith at the house in the farm in the daytime; saw him with the fourth child, whom he recog-nized as his. met Mr. Smith at meals show a lovely line of Ladies' Faris Embroidered Shoulder Scarfs in Car-dinal, Blue, Cream and White, from \$2.75 to \$4.75; also a lot of other Shawls worth 25 per cent. more than they ask for them. Call and see them.

Dr. Henley's Popular Remedy, Cel nized as his; met Mr. Smith at meals ery, Beef and Iron,

in the 17th Ward, on only one occasion; witness did not visit very often; met Mr. Smith there almost as often as Has the largest sale, and has relieved and cured more persons afflicted with nervous troubles than any one knows

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J. C. & H. Watson have removed their Coal Office to No. 116 S. Main Street, L. D. & A. Young's Boot and Shoe Store, where they will be pleased receive orders for all kinds of coal. Her Also receive orders for all kinds of Draying, Moving Furniture, House-hold goods, etc. [JOHN WATSON, Drayman. d 1w

d 1w

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200 Misses' and Children's Newmarkets and Havelocks WHICH WE ARE SELLING

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LESS THAN COST!

years; Julia had lived there until May 1, 1882; she then went to the 2nd Ward, and had not returned since; all the time since that date defendant had lived in the 10th Ward with witness; Julia left the house because the de-fendant intended to comply with the Edmonds law

GO TO

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SUCCESS.

The sale of Syrup of Figs is simply immense Everyone is taking it, and it is the lest medicine ever used. Thildren cry for it on account of its

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Couldn't Trust Them .- While U S. Marshal Ireland and his posse were nosing around the Tithing Office buildings yesterday, a small urchin who appeared to be an interested spectator, vas heard to express his estimate of their character by exclaiming, as they approached the meat market, "Look out for your sausage now, John; here they come!"

Homicide at Goose Creek .- By letter from James Stoddart, dated Oakley, 7th inst., we learn that news had just been received there that a negro sheep herder, named Gobo, who it is claimed is well known in certain parts of Utah, has been shot by cattlemen. We are promised the particulars as soon as they can be ascertained.

Accidental Death .-- Nephi Stewart, Accidental Death.—Nephi Stewart, whose home is in Payson, met with a violent death while on his way home from Tintic on the 7th inst. He passed through Homansville about 11 a.m., and four hours later was found only half a mile from that place beside his wagon, which had tipped over upon its side. He had evidently been thrown to the ground when the wagon thered, and struck upon the back of his head. He was unconscious when found and remained so up to the time found and remained so up to the time of his death. Walter Gardner and John Miller, of Homansville, did all that was possible to resuscitate him, but the doctor who was summoned from Eureka said there was no hope for him. ... His body and team were sent on to his friends at Payson.

Benefit Concert .- Brother Henry E. Giles, one of the most publicspirited as well as one of the most talented and promising of the local musicianis, who has rendered efficient aid in various wards of the city in benefit performances tendered to is to have a benhimself to morrow (Wednesday) evening, upon which occasion some of the best musical talent

laimed as his as other offenses, but not against those married prior to that date. Challenged LeGrande Young followed for by the prosecution. To Mr. Rawlins-Had no bias for or against the defendant; would deter-mine the case on the evidence, and would not require any more evidence than in ordinary cases; would convict if the evidence justified it; would be with the law. To Mr. Dickson-If it transpired that the defendant married his wives shown that he pursued a course to conform to the law. There had been no flaunting to the world of the women before 1862, he would have sympathy for him; would make up his mind from the law and evidence; would require positive evidence in any case; would.

no flaunting to the world of the women named as wives. Mr. Itawiins, for the defense, read from the decision of the Supreme Court of the United States on the def-inition of cohabitation. He then mide a short argument, holding that when-ever a man was arrested, it was im-proper, because of popular prejudice alone, to convict him without evidence. The man who conformed to the law would, under such circumstances, be just as liable as the one who did not. The example of the defendant was contrary to that condenned by the law. The speaker wanted the guilty convicted, and the innocent acquitted. The defendant im this case had done all the law could react with impartiality. Juror accepted, J. J. Greenwald was satisfactory to the prosecution. He had no prejudice in the case, and was passed by the defendant. The defense chailenged Mr. Scott peremptority: the challenge was over-ruled and an exception taken. The panel being completed, the cierk read the indictment charging S. H. B. Smith with violating the Edmunds law by cohabiling with Mary Smith and Julia Winter Smith as his wives. - Samuel B. Smith was the first wit-ness for the prosecution. He was son

this case had done all the law could re-quire of him under the circunstances. He had not, since the 'passage' of the law, introduced or acknowledged Julis Winter as his wife; nor had he turned her out into the street; but he had provided her and his children with a

provided her and his children with a home, as was his duty. Mr. Dickson contended that the de-fendant was of a class of people who were banded together to defeat the laws of the United States which were obnoxious to them, and which they were taught to disregard. This case was different to others tried, in an incentions defense being made passage of the Lamunds law; left in the spring or carly part of summer; his father owned a farm, where Julia Winter went to live; she had two children then, both small; there were This case was different to others tried, in an ingenious defense being made. The defendant had enjoyed marital privileges, but had not dwelt under the same roof. In this community disregard of the law was daily and hourly preached, and the jury should be zealous in enforcing the law. The defense set up could not be per-mitted to avail this defendant. Julia Winter had been known as deit eight rooms in the Tenth Ward house; eight rooms in the Tenth Ward house; Julia occupied the np staffs; she took meals with the rest of the family. The defense objected to this testi-mony; the objection was overruled. Witness had seen Julia Winter with her children at the table; also hired girls, and hired men; did not re-member Julia's eldest child calling defendent father: never beard defend.

mitted to avail this defendant; Julia Winter had been known as det fendant's wife; he moved her away when the Edmunds law passed; but a child had been begotten since: and a verdict of not guilty would nullify the law. If this was allowed a man might have 365 wives, and yet escape publish-ment. In this case both women were rearing children and that was all that defendant father; never heard defend-ant say Julia's children were his; she was known as Julia; never heard her called Mrs. Smith; did not know why she moved away; defendant and wit-ness helped move her away; did not rearing children, and that was all that was necessary to complete the offense. The court then charged the jury, who retired at 3.40 p. m. In half an hour the jury returned with a verdict of "Guilty."

ness helped move her away; did not remember who directed the moving; heard defendant say after the passage of the Edmunds biff, he would have to move Julia away; Julia had a third child, which defendant said just came in time to be legitimate; did not re-member the exact conversation; witness remembered testifying before the grand jury; last saw Julia Winter before Commissioner McKay; she was then living on the farm; she had lived in the 17th Ward a part of the time prior to that; saw Julia at McKay's office a few weeks before the finding of the indictment, but had not seen her suce, and did not know where she was; the house at the farm was empty; The Municipal Election .- Not-

Sure cure for Blind, Bleeding and Itching Piles. One box has cured the worst 'ases of 39 years' standing No defense. There was no attempt to deny the fact that JuliaWinter was the one seed suffer five minutes after defendant's plural wife; when the Ed-munds law passed, the evidence dence showed she had been moved away. The law did not say he should not support her and provide her a home, which he did. It had been using William's Indian Pile Ointment Its absorbs tamors, ellays itching, acts as politics, gives instant relief Pre-pared only for Piles, itching of the private parts, nothing else Sold by druggists and mailed cm receipt of prive, 50c and \$1.00 For sale by Z C M I Drug Dept

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Mail.

Mail. Dr. Foote, Senior, author of "Plain Home Taik," "Medical Common Sense," etc., etc., would say to those who would like to consult him by mail that they can have a list of questions and a circular of gratuitous advice by addressing Box 414, Salt Lase City. The doctor has arranged to have infor-mation supplied in this way to save time. Receiving such printed matter the correspondent can describe his or her case fully and direct it to the doc-tor, in New York. Dr. Foote is suc-cessfully treating all forms of chronic diseases, a specialty to which he has devoted thirty years of study and practice. Evidences of his success can also be had by addressing Box 414, as above, but all letters of consultation above, but all letters of consultatio above, but all letters of consultation and orders for remedies should be ad-dreased to Dr. R. B. Foote, Sr., 129 Lexington Avenue, New York City, N.Y. Consultation free. An advertisement of Dr. Foote, Sr., in another place, deserves attention.

d eod&s

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