## EVENING NEWS Published Daily, Sundays Broopled,

AT FOUR O'CLOCE.

PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Monday, . January 26, 1885.

MR. CANNON COMMITTED ON ACCOUNT OF HIS OPPOR-TUNITIES.

Wr. commend to the consideration of our readers the findings of the U.S. Commissioner McKay, in the case will be found elsewhere in this issue. either holding or disc garging a person -after hearing the evidence-brought b fore him upon a complaint of his having infringed the law of the land We have always understood that the action of a magistrate while sitting in that capacity should be based almost exclusively upon the evidence presented The consultation of authorities more or less voluminous, for the purpose of fishing out an excuse to hold the accused-which sticks out as large as the side of a house in this instance-· foreign to the character of a Commis-Mr. McKay makes no mention of the work. evidence at all, yet the question before him was in regard to whether the testimony adduced was sufficient to warrunt the opinion that a grand jury would find a true bill of indictment. The legal definition of "cohabitation" is, as a matter of course, what ought to govern in all proceedings under a charge of having committed that offence. Mr. McKay says, in his their public offices and dwellings withdudings-"In all criminal statutes, the term cohabitation is used in reference to persons of opposite sex, and implying the practice, or the opportunity to practice, unlawful sexual intercourse." Taking this learned magistrate's position as a guide, he held Mr. Cannon to answer because he had committed the horrible offense of having within his reach the "opportunity to practice unlawful cohabitation." There was not a particle of evidence to show that he had comto the Commissioner's logic, that he was committed because the oppor-

ous regime toward anarchists It does not appear sensible, fair, nor will drive many more to seek refuge in class. legal, if good sense is good lawthis country. Steps will be taken to and good law good sense, to prevent the development of plots in place unlawful cohabitation on different ground from any other of-fence, so far as proof of its commission degree successful, then the anarchists legree successful, then the anarchists is concerned. This would be unjust diswill seek and find a more or less open crimination with a vengeance. This field of operations in the heart of this being the case, according to Commis-Republic. This is the view we have stoner McKay's luminous "findings," always taken on this subject, and the every human soul who has come to an truth of it begins to dawn upon the age of responsibility should be preminds of those who have felt as if this sumed guilty of nearly if not altoountry was secure from the devilish gether every crime in the catalogue. doings of the dynamiters. The "opportunity" to commit offences In support of this anticipation let is everywhere present except in cases the reader carefully scan the report of where people are prevented by circumthese: the rabid mouthings of the Chicago stances over which they have no con-Socialists, given in the dispatches. trol. Any clerk in any store on Main Allowing 90 per cent. discount for street against whom complaint might hyperbole, it must be admitted that be entered, would, according to the there is some fire behind so dense a learned Commissioner's position, be volume of smoke, and there is danger liable to be held to answer to the grand of real lire, swoke, blood and destrucjury because he possessed the opportion being the ultimate result of the tunity of practicing the pilferer's art horrible agitation, by purioining his employer's goods. But even if it were the proper thing to confine this "opportunity" theory FINDINGS OF U.S. COMMISto the matter of unlawful cohabitation, SIONER McKAY. what a commotion would be created in society by its application. It would IN THE CASE AGAINST MR. ANGUS M them. Inquiry was then made by the ward authorities into their condition CANNON cause a veritable upheaval. Really this idea of Commissioner McKay's is The United States vs. Angus M. Cannon alarming, but as his "findings" are not -Polygamy and unlawful Cohabitaitkely to govern general judicial prolearned that she was not a member of lion cedure to any appreciable extent, the 1. There is not probable cause to be-lieve the defendant guilty on the first count—and as to that he is discharged. anti-"Mormon" crusaders can allay any tears that may have been awakened in their virtuous breasts. Any way he 2. In respect to the second count in is not likely to hold any of them over the complaint, the statutes relating to criminal or unlawful cohabitation are to the grand jury on account of certain so numerous and divergent that to draw from them a uniform definition of the offense is difficult. No legal defi "opportunities" within their reach; no, not even when they take advantage nition of what constitutes cohabitation is given in the Edmands bill, so called. of them, as many of them notoriously t is under the 3d sections of that act that the second count in this complaint is drawn. 'The indelicacy of the sub-The ponderous wisdom of these "findings" crops out in every line. ect has been said to forbid legislatures "The offence is made out according to "The offence is made out according to decisions of courts," etc., says Mr. conduct will constitute the offense of McKay, "If there be shown a living or criminal cohabitation, and that the common sense of any well regulated dwelling together. When this is community, as well as the sense, pro-priety and morality which most peo-ple entertain, is sufficient to apply the plain, the law at once presumes other concomitants follow, and statute to each particular case, and excludes proof of particular acts." point out what conduct is rendered Surely the Commissioner should be riminal by it. The pernicious influence of an evil known hereafter as the legal heavy example is plain to every reflecting weight of this western interior. He is mind, and the powerful influence of a regular Iconaclast, A smasher of this particular vice upon society, not legal idols. Heretofore it has been genonly in its effects upon the relations in private life, but as being the origin of erally understood that a man should be much public crime, suggests what the presumed innocent until proved guilty. law has made it-a crime against so He not only reverses the rule, but holds In criminal statutes, the term "co-habitation" is used in reference to that the law presumes the commission PER WESTERN UNION TELEGRAPH LINE. of acts not proved. persons of opposite sex, and implying One of the chief points which the the practice, or the opportunity is practice unlawful sexual intercourse. AMERICAN. Commissioner appeared in his "find-There must be the same habitation, that where one dwells, there the other ings" to demonstrate was that the accused in the case under consideration dwells, but that they occupy the same bed is not a necessary ingredient of the had an opportunity of practicing unlaw-1si colisbifation, and, therefore, there crime, and proof of that fact need not be made. The current of authority as was reasonable cause for supposing laid down by text writers, and the dethat he was guilty, as charged. This cisions of courts of last resort, hold ridiculous theory was resorted to that the offense is made out if there be shown a living or dwelling together. Where this is pistin, the law at once as a thin subterfuge, because of the total absence of any sylpresumes other concomitants follow, and in effect excludes proof of particdence sustaining the accusation. The Commissioner had, in this ular acts. In Commonwealth vs. Hall, 121, Mass. case an opportunity to be consistent, this morning. 61, it was held upon an indistment for adultery, that when a man speaks of s woman living with him, as his wife, it but he was not guilty of taking advantage of it. He might have stated in his "findings," that the accused was is sufficient evidence of the fact of heid in the absence of sufficient evi-dence, on the sole grounds that he is a "Mormon," and that there is a proba-bility that, on that account, an indictbility that, on that account, an indictand covered by the statute are done in such manner; or under such circumment would be found by a grand jury, packed by open venire process, for the same reason be was held to answer to it. Such manner, or under such circum-stances as necessarily become public, or generally known in the neighbor-hood, as being notoriously against public decency and good morals, they come within the scope of the law. It A Female Dynamiter. follows from this view of the law, and THE LONDON OUTRAGES the evidence in the case, that there is

authorities. The moment that im-portant task is either confided to or un-try, surveying and higher mathematidertaken by other organizations, then itted up. will the disintegrating era fairly set in. That can be put down as a fact. The only mode that could be adopted by during the term in the first second during the term in the first second during the term. an anti-dynamiter's secret association, monid he to "fight fire, with fire," for mediate, 79; Academic, 82; Collegiate,

no insipid measures would count. The result would probably be an illustration of the Klikenny cat story. In all the comments we have perused

of 261.

nate Thursday.

we closed a term of school which has

Sec'v.

not had nor ever will have a successor

on the phenomenal growth of the spirit of anarchism we have not observed the offer of any adequate remedy. Thus far the inadequacy of the

dept. teacher, 15 classes, 62 recitations and 8 teachers; the Collegiate Departmeans of extirpation has been proved ment, B. Cluff, Jr., dept. teacher, to a demonstration by the unchecked classes, 127 weekly recitations and 6 development of the hideous condition teachers; the Normal Department, 5 development of the hideous condition. against Mr. Angus M. Cannon. They It is like a cancer in the body politic of and 5 teachers. the whole world, that is eating its way It is unusual for a committing magis-trate to elaborate in that fashion, and give to a wondering world the results was clear when, in referring to it, he fairfield, 1; Lehi, 3: Alpine, 7; Ameriof his learning in the simple act of stated that it was a question with can Fork, 6; Pleasant Grove, 9; Juab stated that it was a question with which the strongest governments on earth would eventually find themselves utterly mable to cope. utterly unable to cope.

The way it occurs to us is that, being an outgrowth of sentiments in the human heart, it is beyond the reach of eradication, except by the extirpation of those who are embued with its non-members of the Church. Three spirit. Even if this were decided upon students have been ordained to the as a policy of the governments, it would be impossible of execution, be-could be impossible of execution, be-one baptized a member of the Church. cause discovery is in most cases im-practicable. So the canker eating at the well attended, and the general spirit. roots of social and political organizasioner's office. It will be observed that tion must proceed and do its dreadful

It is not uninstructive for the thinker to take a mental glance at the world. Is is not passing through a terrible phase when crowned heads resting report in the following lanof nations have to be guarded every moment against the bullet, knife, dynamite mine or machine of the assassin and when government officials of prominence cannot step outside of outrunning the risk of being murdered? Even in their private places of abode and business, the bloodthirsty anarchists sometimes reach and strike them down. Does it not look, considering this question combined with other ominous situations, as if "perlious times had come?"

The explosions that occured in London do not a'arm Great Britain alone. The sensation of fear communicates to every other land, for every nation is liable to similar scenes. Preventive initted the alleged offence. According and repressive measures will be increased in Europe to make their recurrence as near as possible tunity was within his reach, is inevitimpracticable. This more rigor-

Jennie Tanner and her interesting GERTRUDE POMEROY Provo, Jan. 23, 1885. FALSEHOOD REFUTED. SALT LAKE CILY, Jan. 26, 1885. Editor Deseret News: In Sunday's Tribune an article headed "Hate and Persecution,' which purports to be a recital of the sufferings of Mrs. Carrie Stewart and family and of her harsh treatment by the "Mormons" during the last few months. In March last, the article says, "she rented a house of a good Mormon woman," and goes on to tell a tale that is totally false so far as the Mormons are concerned. The facts are Mrs. Stewart rented a house from an aged widow, on Fourth West Street. and in a few days made application to the Bishop of the ward for assistance, which was given. The conduct of the older members of the family, as witnessed by those on the premises, was so indecent that the owner of the property desired the Stewarts to remove, which they did; It was said to Bingham. Shortly afterwards theyreturned and r mied a house on Third West Street, from a gentle-man who is not a "Mormon." Mrs. Stewart again applied for relief to the ward and to the General Tithing Of-fice, and means was again furnished

Great Britain's greatness has rested thus far—the effective administration of the law by the properly constituted of the law by the properly constituted

are among the buildings which the dy-namitars were to blow up. Westminster Hall and the Tower were closed to-day to every one ex-cept government officials engaged in inspecting the structures. Many per-sons carrying parcels on the streets to-day have been stopped by the police and the parcels examined. Approaches to all public buildings are rigidly guarded. Nobody is allowed to enter without submitting to the closest during the term-in the Preparatory enter without submitting to the closest scrutiny. The Tower and Parliament houses are surrounded with sentries. Col. Majendie is minutely examining the scenes of the explosions. Immense 33; Normal, 38; making in all a total crowds of people are attracted to the vicinity of the Tower and Westmin-The Preparatory Department, W. Done, dept. teacher, has had 18 classes, 54 weekly recitations and 8 teachers ter.

the Intermediate Department, J. B The two policemen and Cole, injured Keeler, dept. teacher, 12 classes, 44 weekly recitations and 3 teachers; the by the explosion in Westminster Hall, are making favorable progress. Hope is entertained of their recovery. Academic Department, N. L. Nelson, The Irish newspapers

DENOUNCE THE OUTRAGES

in vigorous terms. The Freemen's Journal says: Only special classes, 21 weekly recitations one feeling prevails throughout Ire-land regarding the fiendish crimes, and The students have been tabulated acthat is deep, earnest sympathy with those injured, no less than an earnest wish that the diabolical authors may be brought to justice. Any man with a touch of human feeling must regret the escape of the miscreants

### **Grave Apprehensions Concerning** General Stewart.

London, 26 .- Intense anxiety is felt for the fate of General Stewart. The War Office has received no further tidings from him up to noon to-day. Dispatches are expected every hour. Officlais make no effort to conceal the leepening disappointment, as they still tail to come. Alarming rumors are flying about the city concerning the fate of the brave fellows who fought at Abu Klea Wells and then disappeared in the desert beyond. Apprenension that a serious disaster has occurred is gaining ground. The transport Deccan has been ordered in readiness to convey a among the students has been exceedingly gratifying to the teachers. The Priesthood has been organized into regiment to Malta, and from there t three Quorums, meeting every alter-Egypt, it o :casion requires. A dispatch from Alexandria to the Exchange Tel-After speaking of the different or-ganizations, the laboratory, library, egraph Company, says: General Wol-seley has sent reinforcements from etc., the principal closed his very inte-Korti to Stewart, and he himself is about to press forward.

> England and Italy, with their Im. menue Navies, will Manage the

in the same building; but the fire, that Mediterranean and Red Seas. seemed for a moment to have consumed with the building all our hopes for the future prosperity of our beloved Academy, only proved its solidity, for the institution came out of the ordeal with renewed strength. Hard times LONDON, 26 .- Dispatches from Rome state that reports are current which say that the Italian forces recently dis-patched to Assab will assist the British forces in the Soudan as soon as landed. have tried us since, but still the work According to these reports, it will make no difference with their future goes on. The Brigham Young Academy course whether they land at Assab or other points. The commander of the expedition had sealed orders, which has taken its stand from the beginning; its colors are nailed to the mast, and its educational mission will be accomplished, under the guidance of that di-vinc power which has been manifest so he was not to open until ulne days after he left Naples. Other dispatches from Rome mainly to the Exchange Teleclearly at every' step of its developgraph says that unusual activity is now noticeable at the military and naval bureau. This foreshadows the possi-Following the Principal's report were encouraging speeches from the ble mobilization of the Italian army members of the board and others. and the collection of transports. Th An interesting feature of the examisame anthority says Signor Maneval, minister of foreign affairs, declares Italy and England will hereafter co-operate in the Mediterranean and Red nation was the singing by the different classes, under the able management of Mrs. R. M. McAllister and Miss Orley Childs. After dismissal the ladies' needle work was the centre of Seas. The iron-clad Principe Amado attraction, and many words of praise which was escorting the Assab expe dition is ashore at Port Said. were justly bestowed upon Miss Fatal Collision.

# Test Your Baking Powder To-Day |

Brands advertised as absolutely pure

THE TEST:

Place a can top down on a hot stove until Preated, then remove the cover and smell. A chem-i t will not be required to detect the presence of Antmonia.

THE MOST PERFECT MADE.

DRS. H. J. RICHARDS, J. S. RICH-ards and A. S. Bower have entered into partnership to practice medicine and surgery. Office in the Deseret Bank Build-ing, ent. ance No. 9, First South St. CONTAIN AMMONIA.

STRAYED.

NOTICE.

**Previous to Stock-taking FROM** PLEASANT GREEN, A ME-dium-sized eight-year old bay Mare, black mane and tall, small spot in forehead and three feet white, branded Y and (⊅ on left thigh and 4 and ⊂ P on left shoulder. Also a black or very dark iron grey Stal lion, nearly two years old, branded 4 on left shoulder. WOOLEN and KNIT GOODS,

THE BUSINESS HERETOFORE CAR A ried on by the Salt Lake Foundry & Machine Ce., in Salt Lake City, is now under the management and control of the under the management and control of the under signed, said company having transferred and delivered its property to me for certain purposes named in two deeds, bearing date of August 1, 1883, and June 2d, 1884, respec-tively. The business will be carried on, till further notice, in my name, and all debts due the said company will be paid to me, as no one is authorized to collect the debts and accounts of and company but myself

against and upon the property of Edward E Phillips, for the year A. D. 1884, amount ing to Two Dollars and Forty Cents (12.40) remain unpaid. Therefore, I, Nathaniel V. Jones, Collec-tor for Salt Lake County. Utah Territory, b-virtue of the authority vested in me by thi NATHANIEL V. JONES. Collector for Salt Lake County.



BRUSSELS, 28 .- A collision occurred to-day hetween two trains in the sub urbs of this city. Both were filled with excursionists. Twenty persons were injured and several of them are



edients.

trod & w hoe

FLORENCE

**Ten Times Greater** 

Z.C.M.I.

the Church, but that the family were in a destitute condition, and assistance was therefore given them. It shortly transpired, however, that the most shameful conduct was being indulged in, espec ally by the three young women. The house became the resort of men of low character. The police were notifled by concerned parties, not "Morand the result was, the inmates mons," and the result was the inmates decided to remove to other quarters, which they did a short time since.

Even after these things became known, relief was furnished the family ccording to their needs. No efforts to obtain work are known to have been made in this neighborhood. "washing 225 pieces of linen for \$1," is too transparent, and never occurred around here. The statement that Mrs. Stewart and family were asked to join the Church is a falsehood. The adult portion of the family are a "sleep-all-day and carouse-all-night" lot, and are best avoided by decent people. There are three children, ranging from

about five to twelve years of age, who should be cared and provided for, and if possible, be placed in better hands.

----BY TELEGRAPH

stated that some clue has been found as to the identity of the would-be as-sassins of President Santa Maria. The 1985, of pneumonis, Pansy, infant daughter probable cause to believe the defend-

Arrested. LONDON, 26, 2 p.m.-The police have arrested another man on sus-

now dying.

picion of complicity in Saturday' crimes American Claims to the Fill Islands

The News has advices to the effect that the American government has ad vanced claims to land in the Fiji Islands, in behalf of its subjects, who had settled there before the annexation of the territory by the British

> A Clue to the Dynamiters-Many Arrests Expected.

LONDON, 26, 2.30 p.m.-It is reportthat the police have discovered an important clue, which they are following with the utmost diligence. Already eight men are under surveillance. Is rumored that several arrests will !

made this afternoon. Special precautions have been taken for the protection of the Stock Ex-change and the new LawCourts against dynamite attacks.

Answer Filed .- Jas. McKnight filed his answer in the Supreme Court this and standing, as Mrs. Stewart had con-veyed the idea that she was a "Mor-mon." On being visited, it was makes a general denial of the allegations of the committee of the Salt Lake bar, and gives a lengthy explanation of the transaction between himself and Mr. Rasmussen, disclaiming and denying all dishonesty and fraud connected with it. The case had not come up for hearing when we went to press.

Drowned .- We learn from the Ogden Herald that Mrs. McDonald, wife of the manager of the Western Union Telegraph company of Reno, was accidentally drowned while skating near the latter place, last Thursday.' Mr. McDonald, his wife, and a young lady named Smith were out skating on that day, when they ventured out too far on the ice, which was very thin. It broke and all three fell in. Mr. M. being a good swimmer soon got out, while the ladies clung to the edge of the ice. He hastened to get a board to A NEIGHBOR. assist the ladies out, when Mrs. Mc-Donald endeavored to climb out upon

the ice, without assistance, but it was so thin that it broke and she sank again and was drowned. Mr. M. succeeded in saving Miss Smith, and the body of his wife was soon after recovered.

The country for many miles in extent

. ...

### LATEST BY LIGHTNING. Earthquake Shock in San Prancisco.

around Boise City, Idaho, has been covered with snow of an average depth SAN FRANCISCO, 26 .- There was a sharp shock of Earthquake at 1.35 this of 15 inches for five weeks. The unmorning. No damage reported. cared-for stock in that region is suf-Burned at Sea.

fering and dying of thirst, and starvation. The morality would be great should bare ground appear to-morrow. The British bark Couden Law of New Castle, England, for San Fran-cisco, was burned at sea 450 miles south of here, Jan. 19th. The captain But the indications are that at least another month of suow is before us, and crew were picked up by the French bark Leopold and Marie which arrived whatever the temperature may be and that the close will prove the present to have been the hardest winter in

Fire in the House of Representatives. some respects ever experienced in that

WASHINGTON, 36.-A fire was dis-covered this morning in a lot of books and records stored under the roof of the House of Representatives. The part of Idaho. firemen cut away the wood and soon extinguished it. The fire was confined HARKER-In Wilsden, Yorkshire, Decem to a space of less than 20 feet sqare. The damage was trifling. The fire is supposed to have started by the elec-tric wires used in lighting the hall. ber, 18, 1884; John Wm. Harker; born Sept.

29, 1860. Helihas been a mamber of the Church shout two years, and died firm in the faith, bearing his testimony to a Methodist minister who visited him only a short time SANTIAGO via Galveston, 25 .- It is before his death.

DEATHS.

One per paration that is being offered for sile, by the gallon, contains Meta or P to he-spheric Acid, which are declared o, the aghest authority to be **poisonous**. The anal preparation also contains Chloric MERCHANT'S LUNCH STAND - AND forsford's" contains neither of these in CHOP HOUSE

ftrese "substitutes" are liable to WILL OPEN OUT AT stound at soda forutains, because 115 MAIN ST. / their cheapness.

SII

In the building lately occupied by the WALL for "HORSFORD'S," and TAKE London Lank of Utah. O OTHER. NEVER SOLD IN BULK.

HAVING SECURED THE SERVICES OF the well known caterer, JEFF CLARK, also the services as night cook of the well-known oyster cook, WM. PELION, I am now prepared to furnish Meals at all hours, for 25 cents, to merchants and business men WHY IS THE SALE OF

F. H. GRICE, PROPRIETOR. d tf



Author, Lecturer, and America's Greatest Specialist.

Located permanently at Sait Lake City, Office hours, 10 to 4 and 7 to 8 p. m. 20 WAN THAT OF ALL IMITATIONS COMDINED? UNION BLOCK.

Main St., between 2d and 2d South Streets. CONSULTATION FREE on all Nervous, Blood, Chronic and Female Discusses and Deformities, etc. Ser Methods of Treatment-Homopathy, Bolectic, Electricity, Magnetism and Medi-mited Robbs at

ated Baths, stc. Curves Guaranteed. Write for list of questions, testimonials, circulars, etc. Visits made. Phrenological Charts given

PIONEER PATENT ROLLER MILL CO

Have induced us to move that Department from the top floor to the floor above our Retail, to be reached by an improved easy stairway—to avoid the use of the Elevator, so objectionable to nervous people. Our Stock in this Department will always show the Best Makes and Latest Designs at Lowest Prices. We fill all orders Promptly, Warrant Quality and Fit of our Work in every respect.

## OUR SHOE DEPARTMENT

Is doing an Increased Business. We Warrant every Pair We Sell.

GENTS' SUITS TO ORDER, AT LOWEST PRICES.

Fit and Worzmanship Gnaranteed, Cloths, Cassimeres, Linings, Bindings, Buttons, etc., at Lowest Prices in this City

In a word, we are devoting our Entire Attention to the Details of our Business, with a view to giving our constantly increasing Patrons Prompt and Courteous Attention, and the Full Value of their Money.

WHOLESALE BUYERS know our house as the Headquarters for all that Merchant requires in Dry Goods, Fancy Goods, Millinery, Boots and Shoes, Hats an Caps, Clothing, Carpets, etc.

ESTABLISHED 1864.



REPARING AND PAINTING.

GOODS WARRANTED. WORK GUARANTEED.

HOME-BUILT

HORSE SHOEING, A SPECIALTY,

GENERAL BLACKSMITHING.

