

tended by Congress to apply to "Mormons" only, and was not almost at second finmorality: a construction can be placed upon the been vertilating the law when the statute itself is silent upon the subject, giving no intimation that a strained meaning should be build of an internal given to the word cohabitation in order

Judge Powers shows that the present Utah Judges are a unit regarding the application of the law as quality of the what they claim to be the intent of . Congress, he is while apart from his effortest to callel to south to ascertodicial associates in his views regard- | thin where the Hy w ing the procedure of the courts in the class of cases arising under the Lil-

munds Act. Setting II this law, he sets out conveyed. upon the theory that defendants in party of he can be a set of a size cases of this class are actually entitled [while a speed for Paris, Beer 1 ski to fair trial. This is a decided inneyas I Co., I and, this morning, the loss rativ tion upon the tactics of the present its especially the Woolley brotheranti-"Mormon" crusade, in which the Horma S. and E twin T., the latter of whole judicial structure has been whom Is new on a mission in England transformed into a prosecutive -being so well known hereabout. inachine. The phrase adopted some Brother Henry Margetts owned a buildtime since as a qualification for jury- ing adjoining the store of Woolley time since as a qualification for jury mentells the whole tale-"in sympathy Brothers, which was doubtless also not in her right mind. Edizabeth S. Tonlins, a private with the prosecution." It is indeed consumed. It must have been rather refreshing to observe that the first an extensive blaze, and in view of the Democratic Judge appointed by the meagre facilities which such country present administration has the inde- towns afford for extinguishing a fire pendence to take the ground that a we may imagine that It had pretty much "Mormon" placed on trial in the its own way. If it be true, as hinted, "Mormon" placed on trial in the courts of Utah has some rights that are entitled to respect. We do not propose to review the positions taken on the several issues involved in the oninions of the serves.

involved in the opinions of the serves. Judges, but one or two special points are deserving of particular mention. Among the essentials of every house-Referring to that of Judge Powers in hold which we are under the necessity the Musser case, he heid that the of importing an account of their not court should have given the instruc- being manufactured in this Territory tion desired by the defense, to the ef- glassware, including that for table use, fect that it should be presumed that at | lamps, etc., stands conspicuous. The the date of the Edmunds law going in- | time may and doubtless will come

status. pense with importations, but in the The evidence in the Musser case had meantime we must depend upon outextended back for years prior to the side sources for our supply. The leadpassage of the act, hence defendant's ing manufacturers in this line, whose conduct previous to his course being wares are to be found at the several rendered criminal by law was applied branches of Z. C. M. I. and at the to his damage. Chief Justice Zane, in a stores of Clark, Eldredge & Co., and confer with her counsel and when the way that shows his intense bias, holds Little & Roundy of this city, are that his conduct previous to the pas- Adams & Co., of Pittsburg, found themselves in a somewhat pe-sage of the law should be considered whose flustrated catalogue is be- culiar position. They had been trying as pointing to what his conduct was fore us. The endless and beautiful likely to be subsequent to its enact- varieties therein portrayed includes. ment. Common sense, with which every article, we would imagine, in the of the attack and insisted on her right good law should harmonize, would sug- line of glassware that could be desired, gest that no actions of a defendant but this almost endless variety is beperformed before such conduct is ren- ing added to constantly by this enterdered malum prohibitum should be used prising firm, who are determined to that she should be called to the stand to his disadvantage on his trial. keep in advance of other manufactur- after receas. Otherwise there is an innovation upon ers, both in the matter of style and

the general principle at law that a per- | quality also. We commend their wares son is innocent until proved guilty. To to the attention of dealers and the use his innocent conduct in order to public generally. fix or at least lead to his

guilt is surely incompatible with The changes and improvements that this legal proposition.

are taking place in the matter of mo-Without a direct allusion by words, tive power 14 illustrated in the an-Judge Powers delivers a forcible nouncement that is made in to-day's doubt you will readily decide that I thrust at the absurd crusade theory of dispatches that "by the first of next am not insane. I wish you to doubt you will readily decide that I am not insane. I wish you to separation of plural wives from their mouth every iron and steel mill in decide my case by acquitting me husbands, by what has been denomi- Pittsbure and vicinity, with one exnated, in crusade parlance, "judicial ception, will be usine natural cas as me. I was in doubt as to whether adjudication." Of course he holds to inst. This will reduce the consumption Jeremiah O'Donovan, Patrick Ford or the self-evident truth that there can be of coul here about 35,250,660 bushels read O'Donovau's and Ford's papers.

New YORK Central and Navigation 69; Trans-Continental It will be som from our disputches

124; Pacific Mall, 504; Panama 98; St. 24, 1885. Louis and San Francisco 175; Pevas Pacific 115; Union Parific 51; Fargo Ex. 12: Western Unlon, 602. thirty days. The Shooting of Rossa Trial of

representation of the second s Mrs. Dudley. Young 30 .- The court room

where Mrs. Lucilla Ysenite Duffey 18 oring tried for assault on O'Donnovan - Lind, and the new part (paintly) the council as he had written or put Rossi were again crowdial to excess

ed by lightning at Bealamin, I has Co., C T., June 224, was the 9th child of Philandar was continued. Dr. Charles E n and Sarah Scott Stewart. He was born ostilled as to their location learner 22d, 1817, in Jackson Township Monroe County, Ohio; nugrated to Illinoi or ati m work his rather's family when 11 years o ave. September 14th, 1837, he married Pol-Canned that Mrs. Dn llev had asstation Rossa, not one of personal by Richardson and soon after moved into spite or to typuze personal insuit, hat | VanBuran Co., since of lown, when he is "because he was the encuy of her country." Counsel discoursed upon ceived the Gospel February 26(h, 1-44, and

: Oregon

was the same day ordsined an Elder. Rethe subject of Irish patriotism. In out noved with other exites to Keg Crock, was lining the line of the defense, counsel estained a Seventy by President Joseph spaine of what he termed Mrs. Day Young April 6th, 1347. Soon after this "physical infirmity." He Young April 6.6, 1347. Soon after this would show that for latter event he started with the Ploncers rul years, she had been subject to to hant a refuge for the floring Buints. pthenets. He would show that her He was one of seven men left out of the and had been affected by these fits. Piqueer company at Plat's River, in the and that she was not in fact responsimidst of an Indian country to ferry over the the for her own conduct. Counsel submitted a number of letters from families of the Saints who followed that English physicians, lu various instituseason. He arrived in Salt Lake City Septions, in which his client had been con-fined for treatment, which set forth tember 27th, 1847, and has ever since been an active laborer in building up the Zion of the character of her disease. Deponthe Lord in the tops of the mountains. ents declared that Mrs. Dudley was November 23, 1849, he started in company

with Apostle Parley P. Pratt and about forteacher, who resides at the same place as Mrs. Dudley, testified that for sevety eight others, with ox teams, to explore the southern part of Utah. On this trip he ral days previous to the shooting of necessarily encountered many hardships Rossa the prisoner had acted in a and privations but was never heard to com strange manner. She had bundles of plain Rossa's newspapers containing reports In March, 1851, he removed to Payson where he made a permanent home, aud where he was recognized as a leading spirit

religiously, politically and temporarily.

In 1858 he was set apart as one of th

seven Presidents of the 46th Quorum of

Seventies, which position he occupied at the

Ward's Island, testified that he was convinced that Mrs. Dudley was suf-fering from chronic mania. Mrs. Dud-

time of his death. April 27, 1862, he was set apart as Second ey had told witness there were three men she had determined to Counscior to Bishop John B. Fairbanks, of punish with death, and that Rossa was Payson Ward, which position he filled credurst on her list. Dr. Harding gave itably until August, 1871, when a reorganisimilar testimony, Mrs. Dudley here zation of the ward took place in conseinterrupted the proceedings of the quence of the absence of the Bishop on a court by addressing Judge Glidersleeve, she said: "Whether I was ir-rational or not when I shot Rossa, I am perfectly same mission to England. At a municipal election held February 1833, Brother Stewart was elected mayor of Payson City, and served in that office for

two terms of two years each. In October, 1969, he was sent on a mission will form an entirely erroneous impres-sion of the motives and will not know to the Western States, upon which he was why I shot Rossa. The doctors said I had said that I had "a mission," when they should have said that I had an inson Stewart and others, laid the foundation clination. The judge said she had better for a town three miles north of Payson which was named Benjamin in his honor. proper time came the court would hear Mrs. Dudley's counsel said they | thus fulfilling a prophecy that was made concerning him by Patriarch John Smith when he gave him a patriarchal blessing in to prove that their client was insane, the year 1847. At this place he located his while she on her part insisted that she was not insane at the time two wives, all his sons, and nearly all his daughters, and in 1971 he was appointed t to go on the stand and testify in her preside over the branch thus built up own behalf. Counsel could not see mainly through his instrumentality. This how they could do otherwise than call position he also occupied at the time of his her as a witness. It was finally agreed death. The funeral services were conducted un-

After recess Mrs. Dudley's lawyers tried their best to get her to forego her der the shade of a flue grove of trees that had been set out by Brother Stewart's own determination of becoming a witness. hands some years ago, and were conducted She persisted in her intention, how- by Bishop Tanner of Payson. The Payson ever, and at a word trom the prosecu-ting counsel she walked quickly to the witness chair and was sworn. Then choir was present and led the singing. The speakers were Elder Henry G. Boyle, Isaiah M. Coombaland David Lant. The body was the said . Gentlemen of the jury, I may or I interred in the Benjamin cemetery, the site

may not be insane, but if it is accurate for which had been selected by Brother that my action was for the possession of the almighty dollar, then I have no place by a cortege of 62 wagons and carriages containing three or four hundred persons. The grave was dedicated by Elder Worsencroft, of Payson. either on the ground that my action was justifiable or convict Territorial Enguirer please copy.

and afternoon each day before the pal Continental Cities. auction, commencing Thursday, July Mr. I Woolf, suctioneer,

Makes Collections, remitting proceeds This is a bona fide sale, to continue for promptly

BUTTON & BOYAN, FOUND

OBITUARY. THE STRAP. THE OWNER CAN THIS OFFICE Bon numb Franklin Stewart, who was he

> OR. ELLEN B. FERGUSON. FAULARI STOLNER, SA E. BRIGHAM without ar Pelophone 51.

Deter appointing Time and Place for hear-ing Petiton for Order to Sell Real Fatsic. and green on the NOSE, THEOAT and $1.1 \ge G^{-1}$ sho to Obstetrice and TT APPEARING TO THE HON. ELLAS

Diseases of Women.

A. Smith, Judge of the said (ourt, by he petition of John W. Taylor, Administra-or of the Estate of Wilham W. Taylor, de-CONSUMPTION tor of the Estate of William W. Taylor, de-ceased (herein filed, praying for an order to acil rs 1 estate belonging (to and estate) that it is necessary to sell the whole or some portion of the real estate to pay the debts outstanding against said estate, the balance of the family allowance heretofore made, and the debts, expenses and charges of administration. DR. T. A. SLOCUM, ISI Pastist., New York, of administration

FOR SALL. ONE HALF INTEREST IN THE BOCK

SALT LAKE CITY,

WHOLESALE AND RETAIL.

1141

HAT

CALIFORNIA BREWERY

of administration. It is hereby ordered: That all persons in-terested in said estate appear before the Probate Court of the county of Sait Lake, Territory of Utah, at the Court Room of said Court, in the Court House in Sait Lake (ity, on Thursday, the 3bth day of Jaiy, A. D. 1885, at 10 o'clock a. m., then and there to show cause why an order should not be granted to the said John W. Taylor, Admin istrator, to sell so much of the real estate of the said deceased as shall be necessary to pay said debts and expenses. ONE HALF INTEREST IN THE ROOM Which it is situated, at Farmington. This mill has the best water power in Davis County. Also 10 acres of meadow and pasfure land, fenced with a good fence. For further particulars and price apply of the said deceased as shall be necessary to pay said debts and expenses. And it is further ordered that a 'copy of this order be published in the DESEMBT EVENING NEWS, a newspaper printed and published in Sait Lake Contry, for four suc-cessive weeks before said 20th day of July, A. D. 1885. Farmington Co. op., Farmington, Davis Co. dl16 s&w3m

HENRY WAGNER. Dated June 26th, 1885.

ELIAS A SMITH, Probate Judge.

store the meating will be held in the Sev

enteenth District School House, on Mon

W. J. BEATIE, A. E. HYDE, ELLAS A. SMITH, Trustors 17th School District, Salt Lake City, June 20th, 1385.

LEGAL NOTICE.

in the Probate Court in and for the County

of Salt Lake, Territory of Uiah.

In the Matter of the Estate of William W. Taylor, Deceased.

day, July 13th, A.D. 1886, at 8 p.m.

TERRITORY OF UTAH, County of Salt Lake. [as County of Salt Lake. [" I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of order appointing time and place for hear-ing petition to sell Real Estate, in the mat-ter of the Estate of William W. Taylor, de-censed as annears of record in my office LAGER BEER ALE and PORTER Second South Street, Three Doors East 114) from Main Street. ceased, as appears of record in my office. In witness whereof, I have heremnto set my hand and affixed the seal of said Court, this 20th day of June, A. D., 1885.



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to force those living in polygamous re- when we shall have home productions Rossa, I am perfectly same lations ceased the occupancy of that in this line that will enable us to dis- now and wish to testify in my own case. If the case goes to the jury now without having heard me, they



I. M. COOMBS.

without making due inquiry.
