EVENING NEWS.

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CHARLES W. PENROSE, EDITOR.

Saturday - February 6, 1886

PEOPLE'S TICKET.

MUNICIPAL ELECTION, SALT LAKE CITY,

Monday, Feb. 8, 1886.

For Mayor:
FRANCIS ARMSTRONG.

For Aldermen:
First Ward..........WM. W. RITER.
Second Ward....THOS. G. WEBBER.
Third Ward..........FRANCIS COPE.
Fourth Ward.....ROBERT PATRICK.
Fifth Ward......GEORGE D. PYPER.

For Councilors:
CHARLES BROWN,
JOHN KIRKMAN,
JOHN CLARK,
JOHN Q. CANNON,
D. L. DAVIS,
JOHN W. TAYLOR,
S. P. TEASDEL,
JUNIUS F. WELLS,
HEBER J. GRANT.

For Recorder:
HEBER M. WELLS.

For Treasurer:
ORSON F. WHITNEY.

For Assessor and Collector:
MOSES W. TAYLOR.

For Marshal:
ALFRED SOLOMON.

A RULING AGAINST LAW, EVIDENCE AND REASON.

WE must confess to some surprise at the opinion of Chief Justice Zane in the Snow appeal case. We thought that probably Boreman would concur with Powers in sustaining the latter's inconsistent charge, but did not believe that Zane would eat his own ruling and dodge around his own definition. We have no more to say in favor of his fairness or his consistency. We do not believe he has any where a "Mormon" is concerned.

Judge Powers charged that it was not needed in order to prove unlawful cohabitation "to show that the defendant and these women *or either of them*, occupied the same bed, slept in the same room or *dwelt under* the same roof," nor that he "had sexual intercourse with either of them." This palpable absurdity, which is the same as saying that a man can live with two women without living with either of them, is glossed over by the the remark that "it was a statement of facts not necessary to be shown by the evidence, and was followed by the statement that "the question is, were they living in the habit and repute of marriage." Now let any one with common sense compare the two sentences. Is not one completely nugatory of the other? How can a man live in the "habit" of marriage when he does not occupy the same bed, sleep in the same room or dwell under the same roof with his wife?

In order to find excuse for affirming the judgment of the lower court, Judge Zane berates the defendant for his course in relation to his wives. But that cuts no figure in the charge against him, and is not in the question. The point to be proved is, that he cohabited with more than one woman as his wives. This was actually disproved at the trial. But the Judge assumes that the defendant lived with his wife Sarah, although the evidence proved to the contrary, in order to justify the verdict.

He makes Sarah the legal wife, on the ground that the two former wives were married at the same time to Elder Snow, and therefore it was not a legal marriage. We shall not stop to comment on this point, but come to the facts stated by Judge Zane. He pretends to cite the testimony. But he leaves out some essential parts which are fatal to his position that the defendant lived with his wife Sarah. She testified that the defendant had not slept nor eaten in her house for several years, and had not introduced her as his wife for ten years. Judge Zane says he took her to the theatre and out riding with him. His Honor conveniently passes over testimony that flatly contradicts his statement. Sarah Snow testified that Mr. Snow did not take her to the theatre, that he did *not* bring her home and that she did *not* sit in the theatre with him nor with the family. And the testimony as to her riding out with him was also disproved.

But granting all that the Judge claims as facts which are not facts, there was nothing shown in the evidence to prove that the defendant *lived* with more than one woman as his wives. The legal presumption that Sarah being his legal wife he lived with her, was legally set aside by positive testimony to the contrary. This left the defendant as the husband of several wives, but only cohabiting—bring that word down as close as you please or spread it as broad as you like—only cohabiting with one woman.

The gross error of Judge Powers in stating that the Edmunds law says "there must be an end of the relationship previously existing between polygamists," and that "the relationship must cease," which was in violation of the ruling of the Supreme Court of the United States, Judge Zane glosses over with the remark that Judge Powers made it "inadvertently." But that inadvertence was detrimental to the defendant and helped to deceive the jury and procure conviction. But of course that does not count with Judge Zane.

A decision is not given in the other two cases against Brother Snow, but it is easy to perceive what they will be. The only course now is to endeavor to carry the case up to the court of last resort on a writ of error. This should be done, by all means, and let God, angels and the world see whether the highest judicial tribunal in America, will sustain a palpable absurdity and a most flagrant outrage against law, evidence and reason, because the defendant is an eminent leader in an unpopular ecclesiastical system.

AN ATTEMPT AT DIVISION.

UNDER the lead and by the promptings of the *Tribune*, another municipal ticket has been concocted for the purpose of making division in the ranks of the People's Party. It is facetiously called a "Reform" ticket, and puts before the public the names of a number of gentlemen who have not been consulted in the matter. It places some of them at least in a false position. They are made to appear, in all probability against their wishes, in the light of opposition to their own party. This is very unfair to them and misleading to the public unless the people are acquainted with the tricks by which such things are done.

The opposition ticket is made up of a mixture of regular candidates with others sandwiched in, so as to catch as many careless voters as possible. It will become the duty of the active men and women of the People's Party to see that their friends are not misled. The word "Reform" at the head and any other name but Alfred Solomon's at the foot, will betray the bogus ballot and stand as signs that it is spurious.

The *Tribune* devotes about a column and a half of its space to a mess of froth against the NEWS and the nominee for Marshal, but, just as we said, can bring nothing against the man but his detective work in helping to expose the *Tribune's* pets—the filthy resorters to vile houses for lechery. Its threats of yesterday are swallowed to-day. It says "The Gentiles have never started any trouble here, and do not propose to." We did not believe they "proposed to start any trouble" just because a man was put up for a local office whom the *Tribune* objects to. But the *Tribune* intimated that they did intend to start trouble, by giving notice that "every Gentile would consider himself in an enemy's country" and would "make arrangements accordingly." It was, as we supposed, *Tribune* bluster and a *Tribune* lie. Here is another: "The writer of this heard one of the foremost Mormons in the city declare that if this candidate should be elected, he would not blame the Gentiles if they resisted paying a dollar of taxes."

Now trot out the name of that imaginary "foremost Mormon" that people may know that there is one more idiot on earth as senseless as the scribe that writes such rubbish. If there is any "Mormon" or "Gentile" who would refuse to pay taxes because an objectionable candidate was elected to an office that has nothing to do with the taxes, he should be examined at once for his fitness as a permanent resident of the new asylum. If the scribe heard it at all, he heard it in his cups. He has been "at it again." The belligerent "arrangements," the "refusal to pay taxes," and the "excitement" against the quiet candidate for Marshal, are only "snakes." He needs retirement and an opiate.

The *Democrat* rejoices in the anticipated "split in the People's Party." Not only because it is a sign of weakness that will open the way for future opportunities, but because it argues that "when a man has kicked politically and has not ceased at the word of command, and has kept up his kicking, he has generally, in fact it may be said that he has always, ceased to belong to the Church, etc.," and it goes on to say: "We hope there will be a split in the People's Party." Of course, that is quite natural. All enemies to the party will hope there will be a split in it.

But what about the people who comprise the party? Are they going to follow the lead of a few malcontents and apostates and divide their ranks for the mere sake of opposition? We believe not. They certainly have better sense than that. They will only bring themselves defeat, array themselves on the side of their enemies and do the very thing that their worst foes desire. This would be poor policy, to say the least, and would not accomplish a single good thing.

At the start of this rumpus there were almost as many evil things said against the candidate for Mayor as against the nominee for Marshal. But now this is dropped and the name of Francis Armstrong is placed at the head of both tickets. The *Tribune*, too, which assailed him with its rankest venom, drops its darts from him and concentrates its violence upon the devoted head of Solomon. If the hatred of that organ of evil is not taken as a recommend to the man, then the people have lost their discernment. It is one of the best signs of his fitness.

The *Tribune* says, "Nobody *fears* his election." Oh! yes they do. The lechers fear it. The tracked hounds that have lapped lechery fear it. The debauched but unexposed night-hawks fear it. The numerous "respectable" persons who practice "the common vices of humanity" fear it. No one but the guilty fear it. No decent citizen of any creed or party fears it. And all this hulabaloo has been kicked up in the interest of that portion of the population that revels in sin and is afraid of vigorous measures to suppress it, very probably at their expense and exposure.

The candidate is a good man, an efficient officer, a substantial citizen, and there is not a solitary thing alleged against him except that he has acted as a successful detective against libertines. He is the selection of the People's Delegates; now let the voters show that he is the selection of the people. A man so assailed should be sustained by every citizen who despises these personal attacks and desires to suppress vice, and we believe the People's Party will turn out in such numbers on Monday as will rebuke slander, defeat opposition and maintain the sound policy of unbroken union.

A NECESSARY EXPLANATION.

A NOTICE appeared in our local columns last evening that we think is calculated to create a wrong impression, and it is also an injustice to the District Attorney. There is no necessity for this, for he does enough to provoke the animadversion of the public without being credited with anything he does not deserve.

The gentleman notified Mr. F. S. Richards, as one of the counsel for defendants in cases of unlawful cohabitation to be tried at the February term, that the witnesses who are under bonds would be expected to appear on the day set for the trial at which they are wanted to give evidence.

This was simply to save the trouble and expense of issuing any farther subpoenas. If they do not appear, their bonds will be declared forfeit and an attachment will be issued, all of which would be very unpleasant and would entail expense on the defendants if convicted. By appearing without further subpoena, the expense of issuing it and serving it would be saved, and the intimation of the District Attorney was given in good part. His purpose was mistaken by the writer of the local item, and we make this explanation in justice to him and to Mr. Richards, from whom the information was obtained.

All witnesses who have been placed under bonds to appear during this term, and who do not want their bonds forfeited, should be on hand at the date set for trial. The respective dates have appeared in the DESERET NEWS. They will thus avoid trouble and save considerable expense.

ANOTHER VETO.

THE Governor has vetoed the second jury bill as he vetoed the first. If his first excuse was flimsy his second is flimsier. In fact, it amounts to next to nothing at all. It does not convey any semblance of reason for his action. He says, as before, that he has "other reasons" but he fails to adduce any. He might with more consistency refuse to sign the bill without any pretense of excuse, than to manifest his utter lack of reason for his veto.

The bill was framed in such a way that it could not possibly interfere with the prosecution of defendants under the Edmunds law. It was designed to protect other defendants against packed juries. The open venire system has been prostituted here to the detriment of persons placed on trial, and it is an infamy that ought to be stamped upon by every person sensible to justice. The Governor likes the system, and will do all in his power to prevent its abolition.

Suppose the tables should be turned and he should be placed on trial, say for Kentucky crookedness, and the jury was packed with his enemies. Supposing he was accused of inciting to provoke a breach of the peace by deception, and the bringing in of soldiers in time of peace, and the jury was purposely made up of "Mormons" who had an opinion as to his perfidy. How would he relish the packed jury method then?

The Legislature should give him another trial. Frame the bill so that his present excuse will not avail, and that even its shadow cannot fall upon the measure. But if he will not give his assent to a means of providing for accused persons not charged with an offense under the Edmunds law the opportunity of getting an impartial jury, let the open venire outrage go on, but without a cent's appropriation for the perpetration of injustice and infamy.

THE SNOW CASE.

DECISION BY THE TERRITORIAL SUPREME COURT—JUDGE POWERS' DEFINITION OF "CO-HABITATION" UPHELD—THE COURT GOES OUT OF ITS WAY TO VILLIFY A RESPECTED AND VENERABLE APOSTLE.

SUPREME COURT OF UTAH TERRITORY, January Term, A. D. 1886.

United States vs. Lorenzo Snow. } Indictment for year 1885.

Zane, C. J.—The defendant was convicted of the crime of unlawful cohabitation and sentenced to imprisonment in the penitentiary for the term of six months, and to pay a fine of three hundred dollars and the costs of the prosecution. From this judgment he has appealed to this Court and insists that the evidence is insufficient to justify the verdict.

At the commencement of the trial the defendant admitted before the court and jury that he had married each of the seven women named in the indictment; had not been divorced from either and that he claimed all of them as his wives and furnished them support.

It appears from the evidence that appellant was first married more than forty years ago in Nauvoo, Illinois, to two women, Adeline and Charlotte, at the same time and by one ceremony (the latter of the two women has since died); and that he has since married in the order named, Sarah, Harriet, Eleanor, Mary, Phoebe, and Minnie, also one other, Caroline (now deceased). The last marriage was in 1871. The first marriage was unlawful because the marriage with two women at the same time is void. Therefore Sarah is the lawful wife. The evidence shows and it is admitted by defendant that he has lived and cohabited with the youngest and last wife since his marriage to her and that she has four children, the youngest being three months old.

Sarah Snow, the lawful wife, was introduced as a witness without objection, and with other testimony gave the following: She married defendant about forty years ago, and now has grown children by him; she lives at the old homestead in company with Harriet and Eleanor, and has been living there nearly thirty years; five years ago Minnie lived in one wing of the old homestead, and defendant lived with her part of the time; up to the time Minnie came there defendant boarded with witness; she has never been divorced, defendant has supported her, their social intercourse has been friendly and he calls on her occasionally; he calls less frequently as he grows older. In answer to the question, "State if it is not about the only difference in your relations in living that he does not call to see you as often as he did formerly?" witness stated, "Well, sometimes he calls and sometimes he don't call. I do not see him as much as I did five years ago, for he lived right there five years ago; he does not visit me as much as he did when he boarded with me. Five years ago he lived right there next door." Witness also said on cross-examination that she has five children, that two live at home and the youngest is 22 years old; that defendant, whenever he goes home, passes by the door—that being one way to go, passing through the lot; that witness went away in the spring of 1885, and that defendant was away six or seven months; that he has called on her two or three times during 1885, and would remain perhaps half an hour; that since defendant moved to the new brick house with his last wife he has never slept in the house where witness has slept, and no room is kept for him; that when he came he would generally be busy with their son; that his calls of late were principally with their son; that he would enquire if they were getting along all right.

Harriet Snow, another wife, stated that she was married to defendant forty years ago, in December of that year, that he is the father of her children, and that she lives in her own home, which appellant provided for her and that he arranges for her support; that he had visited her a few times during the year 1885, sometimes to enquire about the children; that she could not say how often he visited her, but he did visit her; witness was asked if there was any difference between their relations during *last* year (1885) and those of *six* years ago; to which question she answered: "A good deal; in my younger days, I lived with him as a wife, and raised him children. Now I am an old lady and I do not consider the relations binding upon me in my younger days to be so now. I do not live with him in the same way." Mary Snow also answered the interrogatory: "Is it not true that he has not called as much as he used to, and is not that the only difference?" in the following words: "He does not call so much for the reason that he has been away from town. He does not visit me as much as he did a number of years ago." To the further question: "Then the reason he visited you less, was because he was away a great portion of the year?" she answered, "Yes, I guess so; he has been away the last year." Eleanor Snow, another polygamous wife, among other things stated: "I guess I recognized him as my husband and he me as wife during 1885; don't know; the difference in our relationship the last year and formerly is he does not live at my place. I guess the only difference is he is not in my company so much—you understand. Previous to that, he had visited and dined with me once in a while. When he dined with me, it was with me and my children, unless there was company to these family gatherings. Mr. Snow occupied the position as head of the family and occupies the head of the table when he is there; his friends all put him at the head of the table." Dr. J. B. Carrington testified that, in 1885, he saw defendant in company with Sarah—out riding with her; another woman was in the carriage—thought it was Harriet; that he also saw defendant and Sarah sitting together in the theatre, in the part of the house usually occupied by the Snow family, and that they afterwards went out together. In the city where defendant lives, he and his various wives and their families appear from the evidence to be regarded by all as one family, and this family has a place assigned it in the theatre apart from other people; that each wife and her family are regarded as a part and portion of defendant's family—of the Snow family—and that the appellant is regarded as the head of this entire family by each member of it. In 1885 the last witness saw defendant go in and come out through the gate in front of the old homestead, where Sarah and two of his polygamous wives lived, but witness did not see him go in or come out of that house. The officer who arrested appellant testified that after he had searched defendant's house, he discovered a carpet that had been ripped, and on examination found underneath the carpet a little trap door, and under that door a small apartment, and back of that another apartment, and in that apartment he found the defendant. Defendant did not come out when called, until the officer made preparation to break the door; defendant then said: "All right; I am coming out;" and when he came out, he said further: "That is all right, boys; you have done your duty; come and take a drink with me."

It appears from the evidence that appellant boards and lodges with his last wife and visits his other wives occasionally, though not very often; that during the year 1885 he has not lodged or taken a meal with any one of the others; that he furnishes them houses to live in and supports them; that he introduces them publicly as his wives, and by his language and conduct holds them out to the world as such. The evidence proved beyond controversy that defendant cohabits with his polygamous wife, Minnie. The remaining fact to find from the evidence is, has he at any time during the year 1885, cohabited with the other women named in the indictment or any one of them? It appears from the evidence that defendant is seventy-two years old, and has married nine wives, and that seven of those wives are still living. To the first he was married in his youth. As his passion for one wife became satiated and dulled by indulgence and gratification, and as his lust was again kindled by the appearance of a younger and fresher, or possibly a more attractive woman, he would marry again until his marriages have been repeated nine times, and now at the age of 72 years he is found with seven living wives—the last being comparatively young, with an infant in her arms. He furnishes homes for, supports, associates with, claims, holds out, and flaunts in the face of society all these seven women as his wives. And yet he says he cohabits with but one. The law must characterize his relation to them, and his intercourse and association with them. Let us consider the case with respect to Sarah, his lawful wife.

A lawful marriage of itself affords a strong presumption of matrimonial cohabitation, because such cohabitation is in accordance with duty and usually attends such a marriage. When to this presumption are added the further inferences to be drawn from the following facts, that defendant claimed Sarah all the time as his wife, and that she claims to be such; that he provides for her a home and the necessaries and comforts of life; that they were on good terms; that he took her to the theatre, out riding, visited her occasionally at her home and was the father of her children. The conclusion removes every reasonable doubt that he cohabited with her as his wife. When they were associating together, she was not his paramour or his friend simply—he then had and still has all the rights and opportunities of a husband and she those of a wife. They were living and were together. They were living together. Under such circumstances the law will not permit them to say they were together merely as friends and not as husband and wife.

It is not essential to matrimonial cohabitation that the parties should be together all the time, if their intercourse and relations are agreeable and they associate together some part of the time. In that case the law does not notice the intervals of separation. Owing to the necessities of human life, and the claims of business and trade, married people are often in each others company less for long periods than the defendant and his wife Sarah were during the year 1885, and yet they are regarded as cohabiting as man and wife. Such is often the case with mariners, traveling salesmen, and other classes of persons that could be mentioned. They associate at long intervals and are regarded as cohabiting.

The third section of the Act of Congress of March 22nd, 1882, was intended to reach such conduct as the evidence proves the defendant guilty of—"If any male person * * cohabits with more than one woman he shall be deemed guilty of a misdemeanor," etc. When the entire act, of which the above quotation is a part, is taken and considered together in the light of the occasion and necessity of its enactment, and of the evil it was intended to remedy, we are of the opinion that the term cohabit should be given a broad meaning. In construing the term, regard should be had to the spirit and general intent of the act. "It is an established rule in the exposition of statutes that the intention of the lawgiver is to be deduced from a view of the whole and every part of a statute, taken and compared together. When the words of a statute are not explicit, the intention is to be collected from the context—from the occasion and necessity of the law—from the mischief felt—and the object and remedy in view; and the intention is to be taken or presumed according to what is consonant to reason and good discretion." This was the rule laid down by Plowden, pp. 10, 57, 205, 363, and by these maxims Chancellor Kent affirms, "the sages of the law have ever been guided in searching for the intention of the legislature," and commends them, "as maxims of sound interpretation, which have been accumulated by the experience and ratified by the approbation of ages." 1 Kent Comm., 462. Potter's Dwarris on Statutes and Constitutions, p. 190, note 13.

In construing the term cohabitation as used in the act under consideration, the Supreme Court of the United States say in the case of the United States vs. Cannon (not yet reported): "It is the practice of unlawful cohabitation with more than one woman that is aimed at—a cohabitation classed with polygamy and having its outward semblance. It is not on the one hand meritricious unmarital intercourse with more than one woman. General legislation as to lewd practices is left to the Territorial government. Nor on the other hand does the statute pry into the intimacies of the marriage relation. But it seeks not only to punish bigamy and polygamy, when direct proof of the existence of those relations can be made, but to prevent a man from flaunting in the face of the world the ostentation and opportunities of a bigamous household with all the outward appearances of the continuance of the same relations which existed before the act was passed, and without reference to what may occur in the privacy of those relations."

This court, speaking by Boreman, J. said: "What then was the object of the Congress in enacting this statute? It was, judging from the whole act, intended to be an aid in breaking up polygamy and the pretense thereof." Pacific Reporter, Vol. 7, No. 7, p. 374. The opinion of this Court in case of United States vs. Musser, (Ibid. p. 391) is to the same effect: "It appears plain that the intention was to protect the monogamous marriage, by prohibiting all other marriage, either in form or in appearance only, whether evidenced by a ceremony, or by conduct and circumstances alone."

The end of the law was the protection of the monogamous marriage, and the suppression of polygamy and unlawful cohabitation were but means to that end. It is proper also to take into consideration the conditions as the National Legislature anticipated and understood them—in which the law was to be applied and enforced. They knew the time had elapsed within which a very large portion of those living in polygamy could be punished for that offense, and that many of these were among the most influential men in society, being the heads of the Church; and that the example of their continuing to live with their plural wives under a claim of divine right would be a scandal to society and a menace to the lawful marriage; that such examples would be a continuing invitation and an apparent justification for their followers, either secretly or openly to violate the law. Congress therefore forbade plural marriage in appearance only, as well as in form, and by the example of punishment it doubtless intended to eradicate the example of apparent plural marriages, as well as the plural marriage in form.

The evidence against the defendant shows one of the most aggravated cases and worst examples of polygamy. He has one lawful and six plural wives living, and all of them he maintains and publicly acknowledges by introducing them as such; but claims that he is cohabiting with but one, and visiting the others when he pleases. We are of the opinion that the evidence was sufficient to justify the verdict.

The defendant excepted to certain parts of the charge given in the lower court, and assigns the giving thereof to the jury as error. The charge appears to have been an oral one and does not consist of separate instructions. Each part of it should be regarded as qualified by the other portions. If the paragraphs excepted to were not misleading when so considered, they should not be regarded as erroneous. The portion first excepted to is, "It is not necessary that the evidence should show that the defendant and these women, or either of them, occupied the same bed, slept in the same room, or dwelt under the same roof; neither is it necessary that the evidence should show that within the time mentioned in the indictment, the defendant had sexual intercourse with either of them." This was a statement of facts not necessary to be shown by the evidence and was immediately followed by a statement of essential facts as follows: "The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete when a man to all outward appearances is living and associating with two or more women as wives." When the portion of the charge objected to is taken with that which immediately followed, the jury must have understood that if the defendant and any two of his wives were living in the habit and repute of marriage, and to all outward appearance they were living and associating together as man and wife, it was not necessary to show that they occupied the same bed, slept in the same room, dwelt under the same roof or that they were guilty of sexual intercourse.

The jury must have understood that it was necessary for them to believe from the evidence that the defendant and at least two of his wives lived and associated together as man and wife to all outward appearances, and that it was not necessary that he should board and lodge under the same roof with or have sexual intercourse with them. If they so understood they were not misled.

Counsel for appellant also assign as error the giving of the following as a part of the charge: "The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete when a man to all outward appearances, is living or associating with two or more women as wives. If the conduct of the defendant has been such as to lead to the belief that the parties were living as husband and wife live, then the defendant is guilty." This paragraph must be considered with the one in which the jurors were instructed that they must be satisfied of the defendant's guilt beyond a reasonable doubt before they could convict.

The defendant also excepted to the following clause of the charge and assigned the giving thereof as error: "Of course the defendant might visit his children by the various women, he may make directions regarding their welfare; he may meet the women on terms of social equality; but if he associates with them as a husband with his wife, he is guilty. The Edmunds law says there must be an end of the relationship previously existing between polygamists. It says the relationship must cease." So much of the clause as stated that defendant might visit his children, make directions regarding their welfare, and might meet his wives on terms of social equality was quite as favorable to the defendant as he could ask; and the further statement "But if he associated with them as a husband as a husband with his wife he is guilty," was a rather meager statement of what had been stated more fully in the preceding part of the charge. The remark that the Edmunds law says there must be an end of the relationship previously existing between polygamists" and that "it says that the relationship must cease," was evidently made inadvertently. It was a disconnected affirmation, intended to be a declaration of the general intent and purpose of the law known as the Edmunds law. As a statement of the purpose of the law it was correct. That act was doubtless aimed at polygamy and intended to put an end to it. The statement could not be understood as a definition of the crime of unlawful cohabitation. And the jury could not have so understood it. That offense had been fully described in the preceding portion of the charge. We do not believe that this statement of the purpose of the law misled the jury and therefore it is not ground for reversal.

We are of the opinion that the exceptions of the defendant to the ruling of the trial court in admitting and refusing evidence are not well taken.

The action of the Court in refusing certain requests asked by the defendant is also assigned as error.

The second, third and fifth of them related to the definition of the term cohabitation as used in the law which the defendant was charged with violating. That term was defined in the charge with sufficient clearness to enable the jury to understand its meaning in view of the evidence. In the fourth request certain conduct was mentioned that would not constitute the offence and the request was not necessary to be given.

The sixth refused was given in substance in the charge, so far as it was proper. And we are of the opinion that the seventh and eighth requests referred to matters, in regard to which it was unnecessary to charge the jury. The charge as given covers all the points upon which it was necessary to instruct the jury and was quite full and substantially correct.

After a careful examination of this record we find no ground sufficient to reverse the judgment of the District Court, and it is therefore affirmed.

POWERS, A. J., concurs.
BOREMAN, J., concurs.

HOME missionaries will visit the city wards to-morrow evening.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

LATEST BY LIGHTNING.

A Blazing Synagogue.

NEW YORK, 6.—The new synagogue of the congregation of B'nai Jerushun, on Madison Avenue, near Sixty-fifth Street, caught fire from an overheated furnace in the cellar, at 9 o'clock this morning. At the hour when the doors were opened to admit the congregation for Sabbath services, Rabbi Dr. Henry S. Jacobs, while putting on his robes, discovered the fire, and so quick was its progress that the sacred scrolls in the ark had to be abandoned to their fate. The general alarm called out the entire available force of firemen, and the fire was quickly extinguished. It did $5,000 damage to the building and furniture. Some of the valuable records of the congregation, which is the second oldest in New York, were burned. It is only last spring that the congregation moved up town from its old Temple on West 34th Street. Had the fire occurred a half hour later, disastrous loss of life must have resulted, as the church was filled with smoke in an instant.

FOREIGN.

LATEST TRANS-ATLANTIC DISPATCHES.

Erecting Barricades.

PARIS, 6.—The striking factory operatives at St. Quentin are erecting barricades in the streets of that city and a conflict between the military and strikers is believed to be imminent.

Adjourned till the 18th inst.

LONDON, 6.—The members of the late ministry left London for Osborne at 9:30 this morning to deliver the seals of office to the Queen, and the members of the Gladstone government proceeded to Osborne at 11:30 to receive the seals from Her Majesty. The House of Commons to-day ordered writs to be issued for the re-election of those members who had been appointed to office since the House was last in session. The House has adjourned until the 18th inst.

THERE will be a rehearsal of "Pirates of Penzance" at the Theatre on Monday evening, at 7:30 o'clock.

LEGAL NOTICE.

In the Probate Court, County of Millard, Territory of Utah.

In the matter of the Estate of C. A. Robison, deceased.

Order to show cause why final Decree of Distribution and Settlement should not be made.

ON READING AND FILING THE PEtition of Wm. H. Robison, administrator in the estate of C. A. Robison, deceased, setting forth that the said estate is in a proper condition to be closed, and that a portion of the residue of said estate remains to be divided among the heirs of the said deceased, or among the persons entitled. It is ordered that all persons interested in the estate of C. A. Robison, deceased, be and appear before the Probate Court of the County of Millard, at the Court House, in Fillmore City, said County, Saturday, the Twenty-seventh day of February, A. D. 1886, at 10 o'clock a. m., then and there to show cause why an order of final settlement and distribution should not be made of the residue of said estate among the heirs of said deceased, according to law. The land and tenements belonging to said estate are known and described as follows, to wit: The south one half of Lots One (1) and Two, (2) Block Fifty-two, (52) Plat "A," Fillmore City Survey, situated in Section 20, Township 21, South of Range 4, West. It is further ordered, that a copy of this order be published once a week, for three successive weeks, before the said Twenty-seventh day of February, 1886, in the DESERET NEWS, a newspaper published in the City and County of Salt Lake, and that copies of this order be posted in three conspicuous places in the County of Millard.

Dated February 2nd, 1886.

T. C. CALLISTER, Probate Judge.

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TAX SALE.

WHEREAS, THE TERRITORIAL, School and County Taxes assessed against and upon the property of James M. Hardie, (Jno. F. Hardie, Agent) for the year 1885, amounting to Two dollars and forty cents, ($2.40) remain unpaid,

Therefore, I, Nathaniel V. Jones, Collector for Salt Lake County, Utah Territory, by virtue of the authority vested in me by the provisions of An Act of the Legislative Assembly of the Territory of Utah, entitled "An Act to provide Revenue for the Territory of Utah and the several counties thereof," approved February 22, 1878, and of the amendments thereto, have levied upon the following named property, to-wit:

Lot Four (4) in Block Five (5), Plat "G" Salt Lake City survey, and will sell the same or so much thereof as may be necessary to pay the Taxes and Costs, at public auction, at the front door of the County Court House, Salt Lake City, on the 20th day of February, 1886, at 12 o'clock M.

NATHANIEL V. JONES, Collector for Salt Lake County.

County Collector's Office, No. 5, County Court House, Salt Lake City, January 30th, 1886. d5 s2

TAX SALE.

WHEREAS, THE TERRITORIAL, School and County Taxes assessed against and upon the property of Sarah D. Ford, for the year 1885, amounting to Seven Dollars, ($7.00) remain unpaid,

Therefore, I, Nathaniel V. Jones, Collector for Salt Lake County, Utah Territory, by virtue of the authority vested in me by the provisions of An Act of the Legislative Assembly of the Territory of Utah, entitled, "An Act to provide Revenue for the Territory of Utah and the several counties thereof," approved February 22, 1878, and of the amendments thereto, have levied upon the following property, to-wit: Part of Lot Eight (8), in Block Seventy-two (72), Plat A, Salt Lake City survey, and will sell the same or so much thereof as may be necessary to pay the taxes and costs, at Public Auction, at the front door of the County Court House, Salt Lake City, on the 20th day of February, 1886, at 12 o'clock m.

NATHANIEL V. JONES, Collector for Salt Lake County.

County Collector's Office, No. 5, County Court House, Salt Lake City, January 30, 1886. d 5s2

TAX SALE.

WHEREAS, the County, School and Territorial Taxes assessed to the Riddiecome place in Grantsville City, Tooele County, U. T., for the year 1885, amounting to Three Dollars and Sixty Cents, ($3.60) remain unpaid,

Therefore, I, A. G. Johnson, Collector of Tooele County, by virtue of the authority vested in me by the provisions of Section 19 of "An Act to Provide Revenue for the Territory of Utah and the several Counties thereof," approved February 22, 1878, have levied upon the following named property, to-wit:

All that certain lot, peice or parcel of land, described as follows, viz: Commencing at a point on Cooley Street, (west side) 5.50 chains south of a point 3.50 chains, East of the Northwest corner of the Northeast quarter of Section Thirty Six, (36) in Township Two, (2) South, Range Six (6) West, thence South along Cooley Street 5.75 chains to the George Whittle claim, thence West 2.60 chains, thence South 4.20 chains to Matthew Orr's claim, thence West 4.17 chains, thence North 9.93 chains, thence East 6.87 chains to place of beginning, containing 5 5-500 acres of land, together with all of the improvements on said land, which will be sold, or so much thereof as may be necessary, to pay the Taxes and Costs, at Public Auction, at the front door of the County Court House in Tooele City, on the Twenty Seventh (27) day of February, A. D. 1886, at Two (2) o'clock p. m.

A. G. JOHNSON, Collector, per C. R. McBRIDE, Deputy.

Assessor and Collector's Office, January 26th, 1886. d5 s2