

ing for \$30 first class, with a rebate of \$5, and \$20 second class with a rebate of \$3. Later in the day the rebate was withdrawn, making the rates the same as by the other lines.

PORTLAND, Oreg., 24.—To-day Nathan L. Baker, of this city and Al. White of Oregon City, who led the mob that drove the Chinese out of Oregon City on Sunday night, were arrested on the complaint of Wong Chung, a Chinese contractor, and taken before the United States Commissioner, charged with violating section 5519 of the United States statutes. This section, which was passed for the special protection of negroes against the Ku-Klux in 1874, is said to cover the cases exactly, and the authorities think the men can be convicted. The prisoners were released in \$500 bail each and the preliminary examination set for Friday of this week.

MELAGUAS, Mexico, 23.—Samuel Reed, deserter from Eighth United States Cavalry, who was implicated in the murder of a rich Jew named Block, made a confession yesterday giving full particulars of the crime. He says that Samuel Williams, also a deserter from the cavalry, struck Block with a thick piece of iron and then assaulted him with a knife. They got but little money, the greater part being in a safe which they overlooked. Williams will probably be taken out by the authorities and shot in execution of his crime.

CINCINNATI, 23.—The Sergeant-at-arms of the Ohio House of Representatives arrested Daniel J. Dalton today for refusing to go to Columbus with the returns of Precinct "A," Fourth Ward. Dalton said he was unable to comply with the order of the House Committee, because the Senate Committee still holds the returns. His attorney applied to Judge Robertson for a writ of habeas corpus, and the court immediately released Dalton on his own recognizance in the sum of \$500, and appointed Wednesday next for hearing the case.

PITTSBURG, Pa., 25.—At a conference of labor leaders held here last evening, it was decided to send a representative committee of workmen to Washington to advocate the interests of the tariff before Congress.

OTTAWA, 25.—The Governor General in his speech to-day will congratulate the country on the completion of the Canadian Pacific Railway, and on the prospect of its being opened for public business next June. In reference to the fisheries question he will state that should negotiations between Her Majesty's government and the government of the United States for the appointment of a commission prove a failure, Parliament will be asked to make provision for the protection of the fisheries by the extension of the present system of marine police. He will allude to the rebellion in the northwest, and will express regret that the public expenditure was so largely increased in its suppression.

BALTIMORE, 25.—The memoirs of Chief of the demimonde of Paris, spoken of in a dispatch from Paris, yesterday, has attracted some attention here. She claims to be the daughter of Prof. F. Nicholls Crouch, author of "Kathleen Mavourneen." Crouch was seen this morning and says he does not know whether the woman Cora Pearl is his daughter. He had nine children by his first wife, Miss Lydia Pearson, English actress, to whom he was married in 1830, at St. Paul's Church, Covent Garden, London, England. There were four daughters Mrs. Mawdsley, now living in Baltimore, Madame Talbreque, of Leeds, England, and another one said to be at present in Russia, and Emma Crouch, the second oldest of the quartette, who left her home when a young girl. All the young ladies were educated in Paris. On returning to England from France, the mother of Prof. Crouch took Emma in charge. Suddenly the young lady left her people under circumstances that were never spoken of afterwards in the Crouch family.

FOREIGN.

LONDON, 23.—An intimate friend of Sir Charles Dike, writing to the papers, charging Mr. Chamberlain with some responsibility for Sir Charles' action in not going into the witness box during the progress of the Crawford case. The writer says that it was Mr. Chamberlain's vehement insistence against such a course that restrained Sir Charles from appearing as a witness. He also alleged that the same indiscretion of which Sir Charles has been guilty, happened him in early life and consisted of an intrigue with a married woman of light character. Sir Charles, his friend says, is a most sensitive man, and the burden of the accusation nearly cost him his reason.

The International fleet will leave Suda Bay for Salamis immediately upon the arrival of the Duke of Edinburgh, who is to command the fleet. Two English cruisers will watch the coast of Crete in order to prevent the landing of Greek volunteers bent on inciting insurrection.

The annexation of Burmah was confirmed by the Government in the House of Lords and the House of Commons last evening. It was voted the cost of the Burmah expedition be charged to Indian revenue.

Mr. John Morley, Chief Secretary for Ireland, replying to Baron Henry De Worms' question as to whether Mr. Morley adhered to the opinion he expressed in a recent speech that it was desirable to exclude Parnellites from Parliament, admitted that his speech was correctly reported, but said he preferred to explain his policy fully on

the proper occasion. Mr. Gladstone announced that the Government did not intend to suppress the Irish National League.

Mr. Childers stated that he had accepted the resignation of Col. Henderson as Chief of the London police.

Mr. Gladstone, in moving the appointment of a select committee on procedure, said it was the Government's intention to facilitate business rather than adopt clog measures.

Belfast, 23.—Large bodies of Orangemen wearing the regalia, displaying banners and headed by a band of music, met Lord Randolph Churchill at the depot here. He was escorted by a huge procession to Ulster Hall, where addresses were presented him. Replying, he said he wished those contemplating the dissolution of the Union were only present; they would then perceive that Belfast would never submit to disunion. The town is excited. Extensive police precautions have been taken to prevent rioting.

The enthusiasm witnessed has not been equaled here in many years. In the numerous processions which paraded the street, were many women, who all displayed orange colors. So dense was the crowd that filled the principal thoroughfares, that traffic was detained for several hours. No sooner had Lord Randolph Churchill seated himself in the carriage that was waiting him than the crowd made a rush for the carriage, unharnessed the horses and proceeded to drag the vehicle from the station to the hotel.

The enthusiasm displayed along the line of march was prodigious. In the evening Lord Randolph addressed the meeting, when the enthusiasm displayed on his arrival was repeated.

Lord Randolph said it lay with Ulster to say whether Ireland should remain a part of the empire. He denied that the Parnellites were true representatives of the will of the Irish people. As for Parnell himself, his only title to be considered as a leader in his party lay in an action of which no one could be justly proud. "By preying upon the terrors of the peasantry, and by means of brutal outrages upon human beings, he had secured five-sixths of the Irish members of Parliament. Lord Randolph appealed to all, regardless of creed, to declare in favor of a freer and closer union. If the appeal failed he said he would not mind leaving the issue to the people of Ulster. He believed the storm would blow over, however, and that at the Union would emerge stronger than it had ever been.

Lord Churchill expressed the hope that the struggle would be kept within constitutional limits, but added that they must be prepared for the worst.

The meeting adopted a resolution to oppose nationalism, and to call upon the people of England and Scotland for help.

Berlin, 23.—The discussion on the Polish bill continues in the lower house of the Prussian Diet to-day. The bill was opposed by the Polish Deputies and members of the new German Liberal and Centre parties, while the Conservatives and National Liberals supported the measure. Dr. Lucius, Minister of Domains, pointed out that thirty years of Polish agitation culminated in a dangerous and firmly organized menace and that it might take ten years to overcome the evil attained by the bill. The bill was finally referred to a committee of twenty-one.

The North German Gazette says: The prosecution is imminent of numerous Germans who style themselves doctors on the strength of diplomas purchased in America. There are 3,400 such doctors in Berlin alone.

Warsaw, 23.—Several Catholic priests and monks have arrived here, and were sent to the interior of Russia, because they administered the Catholic sacrament to Greek churchmen. The monasteries are almost denuded of friars.

Rome, 23.—The Pope had a fainting fit to-day, the result of overwork.

San Francisco, 23.—The steamer San Pablo arrived to-day with Hong Kong dates to Jan. 28th and Yokohama dates to Feb. 8th.

The Union Line steamer Corinth, Captain Anderson, 1,600 tons in ballast, from Kobe, Japan, to Singapore, was struck on the starboard bridge by M. S. Firebrand, Lieutenant-Commander L. Dickson, bound from Amoy to Foochow, on the night of January 2nd. The collision occurred near Amoy, and the Corinth sank within half an hour. All hands succeeded in getting aboard the Firebrand, which conveyed them to Amoy. From the latter place they proceeded to Hong Kong, where they arrived January 26th. Nothing was saved from the lost vessel, except a portion of the ship's papers. It has not been ascertained where the fault of the collision lies.

The destructive fire which broke out at Yokohama at 4 o'clock on the morning of February 8th, destroyed the Windsor Hotel and several surrounding buildings and contents. The total loss will be about \$100,000; insurance, \$80,000. The hotel building was insured for \$30,000. Many of the inmates of the hotel barely escaped with their lives. U. S. Consul General Denny, who was stopping at Yokohama en route to Corea, was obliged to jump from the second story window, but sustained no injury.

Associated Press Yokohama private advices state that all reports charging ex-Governor Hubbard, United States Minister to Japan, with conducting a subterfuge among American ministers are untrue. That he has always conducted himself in such a manner as to win the confidence of the Japanese Government and the respect of his diplomatic colleagues and that his abilities and

high character are recognized by the entire foreign community.

A French flagship arrived at Yokohama from Nagasaki where the smallpox is epidemic, with a number of cases of that disease aboard.

LONDON, 24.—A dispatch from Adelaide says the Commercial Bank of South Australia, the head office of which is at Adelaide, has suspended payment.

STOCKHOLM, 24.—The commercial depression here has reached a crisis. The number of failures is steadily increasing. The gravity of the financial situation has not been paralleled since the panic of 1857.

LONDON, 24.—The hearing in the case of Burns, Hyndman, Champion and Williams, socialistic leaders, accused by the authorities of having incited the recent riots at Trafalgar Square and Hyde Park, was resumed to-day. The session was devoted principally to hearing the testimony of newspaper reporters as to the exact language used by the defendants in their inflammatory speeches. Hyndman, before the proceedings were formally opened, entered a complaint against the editor and proprietors of Punch, and asked for their arrest. He alleged that they had attempted to excite the public against the defendants and prejudice their trial by publishing a picture of "Mr. Punch" in the act of publicly hanging them, in this way suggesting to the people the form of vengeance to be inflicted upon the defendants. The magistrate declined Hyndman's request, saying he had no power to interfere on the grounds specified.

LONDON, 24.—At the meeting of the Chambers of Commerce in this city yesterday, Mr. Farwood, Conservative member of Parliament from Lancashire and a prominent merchant and shipowner of Liverpool, presided. He attributed the present depression in British trade to the appreciation of gold assayed by the competition of foreign products and manufactures, turned out by skilled labor improved by technical education. The Dublin Chamber of Commerce offered, and the Glasgow Chamber seconded, a resolution against weakening the union between England and Ireland, because of the disastrous nature of the results which would ensue to the commercial and trading interests of Great Britain.

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The meeting by a vote nearly unanimously, resolved that the depreciation of silver and its present tendency towards disease as money is disturbing trade generally, and England's eastern commerce in particular, and we urge the government to unite with other countries in the endeavor to restore silver to its former function as a legal tender, thereby giving it a permanent instead of fluctuating value.

LONDON, 25.—The Associated Chambers of Commerce, which have been in session here for the past three days, to-day, adopted by unanimous vote, resolutions declaring that the grant of home rule to Ireland would prove disastrous to the trade of both Ireland and Great Britain. This is the resolution offered by the Dublin Chamber of Commerce and seconded by the Glasgow Chamber.

PARIS, 25.—A new kind of sensation was made in the Chamber of Deputies this afternoon. A strange man in one of the galleries arose excitedly, drew a revolver and fired it twice with a downward aim, and then coolly threw a letter toward Clemenceau. The man was quickly seized and hurried out by the police. When the excitement had subsided, a flattened bullet was found at the feet of the President of the Chamber. The prisoner said he was a soldier who had been so ill treated by his superiors and ignored by the officers of justice, that he resorted to this desperate expedient of creating a sensation in the Chamber of Deputies in order to secure attention to his grievances. The prisoner gave his name as Pellerre and said he was an officer in the French army. He asserted that the letter which he threw towards Clemenceau contained an offer to give government the names of the betrayers of Metz.

THE OUTRAGE UPON LEGAL WIVES.

A LEGISLATIVE-JUDICIAL DECISION.

JUDGE ZANE'S OPINION IN THE LANGTON CASE.

Counsel for the prosecution in this case has called the lawful wife of the defendant for the purpose of questioning her as to the defendant's cohabitation with another woman during the existence of the marriage relation with her, and the question is: Is she a competent witness without this cross-examination? Reference has been made to the Utah statutes of 1876, 1878, 1882 and also to

the statutes of 1884, which is the last statute upon the subject. On page 358 of the latter, being under chapter 2, title 10, sec. 1154 provides:

"All persons, without exception, otherwise than as is specified in the next two sections, who, having organs of sense, can perceive, and perceiving can make known their perceptions to others, may be witnesses. Therefore, neither parties nor other persons who have an interest in the event of an action or proceeding are excluded; nor those who have been convicted of crime; nor persons on account of their opinions on matters of religious belief; although, in every case the credibility of the witness may be drawn in question by the manner in which he testifies, by the character of his testimony, or by evidence affecting his character for truth, honesty or integrity, or his motives, or by contradictory evidence; and the jury are the exclusive judges of his credibility."

The section read is a general one and provides that "all persons, without exception, otherwise than as is specified in the next two sections, who, having organs of sense, can perceive, and perceiving, can make known their perceptions to others, may be witnesses." Section 1153 relates to certain exceptions, and section 1156, being one of the sections referred to in the first section, provides:

"There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate, therefore a person cannot be examined as a witness in the following cases:

"A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent: nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other."

The provision, by its express terms, applies to both civil and criminal actions, because it says this exception shall not "apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding." So that it covers both classes of cases. The question, therefore, is: Is the crime of unlawful cohabitation by the husband a crime against his lawful wife? I see no escape from that conclusion. If, therefore, unlawful cohabitation is a crime committed by the husband against his wife, under this section she would be a competent witness against him.

At common law, according to the rules of evidence, if the husband assaulted his wife or committed a battery upon her, or committed any personal injury to her, she was a competent witness in a criminal prosecution in the name of the State or the people. This statute is broader; it does not use the term "personal injury," but it uses the term "crime committed by one against the other."

It is true that all public offenses, in one sense, are crimes against the public; but when the injury is to some personal right of a party, it is regarded as a crime against that party. The relation of marriage, of course, gives to the wife certain rights; the right to the society of the husband; the right that he shall remain pure and commit no offense by adultery or by association with any other woman. If he does, it is a wrong or injury to the rights which she possesses by virtue of the marriage relation. Now, the question is, if a man takes another woman into his house or to his bed—to his society—and treats her as his wife, is that a violation of his wife's rights? It is such a violation, of course, as would entitle her to a divorce.

If a man assaults his wife—if he does not touch her, but makes an unlawful attempt, coupled with a present ability, to commit a violent injury upon her—that is an assault, and that wrong against her would forfeit his right to the confidence, and to the protection by law of that confidence, which exists between him and his wife. The reason of it is, and it seemed to be based upon the necessity, that she should be a witness in that case. That was the old rule. That assault, of course, is not a physical injury to her. There is no battery, but it is an injury to her feelings by intimidating her, possibly, or by hurting her feelings, as we sometimes say. It is an injury to her feelings. Now, the question is, is it not a greater injury to a woman's feelings, is it not a greater outrage against her nature and against her rights, for a man to take to his bed another woman and commit adultery with her, to the injury of his wife, if she appreciates her rights as a wife? It seems to me that the conclusion is irresistible. In the one case it may be fear; in the other case it may be another kind of an injury; but in either case it is an injury to the feelings. If it is an assault it may be an injury to her by intimidating her, or it may be to her feelings, in the want of that protection and support which he ought to give her, and that regard and attention that he ought to pay her, and that affection which he ought to manifest to her. In the other case, where he takes a woman into his bed, it is an injury to her feelings if she, as a woman, has a proper sense of her womanhood, unless she may be by some superstition or some other idea, led to believe that it is not. But the general rule must be that when a man takes another woman and treats her as a wife, in the presence and to the knowledge of his law-

ful wife, it is an injury to her feelings, it is a violation of her rights, it is a deprivation of those affections and feelings of regard and sympathy and support that she is entitled to, and it is an injury to her. It is as much a wrong against her and crime against her as if she were assaulted or beaten, or as if she were threatened with violence or driven out of her house and turned into the streets. It is as plain a violation of the right which the law gives her by virtue of the marriage which the law sanctions and which it guarantees her the benefits of.

I am of the opinion that under this statute, which says: "But this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other," she is a competent witness in a case of polygamy, a case of bigamy, or in a case of unlawful cohabitation.

In the Iowa case which was cited, (55 Iowa, 217, the State vs. Sloan), upon a statute which seems to be substantially the same as this statute under consideration, the Court says:

"Mrs. Sloan, the first wife, was allowed to testify in behalf of the State, against the defendant's objection. Section 3641 of the code provides that neither the husband nor the wife shall be a witness against the other except in a criminal proceeding for a crime committed one against the other. In our opinion, if the defendant is guilty of bigamy, he committed a crime against his wife. We think she is a competent witness."

It will be seen that the language of the Iowa statute and ours is substantially the same. This decision in Iowa seems to have been the unanimous decision of the court.

I am of the opinion that when any man marries another woman while he has one wife living with him, and if he commits unlawful cohabitation with her, that he forfeits that protection which the law gives him; he has forfeited and destroyed that confidence by his own criminal act; and he has no right when he is prosecuted for such an offense, to claim that the law shall preserve it sacred. I am of the opinion that the wife is a competent witness.

—The farmers of Lemhi Valley, Idaho, have formed a company with a capital stock of \$10,000 for the purpose of building a custom flouring mill, and have commenced active operations.

—Sheep in the vicinity of Chalk Butte, Montana, have been attacked by a disease which is killing them off in great numbers. The chief symptoms of the disease is a swelling of the lips, which increase to twice their normal size, consequently preventing the animals from eating.

—A miner named Frank Colomy, met with a serious accident while at work in the sixth level north, in No. 3 mine, at Almy, Wyoming, on Wednesday last. He had just fired a blast, and went back in the room to see the result, when a body of coal fell on him breaking the small bone of his left leg.

—On Friday last, Feb. 19th, a mad dog was killed at Laramie, Wyoming. Thereupon the Mayor issued a proclamation ordering that all dogs in the city be securely confined for ten days. If any of the canines are allowed to run at large, the city marshal has received strict orders to kill them.

—W. Ulin, a music teacher, unmarried, was teaching music to a large class at Grange Hall, Montana, last Sunday night, when a band of masked men entered the room, beat him on the head with revolvers and put a rope round his neck. Ulin finally escaped from his persecutors, in a very weak condition.

—The Cheyenne (Wyo.) Sun says: If Commissioner Sparks will come to Wyoming, Dakota, Utah and Washington Territories, he will be able to obtain more information about the affairs of his department than he will ever get in Washington through the agency of fanciful clerks, upon whose opinions he evidently relies and through the fraudulent affidavits of blackmailers to which he would seem to be paying heed.

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