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CHARLES W. PENROSE, EDITOR.

Souday, · February 24, 1887.

AN INCONSISTENT DECISION.

THE Supreme Court of Utah has af firmed the decision of the First Dis- both houses contained a provison simitrict Court in the Bassett case. The full text of the decision will be found in another column. The question in regard to the eligibility of a certain strued together. Here it is: . furor is of minor importance as it only affects the case of the appellant. The main question not only affects his case

but also the large majority of cases under the Edmunds Act. It is of pub-lic as well as private moment. It is the right to call the legal wife to testify against her husband and particularly as to confidential communications made to firer during coverture. under the Edmunds Act. It is of pub-

At common law this is not admissible. The Court acknowledges that. But it is claimed that under the laws of Utab the testimony of the lawful wife is competent in a case of polygamy or unlawful cohabitation. If this is correct of course the statute takes precedence of common law provisions. The Court cites both the law of 1878 and that of 1884, and takes the position that the latter supersedes the former. This looks plausible, but will it stand the test of close criticism? We shall see. Section 1156 of the Civil Code of 1884

"1-A husband cannot be examined for or against als wife, without her consent, and a wife for or against her husband without his consent, nor can either during the marriage or after, without the consent of the other, be the confidences of wedlock and help to destroy that sanctity of the home which the anti-polygamy fanatics pretend to foster and preserve. 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 crim committed by one against the other."

The Remaining Days of the 49th The words we have placed in italics make the gist of the question now in dispute. It is argued by the court that polygamy is a crime committed by the husband 'against the wife and AN UNCONSTITUTIONAL BILL therefore the wife, under this clause of the statute, may be permitted to A New Torpedo for the Nava testify in a case under the Edmunds Act. But it has been the aim of all the Legislatures that have enacted laws for Utah to guard the common law LATER OF THE FARTHQUAKES. rights of husbands and wives in this particular. And there is no doubt that, SYMPATHY FOR A MURDERESS-GREAT as a matter of .fact, not a member LAND SALE-ANOTHER R. R. the Assembly of 1884 desired to change ACCIDENT, Etc. Etc. the law in regard to it. The representatives of the people were not likely to BY TELEGRAPH TO THE NEWS. [enact anything which would be directly opposed to the sentiments of their The Remaining Days. WASHINGTON, D. C., February 27 .constituents. In adopting the Code

in its present torm, they had no idea During the days and nights of the fracthat such an advantage could be tion of a week remaining to the present session of Congress, the Senate will

meaning of the words in dispute. It is then all in harmony with the legisla-tion of the Territory from the begin-ning and in accord with the common were stroy some slight ornament, but it aps and undermines the foundation of the temple itself. law. It is also at one with the nationa sentiment and the rights of married

the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any state-ment or communication made by either

husband or wife to each other, during

the existence of the marriage relation, deemed confidential at common law.

This we believe will be declared the

SUNDAY TELEGRAMS.

Congress

Service.

IMPORTANT MATTERS

A New Torpedo. ersons as frequently defined by the WASHINGTON, Feb. 27 .- The work upreme Court of the United States. ing model of a torpedo boat of novel

An attempt to make the Court's condesign was exhibited to the members struction of the law really legal was of the House naval committee yesterput forth in the Edmunds bill, which day by the inventor, General Berdan. The boat is intended for effective serwas changed by Tucker and afterwards altered by the Conerence Committee. But Congress,

The boat is intended for effective ser-vice in cases where other forms of torpedo have failed, that is, where the craft attacked is protected by a net work of chains sus-pended beyond the hull by spars. The model is that of a vessel 150 feet in length, 20 feet in breadth and sixteen feet in depth, and is intended to attain is speed of 24.06 knots an hour. The feature of this craft con-sists of a weight beam tubes arranged of its member were against the "Mormon" system, would not sanction such an outrage on marital rights. So the bill as it passed lar in form, and to the same effect as sists of a pair of brass tubes arranged vertically on the sides and opening downward, capable of firing torpedoes the law of Utah stands, when both the sections we have quoted are concontaining two hundred pounds of dy-namite or other high explosive.

That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a Sympathy for the Condemned. court, in any prosecution for bigamy polygamy, or unlawful cohabitation HEREIMER, N. Y., Feb. 27 .- In every

pulpit here to-day, allusion was made to the case of Mrs. Druse, who is

to be hanged to-morrow, and the hope was generally expressed that the hope was generally expressed that the proceeding would be averted. Mrs. Druse has passed the most of the day in tears. She contends that she is in reality innocent of the marder of her husband. Telegrams have been sent from here by scores to-day requesting the governor to commute her sentence. Mrs. Druse yesterday made her will, bequeathing her body to her clergy-man. Rev. Mr. Powell, and her cabinet man, Rev. Mr. Powell, and her cabinet organ to her daughter Mary, who is in the Onondaga penitentiary serving out a life sentence for her participation in

aw when this case shall have been dnally adjudicated. It must be taken up her father's murder. Her son George had a parting interview with her yesterday and she was much afto the court of last resort, and thank heaven, an appeal cannot be fected. To-night service was held in her cell by Mr. Powell, who will conduct the funeral services to-morrow. denied by the lower courts, for it is provided for in the Poland law. Until this enu is reached we suppose lawful Mrs. Druse has had simply a dres

made for the occasion. Only the small number of persons allowed by law will witness the execution, which will take wives, against their will and against the protest of their husbands, will be put upon the witness stand to violate place at about 11 a. m.

> Trouble Settled. PITTSBURG, Feb. 27.-The trouble at

praise

Was

are

weather.

the south Mingo Junction iron and steel works has been settled by the company. recognizing the Amalgamated Association that a continuance of minor shocks in of Iron and Steel Workers. At a conference held last night between the officials of the Amaiga-mated Association and members of the firm, it was agreed to enforce the rules and contract entered into by the company and the Knights of Labor on I and the short on the astrong it dangerous to walk I and the short on the astrong it dangerous to walk

January 10th, 1887, the company at the same time conceding the demands made by the Amalgamated Association for extra pay for the time lost by the breakage of machinery. The mea will resume operations in all departments

Severe Storm LOUISVILLE, Feb. 26 .- Early Saturday evening the wind commenced to

blow here heavily, coming from the Getting Gver It.

northwest. It continued to blow a DARMSTADT, Feb. 27 .- Prince Alen

perfect hurricane at intervals un-til about six o'clock this morning. Many accidents are reported, princi pally minor ones, though considerable ander, who was attacked with vario-loid several days ago, is recovering slowly.

Budget Adopted.

damage has been done. The stern-wheel steamer *Reindeer*, lying at the city wharf, was so roughly treated by the waves that she sprang a leak and sunk in four feet of water. After the *Reindeer* had settled upon the bottom, a much larger boat, the *Hibernia*, which PARIS, Feb. 27 .- The Senate has adopted the budget as modified by the Chamber of Deputies, and has ad-journed till March 7.

down and she had about an hour's quist sleep. She awakened with a start and upon arising began to write-letters as calmir as she had at ROME, Feb. 26. - Troops have been compelled to keep back, at the point of the bayonet the crowds of despair-

ing men and women who were imped-ing the work of excavation, in their ef-forts to flad missing relatives. The bodies of victims of the disaster she laid down again and fell into dose; she was

TERRIBLY DISFIGURED.

The sufferings of the survivors are great, the supply of provisions and drugs and ambulance apparatus being siderable effort on the part of the watchers to arouse and caim her durainfully inadequate.

The work of the rescuers is attended with much danger. In some cases they have been obliged to flee from the tottering walls, although they could hear the groans of victims buried be-neath the debris. All the members of the family of the mayor of Bajardo were killed; of another family, con-sisting of twenty-two mersons named ing the night. She ate one of the heart-iest meals she had raten since she was a prisoner. She had about two hours' rest after 4 s.m., but she did not sleep soundly at any time. One of her first visitors this merning was Supt. Irv ing Terry, of the Onondaga peniten-tiary, who brought a farewell from her daughter Mary, who is like the prison-er. This visit had a most exciting ef-fect upon Mrs. Druce: Rev. Dr. Powell visited Mrs. Druce about nine sisting of twenty-two persons named nented, is left. Half-clothed people are wandering

and did all in his power to calm her and prepare her for the awful moment. Every road leading into the town was dotted with sleigns crowded with fur coated men and not a few women. The on the seashore exposed to inclement At Manomarina, a woman and child

were taken out alive atter being ENTOMBED TEREE DAYS.

crowd in the village increased on the arrival of every train Groans can still be heard in the and in spite of the extreme cold men, uins, especially in the Via Garibaldi. runs, especially in the Via Garibaidi. The lost oil was valued at \$500,000. The losses on other property are heavy. Oneglia is threatened with a storm of rain or snow, which will cause fearful distress, although clothing and supplies of all kinds are beginning to arrive in ample quantities from Genos. Tents for the refugees are being erected and volunteers for search partices are plentiful. The acwomen and children stood about the streets surrounding the jail. The execution was witnessed by twenty-five persons, including the officials. At 11:42 Mrs. Druse and Dr. Powel kneit on the floor of the scaffold un-def the rope. Mrs. Druse held her daughter's bonnet in her hand and closed her eyes while Dr. Powell of-fered prayer. Mrs. Druse was dressed in black cashmere with laced neok and sleeves; She wore a small shawi over her shoulders. She main-tained her composure on the scaffold until the cap was drawn over her face women and children stood about search parties are plentiful. The ac-tivity of Genoaese doctors is beyond

Bay, who was entombed three days, until the cap was drawn over her face RESCUED UNHURT when she began to moan, and finally

BEGAN TO SCREAM

in bed. Nobody enters a house who is able to obtain shelter elsewhere. Only new and well built houses are so loud that she could be heard in the street adjoining the jail. The trap was sprung and after she fell she made but one convulsive movement.

response to the resolution of the Sen-

ate in reference to the seizure of the American schooner Rebecca, at Tam-pico, and to the resignation of the late minister to Mexico, Jackson, and stat-

LAKE THEATRE. SALT letters as calmiy as she had at any time during her incarceration; in one of these she thanked the sheriff for his kinduess to her and asked that her body might be given to her pastor for Christian burial. After writing, Four Nights and One Matinee. COMMENCING WEDNESDAY, MARCH 2d.

ATTACKED WITH HYSTERICS Nale of Seats. MONDAY, FEBRUARY 28TH. in a violent form, and it required con-

GRAND OPERA IN ENGLISH CROWDED HOUSES EVERYWHERE

AMUSEMENTS.

6

New Grand Opera Company.

Largest, Strongest and only Successful Opera Company in America, Complete and Perfect in every Detail, Artists, Chorus and Grand Orchestra, forming an ensemble which for Magnitude and Merit has never, been ex-celled on the English Lyric Stage.



New and Brilliant Array of Artists EMMA ABBOTT, NINA BERTINI, MABIE HINDLE.

Contraitos. Baritones. LIZZIE ANNANDALE, WM. PRUETTE, BERTHA FRICKE. ROBERT MAUREL

Conductor of the Music. SIGNOR TOMASI. MALTER ALLEN, BOBERT WARD.

GRANDICHORUS & ORCHESTRA WEDNESDAY, DONIZETTI'S GREAT OPERA,

LUCRETIA BORGIA Sparkling with Gems, including " 'Tis Better to Laugh than Sigh," "Ah! How Beauti-ful," 'Dare but Breathe a Whisper." EMMA ABBOTT and Entire Company.

THURSDAY—First production in Salt Lake City by a Grand Opera Company of the Great Japanese Craze, The

MIKADO With all the original English Stage Business and with a phenomenal east of Artists to properly interpret the charming musical beauties of this opera. EMMA ABBOTT as Yum-Yum

FRIDAY NIGHT-First; time here of EMMA ABBO I'T as Leonora in Verdi's Grand Opera,

EMMA ABBOTT and Entire Company. SATURDAY MATINEB-Three Prima Donne. Brilliant Production of the Comic Opera.

EMMA ABBOTT and Entire Company.

MANCE, Donizetti's Romantic Opera,

SATURDAY NIGHT, FAREWELL PERFOR-

LINDA, of CHAMOUNI

CARNIVAL of VENICE

Manufacturers' Short Lengths, of Elegant Oriental & Valenciennes Laces IN WHITE, CREAM AND ECRU, 4 to 9 Yards at 10, 15, 20, 25, 30 and 40 Cents per Yard, by the PIECE ONLY. This is a Great Bargain. Call Early for Choice Selection. NEW AND ELEGANT COMBINATION SUITS From \$10,00 to \$17.00. VERY CHEAP!

SPECIAL SALE!

FIVE THOUSAND YARDS.



DRESS GOODS.

1 case 42 inch Cashmere, in Dark and Tan Shades, at 25 cents,

50 Dress Patterns, containing 12 to 14 yards, 24 inch, Handsome

KID GLOVES

Embroidered Back, at 75 cents, reduced from \$1.00

Scalloped Tops, very superior Glove, at \$1.85.

English Dress Goods, at \$2.00 and \$3.00 a pattern.

75 pieces of 24 inch Spring Dress Goods, at 10 cents.

Ladies' Cloth Tricots and Cloth Suitings, at Cost.

worth 40 cents.

...

Few Combination Patterns, at \$8.50.

4 Button Eld Gloves, at 55 cents.



Yesterday morning Mrs. Druse made a

M. FLAMMARION

has written an article in which he says.

father.

Congress To-day. WASHINGTON, D. C., Feb. 28. - Th

residing officer of the Senate preented a message from the President in

ing that it is not compatible with peace and interest to communicate the cor-

Brown submitted rumarks on the subject of the mesange. He stated the facts in connection with the seizare of the *Rebecca* in 1874.

IN THE HOUSE

Holman (Ind.) asked unanimous consent that the reading of the journal be dispensed with, but Brady (Va.) interposed an objection.

a distance have arrived there, being impelled by curiosity. VIENNA, Eeb. 27.—Tabb predicts that the earthquakes will continue and be accompanied by terrific storms. He mentions March 7th and 24th, April 7th and 8th, and the mid-dle of September and October, as the dates upon which the worst shocks may be expected.

Il Trovatore! **Unusual and Exceptional Bargains !**



taken of the wording of this give instant attention to conference re-ports and general appropriation bills, whenever any of them shall make their section as is now claimed by the Court. They certainly underwhenever any of them shall make their appearance; and every effort will be put forth to finish the necessary legislation before next Friday noon. The members of the appropriation committee, upon whom the hardest work devolves, are divided in opinion stood this clause to signify that which is recognized as a crime against the husband or wife by the community for whom the law was framed. The legislators imagined respecting their ability and that of the they were embodying in the new Civij Senate to creditably accomplish all that is expected, but the majority hope Code a similar provision to that in the Criminal Procedure Act of 1878, which that, barring accidents and wilful acts of obstruction, it may still be found possible to avoid the necessity for a called session of the 50th Congress. To this end, the right of the Senate and is in conformity with the common law and harmonious to all previous legislation on the subject in this Territory. The question is, what is meant by "a of its committees to an opportunity for deliberation upon crime committed by one against the other?" The answer is "criminal vio-

not yet brought before it will be waived and the Senate, as it has done in previous instances of backwardness, lence," That is the generally under. stood signification of the phrase. The argument of the Court intimating that | will content itself, under protest, with poison administered to a wife by a hussuch amendments to the House legis. lation as it can secure in hasty conband is not criminal violence, is ference, taking much for granted and a very poor shift from the right positrasting much to luck. To print and thoroughly examine the naval, legislation. It is a species of violence and it tive, deficiency and fortification ap propriation bills, in their several oris certainly criminal. If poison has no violent effect upon the human system, dinary stages through the Senate up to the point of fisal action, the Court might have some ground for would require almost as many weeks as there remain days of the present session. The miscel-laneous subjects of legislation which such a thin and transparent quibble but the object of this exception in the law relating to evidence was evidently to shield the wife, or the husband as will probably fill up the spare moments are put down in the the case might be, from sttacks' upon CAUCUS PROGRAMME the person.

as follows: Labor arbitration bill, land grant forfeiture bills, bill relating to lottery advertisements passing through mails, bills to quit land titles, Des Moines land grant bill, bill autor-izing suits against United States, bills for the adjudication of private land claims in certain states and terri-tories, bill for a monument to the colored soldiers, the Joseph Francis resolution, the bill ito reimpurse Vir-In a marriage between "Mormons," the right of the husband, under the rules of the Church that solemnizes the marriage, to take other wives under given circumstances, is recognized by the first wife. It is believed by both to be proper and in some cases essential. How can the subseresolution, the bill to reimpurse Virquent marriage of a plural wife by th ginia and other states for their expenhusband, be construed under these ses in the war of 1812, and the inter-national copyright bill. circumstances into a crime against the lawful wife? If it is declared a crime

against society by legislative enact-Unconstitutional ment, that does not constitute it a WASHINGTON, Feb. 27 .- The minor crime against the .wife who assumed ity report prepared by Senator George marital relations with the understandand signed by all the democratic mem-bers of the Senate committee on ju-diciary upon the Hoar bill "To provide ing that they permitted such a future union. The sentiments, customs and declared it to be the opinion of the signers that that measure is unwar-rauted by the Constitution, and that its passage would be a grave and serious general convictions of the people whose elected representatives enact a law, ought to govern the construction of that law when its exact signification is in doubt. And when the majority of legal wives reject the idea that any crime is committed against them by the marriage of their husbands with plural wives, it looks like a hard strain upon the rules of construction to make them the objects of crime when they have no personal griev-

Section 421 says:

or in cases of criminal violence upon one by the other. neither husband nor

This is the true sentiment of the ng

CRIMES COMMITTED

was towed to the wharf a few yards Abandoned Recause of Storms.

Cattle Losses.

ST. PAUL, Feb. 28 .- Bismarck specia

to the Pioneer Press: Representative

Ely, of the committee which went to

Montana to confer about the pleuro-

pnemonia, says the cattle losses be-tween Miles City and Billings will be

at the rate of 25 per cent. east of Bil-lings 50 to 75 per cent. The losses around Fort Benton are very heavy. West of Miles City the hills are bare,

but east of there the snow is still heavy and a chinock is badly needed.

Liszt's Remains.

Sugar Conference

conference was made by England.

ODESSA, February 27. - Two assas-

Assassing Arrest

LONDON, February 27 .- Germany has

LONDON, Feb. 27 .- The Standard

above, was selzed by a whirlwind, her three large cables were snapped asun-GALVESTON, Texas, Feb. 27 .- A speder as so much twine, and she was cial to the News from Indianola, Texas, cast against the sunken vessel. The says: The Southern Pacific company latter was very badly smashed up. The Hibernia recovered is about to remove its track from Inup. The Hibernia recovered her mooring with her side stove in. dianola to Port Lavaca, a smallwillage ten miles above, on Matazorda Bay. This means the total abandonment of Indianola on account of the disastrous The river is rising at the rate of two inches an hour and if the heavy rains of last week continue much longer, much suffering will follow. The wastorms which have swept over the town during the past twelve years. During that period 400 persons were drowned and enormous damage has been done to property. ter has already reached many houses. The aurricane to-day also smashed in about 140 feet of the western wall of the Southern Exposition buildings.

al contest.

mouth, Ohlo.

EMMA ABBOTT'S "Home, Sweet Home. EMMA ABBOTT, as Linds. CHARLESTON, Feb. 28 .- Governo Wilson has tendered the United States senatorship to D. B. Lucas, of Jeffer-son County, who was one of the demo-cratic "kickers" in the recent senator-

message from the President returning without his approval the bill for the

erection of a public building at Ports-

Senatorship Offered.

The War.

War Brewing.

ferees, a meeting was secured at ten o'clock yesterday morning, which was intended by the Senate members to last through the day and through last night as well, if necessary, to complete the bill and clear the desk for the remain-ing appropriation bills.

Fatal Accident.

CLEVELAND, Feb. 28 .- This morning

RAILWAY.

The sale > seats for every opera will begin Monday morning, February 2sth, at 10 o'clock, at the Theatre Box Office. PRICES—Parquette and Circle, \$1.50; First Circle, \$1; Second Circle, 50c.; Third

ST. FETERSBURG, Feb. 28.-Digiers foreign minister, in an interview with the Turkish ambassador, expressed the opinion that the European equi-librium would soon be restored and that there would be no war.

James Sharp,

d&swlw.

Asst. Supt.

TO I

WASHINGTON, Feb.28.-War is brewing between the two houses of Congress. The members of the Senate committee on appropriations, who are YOMMENCING TUESDAY MARCH 1st. usually very guarded in their utter-ances, make no concealment of their opinion that ar extra session is now almost inevitable, nor do they hesitatc to place the blame where they think it belongs. After two or three conferences on the sundry civil bill last week, which were almost nullified by the early withdrawal of the House con-ferces, a meeting was secured at ten olocok vestarday morning, which were usually very guarded in their utter-

WANTED. A COOK.-APPLY TO MRS. GEO. Y Wallace, No. 130 Fifth East.

Utah Central Railway

NEW TRAIN FROM AND TO THE SOUTH.



\$2.75, reduced from \$4.00. \$3.00, reduced from \$4.50. \$3.50, reduced from \$5.00.

SALE



- These three lots would easily sell at FIVE to TEN cents per yard

The 200 pieces of better grades are very choice and also offered at ONE THIRD LESS than their real value.

Extraordinary Bargains in Housekeeping Linens



prepared and a formal claim for pos-session entered. While Texas was still a province of the Mexican Repub-lic, a certain Dr. Beales, an emigrant from England, married a native of Mexico and became a citizen; desiring to form a colony upon the frontier he obtained from the Mexican government an immense grant of land consisting an immense grant of land consisting of sixty million acres, known as the Arkansas grant, situated in what are says that it has been definitely decided that the remains of Liszt shall not be removed to Bayreuth. now the states of Texas, Colorado and the territory of New Mexico. Just then the war of Texas indepen-dence broke out, and Dr. Beales found it impossible to establish his colony. The grant was renewed, how-ever, and the treaty of consented to enter an international conference on the subject of sugar premiums. The proposal to hold such GUADALOUPE HIDALG O so framed as to protect.those holding grants from the Mexican government, Dr. Beale retaining possession of his hand. Before he was able to carry out his plan of forming a colony he died, and the grant passed to his minor children. They did not, however, ap-preciate the value of the land, and no part of it has ever been sold. sins were arrested here to-day when about to sail for Turkey. The men were Nihilists. They murdered their

Big Land Sale.

most extensive private land purchase

ever made in this country was

consummated in this city a short

time ago and within a few

weeks all the necessary papers will be prepared and a formal claim for pos-

Sr. Louis. Feb. 27 .- Probably the

part of it has ever been sold. Now a company of American capitalists, Rufus Hatch being among the number, have obtained the title to the land from the heirs and will, it is

said, take possession thereof in a short time. The grant covers a district in northwestern Texas, northeastern New Mexico and southeastern Colorado, embracing in all more than sixty mil-lioa acres, but prior grants will re-duce this to about fifty million. Those interested in the purchase will not at present make public the exact boundaries

Must Be Suppressed.

bound Atlantic & Pacific railroad passenger train due here at 9.45 this evening, ran into a bridge four miles west of this place this morning. The engine, baggage, mailand ex press cars caught fire and were totally consumed. E. L. Gilbert, a brakeman, was burned to death, also

the roof of the charging department in the Bessemer steel works of the Cleve-land Rolling Mills Company fell in with a crash, and killed one man, and in-jured eight others. employer, a rich landlord hamed Goreszelo, and his wife and eight chil-ren and several relatives, and then de-DENVER AND

THE POPULAR

Rio Grande Western NEEDLES,|Cala., Feb. 27 .- The east

camped with the spoils, amounting to eight hundred thousand roubles. The Regular.