EVENING NEWS. a peniteptiary offence for even & indulges Published Daily, Sundays Becepted,

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AT FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY. CHARLES W. PENROSE, EDITOR. Jan. 22, 1887 Saturday

JUDICIAL PERFIDY.

WE direct attention to the charge of Judge Jacob S. Boreman to the jury in the case of Wm. Thompson, which will be found in full in another col- ing six months or by a five not exceedumn. Those of our readers who have ing three hundred dollars or by both." had enough of this matter and are pot particularly interested in the import- "declared to be a mindemeanor" by ant questions, involving the right to act of Congress. Thus there is take human life, that enter into it, no law, either of the United States or need not examine the charge nor pro- of this Territory, making unlawful ceed further in this article." But men and women who desire to know their rights and to understand the extent of the wrongs sought to be inflicted of this community, should thoroughly investigate the whole subject.

The charge is a sort of patchwork. it was partly written and partly oral, some of is the opinion of the Judge, part of it is the interpolation of the so-calle" "prosecuting attorney"' who res 'y pleaded for the defense, and the rest of it the suggestions of the defendant's counsel. It is a lame and halting speech, and being evidently intended to cleap the assassin of the legal consequences of his crime, needed the crutches supplied by the lawyers on either side, both engaged in the same cause: +

Judge Boreman confined his instructions to the jury to renderings of the territorial statutes, relating to the offence charged. He ignored entirely the waste of words by which Mr. Varian endeavored to show that the territorial statutes cut no figure in the case. But he adopted the vicious, monstrous and murderous doctrise of the pretended prosecution, justifying a bloodthirsty deputy in shooting to death a person for whom he has a warraut under the laws of the United States, no matter how simple may be the offence charged.

Mr. Varian's claim was this: "I say here, it cannot be supposed that the Territorial Act in relation to the justification of an officer is to control and bind the court, in a case where

a United States officer is engaged in serving a process and hen forcing the laws of the United States." But the Judge miled entirely under the Territorial Act notwithstanding. And why? Because there is no law of the United States that, by any possibility of legal twisting or judicial jugglery, could be construed in justification of she defendant. There is nothing in the

an onicer to take numan life in execut-

a peniteptiary offence not even a indulges in tifulent abuse of the county jall offence. It is not to down to the finality position. But he need net is beyond dispute. The books are the who throws mud at him is not rated of any particular consequence. His forte anything about that offense we must anything about that offense we must is filt. His expletives are but ebul-litions of impotent rage and the further was here which is upon the officer. The books are the who throws mud at him is not rated of any particular consequence. His forte is filt. His expletives are but ebul-litions of impotent rage and the further was here which is upon the officer. The books are the who throws mud at him is not rated of any particular consequence. His forte is filt. His expletives are but ebul-litions of impotent rage and the further was here with the statements upon which is constituents. The pledged his word and his character to the further was and the further was here with a statements upon the officer is beine the further was here with the further was here were withe officer. The books are the who throws mud at him is not rated of any particular consequence. His forte is filt. His expletives are but ebulted in that created in the constitution of the section was based were withe the statements upon which is legislation was based were withe the individual actions of the determined by the individual actions of the determine the maximum punishment at six They have been worn out by the eternal had already declared that months imprisonment and a fine of constant use for years against the last vestige of Mormonism shall be three hundred dollars. That ought to everything and everybody not

onment in the county jail not exceed- except to designate the bully and the blackguard. Unlawful cohabitation is specially cobabitation a penitentiary offence or constituting it a felony in any way. Therefore the Judge's charge to the contrary was untrue, misleading and esiculated to deceive the public and ustify assassing, taking shelter under

the name of deputy marshals. We cannot think that either the prosecuting attorney who made the pernictous plea, or the Judge who adopted the murderous doctrine, and thus aided in turning the manslayer loose without punishment, was so ignorant as not to know that this position was unsound. But the specious fallacy was allowed to prevail that the end justifies the means; that the capture of a 'Mormon" accused of infraction of the Edmunds law is more important

than the protection of human life; and that murder may be made innocent to enforce a congressional statute. This charge of the Judge was the excuse of the jury. An essential crime wa's justified by a legal tribunal. A cowardly assassin who laid in wait with a rifle, borrowed and loaded for the purpose, and, waiting till his victim was not likely to see his assailant,

dried "hait" and shot him through the back to death, was voted free from blame. And the law framed to punish such hellish deeds of blood and horror, is made the instrument of shielding and applauding the sneak and murlerer and as encouragement to further casital crime. That is how justice is

administered in the courts of Utah.

THE EUROPEAN WAR PROSPECT.

MANY of the public journals of this country and Europe are discussing the present or the last session were the prospect of the early breaking out of a Earleries so packed with ladies. There was a great deat of interest mashested in Delegate Caine, this being his mald-cu speech. When Mr. Caine arose to United States statutes that authorizes favor of the affirmative side of the seats on the Democratic side in the uestion. The basis for such a belief

swept away by the peaceful progress of events, if it is not that which God in

violently anti-"Mormon." They are His wisdom has appointed, shall sur-But coming back to the territorial the ear-marks by which the presence vive as the fittest. The gentlemen who statute, partly quoted and falsely ren- of the animal is recognized in the coldered by Judge Boreman, the provision umns of that paper. They count for the institutions of our country, who is that "every offense declared to be a nothing here, and lose all significance would bequeath them unsullied to their misdemeanor is punishable by impris- when they become known elsewhere children, he pleaded that they would

not consign his people to such inhuman sisvery. [Applause.] Mr. Bennett, of North Carolina, op-posed the bill. Every man, he said, however humble - Jew or Gentile-We are not personally acquainted with Governor Zulick. His public should have a full measure of justice career is not known to us except in a at the hands of this great government. few particulars. His official report Preserve the terribly effective machinshows him to be capable, tair and proery already in use, but do, not cause the cheek of the American people to man-tle with shame by sacrificing princi-ples as dear as life itself. The Morgressive, ready to see and recognize that which is likely to benefit his Territory and to detect and condemn such mon problem would resolve itself; it, would yield to patient treatment at the evils as exist within its borders. The hands of the American people. If this repeal of the test oath act under his bill should pass, the man who entered into a polygamous marriage thirty direction proclaims him a bold and years ago would be liable to prosecu-tion in the courts, whereas the decifar-seeing Executive, and we have admired what we have seen of his official sions of the Supreme Court held that course. But our opinion of his worth it. was his status at the time of is greatly enhanced by the fact that he trial that must be regarded. Every line of the section did violence to the is grossly assaulted by the churacter basic principles of American governassassin of the Salt Lake Tribune.

BOREMAN'S CHARGE DELEGATE CAINE'S SPEECH. WE give extracts below from , four leading papers of the country, which Thompson's Twelve To show the way Delegate Caine's speech against the Edmunds-Tucker bill on Friends. January 12th, in the House, was received. They will be found very complimentary. By some it has been cred. NOT MUCH OF IT, BUT PLENTY ited to Judge George Ticknor Curtis SUCH AS IT IS. and Hon, George S. Boutwell. While this is perhaps as high a compliment as Varian and Williams, for the Delegate Caine could wish, we are in a position to state that it is, neverthe-Defense. less, untrue, neither of the gentlemen in question having seen a line of H un- PULL HIM BACK WHEN HE BE t'l after its delivery : COMEN DERAILED. [New York World, Jan. 13.] The scenes in the House to-day were A Literary and a Legal Gem. far more interesting and exciting than at any time during the session. It was the occasion of the discussion of the Tucker Mormon or Polygamy bill, which, if passed by the Senate, will practically abolish and drive the "twin, JUDGE BOREMAN. -- I intended to write out my instructions, and I have got them partially written out and parrelic of barbarism" from the Territory

tially not. You have heard, gentle-men of the jury, all the evidence in the case, and it now becomes my duty to of Utah. The bill was called up at o'clock as the special order of the day. declate to you the law applicable to The first person to speak upon the question was Ezra B. Taylor, of Ohio. His remarks were brief and not interesting. The next to take the floor this case. The defendant, William Thompson, Jr., is accused in the indictment of the crime of mansl aughter, alleged to have was Delegate Caine, of Utah, the Mormon member. The galleries were very

Inrge

been committed by him on the 16th day of December, A. D. 1886, at the much crowded. At no time during the town of Parowan, County of Iron, in this Judicial District and Territory of Utable by shooting one Edward M. Dalton with a gun; and by means of the shooting inflicting a mortal wound believe the prospect is decidedly in speak the entire membership of the wound said Dalton instantly died. The House, with some Senators, found particulars of the charge are set on the Darticulars of th particulars of the charge are set out

Court (to the jury)-That is correct.

gentlemen, of course; it ought not to be limited in that way. It must be a necessity that is plain and apparent, that would control any ordinary indi-vidual acting under the same circumstances. And in a trial for murder or in a case of mauslaughter it would be similar. The conversion of the homicide being proven the mitigation or instification of the action devolves upon the defendant unless the proof upon the part of the prosecution tends

to show that the crime committed was JUSTIFIABLE OR EXCUSABLE.

n other words, leaving out that par in regard to manstaughter, it would read this way: The commission of the offense of homicide by the defendant being proven, to justify or excuse it devolves upon the detendant, unless the proof on the part of the prosecu-tion tends to show that the defendant was justifiable and excusable. Mr. Williams-Il would ask that i further charge be made to this jury a that connection: that the burden of proof to sustain the justification be esablished by apreponderance of proof. and that your honor define to their hinds what a preponderance of proof Court-Do you mean the evidence or

Mr. Williams-No, on all the cvi cuce. It is sufficient when the bur-

den is cast upon the defendant to snow justideation that it is supported by preponderance of proof. Court (to jury)-if the preponder-ence of evidence, gentlemen, is offered by the detense-Mr. Williams-Or supports the jus-Court to jury-If it supports the jus-tification-or if it satisfy your minds-in other words if the evidence offered by the defense overbalances in your mind-overtalances the evidence upon the side of the prosecution, in favor of justification, then of course you are bound to find him justified; and as to what part of the evidence you are to weigh, that is for you to decide. You are to take all the testimony together. When we say a preponderance of tes-timony you are not to understand that that means more witnesses on one side than the other, but the evidence that you consider of weight to control you; if that lies in favor of the defense, in layor of the justification, over that of the other side of course you are bound to justify the defendant and dud Lim I think that is all. ginning is tinged with bright-Less only that the subsequent

WASHINGTON.

Not Much Left for the Despoilers to Do-An Evening to the Edmunds-Tucker Bill on the Conterence Committee -- The "Honor" Belongs to Gov. West, not to the Ews' Special Correspondence.]

ake place in the future. There are but

LOUD-LUNGED, BOAST

hideous, it is not uzlikely

to each other politically, and WASHINGTON, Jan. 16, 1887. This has been an'eventful week for each is worked up in frenzy to the Itah; how much more of interest to point of conniving at the destruction of the other's life, one of them-th

FAVORABLE CHARACTER.

The comments of the press are very faverable to Mr. Caine's speech on the occasion, and certainly many of the points were telling and effective. understood to Even Baskin is have declared that it was one of the best defenses of Mormon-ism ever delivered. But he could afford to be generous. Had it been etthe fective enough to turn the tide agains the atrocious measure, he would, in all probability, have denominated it as characteristic Mormon rubbish. The Snow case is set for Monday

next. It is not thought, however, it will be reached before Tuesday of Wednesday. Strong arguments are likely to be heard in behalf of the ap-pellant, if one may judge from the mef in the case. WALTON WOLD.

University .- It will be seen by

advertisement that the second semester and third term of the University

of Deseret for the present academic year will begin on Monday, Jan. 31st. when various classes will be organized. The lectures on law will be delivered by Hon. J. G. Sutherland every Saturday at 10 o'clock, or at any other hour that may prove more suitable to the students. The lecturer will treat apon the elements of law, including its nature, sources and applications. An excellent opportunity is here presenied for young men to take a course of ilaw-lecturese Mr. Sutherland has a thorough understanding of the

principles of his profession, coupled with the ability to lucidly explain

"Monte Cristo."-The mercurial and moody French nature is more strikingly illustrated in its authors and editors than in any other departnent of life. In such writers as Jules Verne and Victorien (Sardou we have the flippant, colloquial and audacious tyle, while in such profound and prouse compilers as Victor Hugo and Alexander Dumas we have the heavy, sombre and varying shades of literature. To the last named we are indebted directly for the novel and indirectly, for the play of "Monte C.isto." To so through his writing or sit through a stage adaptation of it, is like passing into and progressing along a period of imaginative life which is not so far from nature as to be considered extravagant nor yet so realistic as to be ree from improbabilities; it represents a condition in which the ba-

and continuous gloom overhanging every condition and all persons may he the more strongly depicted by the n Eventful Week at the Capital contrast; and out of the sombre

shades the light comes at the very end, but is such modified quantity and imperfect quality that we are disposed to wonder why the sadness composing the burden of the story is broken into at all. A father and son are opposed

on-being finally dispatched by the

here ("Edmus "Hentes," Mr. Gris-

has had imprisoned for 18 years in the

would shortly bay a festive

scene, just after his promotion to

the captaincy of his ship and

when he is about to be married, to be

his wife elect, during his imprisonment,

thrown into the ocean, escaping by

means of a knife given him by his

have married, becomes very friend-

ly, and subsequently ascertaining

who the boy is, determines to punish

the father by killing the son; relents

upon the tearful solicitations of the

mother, but kills the other authors of

bis misery, and then, the mother 'and

child having previously, renounced the

hnsband and father, the hero proclaims

with his bloody sword in hand, "Peace

on earth and good will to man." We

select these incidents out of

many of the same kind to Illus-

trate the character of the plot,

and show how nearly it corresponds

with our diagnosis of the author's na-

tive peculiarity. But it is strong,

well drawn and attractive throughout.

Even when the killing, which takes place

with so much frequency, occurs, there

is no feeling) or expression of repug-

nance, the action of the piece being in

dict of the audience, that it is not

any other time than such as

followed the downfall of the great Na-

poleon, and with any other government

ompanion; after his escape he meets



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ing civil process. The common law, which Mr. Varian in one breath said was outgrown and abolished so far as It relates to criminal offences in th United States, and in another endeavored to make apply in this case, also affords no: justification to an officer in the circumstances admitted in the case at bar. Therefore the territorial statutes, that Mr. Variau is sworn to honor bat endeavored to trample upon, were the only resource and we shall see how they were perverted to screen the defendant. In the Penal Code crimes are divided

fronted with a choice between a war into two classes; namely, felonies and with Germany and an internal revolumisdemeanors. Mr. Varias attempted, tion. It is not improbable that the in a long string of sophistical asserchoice will fall upon the former. tions and citations, to show that un-The recent action of Bismarck, toder the laws of the United States no

gether with his atterances and those distinction exists between the two of Von Moltke, shows that this is the classes of crimes, and yet admitted Premier's conviction: . The great that under those laws some crimes German statesman, with this idea firmdistinctly defined to be felonies, while others are classed ly impressed upon his mind, has been asking for aid from the country to inmisdemeanors, thus disprovcrease military facilities. He has aping his own argument. But the territorial statutes, like those of parently been deleated, but he will yet doubtless gain bis point. He has also other Territories and the States, draw been coquetting with | Russia, knowing a sharp distinction between the two classes of crimes. A misdemeanor is that in the event of the breaknot a felony, either under the common ing out of ithe lanticipated war. law, the laws of the United States peace must be secured with that country at any price, as Germany's position or the laws of Utah. "There is no getting round this plain, proposition, and | would be frightful if assailed simulall the pettilogging in the world, taneously on two frontiers.

This possible contingency would be whether from, the har or the bench, Russia's opportunity to make a dash cannot confuse this is a mind that for Constantinople, one of the most imkeeps the distinction in view.

portant strategic points in the world. In Judge Boreman perceived this, and also the position in which it that event England would have to meet her eastern issue alone, or nearly so, her would place him, if he, sworn to adjudicate upon the laws of the natural ally, France, having as much, or Territory equally with those of the may be more, than she will be United States, attempted, like Mr able to get along with in her struggle Varian, to make them of no effect with her Teutonic weighbor. England upon a deputy-marshal. By doing this might find a half-hearted and by no he would set up the pialnly faliacious means stalwart ally, in Italy, while notion that a deputy-marshal is above Austria would as usual, look on a the jurisdiction of the Territorial laws. while and then go in on the side of the A vile enough doctrine to be enunciupper dog in the fight.

by a prosecuting attorney, but still Eyents are in such a shape that, as more vicious and shame ful if sustained was in Europe is inevitable, it is not by a Judge. Therefore he endeavored unreasonable to expect the outto give a meaning to the territorial break this year, and not very statute not only unwarranted by its late in it either. The voice of revelalanguage but totally at variance with ption has said, without giving a definite date, beyond the fact that it will transits provisions.

The law justifies an officer in taking life if necessary to the arrest of a felon. or one against whom the officer holds a warrant for felony, if escaping from ar- and necessarily brief. rest. The whole question of law was whether Dalton was under indictment for a felony. The question whether the shooting was necessary, was one for home? One result is beyond question. the jury to determine. The court was | Breadstuffs all, over the world would simply expounding the law. What was take an upward jomp in price. It is the simple and direct way of deter- not necessary to here discuss why this mining the legal question? Was it not should be. The wise foresee the evil examination of the law defining the day anoprovide against it. A bint to offence of which Daiton was accused? that class is sufficient.

If that alleged offence was felony, the officer might, under given ci:cumstances, in case of necessity, shoot the accused to ensure his arrest. But if it was not felony he was not justifled by the law. Dalton was accused of nulawful cohabitation. The law, creating theoffence says distinctly that it is a misdemeanor. Does not that legally settle the question?' And there- of every man in the Union. Membership fore is it not clear that the shooting in a religious society, no matter how was unjustifiable?

poorted by their own company, ap pearing in the following repertoure: But here comes in the judicial quibothers, is not and cannot be made a prescription of a test oath as a prereq-uisite to a man exercising the right of ful cohabitation, and that pe killed the UNCHRISTIANLIKE SWEARING; ble advanced by Mr. Varian and adop- crime. So long as the belief or memdeceased at the time and place charged; and that the offence with suffrage was not only odious to every and there is great reason to doubt H SATURDAY, January 22nd, ted by Judge Boreman. The Terribership does not "break outsinto overt American, but a clear violation of the torial statute says acts against peace and good order," it letter and spirit of the constitution. It was char A DESTRICT OF THE OWNER OF THE OWNER (founded on incidents in the ishable by imprisonment in the peni-tentiary, and toat said killing was necanything like the glory he anticipates. is sacred to the individual holding it, might be said that the right of suffrage He attempted no reply to the coustitu-tional objections raised against the bill; could not give a satisfactory realate civil war.) "Crimes are divided into: "First-felonies; and second-misdemeanors, and is under the protection of the su-prome law of the land as interpreted by the Supreme Court of the land. The Act of the Arizona Legislature infringed <text><text><text><text><text><text><text> THE FIELD OF HONOR! essary to accomplish the arrest of the deceased, your verdict should be not The GREATEST WONDER of the AGE! OR, RUTH'S DEVOTION lieserved Seats, without extra charge, or sale, at the TheatreyBox Office and Unior Ticket Office. STRAYED. FROM ABRAHAM FLAKE'S RESC. dence, South Cottonwood, on Sunday night Inat, two hay HORSES, no brands. The largest has a little white on left hind foot, and had a halter on when it went away. The Ender will be suitably rewarded by leaving information with the suitably rewarded to leaving information with Clift House. lias made more Wonderful Cures of Kidney and Liver Complaints than all Physicians and Proprietary Medicines COMBINED, except the Physicians, who use them in their practice, for all diseases herein mentioned, Physicians, who use them in their practice, for all diseases herein mentioned.
They act with Extraordinary Efficacy on the Liver, Kidneys and Bewels, and in all Colds, Coughs, Sore Throats, Cronp, Whooping Ough, etc. They acy refuil to Cure Quick. They cut the Disease Short they also prevent Uric Acid from circulating through the system. They are wonderful in their detective labors, arresting and driving through the proper thankel all wests and effete matter, thereby preventing discase or germs, eapping a way every vital part of the body; they will remove all billious humors; will discave into powderful Gravel and Stone in the Binder, making the removal paintees. This is the Only Medicine that will prevent Bright's discase inflicting of Biadder, when other medicines have failed. Will permanently cure testify what Wonderful Cures this Medicine has made for them. They will cure you and your children. They build up. They restore the equilibrium to the sole of the medicines. Dealers that cas's sell, oring that, wonderful Cures this Medicine has made for them. They will cure you and your children. They build up. They restore the equilibrium to the sole of the medicines. Dealers that cas's sell, oring that, some section of the sole of the medicine medicine in the function. They will cure you and your children in stock. People come from all parts that cas's sell, oring these, your money retunded. I take my own medicine myeel. They are for children, middle are and old are. They keep the powder dry. Don't suffer yourselves; don't let your children or your aged parent. I take my own medicine myeels. If you are start for children in the proper suffer or your aged parent. I take the power at the start or your aged parent. I take the power at the first the power start or your aged parent. I take the power start for the start at the power start or your start at the power start or you. Internal filter the power start at the power start ore the start at the power start or your start. I take the power UNIVERSITY OF DESERET. THE SHOOND SEMESTER AND THIRD Term of the University for the present Academic Year! will begin MONDAY. JANUARY 31, inst., at 9 a. m. Beginning Classes will be organized in Botany, Trig-onoisetry. Meneralogy and Lithebory, Theory and Practice of Teaching. English Literature. Mediaval History. Geology, Mechanical and Architectural Drawing. Mental Science and Law. "The Lottures on Law will be delivered by the Hon. J. G. Sutherland, every Saturday at 10 a. m., or at some other hour con-venient to the class. The loctures will com-perend the elements of law, including its nature, sources, and application. "Tor further information regarding the school, address dress And JOHN R. PARK Francis 8 2 3 Sait Lake City, " January 22, 1887. GAS IW

vicinity of where the Delegate stood can be briefly stated. The desire of [New York Twibune, Jan. 13.] the French people to avenge the humi-

After an interesting debate which iation of the defeat suffered in the lasted four hours and held the close late Franco-German war need not attention of the House from beginning be dwelt upon. They have paid their to end, the bill to amend the Anti-Polygamy law was passed without a government an immense amount of division. The speeches on both sides money for the purpose of putting the were unwaually good. The men in earnest, and French armaments in a position to who spoke in were deeply Dele gratify this national sentiment. The gate Calne, who surprised the House with his forcible rhetoric and gate French people expect the war of vengenace to open sometime during the eloquent periods, which were delivcoming spring or summer. If they ered with much effect, was pathetic as well as earnest. The debate was opened by Judge E. B. Taylor, of Ohio, snould be disappointed the populace will probably rise against the governwho gave a brief but graphic account of the origin of Mormonism until its ment, the latter being therefore conculminstion in a bierarchy which vir tually defied the National authority Like Mr. Reed and others who spoke ister, Judge Taylor declared his op

position -10 the section in the bil which destroys woman suffrage in Utah. He would support the bill desite that provision, which he believed be unjust and unwise Delegate Caine then took up the cud-gel for his people. He is a member of the Mormon Church, but is not a practical polygamist, although, course a believer in the doctrine. Hi speech had been carefully prepared and was read from manuscript. No body had suspected that Caine was the possessor of oratorical accomplishents and his success to-day was all the greater for that reason. The gal-leries were well filled with ladies, for notice of the debate had been circu-

lated, and they hald close attention to the Utah Delegate as he described the virtues, the sacrifices and the achievements of the "chosen people" in whose behalf he pleaded with so much carnestness and real pathos. Mr. Caine

stood far back on the Democratic side, and the Republicans went over in a body to hear him.

[New York Times Jan? 13.]]

or in the commission of a law-ful act, which might produce death To the great astonishment of (almost everybody who had attended the session of the House this afternoon to hear the discussion upon the Anti-Polygamy bill, that measure-the House substitute for the Senate billvoluntary manslaughter, and you should so find. was passed without a division and 'The word "unlawful" as used in this charge and in our statutes, in reout so much as a demand for a roll call. The speeches for the bill were short, while those in opposition ard to murder or manslaughter, mean

without right or without excuse and to it were lyng and were all made from n violation of the law and against the the Demouratic side. After Mr. Tayor, of Qhio, had opened the deba Homiside is excusable in the follow. Mr. Caine, the Delegate from i Utah,

ng cases, all of which are not neces-sary for me to read. I only read such speke at length in praise of the patriotism, plety, and thrift of his people, who as is applicable to this case made a desert to blossom as a gar "First-When committed by accident

der, of flowers, and denounced the bill as an oppressive and enslaving one, and misfortune in doing any lawful act by lawful means without a usual peace-loving people. Mr. Bennett, of and ordinary caution. and without any auiswful intent."

> If you believe from the evidence that the detendant killed the deceased at the time and place specified, that he did so by accident and misto doing s lawful act by lawful means, with usaal and ordinary caution and

without unlawful intent, your verdict should be not guilty; otherwise, guilty. It was lawful for the defendant to

endeavor to arrest the deceased, if you believe that the defendant was an officer and had the warrant alleged. As to homicide when committed by

an officer, the language of the statute s as follows, so far as it is applicable to this case: upon which the common rights of men

were bottomed, and turned the Mor-mons and their church over to insatia-"HOMICINE IS JUSTIFIABLE

hen committed by rublic officers and ble spoilers. Mr. Caine, as the reprethose acting by their command in their aid and assistance." sentative of the Mormons, was attenively listened to during the delivery When necessarily committed in relengthy speech, of his somewhat taking felons who have been rescued summary of which follows: He sketched the settlement of Utah or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fiet-ing from justice or resisting such ar by the Mormons, depicted the perseutions to which they had been sub-

jected, and highly enlogized the Mor-mon people for their industry, intelli-gence and honesty. Passing on to a constitutional discussion of the proif, therefore, you believe from the evidence Must the defendant was a public officer, and was seeking the arrest of the deceased on a charge of unlawvisions of the bill, he declared that the

will be placed in your hands. your Territory may be occasioned durthe defendant pleaded "not ing the remainder of the session is

fication-

net guilty.

ailty." This plea puts in issue every materiproblematical. If the bill which the al allegation of the complaint and House passed with such vehement throws, the burden of proof upon the unanimity on Wednesday last shall become a law, it is liable to occasion Chateau d'if to further his political prosecution to make out the case in the manner and form as charged. rour people but little concern as to plots. The hero is torn from what The defendant is presumed to be in nocent/until the contrary is proved what legislation regarding them may

and if you have a REASONABLE DOUBT

two things left for your opponentsfrom the evidence whether the deto deprive every Mormon of the right fendant's guilt is satisfactorily shown, to hold property and to kill him. Both ne is entitled to an acquittal

A rea sonable doubt is such a doub hese have received countenance hereas naturally arises in the mind of a tofore on three memorable occasions, reasonable man-a man of commo and a United States Assistant Attorsense. ney General has suggested that the convict the defendant of the Te crime charged, the facts must not only tatter act would be one of mercy to all be consistent with his guilt, but inconadult Mormons. These are pleasant tistent with his innocence. The evithings to contempfate under's governdende must exclude every other hyment where the pothesis but that of the guilt of the defendant.

The section of the statute under which the defendant was indicted, is, is of freedom for the oppressed. Senate has refused to concur in the measure, as amended, and a conference believe, section 1921. It reads as fol-OWS:

committee has been appointed to try 'Manslaughter is the unlawful killing and unite the opposing factions. On of a human being without malice; it is any other subject there might be a hope of two kinds: First-Voluntary upon of irrecombiable differences, but where a sudden quarrel or heat of passion; Democratic House vies with a Re Second-involuntary, in the commisublican Senate to make a measure sion of an unlawful act, not amount nhumanly ng to felony; or in the commission of that all differences will sink in the general leave for deprivation to the Mormon people. Senators Edmunds, a lawful act which might prod death, in an unlawful manner, or with-out due caution and circumspec-Representatives Tucker, Collins and

E. B. Taylor, of Ohio, the House. I If therefore you believe from the eyinderstand that Tucker's desire was dence that the defendant, killed th leceased unlawfully and in the heat of that only friends of the bill should be appointed, by the Speaker for the House, but the Speaker thought other-wise and gave Mr. Collins, one of the passion, it was

VOLUNTARY MANSLAUGHTER,

ndiciary committee and an earnest opaud you should so find; but if you believe from the evidence that the de-fendant in the commission of an unthe minority report) a place on 1 That committee has not yet met. Bu awful act not amounting to a feion atter the bill has been considered by

an unlawful manner or without due CONFERENCE COMMITTEE, caution and circumspection, shot and killed the deceased, no is guilty of inand some agreement reached, as is

only too probable, and after it has received, in its altered state, if altered at all, the approval of both branches of Congress, it still must be signed by the President. You see them are possi-bilities against its becoming a law, but

than the shifting and ephemeral sys-I could not feel justified in saying they ite probabilities. tem of France in that period of in-It is now generally conceded that the assage of the bill is the work of Gov. trigae and assassination to consider, there would be nothing of historical Vest. He has been almost entirely in company with Speaker Carlisle all the and therefore of intrinsic merit in it; time he has been in Washington. As as it is before stated, it is not apparent that he able. as it is, everything is received as prob-

But

has done any special log-rolling in a, general direction, but it is notorious that the interest of Mr. Carlisle, the Mr. Grismer and Miss Davies appeared, to excellent advantage; both Speaker, has been growing, more, the onger Caleb W. West remained here; receiving fresh encomiums and being, rewarded with frequent and it is equally a matter of under bursts of prolonged applause. current notoriety that the Speaker The support was fair throughout, but only, strong, in the case

PRACTICALLY FORCED to an issue a bill which bat for his tien"). Such pieces as this, do not

to an issue a bill which, but for his dir hir. E. D. Davenport ("Noir-great influence, would have remained seem to be their strongest cards. Uarled, and which, for the credit of all concerned in its passage, had better "The Fleid of Houor, or Ruth's Devohave been consigned to eternal obhytion," will be given.

ion than given the position to which their efforts have raised it. I am as-tonished at the indifference of the business men of the Mormon com-DALL munity. There must be a sublime faith. They either dreamed the bill could never pass or have consoled

FRIDAY. hemselves with the still vainer delusion that the finances of the Territory SATURDAY, UUII. Territorial, County and Municipal-would receive more capable and hones

management uncer the absolute con-trol of one man-an imported Gov-ernor-than they do now where they and the people noid some power over the ulen assessing and collecting their taxes and expending the sam :. . . Folls sometimes does attain a sublime pin-

Since the bill has passed the House and cooler judgment prevails, many PHEBE DAVIES embers are doing some thoroughly

BARGAINS GREAT In all OUR DEPARTMENTS during the Month of JANUARY.

COHN RROS

DRY GOODS HOUSE.

WE SHALL OFFER

CLOAKS AND WRAPS

For Ladies' Misses' and Children, will be offered at ENORMOUS SACRIFICE until the whole stock is closed out. taken to the incarceration spoken of: This Season's Importation of Shawls is also offered at ACTUAL COST!

marries the man who assisted in his SILKS AND VELVETS. downfall: while in his cell he takes the place in bed of a fellow prisoner who Everything in this Department during this Month Only, AT BARE has died, is sewed up in a sack and COST, and some lines to be Cleared Out at Less Than Cost.

IN DRESS GOODS

We Clear Out Handsome Robes at \$12.00 and 15.00, Reduced from \$20.00 and 25.00, and the balance of our stock of Combination youthful son of the girl he was to Dress Patterns at HALF PRICE. Ladies' Cloths, Tricots, Pin-head Checks and Stripes, Cloth Dress Stuffs at BARK COST.

FLANNELS AT COST.

We offer to Clear Out, Scarlet Twilled Flannels, White Shakers, Striped Jersey Flannels, Blankets and Comforts, at Actual Cost.



We are offering Special Bargains in Crochet and Marsailes Quilits. Towels, Crashes, Napkins, Table Linens, Nottingham Nets and Curtains.

MUSLIN UNDERWEAR. We offer to Clear Out about 1000 pieces in this line at New York Cost, to make room for a New Importation, now being inasuffactured for us.

LADIES' AND CHILDREN'S JERSEYS, of recent importation, at Reduced Prices.

CORSETS at 50 and 75c., Reduced from 75 and \$1.00.

HOSLERY, three pairs Ladies' Wool Hose for \$1.00; Misses' Wool Hose at 25c. Reduced from 40 and 50c. a pairi fall accord with the sympathetic ver-A Large Stock of Hamburg Embroideries, to be Cleared Out at Low Prices," before the Arrival of a New Importation, now on the way. DRESS TRIMMINGS, consisting of Jet Passementries, Moss, Feather and improper or out of the way; still, at

Galoon Trimmings, and Dress Buttons to be Cleared Out, Regardless, of Cost.

25 - 1551 0



directed against a law-abiding and North Carolins, who opposed the will, pire in this generation, that "war will is a loud-voiced, venement orator, who sometimes flung his books about to the be poured out upon all nations." The cominent peril of his neighbors, and fulfilment is merely a question of time, who considered the bill as unnecessary, upon the assurances of the Inte rior Department and the Utah Com-taission that the Edmunds law was Suppose these probabilities should become realities, what would be the successfully entorced, and an extraor-

local effect, bringing the matter closely finary percentage of convictions obtained under [National Republican, Washington.]

> Mr. Caine, of Utah, earnestly op pased the measure as undemocrati un-American, and wantonly destructive of human right, and because it set at naught the immutable principles

----WHY WE LIKE HIM.

GOVERNOR ZULICE of Arizons per formed a manly and consistent set in procuring the repeal of a most shumetul law passed by a former Legisla ture. It made criminal that which is the right false or absurd its tenets may seem to

Sores, Waunds, Ulcers, Sore Heads, Bad Breasts, Saddie and Collar Sections of the section of the

Sold Wholesale or Retail at Z. C. M. I. Drug Store, salt Lake City, Utah. Socis, and \$1.00.