FOUR O'CLOOK

EVENING NEWS.

PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. . . March 9, 1883. Thurs tay,

## SPEECH OF SENATOR PENDLE-TON ON THE EDMUNDS

ard ] I was pleased to see the state ment made by one, or I think both those Senators, that while they had finally come to the conclusion that they would support this bill they did it with many misgivings as to several of its provisions, and with a great doubt as to whether it would finally secure the purpose which they inten led to accomplish. I do not find it necessary in what I have to say upon the bill or the vote that I may finally give to controvert any of the legal positions which either of them has taken.

the power of Congress over the Ter-ritories rested in the second clause of the third section of the fourth arthe power of Congress over the data and make all might differ with them essentially, but it is not necessary for my argument that I should enter into any discussion with them upon that subject. The title defines ment, which he so courteously perneedful rules and regulations re-specting the territory and other pro-perty belonging to the United States -was entirely without foundation, and that the whole power of the Government in the matter was to be derived from that clause of the Con-stitution which provides for the ad-mission of new Status. It is not a new question; it is not a question new question; it is not a question to say that even in my own mind I taneously or on the same day marhave come to a satisfactory conclus-ion upon it; but I think it is abseluries more than woman." tely certain that by whatever clause the power is given to the Congress it is necessary to be so particular as of the United States to control and govern the Territories of the United States, Congress is always, in all circumstances, under all conditions, limited by the prohibitions in the Constitution. I do not believe that it is in the power of the Congress of the United States, to violate any of the guards which the Constitution of the United States has provided day it was not a subsequent of a prior manriage, and therefore it was neces-sary to introduce this provision of the bill. I do not know how that is, of the United States has provided for personal liberty. Congress has no power except that which is grant-ed. Lest powers may be assumed under general and indefinite grants, the Constitution has provided cer-tain guarantees of personal freedom and has prohibited the exercise of Certain powers. Congress constitution for the crimes action 2 of this bill as the bill. I do not know how that is, and I therefore take no exception to it. At all events this is an addition to the crimes defined in section 5352 of the Revised Statutes, which is part of the crimes act of the United the bill. I do not know how that is, and I therefore take no exception to it. At all events this is an addition to the crimes defined in section 5352 of the Revised Statutes, which is part of the crimes act of the United tates. Then section 2 of this bill as the bill as the bill as the crimes act of the States the bill as the tate of the tates tates the tates tates tates the tates tates tates the tates Certain powers. Congress cannot under any pretense, at any time, for any purpose, violate these guatan-tees of personal rights or exercise the power thus prohibited

or more persons, to be designated by laws, as beyond the borders not only mies; and so it is that in every case the President and confirmed by the of civilization, out of the protec- of a juror, you exclude him for bias senate, including the judicial and tion of the Constitution of the and so on and so on; and therefore DATLY, SUSDAYS EXCEPTED, AI legislative powers of the Terri United States.

Mr. Pendleton. I have not had the opportunity of examining close-by that statute; I do not know exact-by what it provided; but I am pre-pared to say that is it vested in two or two hundred people the right to r two hundred people the right to purest divilization; that it presents tinction. ontrol and govern the Territory of the safeguards by which so slety is to Mr. Pendleton. Now, Mr. Presi- Cotarrant Petson Florida in any way inconsistent with the provisions of the Constitu-tion of the United States, guarantee-ing the rights of life and personal guard our civilization. I will do

TON ON THE EDMUNDS BILL. Mr. President, I heard the Presi-dent of the Senate say to a Semator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in able senator from Ohio a question? Mr. Hear. I desire to ask him in a amendment. Observing the ad-proper time move to amend the fifth line of the fourth section, at present, the four the words "or has been," before "living;" and also in the seve enth line striking out the words "or has been," before "living;" and also in the seve enth line striking out the words "or has been," before "living;" and also in the seve enth line striking out the words "or has been," before "living;" and also in the seve enth line striking out the words "or has been," before "living;" and also in the seve enth line striking out the words "or has been," before "living;" so as to read: The able senator complain for a Territory and not allow any he eighteenth line of this section in the sevent for a Territory and not allow any he eighteenth line of this section in the sevent the eighteenth line of th

enth line striking out the words "or has been," before "guilty;" so as to read: That he is living in the practice of bleam, polynam, or unawful coharditation with whom he is not married." I the first line of the seventh, now the eight section, I shall more to strike out the words "polygamist on strike out the words "polygamist now the eight section, I shall more the words "polygamist, and insert the should exercise that right, in order glad to correct it if it is not true.

Inited States. I am not to be misunderstood. I talk about it every jury that is chal-

iberty and property to the citizens, it was unconstitutional. Mr. Hoar. May I ask the honor-able senator from Ohio a question? Mr. Pendleton With pleasure? Mr. Pendleton With pleasure?

Phila : " Quite wonderful; let me distribute wher "Tratins""

notoral."

TELEGRAPH. more, Md.: " Suffered 9 years : perfectly

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NOTICE. Z. C. M. I., SALT LAKE CITY, Utab, Feb. 25, 1882.

THE STOCK TRANSFER BOOKS OF this Institution will be CLOSED on March 1st, and RE-OPENED on April 6th, next.

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dent, that a considerable section of Mr. Pendleton. I shall be very the Mormon Church is in favor of

the passage of this measure. Mr. Hoar. The Senator says that the Lill leaves men who are in the open practice of immorality in the method he has described to sit upon a jury. The bill does not prevent the ordinary method of filling up a hopes there are enough Gentiles,

d2w



The notidotal theory, new admitted to be the only treatment which will eradicate

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the power thus prohibited. Mr. Garland. May I interrupt the the Senator one moment?

Mr. Pendleton. Certainly. Mr. Garland. Under article 3, section 1, of the Constitution:

The judicial power of the United Sistes shall be vested in one Supreme Court, and in such inferior courts as the Courtes may from time to time ordain and establish. The judges, both of the supreme and inferior courts shall hold their offices during good be-havior

The Supreme Court of every Territory shall consist of a chief-justice and two associ-ate justices, say two of whom shall consti-tute a quorum, and they shall hold their of-tices for four years, and until their successors are appointed and qualified.

The tenure by the Constitution of with more than one woman, or that

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Congress over the Territories. I ticular cases; you presente hand legislation? might differ with them. I do differ that the professedly immoral and legislation? We will have to submit to it as

it to be a till to amend a clause of mitted me to make. This bill does the crimes act. This whole title of not undertake to define the causes the Revised Statutes of the United of challenge, leaving the ordinary States, of which section 5352 is a causes of challenge to be settled in the ordinary manner. It simply adds this one. The bill does not say that a man indicted for murder shall not sit on the jury that tries him; that in the first section of this bill is left to the ordinary action of the simply the introduction of the simul-lers to.

Mr. Pendleton. This does not pretend to be a general law defining the I do not know whether it is found qualification of jurors who are to be called at all times and upon all cases, but it undertakes to define the qualito the time when the act of the fications of those who shall sit in these particular cases, an 1 it includes the man who lives in open and corrupt and acknowledged vice as che of those whose competency to a seat the marriages took place on the same upon a jury is maintained, and it day it was not a subsequent or a prior excludes the man who does not. I

> Mr. Edmunds. May I ask my friend from Ohio a question? Mr. Pendleton. Certainly. Mr. Edmunds. Assuming that

That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman he shall be deem-ed guilty of a misdeme anor.

I do not know the exact state of

the law on this subject, but I sup-pose that the crime defined is co-habiting with any other woman than his wife, and that this section of the bill is intended to meet the indges, both of the supreme and inferior courts shall hold their effices during good be-havior In section 1884 of the Revised Statutes we have the following pro-dowe find? In defining the quali-is accused of bigamy, whether one dowe find? In defining the quali-

cations of jurces who shall at in cases of this kind, we find that it shall be a cause of challenge that a man "is now, or ever has been liv-

tledfand a great many evils result. Taxation will be increased and mismanagement take the place of the present wise conduct of our terri-torial affairs. People who make this outcry against Mormonism care nothing about polygamy. [The balance of this dispatch was

not received at the time we went to -ED. D. E. N.J

Chinese Bill Passed. WASHINGTON, 9 .- The Senate, at 5.30 p.m., to-day, passed the Chinese bill, 20 yeas against 15 nays.

## River still Bising.

MEMPHIS, 9 .- The river rose two inches since yesterday. High winds may destroy the levee at Helena and Friars Point.

Detestives Discharged.

PHILADELPHIA, 9,-The entire propose an amendment that shall city detective force was abandoned exclude both. I have no fault to on account of charges against char-

Train Wreckers.

ers of the Iron Mountain road are International Telegraphic Conven-

ST. LOUIS, 9.-The Train wreck-

tion.

CINCINNATI, 9.—An Internation-al Convention of Telegraphers is to be held here March 15th. It will number among the delegates prothe theory of a jury is impartiality, that impartiality must be in respect of the precise offense that is attribut-ed to the accused. I assume every-body will agree to that. Therefore ceived from more than 60 who will

## Lynched.

DENVER, 9.-The Republican's Albuquerque special says: At Los Lunas, yesterday, Chas. Shelton, Jno. Redmond and Harvey French were taken from jail and hanged to the nearest trees by masked men. Shelton murdered Foreman Wood-ruff last fall. Redmond killed Jss. who lives in open adultery has a particular prejudice on the side of two wives. I think there is where the point of the thing I ally comes McDermott last January at dallup on the Atlantic and Pacific Railthe point of the thing ic illy comes as between the two cases. I do not mean to say that my friend from Ohio would be able to answer the question from any special point of information. Mr. Pendleton. Whether or not

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city. The Wasatch Menntains, with letter press des cription of each view. Published and for Sale by James Dwyer Whelesale and Retail Bookseller and

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E TOT COME ATTE REALTING REPAIRS FIND LAWK, LIGHER STAND THE FOR

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I ask my friend from Ohio whether attend, representing 3,000 telegraphit is quite in point to say that no ers. The local committee has made man should sit on a jury in an in- ample arrangements. dictment for forgery who had been guilty having two wives or living