

LEGAL MEANING OF COMBINATION POLYGAMY CRUX

Argument Before Utah Court
Centers On Question of
Interpretation of Word

Salt Lake City, Sept. 13—(U.P.) The first current arguments on polygamy to be heard by the Utah supreme court today centered on the question of whether "cohabitation" means to live in the same bed or only in the same house.

Arguing the appeal of 15 Fundamentalists convicted in the state district court of "illegal cohabitation" with a total of 55 plural wives, Defense Attorney Knox Patterson explained that the entire trial was based on only 100 words—a stipulation of facts stating that each defendant did cohabit with more than one person of the opposite sex.

Appeal Studied
The supreme court took the appeal under advisement.

"The counsel thinks he outsmarted me," Prosecuting Attorney Brigham Roberts told the high court. "But it is obvious that 'cohabit' means living together as husband and wives."

"Outsmarted the prosecution?" Patterson asked. "I hope he didn't think we were dumb enough to plunge in and plead

guilty for our clients. The whole issue is that we agreed on a stipulation we thought the court would not sustain as sufficient evidence and which the prosecution thought the court would sustain."

Defense Attorney Claude T. Barnes, ex-officio poet and naturalist, quoted Thoreau, Milton and Defoe to prove that "cohabitation" means no more than dwelling in the same place, such as with friendly animals or fathers and mothers.

Claim No Crime Shown

"There was no testimony concerning sexual intercourse," he added, explaining. "We wrote the stipulation and as far as evidence of a crime is concerned, the stipulations state absolutely nothing."

"You can add vitriol to vitriol to blast polygamy," Patterson said, "but no man can say polygamy has harmed Utah or kept it from leading all the western states."

"But that may be different from opening the floodgates for everyone who wants another wife," Chief Justice James H. Wolfe said.

"Well, there's a great surplus of women and what are we going to do about it?" Patterson said. "I understand there's a man over here from England now to study the way polygamy operates. And in 1943 there were 8000 sex cases in Salt Lake City. Polygamy has no such record."

"But has polygamy been practiced on a wide scale?" one of the justices asked.

"I think it has," Patterson countered convincingly.

Closing time for Sunday Too Late to Classify 5:30 Saturday afternoon—Please remember.

Diana Shore In Technicolor Hit "Up In Arms"



Starting Sunday at the Craterian is the screen's new comedy sensation starring Danny Kaye, in "Up In Arms," in Technicolor with Dinah Shore, Dana Andrews and Constance Dowling.

Ashland Sergeant Member of Cited Thunderbolt Unit

An Eighth AAF Fighter Station, England—Sergeant Charles H. Coffin, 830 Iowa St., Ashland, Ore., is a member of an Eighth Fighter Command P-47 Thunderbolt group which has been awarded the Presidential Unit Citation for "exceptional aggressiveness, outstanding per-

formance of duty and extraordinary heroism in action."

This was accomplished in "conflict necessitating hazardous journeys over water and enemy-occupied territory far beyond the normal range of fighter aircraft."

Sgt. Coffin, a son of Mrs. Zella Vincent, same address as above, is an armorer on one of his squadron aircraft.

Use Mail Tribune Want Ads.

Freed Americans Arrive in Turkey

By United Press

A total of 332 former allied prisoners of war in Bulgaria, including 310 American officers and men, have arrived in Istanbul, the Turkish home radio said in a broadcast recorded by FCC monitors. The prisoners were liberated when Bulgaria declared war against Germany.

GIRL DESCRIBES BALCONY SCENE AT DORSEY HOME

Jane Churchill Says She
Didn't See Knife; Mus-
cles Win Until Aid Comes

Hollywood, Sept. 13—(U.P.) Jane Churchill, by her own account a third cousin of that other Churchill, today described for presentation to a grand jury the balcony scene between Tommy Dorsey of the trombone and Jon Hall of the muscles.

The muscles were triumphing over the trombone by Dorsey's own account until something intervened.

Dorsey said it was a potted geranium. Hall said it was a knife and if there was anything potted around there it wasn't a geranium. Dr. Marcus Crahan, county physician who examined Hall after the fray, said only a knife could have made the cuts.

Purse Is Cause

Miss Churchill, whose forgotten purse initiated the brawl that night of August 5, said she saw Dorsey bending Hall over the railing of his second story balcony.

Actor Eddie Norris tried to interfere, she said, and a neighbor—one Allen Smiley—stepped in with a haymaker which dropped Norris to a deep sleep on Dorsey's oriental rug.

Smiley, who yesterday paid a \$250 fine for telephone betting on the horses, then began kicking Norris as he slumbered.

"He was kicking him like anything," she said, "and I pushed him off balance and he stopped."

Dorsey later dragged Norris downstairs by one leg, Norris testified, "my head banging on every step."

Saw No Knife

She didn't see any knife, Miss Churchill said.

Hall, however, did see "a bright instrument." Despite attempts to keep his testimony quiet, reporters learned that he had told jurors that the "bright instrument" flashed before his eyes for an instant as Miss Pat Dane, Dorsey's beautiful actress wife, was pulling his hair.

Dorsey was busy at the time slugging him, he said.

Miss Churchill's hair also had been pulled by Miss Dane.

Exhibiting three bald spots, she said the tresses ordinarily growing there had been removed by Miss Dane.

It started when Hall returned for Miss Churchill's purse and patted Miss Dane affectionately.

Polish Peasants To Get Land of Nazis, Traitors

Moscow, Sept. 13—(U.P.)—The Polish Committee of National Liberation has issued a decree, effective December 20, redistributing to landless peasants and those with little land the holdings of Germans, Polish traitors, and landowners possessing more than 50 hectares, the Tass news agency reported today in a dispatch from Lublin. (A hectare is 2.47 acres).

The government will pay nothing to the owners of the land, but each poor peasant household or farm laborer household will receive five hectares of land, and will pay for it in cash or produce to the value of one year's average harvest on the land received.

Payments may also be spread over a period of 10 to 20 years.

U. S. National 35th In Bank Position

According to Geo. T. Frey, manager of the local branch, recent figures released by the American Banker place the United States National bank in 35th position in size among the nation's top ranking banks.

The United States National bank's deposits as of June 30, 1944, total \$428,139,115 as against \$162,552,442 for December 31, 1940, thus demonstrating the rapid growth of this aggressive pioneer banking institution.

MR. AMERICA JAILED
Los Angeles, Sept. 13—(U.P.)—William Hillgardner, 28, whose bulging muscles won him the "Mr. America" title three times, today sat in a jail cell awaiting hearing on a six-year-old morals offense. Hillgardner was arrested yesterday on his arrival by government transport from Bombay India where he had been a physical instructor.

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800 SERVICEMEN REQUEST BALLOTS

The county clerk's office reports more than 800 applications from Jackson county servicemen for soldier ballots have been received, and more are expected. It is estimated between 1,000 and 1,200 applications will be received.

Opening date for mailing the ballots has been designated as October 9, and the final date is October 27. The earlier date will be for ballots addressed to the far war fronts, and the latest date for servicemen stationed in this nation.

All the ballots will be delivered by air mail, and will arrive in ample time for study and marking. They will be returned by air mail also.

MINE RESUMES

Charleston, W. Va., Sept. 13—(U.P.)—Production was resumed today in the Statesbury No. 8 mine of the Koppers coal division, Eastern Gas and Fuel Associates, in Raleigh county, when foremen returned to work

as the federal government took control of 12 other operations shut down by strikes of foremen.

THE GRANGE

Roxy Ann Grange
Roxie Ann Grange will meet in regular session Friday, September 15, at 8:15 p. m.

Mrs. Leonard Lehman, chairman of this month's ways and means committee, asks members to bring household articles or produce for an auction.

Serving committee for the evening includes Mr. and Mrs. Don Elliott, Sr., and Mrs. Don Elliott, Jr.

Closing time for Classified ads 9 a. m. — Too Late to Classify, 12:30 p. m.

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