

MARRIAGE UNDER THE COMMON LAW INVOLVED IN CASE

Prosecution of Joseph F. Carroll for Bigamy Rests on Legality of Common Law Marriage in Idaho.

Idaho Marriage Law. "Marriage is a personal relation arising out of a civil contract, to which the consent of parties capable of making it is necessary. Consent alone will not constitute marriage; it must be followed by solemnization, or by a mutual assumption of marital rights, duties or obligations."—Section 2611 revised codes.

Common law marriages are valid in Idaho. The last clause of the quoted section of the statutes of this state enables persons to become legally married without a ceremony of any sort. The mere assumption of their marital duties and the fact that they live before the world as man and wife is all that is necessary to constitute a legal marriage in the eyes of the laws of this state.

On the assumption of these facts, Joseph F. Carroll has been arrested on the charge of bigamy. From the information in the hands of the officers, he lived with one woman and established a common law marriage that would hold in the courts of this state. After a few months, he married another woman, it is charged, and went with her to Glens Ferry where he was arrested under a complaint sworn to by wife No. 1.

For several months they have been living as man and wife near Nampa, it is said, and the community in general understood and believed that the marriage relation existed between them. Both are said to have assumed all of the duties and obligations of such a relationship and to have held out to the community that they were legally and properly husband and wife. They were highly respected in the county in which they lived.

In her complaint, wife No. 1 signs her name as "Jessie Ely Carroll," showing, to the mind of the officers, that at least she regarded the marriage as legal and that she had assumed his name and all the duties and obligations that naturally befall a wife.

The case, if it comes to trial, will stand or fall largely on this issue. If the common law marriage is not legal, there was no commission of bigamy. If it is held to be legal before the statutes of this state, the prosecution will have to show the evidence of the second marriage and the alleged act of bigamy.

The decisions of the supreme court of the state of California are said to be in support of the prosecution's contention. It is said that the court there has held, under the same statutes, that marriage in common law is a legal contract and that any subsequent assumption of the marriage relationship is an act of bigamy and is null and void, the statutes of this state are said to be identical in this matter with those of California and it is believed by the officials that the courts here would pass upon the matter in the same way that those of the other state have done.

ELKS' MEMORIAL SERVICES TODAY

Lodge of Sorrow at the Pinney Theater—Program Is Announced.

The Benevolent and Protective Order of Elks will hold annual memorial services at the Pinney theater this afternoon at 3 o'clock, to which service the general public is cordially invited to attend.

These services are held annually by the order of Elks in memory of their deceased membership and are of a distinctly devotional character. An appropriate address will be delivered on this occasion by Justice James F. Allshie and an eulogy will be given by Jess B. Hawley. The ritualistic exercises will be interspersed with appropriate music, as shown by the following program:

- Part 1. Selection..... Orchestra. Opening ceremonies..... Ritual. Exalted Ruler and Lodge. Roll Call of Deceased Brothers..... Secy. Brother Geo. A. Latham "Nearer, My God to Thee"..... Elks Quartet. Continuation of Ritualistic form with Responses and Declarations. Exalted Ruler and Lodge Officers. Sign of Grief..... Ritual. Entire Lodge. Opening Ode..... Tune, "Auld Lang Syne" Lodge and Audience. Great Ruler of the Universe. All kneeling and benign. Look down upon and bless our work. And be all glory thine. Oh, hear our prayer for the honored

BIG SOCIAL UPHEAVAL DUE IN CAPITAL WHEN DEMOCRATS TAKE CONTROL MARCH 4



At the left, Mrs. Nicholas Longworth (top) and Mrs. Philander C. Knox; right, Miss Alys Meyer and Mrs. Huntington Wilson.

Washington, Nov. 30.—With the inauguration of Woodrow Wilson, on March 4, and the reinstatement of the Democratic party in all branches of government, Washington will undergo a social upheaval. Names that have shone brightly for years on the social register will be scratched off and others take their places. Crests and monograms will be painted off the panels of smart carriages and automobiles and others will be drawn in their stead. Houses will change owners with wonderful rapidity, and it will indeed be the greatest metamorphosis that Washington has ever known.

Take the cabinet, for instance. Many of its members who must soon step down and out have served for years. The secretary of agriculture, James Wilson, has served in that capacity for 15 years. Secretary of State Knox came to Washington in 1901 and entered President McKinley's cabinet. And Secretary of the Navy George von L. Meyer was in President Roosevelt's cabinet as postmaster general.

Among the assistant secretaries of the departments society will greatly miss Assistant Secretary of State and Mrs. Huntington Wilson, Assistant Secretary of the Navy and Mrs. Beekman Winthrop, and Assistant Secretary of War and Mrs. Oliver, all of

whom have held star roles in the social play of the capital. Perhaps the greatest change of all will be felt in the absence of Speaker Joseph Cannon, one of the most picturesque figures in Washington. His daughter, Miss Helen Cannon, was one of the most sought after members of society.

Some of those who will leave official life on March 4 will continue to live in Washington. At present three members of the cabinet have become so attached to the city that they will not go away when their official duties end. They are Secretary of State Knox, whose house in K street is one of the handsomest in Washington; Attorney General George Wickersham, who purchased a home in Sixteenth street upon his arrival in Washington four years ago, and Secretary of the Treasury Franklin MacVeagh, whose \$1,000,000 house was built for him by Mrs. MacVeagh as a birthday surprise.

Mrs. Alice Roosevelt-Longworth has lived in the capital ever since her father first came here as vice president at the beginning of President McKinley's second term. Her husband having been defeated in the recent election, the Longworths, after March 4, will take up their residence in Cincinnati, President Taft's home town.

William A. Rodenberg of Illinois, Dalmatian of Pennsylvania, McCall of Massachusetts, Needham of California and Pajo of Louisiana. The opening session Monday, in accordance with precedent, will be brief and largely perfunctory. Several new senators and representatives who have been appointed or elected to fill vacancies that have occurred since the adjournment of the last session will be inducted into office. Both houses will appoint committees to call upon the president to notify him that congress is in session. Each branch will appoint another committee to notify the other house that it is in readiness to proceed with legislative business. When these matters have been disposed of both branches will adjourn "as a further mark of respect" to the members who have passed away since adjournment.

President's Message. President Taft's annual message is expected to be read before each house on Tuesday. Then the country can watch them harrow and parry and intermittently legislate for three months, barring the time of recess over the Christmas holidays. There is bound to be a whole lot of preliminary partisan strategy bearing on the turning over of control of all branches of the government to the Democrats next March. But the chances are that, aside from agitation, nothing of great importance actually will happen until the extraordinary session of the Sixty-second congress convenes at the call of President Wilson.

Chairman Henry of the house rules committee will be one of the most important figures in the coming session. As there will be a limited supply of calendar Wednesdays, the rules committee will have a tremendous power in shaping the course of legislation during the three months. The legislative, executive and judicial appropriation bill will be ready for the presentation to the house as soon as that body is ready for business. The figures in the bill have not been made public, but it is pretty well understood that the department heads and bureau chiefs have tired of the small estimates of the past two years and in this final effort of the administration's officials have asked for about everything they could possibly think of.

Chief among the members of the house who will sing their swan song before March 4 is "Uncle Joe" Cannon of Illinois, one of the most picturesque figures in 20 congresses, barring one, and speaker of the house for four consecutive terms. Other well known representatives who are about to pass out with the tide are "Nick" Longworth of Ohio, William B. McKinley of Illinois, Ebeneser Hill of Connecticut,

THE CAPITAL NEWS' BOOKLOVERS' CONTEST IN THE HOTEL LOBBY

The Contest Editor was enjoying a short rest in the hotel lobby and watching the smiling throng of early Christmas shoppers that John Veatch's early shopping talk is bringing out these days when his attention was called to two bright young men in earnest conversation. As the subject was the Booklovers' Contest and Prize Picture No. 48 particularly we will for the benefit of new and old Contestants give you their possible solutions on that picture.

"Bound Together," "Married At Last," "Marriage a la Mode," "Bridal March," "A Man's Woman," "The Court of Love," "An Everyday Heroine," "Every Man For Himself," "Everybody's Secret," "Facing the World," "Faithful Promise," "Faithful and True," "Faithful Forever," "Family Happiness," "Fearful Responsibility," "The First Capture," "For Old Love's Sake," "A Full Surrender," "The Girl He Married." About that time we discovered it was about time to get copy in for the evening edition of the Capital News and we left them still discussing the best 10 answers to turn in on that picture. And their discussion brings us face to face with the fact that it is the Contestants who exercise their right to extra answers, and those who use the Official Catalogue who are the ones who will take home

the \$1500 worth of prizes that the Capital News is going to give away in this contest. If you consult your Catalogue you will find this to be so. For we are reasonably sure that some of those titles are not in our Catalogue and therefore cannot be possible solutions. We do not know who the young men are, but if they are giving all the pictures the same careful attention that they did No. 48 it is safe to say that they are fixing things to make the Capital News pay their way to the Presidential Inauguration, or the Panama-Pacific Exposition later on! Well here's luck to them and all others who are working as hard to win as they are! And you can rely on it, that the list of prize winners will contain the names of just such workers. And for your benefit we wish to call your attention to our short time offer for complete sets of pictures and Catalogues for those not already supplied. All orders will be filled in the order received and the first sets will be mailed out of here on the evening of Dec. 2nd. As the supply of these sets will not last long it is your own fault if you do not get in on it in time. Remember you are not too late to enter. You will have plenty of time to solve the answers to the 75 pictures. \$1500 Worth of Prizes! \$500 of that in Gold! But Why Not Land in the Gold Pile!

Answers to Queries. F. E. S. Caldwell.—Q. Can I enter the Booklovers' Contest now, and must I be a regular subscriber to enter? Ans. You can enter and do not necessarily have to be a subscriber. You can buy the paper from your newsdealer or newsboy if you prefer to do that. R. E. J. St. Anthony.—Q. Will it be of any advantage to me to get my answers in first, or as soon as possible after picture No. 75 is published? Ans. No, the first filed have no preference over the last. Each set of answers will be numbered when received here and the judges pass on all of them before awarding the prizes. J. R. T. Nampa.—Q. Can I get complete sets now. I see you have an offer of complete sets at \$2.00 and want to make sure they will be ready? Ans. Yes our foreman says they will be ready Monday morning sure.

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