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AN UNWORTHY ATTEMPT.

PARTICULARS of the arrest and examination of W. B. Bennett, of West Jordan, on the charge of illegal registration, have been laid fully before our readers. It will be seen that the whole proceedings are based upon a theory which is self-contradictory and absurd. The object is, no doubt, to make political capital and use it with other schemes for the furtherance of the purposes of the so-called "Liberal" party.

The doctrine of "once a polygamist always a polygamist" was advanced by the Utah agitators and adopted by the Utah Commission shortly after its organization. But it was effectually exploded by the Supreme Court of the United States in the case of Murphy et al., and it was then settled that persons who had at one time been in the practice of polygamy but had relinquished the practice, either voluntarily or by the death of one or more of the parties, could register and vote under the Edmunds act and the laws of this Territory, if possessed of the statutory qualifications.

Mr. Bennett, it appears, had a plural wife, but for some time has been separated from her. She is no longer his plural wife. From the same authority which sanctioned the plural marriage a divorce was obtained. The union was entered into under the rites of the "Mormon" Church, and from the same source the separatiowasn formulated. Mr. Bennett now has but one wife. And he is not and has not been for some time cohabiting with more than one woman. Being a citizen and a resident of his precinct for the time required by law, he possesses all the qualifications prescribed and was able to take the oath required by the law of Congress. He did so, and is now committed to await the action of the grand jury for unlawfully registering.

Now the question of his alleged offense turns upon the question whether the woman who was formerly his plural wife now occupies that status. The law does not recognize the validity of the contract entered into between the parties to a plural marriage. According to the common law, it was void from the beginning. The theory is that the parties, or one of them at least, was incompetent to enter into the contract, that is, a man who has a living, undivorced wife, cannot make a contract of marriage with another. The law does not recognize the plural union as a marriage. Therefore no decree of divorce can issue from a court in such a case. If the parties agree to separate and do separate, and their former illegal relations are severed and discontinued, those relations no longer exist in the eyes of the law. The polygamous status is dissolved.

Either the plural marriage was a contract or it was not. If it was a contract of marriage it might be annulled by decree of a competent court. But it could not be set aside by legislation. The Constitution of the United States provides against laws "impairing the obligation of contracts." If plural marriages are contracts, then plural wives have a legal status that cannot be set aside by legislation. If those marriages are not contracts in law, then they cannot be dissolved by a court, as they have no legal existence. What has a court to do with setting aside or declaring null that which on general principles was without dispute void *ab initio*?

If there is any color of legal force to a plural marriage, it originated in the ceremony performed by the rites of the Church that recognized it. And if by the same authority if is annulled and the parties to the marriage who regarded it as existing now regard it as dissolved and cease their marital relations, is not even that color removed and the appearance even of an existing legal contract dissipated?

We do not believe that any court on earth has the right or power to render a decree of divorce in a case of plural marriage. And we do not think any amount of sophistry can establish the doctrine that an invalid marriage, which never had a legal existence when the parties lived together, can be said to exist at all when the parties have actually separated, whether they have or have not obtained a formal dissolution of the unlawful tie by ecclesiastical authority.

In handling this question courts and attorneys will have to be exceedingly careful lest in their eagerness to make criminals of innocent persons because they are "Mormons," they impart to plural marriages a legal status which they have all along declared had no existence

TRYING TO ABOLISH THE SENATE.

THE North Dakota constitutional convention is wrestling with a proposition to have but one legislative body, doing away with a senate or upper branch. This, whether it materializes or not, is a decided blow at a tradition that has descended to us from "away back." We hardly think that any one of those numerous "statesmen" about whom so much is being said can make such an objection command the respect, let alone the attention of the thinking and readiug portion of the community. Tradition as a factor in building a new western State! The idea is preposterous. The newest part of the new world leaning upon the habits and methods of the older part of the old world! Hardly.

There are, however, arguments, and potent ones too, against the proposition which are entitled to serious consideration. Too much compactness in legislative bodies eads to confusion, and the less of this element that enters into the solons' deliberations the better for them and the people they represent. It is a recognized fact that, to facilitate legislation, even in Territorial Legislatures and City Councils, where the numbers are comparatively few, there must be a breaking up into committees, each having a certain measure of legislative authority; thus showing the necessity of having the work prepared for final action by limited bodies, as greater ones would not be likely to arrive at conclusions or properly arrange the work so rapidly. This is one argument against the one body proposition, but it is not the only nor the chief one. Where there are two separate chambers there is likely to be less chance for corrupt and improper practices, one body being a kind of check or guard upon the other. How often is it the case in all legislative bodies, from Congress aud Parliament down, that a measure receives its only thorough consideration in the branch in which it did not originate? And this being the case, it is reasonable to suppose that much that was mischievous and improper was prevented which, had there been but the one branch, would