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GENERAL AND NOT SPECIAL IN APPLICATION.

On Monday, the 13th inst., in connection with the case of Orson P. Arnold, Judge Zane indicated his opinion as to the scope of the Edmunds act. It has been claimed by some non-"Mormons" that as an entirety it was aimed exclusively at certain practices recognized by the Church of Jesus Christ of Latter-day Saints. It has therefore been inferred that, so far as what is termed unlawful cohabitation is concerned, its purpose was only to reach cases occurring within the "marriage relation."

This was a comforting view to the non-"Mormon" population, and it has been practically carried out by the District Attorney, whose entire effort in this connection has been exclusively directed against Latter-day Saints. Not only is this unjust discrimination outrageous in itself, but there is nothing whatever in the law to sustain it.

The "Mormon" who cohabits with his plural wives has an excuse for his course, in violating the law which renders his act criminal by prohibition, because of his religious belief and, to him, moral obligation in the premises. But the man who is not sustained by what to him is either a religious or moral obligation, is the real criminal, so far as the essence of crime is concerned. The "Mormon" in occupying the relationship of husband to the wives with whom he has entered into a contract of the most solemn character, merely commits an offense against an existing statute. There is no intention on his part to overstep the bounds of conscience or morality. And we hold that he does not. To assume from a Christian standpoint that he does, is simply preposterous. God having, according to the Bible, enjoined, approved, and regulated patriarchal marriage, to contend that it is not, under proper conditions, as pure as any other relationship of the sexes would amount, from a Christian point of view, to an intimation that Deity would give the Divine favor to immorality,

Non-"Mormons" have no such conscientious excuse, religiously or morally. When they are placed under examination as to qualification to serve in the capacity of jurors, for instance, this is made conspicuously clear. When asked if they believe it right for a man to have more than one living and undivorced wife at a time, the answer is, with rare exceptions, in the negative. And when asked whether they consider it right for a man to cohabit with more than one woman, the reply is of the same character. It is to be presumed that if nearly the whole of the male portion of the non-"Mormon" part of the community were to be catechized on these points, their answers would be almost, if not entirely, of similar purport. Taking them on their face, as honestly given, when they commit the offence of unlawful cohabitation, as defined by the Edmunds act, they are guilty of also violating their own connscience and the principles of morality as understood by themselves. And any man professing to be a "Mormon," who would be thus guilty outside of "the marriage relation" would be still more reprehensibie because of conscientious, religious and moral obstacles existing in himself, and he would be liable to be cut off the Church for a foul breach of one of its most sacred obligations.

So far as the essence of criminality is concerned, it is absurd to hold that "Mormons" can be estimated even by their opponents to be as intrinsically guilty in following out their plural marriage relationships as the non-"Mormon" who cohabits with more than one woman in direct opposition to his own protessed ideas of conscience and morality.

The claim that the "Mormon" is the more guilty because of the fact that in addition to his personal conduct being at variance with existing statutes, he holds that to be morally right that which the law prohibit, is glaringly absurd. This position has, however, been advanced on the ground of his example being pernicious in holding to be proper that which is in contravention of existing law. But no one is injured by that example. It is not followed by those who are not members of the same Church, but is, from the outside, almost universally objected to. Nobody's rights are infringed upon, and the fruit of the system is a purification of the moral atmosphere, while corruption of the rankest and most disgusting character exists everywhere outside of it. The example is, in a moral sense, anything but pernicious or debasing.

The Edmunds act does not specify that it was intended for special and not general application. It appears from Judge Zane's remarks the other day that the cohabitation clause was by no means limited to "Mormon" offenders, but calculated to strike elsewhere as well. Members of the bar who heard his remarks are decidedly of the opinion that from their purport he would hold that the law would cut "Mormons" and non-"Mormons" alike, and that offenders would not, according to his expression, be able to hide themselves behind the anti-"Mormon" soothing unction that their conduct was not perpetrated inside of the "marriage relation."

But the courts are not given an opportunity to show how they would hold on this question. The raid being made purely anti-"Mormon" in its essence by public prosecutors, they furnish no non-"Mormon" cases. But then all this may be caused by the spotless purity of that class of the population. There is no ground upon which to base an expectation of a shadow of fair play or impartiality in the present crusade.

PRESIDENT CLEVELAND'S INAUGRAL ADDRESS.

The inaugural address delivered by Grover Cleveland on his accession tothe Presidency of the United States, contains many excellent suggestions, and shows that the new Chief Magistrate of the American people is a man of liberal thought and conservative policy. The point in his address which is of chief interest to the Latter-day Saints is that which touches on the polygamy question. It has been customary for several years to inject into Presidential messages some virulent anti-"Mormon" material that would be likely to coincide with popular sentiment inflamed by sectarian misrepresentations. The message of President Cleveland was looked for with some anxiety by the Saints, particularly in Utah, as an indication of his probable attitude in relation to them. The organized raid upon them has made them particularly sensitive, at this juncture s to the utterances of the National, Executive, for they knew that any strong expression which the new President might utter, would be taken by their enemies as an encouragement to further unhallowed, illegal and proscriptive proceedings.

From the report of the message published in the English papers, it appears that the only reference to the Utan question which it contained was the following: "The conscience of the people demands * * * that polygamy, destructive of family relations and offensive to the moral sense of the civilized world, shall be repressed." Not a word about the exercise of force, no excuse offered for violence either physical or judicial, no plaudits for the crusaders who are bent on destroying the people whom they cannot convert.

It will be seen that President Cleveland has touched upon this important subject with great care and delicacy. He offers no personal opinion, one way or another. He indulges in no epithets, outlines no policy, makes no recommendation. He simply voices the public conscience. This he declares demands the suppression of polygamy. That is to say, the polygamy which is "destructive of family relations and offensive to the moral sense of the civilized world." "The conscience of the people" is not always a safe guide. It is not stable. The heterodoxy of to-day becomes the orthodoxy of to-morrow. The rejected of one age becomes the accepted idol of another. And "Blessed is he that cometh in the name of the Lord," may soon be changed, on the same lips, to "Crucify him, crucify him, for he is not fit to live."

But the Latter-day Saints are fully in accord with the public sentiment or "conscience" which desires the repression of that form of polygamy which is destructive of family relations. For if there is one distinctive feature of their system which is dearer to their hearts than another, it is that which builds up the family and cements its union. The form of polygamy that destroys family relations is not "Mormon" plural marriage. It is the spurious form that prevails and flourishes in Christendom. Consecutive polygamy and the social evil are destroying family relations and breaking up homes in all the great States of the American Union, to say nothing of other portions of the civilized world.

Marrying a wife and then, because of satiety or some other unworthy cause or motive, divorcing her and marrying another, is becoming a fashionable practice. And it is winked at where not actually encouraged, among professedly Christian people, although it is as much opposed to the direct injunction of the Savior as to the perpetuity of family relations.

Having two wives simultaneously, by mutual consent and under religious regulations, is a very different arrangement, and while there is no word of censure against it in Holy Writ, it extends and enlarges and builds up family relations, and in the "Mormon" system makes them eternal and indissoluble in this world and in the world to come.

The social evil is still more destructive of family relations than the consecutive polygamy which is tolerated in Christendom. It is promiscuous polygamy, alike abhorrent to Divine law as to public and personal morality. Against both forms of illegitimate polygamy, the people of Utah and the Latter-day Saints generally will join with President Cleveland, or with that public conscience which he expresses, in advocating proper measures for its repression.

"The moral sense of the civilized world is not sufficiently harmonious to be distinctly defined. The refined, educated and cultured mind has a moral sense which cannot be compared to that of the uncultivated masses, and things which would be quite repugnant to the former are tolerated without disfavor by the latter. The civilized world, too, whatever may be its varied views as to morality, practices many vices which it condems in theory, and is so far removed from divine influences and inspirations that its moral sense, diverse and incongruous as to its elements, cannot be relied upon asa guide to the believer in Biblical family regulations. Anything, however, which tends to destroy the family and sever conjugal and parential ties, should be offensive to the moral sense of civilized nations, and the "Mormons" are, at least as much as any other people in the world, anxious to remove the causes that lead to such destructive ends.

The remarks of President Cleveland are, then, entirely inoffensive to the Latter-day Saints in and out of Utah, and can be endorsed by all virtuous people. And while the giant evils that afflict society would be assailed with some prospect of comparative success if the sentiments he expressed were embodied in earnest efforts to repress sexual crime, "Mormon" marriage, with its permanent and extending family relations, would remain untouched to continue its work of social reformation, and establish that purity of life and conduct which God has designed it to effect, in this age of moral darkness and widespread corruption.

C. W. P.,

in Millennial Star.

THE WAR PROSPECT INCREASING.

The war-cloud which has been hovering over Great Britain and Russia becomes blacker and more threatening. Emboldened by the forbearance and concessions of England, Russia makes demands which she cannot possibly accede to. It seems apparent that the Czar is bent upon maintaining a hostile attitude, and a conciliatory policy on the part of her proposed combatant only increases his resolution to fight. We have taken this view from the opening of the rupture, and have never seen any reason to change it. War is evidently the next thing to inevitable at an early day. There can be no doubt that Gladstone sees the coming struggle in his mind's eye, and the future will doubtless develop if it does not in the eyes of his country entirely justify his ostensibly pacific attitude. Perhaps it will be observed that while the "grand old man" is talking peace to Russia his government are issuing instructions to have the war preparations pushed with unabated vigor. While anxious for peace he prepares for war. In this entire controversy there appears to be a wide discrepancy betwixt words and actions.

THE DECISION IN THE CLAWSON CASE.

The decision of the U. S. Supreme Court in the Rudger Clawson case, delivered yesterday, is another blow at religious liberty. The source which gave it makes it all the more dangerous to human freedom. It came from a quarter beyond which, in this nation, no earthly appeal can be taken. Notwithstanding the august character of the body from which the fiat issued, we are unable to consider it in any other light than as a further abridgment of the privileges of the citizen, an inroad upon the principles upon which this Republic was reared and has been thus far perpetuated.

Taking the synopsis of the decision, which appears in our telegraph dispatches, as giving a true conception of its character, the right of the lower court to issue to the United States Marshal of the Territory an open venire to summon jurors from the body of the judicial district, when the list of 200 jurors in the box is exhausted before the panel is completed, is sustained.

This ruling defeats the object of the Poland law, which prescribes the number of jurors within which the panel was to be made up. It also opens the way for the packing of juries without restriction. The object of the Poland act was to secure to the "Mormon" members of the community—overwhelmingly in the majority—a shadow of proportionate opportunity to perform jury service, and preserve their rights under the law. The effect of this ruling is to wipe even that limited privilege out of existence.

A careful perusal of the synopsis of the decision will convince the intelligent reader that while a "Mormon" is by it partially excluded from jury service on trial juries, he is wholly debarred from grand juries. In the former he may serve on trials where the alleged offense is not polygamy or unlawful cohabitation, but is excluded from grand juries liable to find indictments in such cases. It will doubtless be held that any grand jury is liable to consider business of that character, as it cannot be determined beforehand what class of cases may arise while the body is in session. Consequently it may be concluded that the Supreme Court decides that a man who believes it right to have more than one living and undivorced wife is permanently disqualified for sitting upon a grand jury in the Territory of Utah. There is no way left open for him to qualify other than to renounce his belief, by throwing it off like a worn out garment, a feat not within the range of possibility. So the decision is not only a curtailment of privilege, but a parody on the principles of mental philosophy. Belief being a condition of the mind, its purgation from the intelligent organism must necessarily be by a mental process. It cannot be legislated out of existence, neither can it be extinguished by judical rulings, no matter how potential may be the tribunal from which they issue.

Unless the synopsized report does injustice to the decision proper, a "Mormon" examined for qualification as to eligibility to sit as a grand juror, may, as an offset to his belief in the rightfulness, under certain conditions, of a man having more than one living and undivorced wife, claim that he will find indictments in all cases when the evidence justifies, and still he will be rejected. Yet a juror in that condition would no more defeat the ends of justice than if he were free from his peculiar belief.

The conclusion is inevitable that the Poland law, of June 23d, 1874, relating to courts and judicial officers in the Territory of Utah, is practically a dead letter. It prescribes a limit in the selection of jurors within which the courts were required to keep. If there were no intention for the courts to remain within the prescribed limitation, there were no need to define the boundary. The drawing of the line would have been a decided superfluity. But now comes this latest decision of the Supreme Court, which throws down the legal fence and places a power in the hands of the courts and their officers here that is without curtailment, so far as the empaneling of jurors is concerned. It gives unlimited opportunities for "packing," a process as destructive of the rights of the citizen as any other we know of. It is an authorization more fruitful of evil here than it could be elsewhere, because it lays a community who are the objects of strong popular prejudice open to be victimized by those who are powerfully impregnated with that feeling. The Poland act is illiberal and contracted enough, being aimed against the "Mormons." But it had a redeeming feature in its effort at securing some degree of "Mormon" representation on juries. This one quality of fairness, small though it is, has received a deadly thrust from the Edmunds act and the decisions rendered thus far in cases under it that have been taken on appeal to the Court of Last Resort.

THE HOPT CASE DECISION.

The case of the murderer Frederick Hopt, *alias* Welcome, will be celebrated in the judicial annals of this Territory. Three times has the accused been convicted of the wilful murder of John F. Turner, son of Sheriff Turner, upon evidence that has thoroughly convinced the public as well as the juries that tried the case that the defendant was guilty, without a shadow of a doubt. Yet so far he has been able to evade the legal penalty of his crime. This has occurred through no flaw in the evidence, but in consequence of errors in the proceedings. On appeals to the Supreme Court of the United States the judgment of the lower courts has been set aside on technicalities. The latest decision of the Supreme Court now makes another trial necessary.

The excitement caused by this notable case last June will be recalled by the ruling of the Supreme Court. The prisoner applied to Judge Hunter for a certificate to the effect that there was probable cause for appeal. This was denied. It was next taken before the Supreme Court of the Territory and a stay of proceedings demanded while an appeal was taken to the Supreme Court of the United States. But this was denied on the ground that the application was possibly not made in good faith and that an appeal might not be taken at all. A writ of error to the Supreme Court of the United States was then sued out, and an application made out to the Supreme Court of the Territory for a stay of execution while the appeal was pending. But this was denied on the ground that the matter had passed out of the jurisdiction of the Court. A telegram was sent to Justice Miller of the Supreme Court of the United States, and he replied that he had no jurisdiction in the case. The Acting Governor was appealed to for a reprieve, but in vain. The matter was again brought before the attention of the Supreme Court of the Territory, by several leading attorneys of this city, who considered that under the circumstances, the execution of the prisoner would be nothing less than judicial murder. But the Court still claiming they had no jurisdiction, denied the application for a stay of execution and recommended that the Executive grant a reprieve.

The action of the judiciary in refusing to interpose, thus throwing the responsibility upon the Territorial executive, was denounced as cowardly. Their position was attributed to the want of moral courage, because of a popular clamor for Hopt's execution. Yet the United States law (the Poland Act) clearly gave the prisoner the right of appeal, and to execute him pending its decision would be a legal atrocity.

However, when all other sources failed in the vindication of the law, the Acting Governor, Hon, Arthur L. Thomas, finally interposed by a reprieve, in the face of a strong popular sentiment, with which quite a number of prominent citizens were impregnated. Where the judiciary failed to perform a direct duty he proved equal to the occasion. We commended his attitude at the time, and now comes the Supreme Court decision, and fully sustains it. Had Mr. Thomas not taken the stand he did, in favor of law, and had Hopt been executed, the "judicial murder" would have been an accomplished fact.

Nothwithstanding this the ruling which gives the atrocious villain Hopt another lease of life will be greatly regretted. Or rather it is to be deeply deplored that there should have been in a clear case of murder such egregious blundering in the courts of Utah. Had it not been for this the red-handed assassin would long ago have met with the just reward of his horrible crime. But when men are punished, the safety of society demands that it shall be strictly in accordance with the forms of law.

THE DEFINITIONS, EXPLANATIONS AND SUGGESTIONS OF THE UTAH COMMISSION.

No doubt the definitions, explanations and suggestions which have supplanted the "rules, regulations and decisions" of that imperial body known as the Utah Commission have been read with considerable interest. They define with tolerable clearness who are electors and who are not under the notorious Edmunds Act. The expurgatory conditions, as relating to polygamists, are "death, divorce or other effective manner." As to what the third process of franchise adjustment consists of, the intelligent reader is magnanimously left to form his own conclusions.

Paragraph 5 of the definitions is entitled to a moment's attention:

"The first or legal wife is not entitled to be registered, if at the time she offers to register she cohabits with a bigamist or polygamist, (unless the other wives are dead or divorced,) nor is she to be registered, if she cohabits with a person cohabiting with more than one woman."

Of course the Commission speak from a legal standpoint, and no other inference can be drawn from the foregoing than that a plural wife is subject to legal divorcement from her husband. It is to be presumed they know what they are talking about, yet ordinary mortals who consider matters merely from a common sense base, will wonder how the law can be made to step in and effect a formal dissolution of a marriage contract which has no legal status. To take the position that plural marriage can be dissolved by divorce is equal to assuming the validity of the contract thus extinguished. Any other inference would be decidedly illogical.

The Edmunds act itself is not free from the same incongruity that thus characterizes the definitions of the Utah Commission, and on this ground such defects may be deemed somewhat excusable in its outgrowths. When the parent stem is a fungus, it cannot be expected in reason that the offshoots shall be apples or grapes. Section 7 of the Act legitimates the offspring of "Mormon" polygamous marriages born prior to January 1st, 1883. That virtually places the marriages of which these legitimated issue are the result on the same base. In all civilized usage the declaration of the legality of proceedings or results under a contract amounts to a settlement of the question of the validity of the contract itself, where there has been any previous question upon that point. And if the validating of those contracts by the legitimating of their issue is the logical conclusion, as there has been no subsequent specific annulment, the inference is clear that they should have the recognition of law.

The decision upon which the definitions of the Commission claim to be based, clearly rules that their office and that of the registration officers are purely ministerial, being neither legislative nor judicial. In the face of this fact the former, declared to be an "irresponsible" body, issue "suggestions" to the latter, included in which is a form of oath, which the registrars — the "responsibles" — are recommended to adopt and require electors to subscribe to, as a test, before they can be registered. This form of oath is legislation in fact and essence, because no law, either of the United States or the Territory of Utah authorizes it, and it is not in accordance with anything of the kind incorporated in any enactment. It is different from the infamous, corrupt and partisan form formerly adopted by the Commission, and more in accordance with justice, but it is no more in harmon