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## THE HERMIT'S REVERIE.

Alone I stand beneath a wintry sky,  
Where far the long low stretch of level  
sand  
Widens in beauty to eternity,  
Up to the shadows of an unknown land;  
For in the glories of a dream sublime,  
I live beyond the hours of ebbing time.

Vain world of conquests, hopes and weary  
tears,  
Where proud ambition onward lures the  
soul  
To ideal heights across the span of years,  
What happiness at last when gained the  
goal?  
Only a yearning for the greatest star,  
One still beyond in radiance afar.

Silence and solitude have left a peace  
Upon the vast expanse of sky and sea;  
From turbulence and strife a sweet release,  
Visions of untold love and sympathy,  
For in the wondrous calm of nature's  
rest  
There is a solace oft divinely blest.

This is my world—aye, where the rolling  
foam  
Surges in splendor in the even tide  
And desolate may seem my rocky home,  
Where winds and rains in revelry abide,  
But dearer far than fame or earthly  
might  
Is peace, the angels' harbinger of light.

MABEL HAYDEN.

## ENDING POLYGAMOUS RELATIONS.

The following is the opinion rendered in the Bennett case, a synopsis of which appeared in our last issue.

The question asked by Mr. Rawlins, and objected to by Judge Powers, is as follows: "What has been the reputation among your mother's relatives and the defendants, as to their having finally and fully separated from one another as husband and wife?"

### THE DECISION.

Judge Zane said—The question read is objected to on the ground that it is immaterial and irrelevant, because, as insisted, if a polygamous marriage with this woman in respect to whom the question was asked was proven, that it continues until the defendant obtains pardon and amnesty from the President of the United States; that no agreement between the parties to terminate the polygamous relation

is sufficient, though made in good faith and the parties thereafter cease to recognize each other as husband and wife and refuse to maintain the relation by act or intent.

The eighth section of an act of Congress approved March 2d, is as follows: "No polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory," etc. The question is, what is the meaning of the term polygamist, as used in this section? If it is a relationship, what is necessary to terminate it? The act of Congress known as the Edmunds-Tucker law, which is an amendment to this statute, uses similar language. The last clause of section 24 of that act is as follows: "No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid, approved March 22nd, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory."

In the general sense, a man is termed a polygamist who practices polygamy, or who maintains that it is right—that would be broader than intended of this statute. The Supreme Court of the United States, in the case of *Murphy vs. Ramsey* (114 U. S., page 40) referred to has had the question under consideration. That was an action against the Utah Commissioners for refusing to register the plaintiff in that case, and in reference to one of the questions raised by demurrer the court says: "But in both cases the complaints omit the allegation, that, at the time the plaintiffs respectively claimed to be registered as voters, they were not such, either a bigamist or a polygamist." They did not deny in the complaint that they were bigamists or polygamists at the time they offered to register; and the demurrer was to the effect that the complaint was insufficient in not so

averring. The court says further: "It is argued that they cannot be understood as meaning those who, prior to the passage of the act of March 22nd, 1882, had contracted a bigamous or polygamous marriage, either in violation of an existing law, such as that of July 1st, 1862, or before the enactment of any law forbidding it; for to do so would give to the statute a retrospective effect, and by thus depriving citizens of civil rights, merely on account of acts which, when committed, were not offenses, would make it an *ex post facto* law." The question was whether the law in question applied to such persons as entered into polygamy before the act referred to took effect, or whether it referred to an existing relation. \*

\* \* \* "In our opinion any man is a polygamist or bigamist in the sense of this section of the act who, having previously married one wife, still living, and having another at the time when he presents himself to claim registration as a voter, still maintains that relation to a plurality of wives, although from the date of the passage of the act of March 22, 1882, until the day he offers to register and vote he may not in fact have cohabited with more than one woman. Without regard to the question whether at the time he entered into such relation it was a prohibited and punishable offense, or whether by reason of lapse of time since its commission a prosecution for it may not be barred, if he still maintains the relation he is a bigamist or polygamist, because that is the status which the fixed habit and practice of his living has established. He has a plurality of wives, more than one woman whom he recognizes as a wife, of whose children he is the acknowledged father, and whom with their children he maintains as a family, of which he is the head. And this status as to several wives may well continue to exist as a practical relation, although for a period he may not in fact cohabit with more than one; for that is quite consistent with the constant recognition of the same relation to many, accompanied with a possible intention to renew cohabitation with one or more of the others when it may be convenient." And further in the opinion the Court says: "But because, having at some