

BIGAMY AND THE COMMON LAW.

A FEW days ago we made reference to some remarks by a lawyer, in relation to bigamy and the common law. We have since been reminded by another lawyer, that bigamy is not a common law offense. As there is considerable misunderstanding on this subject, we devote a little space to it today.

It is evident from the writings of those learned jurists, who are considered authorities, that bigamy was first declared a crime under the common law in England, in the time of James I., and that the laws concerning it which now prevail in England and the United States, are based upon the statute enacted under the reign of that King. Wharton (American Criminal Law, sec. 287) says: "The American acts are founded in principle upon the English statute of 1 Jac. I. c. 11, the established and known construction of which, as is remarked by Mr. Davis, may be considered as adopted." Bouvier (Law Dictionary, vol. 1, p. 168) says: "To make a valid marriage, the parties must be willing to contract, able to contract, and have actually contracted." An invalid marriage then must be also a contract, but one which the parties or either of them are not in law competent to engage in. To prove bigamy, then, both these contracts must be proved.

It has been proposed, as a plan to catch "Mormons" who have married plural wives, when the ceremony cannot be proven, to obtain legislation making the cohabitation evidence of the offense. But it will be seen, on close examination, that this would not give much comfort to those anxious souls who pretend so much aversion to polygamy that they want to put all polygamists in prison. The cohabitation must be the consequence of a contract, to make it evidence of marriage. Else every high-minded Federal official who fights polygamy and practises prostitution, would be in frequent danger of punishment, and of each partner in his criminal relations claiming him for a husband. And, as the people of Utah are well aware, the object of the crusade against them is not to prevent or punish illicit intercourse, but to break down and defile the holy order of celestial marriage which God has instituted. The contract, then, is each case must be proven to exist, as in the absence, and though the ceremony may be considered requisite under the common law to constitute a marriage, a contract is its essential feature, and must be proven both in the first or legal marriage and in the second or bigamous marriage, to constitute a breach of the law whether cohabitation is proven, or not. Bouvier mentions as one of the evidences of marriage that, "it may be inferred from continual cohabitation, and reputation as husband and wife, except in cases of civil actions for adultery or public prostitution for bigamy." (Law Dictionary, vol. 1, p. 108.)

We refer to these matters that some legal points, on which many of our friends have but lately been asked to be considered for their reflection, while they do not affect our marriage relations before God and the Church of which we are members, they should be studied and understood from the standpoint of regular law.

all, and crime is attached and a penalty affixed to something that has no existence. A marriage with a second wife, the first wife living and undivorced, is said to be a marriage, yet that marriage which does not exist is declared criminal and punishable. It is proposed for doing something that cannot be done. Putting this verbal dexterity aside, there being no statutory provision defining what is a marriage in Utah, the question arises, how in case of a prosecution are the marriages to be proved. Marriage is legally defined to be a contract. Cohabitation without such contract does not constitute marriage. Bouvier (Law Dictionary, vol. 1, p. 168) says: "To make a valid marriage, the parties must be willing to contract, able to contract, and have actually contracted." An invalid marriage then must be also a contract, but one which the parties or either of them are not in law competent to engage in. To prove bigamy, then, both these contracts must be proved.

RETURN OF EX-CONFEDERATE OFFICERS.

Recently returned ex-confederate officers, who have been ordered to the Khedive of Egypt's staff, say about 50 American officers have been serving, and only General Stone remains since the war for relief. These were issued Stone, formerly a well-known Californian, now holds the same nominal position as chief of staff.

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Asking for Matter.

The Geneva Council of State has asked for 90,000 francs to relieve destitute workmen.

Freightmen for Emigrants.

The North Wales Slate Quarrymen's Union has offered a same premium to members who will emigrate, as those offered by the North Wales Miners' Association, amounting to £7 to those emigrating to America, and £2 to those desiring to go to Australia. The Quarrymen's Union offer £2 additional to members emigrating west of Chicago. It is believed that

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