

tested throughout the whole shameful business of the municipal election a disposition to shield their registrars, to aid the "Liberal" party and to defeat the People's Party. They were partisans, privately and officially.

We say further that judging from the disposition of certain parties to involve in trouble any one who was prominent in exposing the villainy of "Liberals," and the indisposition of the Commission to correct wrongs that were pointed out to them, we regarded their letter to the editor of this paper as a trap, and did not intend to be caught in it. They can make what use they please of this.

Subsequent events have demonstrated beyond question that their laudation of their deputy registrars as all "competent, discreet and of good repute," that they were men of character and standing in the community, and their statement "that the election was a fair one," and "the Liberal party fairly won the day," are most striking instances of what poor judges of character the Commission are and how easily they can gloss over notorious "Liberal" chicanery and crime.

One of their "discreet" men of "character and standing" has exhibited such discreetness on behalf of his party as to call forth the animadversion of Chief Justice Zane, in open court, and the presentation of his name to the grand jury for investigation into his complicity with "Liberal" frauds at the election. Another of them has been compelled to resign the place bestowed upon him as a reward for his party work, because of defalcations in his office. Six of the men who "fairly won the day," according to the Commission, have been declared usurpers by judicial authority, but still hold on to their offices. And as time rolls on, the corruption and fraud and villainy of the whole business which the Commission regards with so much favor are being continually developed.

"The Commission feels justified in pointing with some degree of pride to the results that have been attained through its administration of the election laws in the Territory."

Indeed! Under that administration fraud and corruption have been introduced such as were never known before in the Territory in connection with election affairs. Tricks have been played by election judges, personations have been made at the polls. Hundreds of legal voters have been robbed of the ballot. And these defrauded citi-

zens are all of one party, the party that some of these Commissioners have done their best to defeat, and which they rejoice to have seen defeated. If this gives them pride and satisfaction we do not envy them. Nor do we entertain very high respect for any officers who, in order to retain a lucrative position, one with large pay and scarcely any work, will publish untruths, exaggerate facts, garble and misinterpret religious discourses, and seek to foster prejudice and inflame public sentiment against a people whom it is easy to defame.

We are gratified to see that one member of the Commission does not append his name to this disingenuous and partizan report; for that all honor to Gen. John A. McClelland, who has too much dignity and sterling integrity to place his signature to such an unreliable and despicable document.

A MOST IMPORTANT CASE ON APPEAL.

By special dispatch from Washington, D. C., received December 10 too late for publication, we learn that the case of Wm. E. Bassett against the United States, on appeal from the Supreme Court of Utah to the Supreme Court of the United States, was ably argued before the last named Court on Wednesday, the 10th inst., by Hon. F. S. Richards, who with Hon. C. C. Richards of Ogden, is counsel for the appellant. Mr. Richards occupied two hours in his argument, the main points of which we are able to present to our readers.

The history of the case is briefly this: William E. Bassett was indicted for polygamy on the 23rd of November, 1886, by the grand jury of the First Judicial District of Utah. It was charged that he married Kate Smith on the 14th of August, 1884, when Sarah Ann Williams was his living and lawful wife. Mr. Bassett was subsequently divorced from his legal wife but at the time when the alleged unlawful marriage took place Sarah Ann was the legal wife. It was from her testimony alone as to purported admissions made to her by her husband that the indictment was found.

On this ground a motion was made to quash the indictment, but it was overruled. The case went to trial, a plea of not guilty was entered, he was convicted and on January 6, 1887, was sentenced to a fine of five hundred dollars and imprisonment for five years. Appeal was

taken, and finally reached the court of last resort.

The following assignment of errors was presented to the court:

First—The District Court erred in permitting Mrs. Sarah Bassett, the former legal wife of the plaintiff in error, against his objection, to testify to a confidential communication made to her by him, while they were husband and wife, and not in the presence of any other person.

Second—The Court erred in denying the challenge of plaintiff in error to the juror, Andrew Larsen, and in permitting him to sit as a juror in the case, against the objection of the plaintiff in error; the said Andrew Larsen being then and there disqualified to act as a juror in the case because he had been a polygamist.

Third—The Court erred in charging the jury that it was not bound to believe the testimony of any witness or of any number of witnesses.

Fourth—The Court erred in overruling the motion of plaintiff in error to dismiss the case, after the prosecution rested, because there was no testimony tending to establish his guilt, except the alleged confession testified to by his former wife, which was wholly uncorroborated.

These are important points and it is hoped the Court will pass upon them all, as they are likely to affect other cases that may be tried in Utah.

On the first alleged error Mr. Richards argued that Mrs. Bassett should not have been permitted to testify against her husband at all without his consent. But if she might so testify she certainly was not competent to testify as to confidential communications from her husband. This is a policy so well established that it was scarcely needful to offer authorities in its support. But counsel cited Greenleaf on Evidence as follows:

"Section 334.—Husband and Wife. The rule by which parties are excluded from being witnesses for themselves applies to the case of husband and wife, neither of them being admissible as a witness in a cause, civil or criminal, in which the other is a party. This exclusion is founded partly on the identity of their legal rights and interests, and partly on the principles of public policy, which lie at the basis of civil society. For it is essential to the happiness of social life that the confidence subsisting between husband and wife should be sacredly protected and cherished in its most unlimited extent; and to break down or impair the great principles which protect the sanctities of that relation would be to destroy the best solace of human existence.

"Section 337.—Neither is it material that this relation no longer exists. The great object of the rule is to secure domestic happiness by placing the protecting seal of the law upon all confidential communications between husband and wife; and whatever has come to the knowledge of either by means of the hallowed confidence which that relation inspires, cannot be afterwards divulged in testimony, even though the other party be no longer living. And even where a wife, who had been divorced by act of Parliament, and had married another