

who is not wilfully blind. It is placed before the public in the language of Judge Zane to George C. Watts, one of the few "promisers," who, on December 1st, asked what he might do with his plural wife. The Court said:

"Well, you have a right to support the children of your second wife—of your plural wife; and you have the right to assist her by contributing to her support; but you must understand that you have no right to live with or associate with her as your wife; and you had better not associate with her at all. The fact that she is a plural wife will lead people to believe you are unlawfully associating with her if you associate with her at all. You may support your children, but be very careful not to associate with her in any way, because if you do, you will be likely to get into trouble again. Do you understand?"

Now contrast that with the language of the Edmunds law and see the difference. Here it is:

"Sec. 3. That if any male person in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor."

A man, then, may cease to cohabit with his plural wife or wives, and thus obey the law. But if he lives according to its construction by the courts, he must not "associate" with her or them "in any way." The celebrated lawyer, George Ticknor Curtis says, those who would promise to do as thus required would not be men, and we think ninety-nine out of every hundred persons in the United States would agree with him.

Another point of difference lies in this fact: In every marriage, whether plural or otherwise, the woman has a voice and interest as well as the man. No man has the right to put away his wife except for the cause mentioned by Jesus of Nazareth. But as explained by Paul the Apostle, married persons may separate "by mutual consent for a season," and when a man and his wives make an arrangement by mutual consent, that is very different to his individual promise to act towards a woman who has been all that a wife could be to a husband, as if she were unworthy to be recognized or "associated with in any way." One is a reasonable and recognized agreement of all parties, the other is a brutal and unreasonable course without the consent of the party chiefly affected.

Another difference is that the course first described is voluntary, while the extreme requirement of the courts is bent to with slavish submission. The former, under some circumstances, may be right, the latter can only be construed as having any appearance of right because a Court demands it. Apart from the judicial fiat, it would not have even the semblance of justice, humanity, reason or right.

Another difference is that the covenants made by Latter-day Saints with plural, equally with other wives, are religious, sacred and eternal, and the sacerdotal and perpetual nature thereof may be maintained in the former course. But in the latter the prisoner virtually ignores his covenants, and places the edict of a court above what he claims himself is the law of God, and that which he has declared is binding on his own conscience. In one case he does something that he believes to be consistent with his views of right and expediency, in the other he does that which his announced convictions condemn, in order that he may escape temporary suffering and inconvenience.

In the former case he leaves himself a free man, except on the strained construction of a harsh enactment. In the other he binds himself for all time to do as dictated by a Court that has changed its interpretations of the law as a vane changes with the wind, and is henceforth unable, in conscience, to conform to any divine law that may conflict with that human and unstable decree.

We think that a little reflection, in the light of these few sparks of distinction, which are not all, by any means, will show the great difference there is between endeavoring in good faith to live by the Edmunds law and keep one's self-respect, and promising to obey it as construed by the courts and, in the view of such minds as the eminent jurist, George Ticknor Curtis, forfeit the right to be looked upon as a man.

A SOLITARY CASE OF PERJURY.

THERE has been a great deal of misrepresentation of the "Mormons" on the part of officials and others, in regard to the testimony of witnesses in cases of alleged infraction of the Edmunds law. If those who are compelled to testify do not answer in a manner to suit the prosecution, they are at once accused of perjury. The lady or gentleman thus assailed has no protection from the insult, and the libeller knows that he can hurl his epithets with legal impunity. Such accusations have been common but only verbal, no proceedings have been taken against the persons so villified. If they had been really guilty of the crime alleged they could have been prosecuted; if there was nothing to justify a prosecution, then the language was unjustifiable.

But after all the expletives in which prosecuting attorneys and others have indulged, a case of perjury has at length been tried and brought to a conviction. Mrs. Parry, a wife of Mr. Joseph Parry, of Ogden, in giving enforced evidence before a grand jury of the First District, when questioned about the ages of her children, stated in regard to her youngest child that it was about a year older than its actual age. After coming from the grand jury room she remarked to some relatives that she had made a mistake, but was so confused that she had erred also in regard to the age of her oldest child.

The case on which evidence was desired was one of unlawful cohabitation against her husband, and the supposition was that she had misstated the age of her youngest child in order to screen her husband from the charge against him. But this could not be alleged concerning her error about the age of the oldest child, as that was a matter of no importance in the case. The lenient view of the matter is, that Mrs. Parry was so agitated at being brought before a hostile inquisition, to be badgered by fifteen men and questioned by a sharp and merciless attorney in regard to her most intimate family relations, that she became confused and blundered in her replies. The extreme and severe view is, that Mrs. Parry, fearful lest her husband should be placed in jeopardy by her testimony, wilfully misstated the age of her youngest child. The evidence at the trial left the fact in doubt. But it is not customary to give "Mormons" the benefit of the doubt, as in ordinary cases before fair tribunals in other parts of the civilized world. Defendants are treated, often, as though they were required to prove their innocence, instead of the prosecution being obliged to prove their guilt.

Mrs. Parry was convicted of perjury, and the accusers of the "Mormons" have one solitary case to which they can point in support of their wholesale accusations against the body of the people. And such a case! One poor, nervous, frightened wife and mother, misstates by a year the age of her youngest child to save her husband, the sole source of her earthly support from a prison and a heavy fine. A conviction for perjury has been secured. What a glorious victory!

But the most singular part of this prosecution now appears. When the heartbroken woman, who has gained the sympathy of friend and foe in her agony and distress, is brought up for sentence and the time for passing it is postponed, the Court, influenced, apparently by the representations of the prosecuting officer, expresses his opinion that the unfortunate lady did not commit the offense of her own volition, but was incited to make the misstatement by others. No evidence of this character was adduced at the trial. On the contrary, the testimony on that point was against it. The prosecutor claimed it, but no proof of it appeared in any of the reports of the proceedings. It was pure surmise. The Court adopts the theory of the attorney. But this is not all. The convicted lady is informed that the sentence will be simply the payment of costs—about \$125, if her husband comes forward and surrenders himself for trial on the charge of unlawful cohabitation.

Thus, this poor woman's liberty is made contingent on her husband's act. Is she her husband's keeper? Should she be made to suffer if he does not put himself into the tiger's claws? Is it just and lawful to send her to prison if her perchance is not magnanimous? Is it possible that Mr. Parry is not in the country. If he cannot answer the demand, will that be legal ground for jailing his wife? Has a court any right to make a woman answerable for the doings of her husband? Was there ever such a condition imposed on a defendant before, in any age or country?

We believe that the Court entertains the view of the case expressed from the bench, in consequence of the misrepresentations made to him concerning the people here. And we believe that he desires to be as lenient as possible to the afflicted woman considering that she has been convicted by a jury. But we do not think, from the evidence at the trial, that he has just grounds for the imputation he has cast on others, nor that in the event that the husband is not forthcoming, either law or justice will require the punishment of the wife whose fault, if any, was an intense desire to save him from penalties incurred through carlag for her and her children, under covenants that both held sacred.

It is not fair, either, to infer as the Court does, that the offense of which Mrs. Parry has been convicted was calculated only to benefit her husband, and that therefore he must bear the consequences. Is it no benefit to a wife to have the support of the husband? Is the imprisonment of the provider no hardship upon those whom he provides for? Does the punishment of the head of a family entail no suffering upon the body thereof? It appears to us that every wife has a personal interest in the safety and liberty of her husband, and every child in the position of the father.

We do not offer these reflections to either urge or deter Mr. Parry in the course which he may choose to pursue, if he is in a position to comply with the peculiar demand of the Court. We merely draw attention to the character of the single case of perjury brought to an issue in the

Utah courts, to the groundlessness of the inference that the defendant was incited by others to commit the offense, and to the peculiar and, as we think, unjust requirement upon the lady whose liberty is made to depend upon the act of another, over whose person and doings she has no control or authority. The annals of Utah jurisprudence will be looked upon in future generations as the greatest anomalies in judicial history.

PRESIDENT CLEVELAND'S MESSAGE.

PRESIDENT CLEVELAND'S message to Congress, published in full in Monday evening's DESERET NEWS, we consider is an able, comprehensive and statesmanlike paper. It is a great improvement on his first presidential message. Progress is expected with experience, and there is evidence of both in the President's latest official utterance. The document covers all the more important subjects which demand attention from the president Congress. It displays close attention to the varied interests of this great and growing republic, and contains suggestions that are the result of calm deliberation and temperate judgment. It is not to be expected that everybody will agree with all the President's views, but we think no fair mind can dispute his sincerity and the broadness of spirit which animates the message.

For the benefit of those who have not time or inclination to read the whole of the text, we will summarize its topics and recommendations: Friendship has been maintained with foreign Powers and neighborly interest with contiguous nations. The claims of our citizens against Chili have not been settled, but a convention is likely to be arranged which may effect this object. The Chinese question will probably be satisfactorily solved by a mutual understanding, in which the Chinese government will aid in an effective limitation of emigration to our shores, and due protection of Chinamen will be afforded within our borders. Race prejudice and cruel treatment of inoffensive Mongolians are strongly condemned. American interests in Central America are touched upon, also the friendly relations of this Government with France and Germany.

The Fisheries dispute with Great Britain is related, and the prospect of an acceptable conclusion is foreshadowed. A former recommendation concerning the fixing of the boundary line between Alaska and British Columbia is renewed. An extension of the reciprocity treaty with Hawaii for seven years is advised. An extradition treaty with Japan is announced. Assistance to the Republic of Liberia, by the presentation of mail vessels no longer adequate to our needs, is recommended, to be employed in its revenue service.

A history is given of our commercial relations with Mexico, and it is the intention of the President to institute negotiations for an enlarged treaty of commerce and navigation. The Cutting case is reviewed and the weak point in the Mexican law is shown up, wherein it seeks to punish a crime committed by a foreigner outside of its domain, when a Mexican is the object, if the offender is caught upon Mexican soil. It is argued that a sovereign having jurisdiction of offenses committed under his realm, cannot proceed against a citizen of this country for an offense committed upon our soil. American citizens in Mexico are amenable to its laws, but a fair and open trial will be demanded for them. There is reason to believe that our neighbor will so modify the enforcement of its laws as to prevent any breach of the good feeling which prevails at present between the two governments.

Attention is called to an apparent cause of concern on the part of the Netherlands from some discrimination in our tariff laws. Beneficial effects have accrued from the establishment of the Persian legation. Peru is now under a stable government. Russia has welcomed our recognition of the aid given in Siberia to the survivors of the *Seamette* expedition. The neutrality of Samoa is to be maintained, notwithstanding the offer of King Maunaloa to come under the special protection of the United States, unwisely accepted, without authority, by the American consul, who was promptly recalled. The difficulty with Spain in regard to our commerce with the Antilles has been adjusted, and the Spanish authorities have removed the obstructions which caused a suspension of reciprocity. The treaty of naturalization with Turkey has not been completed, but a favorable settlement of the only point of difference is expected; that is, in regard to the return of naturalized citizens to the land of their origin. There is marked improvement in the treatment of American missionaries by the Sublime Porte. The ratification of the doings of the Venezuela Convention has been delayed by the neglect of the Executive of that Republic, which, if it is continued, will have to be viewed as a violation of the compact.

Our extradition statutes need revising, so that provisions may be made for the transit through this country of fugitives surrendered by another government to a third Power, and also for the immediate discharge from custody

of persons improperly surrendered. International copyright for the protection of authors is endorsed, and the powers of Congress in regard to this matter are pointed out. The abolition of the tax which hinders American artists from bringing biter works of art from abroad, is recommended. New regulations for the consular service are needed, with arrangements for salaries according to the varied labors, remoteness and costs of living at different posts. Thorough inspection is also desirable. The value to trade of consular reports is pointed out.

The financial condition of the country is given with considerable detail, as taken from the report of the Secretary of the Treasury. It is shown that the revenues of the Government largely exceed its actual needs, and the importance of devising measures to reduce taxation is urged upon Congress. This subject is elaborately treated, and a revision of our revenue laws is made a prominent feature in the presidential recommendations. It is advised that this shall be done so as to cheapen the cost of living for the laborer, and at the same time not reduce his daily wages. How this desirable condition of affairs can be effected is not specifically pointed out, nor how the mingled protection and free trade policies, which seem best adapted to the conditions and needs of the country, can be best secured. The general requirements of the times are stated, but Congress is left to devise the means by which they can be met. The status of the public debt is explained and the manner of its reduction designated.

The subject of silver coinage next comes in for consideration, and the President preserves his former attitude of hostility to its continuance. His arguments are extensive and plausible, but are all on the side of the gold kings and financial speculators, and adverse to western interests. The complications growing out of the present system of collecting customs and revenues are deplored, and additional Judges are advised so that long-pending suits may be settled. The status of the army and navy is given, and the need of coast defenses and war vessels is made plain, while the utilization of material from any available source for home manufacture for these purposes is incidentally advocated.

The gratifying progress in postal affairs is made a subject of congratulation. With the decrease in the cost of postage, and the increase of facilities, the net income has become greater instead of less, and the still further extension of foreign service and also of free delivery is strongly endorsed.

Attention is specially directed to the recommendations of the Attorney General concerning the Department of Justice. The erection of a penitentiary, or penitentiaries if necessary, is advised, for the reception of persons convicted of violating the laws of the United States, instead of their confinement, as at present, in State prisons in various parts of the country. In its own establishments the Government could act as it pleased on the question of convict labor and also of the treatment, improvement and reform of its prisoners. A change in the federal judicial system to meet the wants of the country, and in the method of paying Attorneys and Marshals is forcibly urged. This means the abolition of the present improper fee system and the establishment of compensation by salaries only.

The Indian question is treated from the standpoint of present conditions and the demands of humanity and public exigency. There is now no great unexplored, so-called, Indian country. White settlement has changed the situation. Barbarism and civilization have now come close together, and they cannot co-exist. The red men are a portion of the people, and their peculiar conditions, needs and claims upon the government must be considered. And at the same time they must be brought under control of the general laws and led into the ways of civilization. The agency system is inefficient. Lands should be occupied by the Indians in severity. Education among them should be promoted. Inequalities in special laws and treaties should be corrected. And a special Indian Commission is advised, composed of experienced army men and civilians, to supervise the whole Indian question and all Indian affairs, with the view of leading the remnants of the tribes to adopt the institutions and come within the perfect jurisdiction and protection of our statutes.

The land and timber laws are next treated upon, their original object and intent described, and the violation of their spirit and purpose condemned. The repeal of the pre-emption and timber culture acts is recommended, and either a repeal or a radical change of the desert land laws. The removal of fences inclosing public lands will be henceforth vigorously enforced.

The abuses of the pension system and pension laws are assailed at length, and the favoritism and sentiment which are permitted to prevail over just claims to governmental aid are discountenanced. At the same time the President claims to be inspired with as much consideration and sympathy for disabled soldiers and those dependant upon them as others, and urges equality and the restriction of pensions to cases of active service and disabilities incurred therein. The patent office is in a flourishing condition and no increase of force is asked for. A change in the plan of payment of the Pacific subsidized railroads is suggested, and in general legislation to

govern transportation from State to State, for which the State governments are incompetent.

The relations between labor and capital are dwelt upon, the enlargement of the Labor Bureau is requested, and the principle of arbitration endorsed. The spirit of brotherhood and the mutual recognition of the value of labor and capital to each other are strongly encouraged. The Department of Agriculture is approved and the importance of opening up new sources and methods of agricultural development is acknowledged. Pleuro-pneumonia and legislation for its remedy and suppression are mentioned. Civil service reform is defended and its promotion and continuance are set forth as necessary to the welfare of our government. The Freedman's Savings and Trust Company fizzle is commented on, and the payment by government of the balance due on deposits is advised on principles of equity and honor. The needs of the District of Columbia are declared and enlargement of the powers of the Commissioners therein is asked for, also further legislation for various needed improvements in the District. The message closes with an exhortation to wise action during the remaining days of the present Congress.

No mention is made of Utah in the message. There was no need for it, any more than for special allusion to either of the Territories. Something in regard to Dakota would not have been out of place, since its admission into the Union has become a prominent national question. But the document is sufficiently voluminous and comprehensive, and covers more ground than it is likely the present Congress can properly legislate upon, considering the short period that remains to its existence.

For the details and figures of the President's message, we refer the curious to the document itself, which furnishes solid reading and food for thought, to all who are interested in the affairs of the nation and have time enough to wade through eleven columns of small print. We believe it will be generally pronounced a well considered and valuable contribution to the political literature of the greatest government under the sun.

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