

raised in the decision as to who is the legal wife? The answer is, the evidence shows that in the very few visits paid by the defendant to the ladies named in the indictment, it appears that he remained at Sarah's place two or three times about half an hour. Also one witness—whose testimony was afterwards very clearly disproved—said that the defendant was with her at the Theatre and had been seen riding with her in a carriage. This went to establish a trifle more evidence of "associating" with that lady than with the others, excepting Minnie, and so gave a little more color to the conclusion desired.

The testimony given by Mrs. Sarah Snow that these visits were chiefly on business with her son Alviras, who was engaged at the Go-op., of which the defendant was Superintendent, was not alluded to in the decision. But it was assumed that Sarah was the legal wife and that the defendant associated with her as such, although he had not slept in her house, eaten at her table, occupied any apartment there for any purpose, nor dwelt under the same roof with her. And as it was admitted that the defendant had lived with his wife Minnie, though denied that he had lived with any other wife during the time named in the indictment, cohabitation with more than one woman as wives is assumed by the Court in order to sustain the conviction.

Here is a piece of the Judges' logic: "They were living and were together. They were living together." Fact and conclusion! Wonderful ingenuity of reasoning! Judge Zane meets occasionally a lady friend. "They are living and are together. They are living together." They "cohabit." Any two persons who are living and are together, cohabit, according to this method of reasoning. In one sense of the term this is correct. But it is not correct to use the term in this connection in a criminal sense. All people who live in the same county cohabit, in that sense of the word, but there is no element of criminality in their cohabitation. And the cohabitation of Mr. Snow and his wife Sarah was no further cohabitation than that which exists in all human society.

The endeavor is made all the way through this decision to make the status or relationship between the parties criminal. This is in direct conflict with the ruling of the Supreme Court of the United States, which distinctly announces to the contrary. The status of polygamy, it is declared, is not punishable. A man may have any number of wives if he has not married them since the passage of the Edmunds law, and their relationship is not criminal unless he lives with more than one of them as his wives. The charge of Judge Powers which was in conflict with this, Judge Zane says, was given "inadvertently." He thus admits it was wrong. Yet he falls into the same inadvertence, for that is the gist of his argument wherein he attempts to establish an illegal relationship and status between the defendant and his wife Sarah.

Another piece of special pleading and transparent sophistry is Judge Zane's attenuated illustration of matrimonial cohabitation when the husband is a mariner or a traveling salesman and only associates with his wife at long intervals. Let any candid mind see if any parallel or even similarity can be drawn between the two cases. The mariner, or traveler, after returning from abroad lives with his wife, cohabits with her, dwells under the same roof, occupies the same apartment. And though the intervals of that association may be long, yet the fact that they do live together when possible exists, and thus constitutes the cohabitation. But when the man and his wife live in the same town and never dwell together under the same roof, when it is publicly understood that marital cohabitation has ceased, when the legal presumption of such cohabitation is set aside and demolished by legal evidence, what element of marital cohabitation remains, and where is the resemblance in the remotest degree between the two totally dissimilar cases?

In this decision Judge Zane has taken another judicial summersault. The position he now assumes is that if a man lives with a plural wife and has a legal wife living whom he supports, recognizes as a wife and whom he occasionally visits to enquire after his children, although he does not dwell under the same roof or eat or sleep with her, he is guilty of unlawful cohabitation. In the Daynes case and in the Musser case he enunciated a totally different principle. He then took the ground that a man could live with either wife as he chose; so long as he liked with but one he did not violate the law. It was not only his right, the Judge said, but his duty to maintain his other wife or wives, and he could visit them in the interest of his children, so long as they did not cohabit.

In what way will Judge Zane turn himself inside out and double himself up and flop over next? His "chameleon" definitions and kaleidoscope rulings divest the law of all certainty and stability. There is no telling what fresh absurdities will be evolved from section three of the Edmunds Act, as new cases come before the courts. The law means one thing to-day and another thing to-morrow. Judges eat their own words, go back on their own rulings, deny their own definitions. Only one thing is sure; and that is, that a "Mormon" if placed on trial will be convicted. Nothing will be permitted to stand in the way of that

result. The mob that murdered Joseph the martyr cried, "If law cannot touch him powder and ball shall." The word is changed but the process is similar. "If law cannot reach them charges and rulings shall." The object in view is to make the "Mormons" deny the sacred covenant revealed from heaven by which they have married wives for time and all eternity. Every body familiar with the proceedings of the courts has been made to see that principle, purity, chastity, virtue, morality, have nothing to do with the present crusade. It is waged to break down the "Mormon" religion and get men to deny their faith. "The end justifies the means," seems to be the policy that guides. It will apparently succeed in some small degree for a time, and then miserably and utterly and overwhelmingly fail. It is the policy of sin, and will prove the policy of shame. Suffering will come to a few, triumph and power will come to the cause for which they endure wrong. But who can tell the infamy that will cover the chief workers in this merciless and cruel conspiracy?

TWO DIFFERENT VIEWS OF THE EDMUNDS BILL.

THE *Lamoni Herald*, of which Joseph Smith is the editor, has the following to say about the Edmunds bill:

"There are two provisions of the Edmunds bill which we think ought not to be adopted and become law. One is the section providing for the taking charge of the Perpetual Emigration Fund by trustees, for the purpose of closing out that fund and winding up its business. The other is the section providing for the appointment of trustees to take charge of and administer upon the monetary affairs of the Church.

Our reasons for wishing that these provisions may not prevail are, that when the Trustees so appointed shall attempt to administer in their office they will find no assets upon which to exercise their calling; and the law will fall flat of its purpose. The measure is extreme and if it should fall may be construed into spiteful and oppressive legislation by those whom it was intended to reach.

Observe the reasons offered for disapproving of the bill. There are no objections to the proposed robbery and invasion of the rights of property and religious freedom, but simply the fear that the dishonest scheme will not be successful, and that while failing of its purpose it will be "construed" by those intended to be plundered as "spiteful and oppressive legislation." That leaves the logical inference that if the plan could be made successful the *Herald* editor would have no objection to seeing the Government take possession of the property of a church—providing that the church is one which he desires to see broken up. And these are the views of a son of Joseph the Seer, who lived and died for religious freedom!

In contrast to such sentiments read the following, from the *Christian Union*, an avowed anti-"Mormon" magazine. After giving a succinct epitome of the provisions of the bill, and declaring that "Extraordinary is a mild term by which to characterize it" and that it is "without precedent," the *Union* says:

"A lay journal like the *Christian Union* hesitates greatly about calling in question the constitutionality of an act which is fathered by so conscientious a constitutionalist as Senator Edmunds, and carried in so conservative a chamber as the Senate by so large a majority. But the motto, 'The end justifies the means,' as is common as it is dangerous, and we think it legitimate to point out the principles involved in this bill. If Congress has a right to appoint trustees of a religious corporation in the Territories, by a parity of reasoning the State Legislatures would have a right to appoint similar trustees in the States, and there would be nothing to prevent a legislative body governed by infidels from putting all church property into secular hands, or for that matter, a Protestant or a Roman Catholic legislative body from dealing in a similar manner with the trustees of churches of an opposite faith. We do not deny the power of the Government to dissolve the Emigration Fund, and even to appropriate its surplus property to educational purposes; for we are inclined to hold that the powers of the State are well-nigh illimitable. But then, by a parity of reasoning, a socialistic State legislature might dissolve a railroad corporation, pay its debts, and take possession of its surplus for the common benefit; and this is a socialistic doctrine which we are not prepared to accept—without at least further consideration."

The principle on which the *Christian Union* opposes the main provision of the bill is very different from that of the paper which claims to be the "*Saints' Herald*." The danger to religious denominations in general is pointed out, and the evil lurking in this kind of legislation is thus exposed. We should think that all denominations, no matter how much opposed to "Mormonism," would see the opening which such a measure would afford to impositions that may affect them all in turn. Once admit the lawfulness of State control of Church property and where will be the end of its exercise? If the power is acknowledged to be legitimate in any case, no matter what

may be considered the exigency, a precedent will be established that can be cited in other cases, and only the pretext will be needed to make it equally applicable to those sects which may now applaud its application to the detriment of an obnoxious religious system.

The *Christian Union* does not deny the power of the Government to dissolve the P. E. Fund Company, but perceives the abuse to which it may lead and the disasters that may follow its operations. The only power by which it can be claimed that Congress can dissolve a corporation established under a Territorial law, is that extraordinary authority which is accorded to Congress over the Territories of the United States. If that right is conceded, it may be argued that whatever a Territory may enact Congress can annul and that what a Territory may organize Congress can dissolve. But it does not follow that Congress has the right to take the property of a corporation designed for a defined purpose, and divert it to another and different purpose without the consent of the owners, nor to take private property for public uses without just compensation to the proprietors.

The Perpetual Emigration Fund has been sustained by the voluntary donations of individuals, to be used to aid in the emigration of their co-religionists. It cannot be lawfully used for any other purpose. If there is any available property belonging to the corporation it does not belong to the public, and cannot be appropriated to public uses, as proposed in the bill, without violating the Fifth Amendment to the Constitution of the United States.

The *Union* says it is "inclined to hold that the powers of the State are well-nigh illimitable." The sooner that able paper is relieved of that inclination the better it will be for those readers who take counsel from its columns. The State in this country is limited in its powers, and its limits are defined in the Constitution, all other powers but those expressed being reserved to the people, who make the State. This holds good in regard to the nation and also in regard to each individual State that goes to make up the nation. The powers of the State are therefore very far from being "nearly illimitable," because they are distinctly and expressly limited. And one of the limits defined is the power to take private property for public use without just compensation. That is forbidden to the State, and therefore the authority conceded to the General Government by the *Christian Union* is entirely outside of the powers of the Government.

Perhaps the *Union* means that the power of the Government is well-nigh illimitable in the Territories. But even taking the widest scope of that power claimed by the extreme advocates of centralization, it must be exercised, as admitted, within the limits and under the provisions of the Constitution and, as we have shown, it is thus debarred from doing the very thing that the *Union* intimates it may accomplish.

So far as any probable injury to the "Mormon" cause is concerned, we are perfectly indifferent as to what the Government may attempt in regard to the P. E. Fund. But we are not indifferent to any proposition to break down the bulwarks which guard the rights of religious societies, of private corporations and of individual citizens. That these are endangered by the provisions of the anti-"Mormon" Edmunds bill cannot be successfully disputed. The *Christian Union* perceives the danger and sounds a clear note of warning. The *Lamoni Herald* sees nothing of the kind, and only opposes the movement because it is likely to be a failure; that is, because it will not effect the evil intended. The difference is palpable to the naked vision and may be discerned with half an eye.

MORE ANTI-"MORMON" INIQUITY.

THE Washington correspondent of the *Chicago Times* gives the following summary of another piece of villainy which Senator Edmunds has concocted for the purpose of robbing the "Mormons" of all political power, to supplement the bill for the plundering of their Church property. It is intended to attach this to the bill now in the hands of the House Committee on the Judiciary if that body can be coaxed into joining in the iniquity:

"It is proposed to exclude every person from participating in the Territorial government unless he is registered hereafter; and to entitle him to be registered he must take an oath in writing that he is sincerely attached to the principles of the Constitution of the United States; that he regards the Constitution, the acts of Congress, and of the Territorial Legislature as interpreted by the courts as the supreme law of the land; that he declares allegiance to the government of the United States, and renounces all allegiance to any other power, civil or ecclesiastical; that he has no sympathy with the political aims or intentions of the Mormon church, and is opposed to any interference by that church with the exercise of the elective franchise by dictating or counseling a voter how he shall vote or how he shall perform official

duties; that he denounces as pernicious, and holds not binding upon him any such counsel or dictation; that he is separated from the political party of the church, and solemnly promises and swears that he will not act or be in concert with any political party acting or which may hereafter act to carry out the political will of the church or of any Mormon political party. The amendment further provides that if any person shall swear falsely in any particular of the prescribed oath, whether it relates to a present fact or a statute act, he shall be deemed guilty of perjury, and on conviction, in addition to other punishment, shall be stricken from the list of voters. It provides that the board of commissioners now existing in Utah by appointment of the President of the United States shall appoint sub boards to hear complaints from electors for the purpose of cancelling their registration, and upon proof that they have registered by fraud, or have not kept their promise and oath, they shall be stricken off the registration list, but the right is given to appeal to the board of commissioners. Power is given to the board of commissioners to make regulations for practice before the sub boards."

THE TWO "OPINIONS."

Tickle me Powers, tickle me, do;
You tickle me and I'll tickle you.
You do up Hampton, and
I'll do up Snow,
We'll whitewash each other;
Says Powers, "It's a go."

THE RESULT OF THE ELECTION.

THE result of the city election is very gratifying. In spite of the disagreeable weather in the morning, and the mud which was renewed by the rain, the people turned out in goodly numbers and voted the People's Ticket, in a way that was anything but pleasant to the few soreheads who tried to get up "a split in the party." The total vote was 2,702, nearly double the number polled two years ago, and was quite flattering to every one of the candidates.

The opposition vote ranged from 99 up to 129, the latter number exhibiting the full political strength of the sorehead, "Liberal" and apostate elements, with the desperate and frantic exertions of the *Tribune* and *Democrat* thrown in. It also shows the entire voting force against the candidate for Marshal, after all the abuse that had been heaped upon him and the cajolery and threats tried with a view of persuading or intimidating the voting citizens to his disfavor. The Mayor came within twenty votes of the highest number cast. This tells how much the opposition was worth against him. The result proves what we stated, that the abuse of the *Tribune* was as good as a certificate to the credit of the two gentlemen who were the chief objects of its malevolence.

Of course the organ of the debauchees is mad, and raves over the result in pitiful impotence. The citizens who would not vote or refrain from voting at its dictation are denounced as "slaves," and the *News* comes in for its usual share of delicate epithets. More threats are indulged in, and Congress is pledged to pass some further awful bills, because the people of Salt Lake elected for their City Marshal a man that the *Tribune* doesn't like. The suggestion is insanely offered, that a history of the detective business, which caused so much terror among libertines, be written up with the result of the election and placed on the desk of every member of Congress. This, it thinks, would secure some "effective legislation" at last.

The *Tribune* must surely believe the stories that are told of the nasty doings in certain circles at Washington, and that Congressmen would feel as much interest in suppressing exposure of the social crimes of the age, "the common vices of humanity," as the *Tribune* and the leechers for whom it speaks and threatens. By all means spread the news abroad, and let the world see what a clean set of anti-polygamy howlers we have in Utah, who clamor for legislation against the "Mormons" for attempting to discover and punish the patrons of social hell. What will any decent Congressman think of a person or paper that is wild with rage because a man is elected to a police office whose only alleged fault is his zeal to put down sexual iniquity!

The election on Monday proves that the People's Party is alive and compact, and the 2740 votes for Francis Armstrong as Mayor, and the 2503 votes for Alfred Solomon as Marshal are indisputable evidence that the People are opposed to the dens of iniquity and the filthy persons who support them—the special pets and proteges of the Salt Lake *Tribune*.

A CHEAP JUDAS WANTED.

THE character of the crusade against the Latter-day Saints is manifest in the Sunday attack upon the farm and family of President George Q. Cannon, and the reward of Five Hundred Dollars offered for information of his

whereabouts. Whoever heard of such a course in regard to a person accused of a simple misdemeanor? We do not believe such a thing was ever known on earth before.

The quiet of a peaceful Sabbath day disturbed by a horde of deputies, invading domiciles and searching in every nook and corner, and their arresting witnesses and placing them under heavy bonds for an indefinite period. Could no other day be chosen but that on which the raid would be most offensive to the victims of legal fanaticism?

Oh! these are splendid evidences of the "Christian" spirit in which the present prosecutions are carried on against the "Mormons!" And are they not likely to impress the people assailed, with the righteousness of their cause which justifies such outrages as are continually taking place under the name of law and in the pretended interests of social order?

The price set upon the head of President Cannon is offered as a bait to some wretched traitor, who it is hoped will betray a man of God for a few greenbacks. It is a little more than the noted thirty pieces of silver. Where is the apostate cheap Judas? If such a creature can be found, it is to be hoped that when he has played the role of the ancient sordid son of perdition, he will not fail to carry out the parallel to the bitter end

—the end of a good stout rope and a short cut, disemboweled, to the infernal regions.

GONE TO THE PEN.

TRUE to his religion, Brother W. W. Willey, of Bountiful, on being convicted to-day of the awful crime of cohabiting with his wives, and being asked as to his future intentions, declined to make any promises and announced his readiness to endure the penalty which the Court might choose to inflict for his fealty to his religion and the wives he had covenanted to love, honor and support. He is to be honored for his firmness and consistency.

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