chestnut beard—Apostle Grant most likely.

In reply to the foregoing we have been furnished with these counter affidavits:

TERRITORY OF UTAH, }
County of Salt Lake. }

David James being first duly sworn, deposes and says: Several days ago a man who said he came from Ephraim, Sanpete County, applied to me for work. I had no vacancy for him and told him so. Applications of a similar kind are made to me daily. I said nothing to him or to any one else about "headquarters," but did say something about applying at the NEWS office to see if they could tell him where work could be found. This was because another paper in town — *The Tribune* — professes to furnish employment for all comers. That is all I know in reference to the matter mentioned in the Salt Lake *Tribune* of October 30th.

DAVID JAMES.

Sworn to and subscribed before me, a notary public in and for Salt Lake County, Territory of Utah, this 30th day of October, A. D. 1889.

JAMES H. MOYLE.

TERRITORY OF UTAH, }
County of Salt Lake. }

Charles W. Penrose, being first duly sworn, deposes and says: I have read a purported affidavit published in the Salt Lake *Tribune* of October 30th. The facts in regard tothe matter as far as I am acquainted with them are as follows: A man came to me several days ago and said he wanted work and that he had applied to David James, who told him to come to me. I expressed my surprise and told him I had no authority over David James; that I was not a member of the City Council and had nothing to do with any public work. After some further conversation, in which I learned that Mr. James was very busy when the application was made, I suggested that he had probably sent the man to the NEWS office to get rid of him. Just before he left, Mr. D. D. Houtz called at my office and spoke to me for a few moments in the doorway. He is neither "tall" nor "spare," neither has he a "chestnut" beard, and my conversation with the man was previous to the arrival of Mr. Houtz. I have learned that the man who applied to me has been in jail, and, therefore, I am not surprised at any statement he may have been induced to make.

CHARLES PENROSE.

Sworn to and subscribed before me a notary public in and for Salt Lake County, Territory of Utah, this 30th day of October, A. D. 1889.

JAMES H. MOYLE.

The "Liberal" organ has added the remarks given above for the purpose of making it appear that the Church in some way yet unexplained is engaged in "colonizing," and therefore it infers that the visitor to this office described as "tall" and "spare" and with a "chestnut" beard was Apostle Heber J. Grant. There is not the slightest resemblance between Mr. Houtz and Mr. Grant, and the last named gentleman was not in this office at the time when the alleged maker of the false affidavit was here.

And now let us look for a moment at the logic(?) of the "Liberal" organ A man from Sanpete asked the editor of this paper to get him work on the sewers, which the editor was unable to do; *ergo*, the editor of the NEWS is at the head of a "colonization" scheme. A caller at this office, who is of medium hight, square build and dark hair and complexion, is described by the organ as tall, spare and with a chestnut beard, in order to make it appear that it was Apostle Grant, and *ergo*, the Church is engaged in a "colonizing" scheme. That is about the usual style of reasoning with which the "Liberal" organ jumps at its conclusions.

We here announce that we have no strings upon Mr. James nor any one else engaged in public works, but that whenever and wherever we can learn of openings for men out of work to obtain employment, we shall take pains from this time forward to point them out. We have just as good a right to do this as the abusive and scurrilous scribes of the *Tribune* have, and if we desired to retaliate in their own fashion we could furnish the public with some information that would throw light upon several dark transactions. We can afford to wait.

THE RICKS CASE.

WE publish in this issue the full particulars of the alleged trial and conviction, before Judge Berry, at Blackfoot, Idaho, of Col. Thomas E. Ricks, indicted for unlawful cohabitation. We commend them to the consideration of every lover of judicial fairness. The picture presented ought to fill that class with unutterable disgust.

The fact of the defendant having been indicted in the manner described and forced to immediate trial, which was essentially a legal farce, makes it appear that Mr. Ricks was virtually convicted before the bill was found. The subsequent proceedings render this inference all the more justifiable.

No matter how closely the testimony given at the alleged trial is scrutinized, the peruser fails to find a scintilla of proof against the defendant. This fact was evidently fully appreciated by the Judge. This is shown by the charge, which, to our view, is one of the most prejudiced ever delivered to a jury in any case. It is also one of the most absurd.

His honor holds to the position that the law presumes a continuation of relations that existed between the defendant and his plural wives previous to the finding of the indictment against him. That is to say, if he has cohabited with his wives before the date covered by indictment, the presumption in law is that they continued after that time, and that this is to be considered against the defendant. We defy Judge Berry or anybody else to point out any sound law or authoritative precedent to sustain such a position. It is against the legal presumption of the innocence of the defendant until proved guilty, and that proof must come within the date covered by indictment, otherwise the proceeding is *ex post facto* in its essence. The legal presumption must be that the illegal conduct ceased before the date of indictment.

The charge is prejudicial to the defendant throughout. There was an evident attempt to impress the jury with the idea that they could convict even if no dwelling together of the prisoner and his wives was shown. Instead of using the words "habit and repute of marriage," the judge kept repeating the phrase. "character and repute." The Supreme Court of the United States has held that there must be a "dwelling together" of the parties in the habit of marriage to constitute illegal cohabitation.

The closing words of the charge are rich, under the circumstances: "It is a circumstance to be considered by the jury that there are incriminating facts proven which bear against the defendant, and the defendant has the means of explaining or disproving such facts, and fails to do so. Such neglect or failure is a circumstance for you to consider." He did not point out any facts of the kind he referred to. His expression adds insult to injury, when it is taken into consideration that the defendant was forced to trial at a moment's notice, being peremptorily denied any time whatever for preparation to enable him to meet the issue. It is also illogical, if the language be taken literally, the admission being made that the defendant had the ability to explain and disprove, but had simply failed to use it.

In the proceedings as a whole the rights of the defendant were trampled under foot and the rules and forms of law ignored. It looks to us very much like persecution, having but little resemblance to ordinary legal prosecution. Does it not appear as if Mr. Ricks was convicted of being President of a Stake of the Church of Jesus Christ of Latter-day Saints, and not of unlawful cohabitation?