rights and privileges of the elective franchise, solely and simply because they are members of the Church of Jesus Christ of Latter-day Saints. The Judge says this is the law and that it is a settled question in that Territory.

In the second place the right to withdraw from that Church is conceded. But the secession must be real, and not pretended, in order to put the citizen in the position of a legal voter.

In the third place the intention of a defendant to an alleged withdrawal, must be determined by the jury from the evidence presented at the trial and not from any opinions they may form from other sources.

In stating the law Judge Berry is, of course, not responsible for its vicious character, as he had no part in its enactment. He is, to some extent, responsible for the declaration of its validity. But in deciding that it is a coustitutional provision, he doubtless exercised his judgment based upon his knowledge of the law and the principles of the Constitution. As he said to the jury, "Men are at all times likely to look at things in a different light." And we certainly view this mat er in a different light from that in which Judge Berry appears to behold it. So do eminent lawyers who have closely investigated it and have pronounced it decidedly in violation of the supreme law of the land. This dispute can only be settled satisfactorily by a decision from the court of last resort.

But in studying a subject of this momentous character, the spirit as well as the letter of constitutional provisions must be sought after. The chief object of that instrument, and indeed of republican government generally, is to protect citizens in the exercise of all their rights, civil, religious and political. And the right to the "free exercise" of religion is guaranteed. Membership in a church the tenets of which appear to an an individual best suited to his ideas, is part of that free exercise of religion which cannot be lawfully interfered with. So long as the individual does not by overt acts infringe upon his neighbor's liberty or violate the law. he cannot be deprived of any right or privilege without violating the instrument which was framed for the protection of every citizen.

Is it not probable that, in the excited condition of public sentiment in Idaho, and the intense anti-"Mormon" prejudices prevailing there, even judicial minds become impregnated with the virus of religious and political animosity, and that their construction of constitutional provisions is influenced thereby, and made to turn more upon the technical meaning of phrases than the pure spirit of the eternal principles of justice?

In regard to the right of any member of a church to withdraw, the Judge only stated a self-evident truth. It needs no argument to prove that if a church member determines to secede, no power on earth can compel him to remain within its fold. Of course what he does must be real. not a sham. That also needs no argument. But how is this to be determined? Must it not be by the acts of the individual, if his statements are not to be relied upon? And what act or saying of the defendant in this case was adduced at the trial, to controvert his sworn evidence that he had withdrawn, as an actual fact, from membership in the "Mormon" Church?

Let any unbiased reader weigh all the testimony presented at the trial, and then say whether from that testimony, any juror could be justified in deciding that the defendant had not severed his connection with the Church. It matters not what his motive might have been. The morality or propriety of his course cut no figure in the transaction. If at the time he registered he was not a member of the Church of Jesus Christ of Latter-day Saints, he was not guilty of the offence with which he was charged.

It is clear that only by presuming something outside of the evidence before the court, could any juror form the opinion that the defendant's withdrawal was not *bona fide*. Under the instructions of the judge, a verdict of acquittal must have been rendered, but for causes which do not appear in the statement of the proceedings. What were they?

The condition of affairs in Idaho must be understood in order to answer that question. Anti-"Mormonism" is rampant there. It inspired the legislation which arbitrarily deprived thousands of its most industrious and peaceable citizens of the sacred right of suffrage. It has prevailed in the selection of jurors, in the rendering of verdicts and in the framing of judicial decisions and opinions. It is partly political, partly religious in its character. It affects all public affairs in that Territory. It has been that a "Mormon" could not expect justice when brought to trial for any alleged offense. Men have been sent to the penitentiary without any proof of guilt, by juries specially selected to convict. That five jurors were in favor of the acquittal of David L. Evans, is an encouraging sign of a partial return to reason and justice in one district of the Territory of Idaho. It is to be hoped that the reform will continue and make progress.

The employment of two additional lawyers, one of them the notorious concocter of the infamous test oath, to assist the prosecting attorney in making an anti-"Mormon" impression upon the jury, is evidence of the animus of the prosecution and the determination to convict Evans, in order to prepare the way for the punishment of other seceding "Mormons," whose votes could not be counte : on for the party that is moving in this matter.

The history of this whole anti-"Mormon" conspiracy in Idaho will stand on record to the burning shame of those who have taken part in it, and will disgrace that Territory long after its promoters have gone down in dishonor to their political graves. Time and the eternal principles of justice will surely bring their reverses, and correct the evils which corrupt and scheming men inflict upon society through their greed and their ambition.

AGAINST POPULAR INTEREST.

We have endeavored to give an adequate idea of the tremendous sweep of the Bothwell water scheme. To say that the people in the vicinity of the lake and streams in Idaho, whose alleged surplus has been filed upon by the company, are hostile to it, is putting the question mildly. They see danger in the project, and the curtailment of local progress. In redeeming the lands that are now unreclaimed they perceive that they will be at the mercy of a grasping monopoly, which at one stroke would seize possession of the most vital resource of the region. When its hand is placed upon the means of reclamation of the desert, the settlers can only advance in material progress at the dictum of what might properly be described as a foreign power, represented by the manipulators of English capital.

The proposed grip of the Bothwell monopoly is opposed to the genius, if not the very letter, of Federal legislation. The law in relation to the designating of lakes, suitable for the purpose, as public reservoirs,