EDITORIALS.

A REMEDY FOR CANCER.

ANYTHING that will alleviate human suffering ought to be universally known. The press should lend its aid in the dissemination of intelligence leading to that end. We therefore copy an article which appeared in the Cincinnati *Commercial Gazette*, although we are unable to endorse it by the citation of any fact within our knowledge. Cancer is such a terrible disease and the resort to the knife, which most physicians consider unavoidable if a perfect cure is desired, and is even then quite doubtful, is so terrifying to the majority of sufferers, that anything which gives fair promise of relief without such heroic treatment, will be eagerly grasped at by victims to that horrible complaint. Following is the article as published in the *Gazette*:

"About thirty years ago a woman belonging to the middle walks of life, suffering with cancer, was pronounced beyond their skill by the physicians of the Shrewsbury Infirmary, England, the tumor being in such close proximity to the jugular vein that, rather than risk the imperilling of her life they deemed it best not to undertake so grave an operation.

Straightway after this announcement was made she returned to her home, which was three miles from Oswestry, the nearest railway station in the County of Montgomery, North Wales. Here she became a greater sufferer, when one day she bethought herself of a neighbor, whom she soon found, and with all the eloquence of one enthralled by an implacable foe she appealed to her sympathy. "If it were possible," she implored, "do, do something to assuage my pain." With that tenderness and willingness characteristic of every true and noble woman to allay her sister's many pains this friend, for she proved a friend in need and deed, forthwith sent her boys (one of whom is our informant) to gather what in the United States is known as sheep sorrel; by the people of England as "sour leaf or the cuckoo plant;" in the Welsh language, to the people of North Wales, as "dail surlon y gog." To this timely opportunity, and the efficacy of this herb as an antidote for cancer, this, our sufferer, is in a large measure indebted for her health and life to-day, while not the slightest vestige of this hitherto unconquerable disease is to be found.

The leaves were wrapped in brown paper so tight as to make the package impervious to air. This package was placed beneath an open grate, covered with the hot ashes of the same. When sufficiently cooked it was removed, and in as hot a state as possible and not burn, it was now applied, the leaves being in direct contact with the ulcer, which was firmly held to the part affected by a linen handkerchief. Strange to say, at the expiration of one month the tumor came away and has not since appeared. For the first four days the pain was most excruciating, but gradually decreased as it became loosened. There is much to be said in favor of this method over that of the knife. The nature of its drawing power in the form of poultice, though at first very severe, still is gradual and sure, while new blood rushes into the vacuum, caused by removal, thus serving as a fitting helpmeet for aiding and stimulating nature's efforts, and in the meantime the arteries which feed this fell destroyer are given a greater impulse to move rapidly, flow healthily and strengthening the weaker parts as fast as it egresses. In this connection it is to be observed that this method has none of the accompanying after-weakening effects as caused by loss of blood so frequently exhibited under the operation of the knife, while the chances of a thorough extirpation are far more sanguine as to a thread remaining than that of a surgical operation, which many fear and object to.

For those parts not admitting of poultice we submit another formula for the same herb, as applied by this same benefactress in somewhat different cases.

A piece of flat iron or steel is obtained with at least one bright and smooth face. On this the leaves are placed, which in turn is placed on top of the stove or within the oven until the leaves are thoroughly cooked, whence they are removed and spread on a piece of linen in the same way as any other home-made plaster. When cool enough, with sufficient heat not to burn, it is then applied, and, our informant states, was productive of the same beneficent result.

MISLEADING THE YOUNG.

THE other day it was stated in the NEWS that six classes of young men had been organized in the Twenty-first Ward for the purpose of studying and acquiring the ability to explain the first principles of the Gospel as understood by the Latter-day Saints. The movement in the Ward named is by no means isolated, similar steps having been taken in other branches of the Church. In fact we are pleased to be able to state that never at any time has there been so strong a desire manifested by a large class of the youth of the Church to place themselves in a position to give a reason for the hope that is in them than now. It is evinced in various ways besides organizing for systematic study. Many of them are inquiring after information from various sources upon subjects which engage their attention.

Sometimes those inquiries are, to our personal information, incited by a questionable means. Occasionally some Elder of advanced age and presumed experience undertakes to address the youth, and unwisely propounds to them some mysterious doctrine of doubtful orthodoxy. The age and experience of such persons causes the young men to consider that such expressions are entitled to considerable weight, while they are in a maze as to the doctrine propounded. They seek for explanations elsewhere. Quite a number of such interrogatories have come under our own observation. Information is sought both by letter and in person. An instance occurred recently, in which a number of young men in one of the settlements were taught some mysterious things by an Elder advanced in years. One of the points he advanced we here give, by way of illustration. It was that Jesus Christ is the father of the spirits of all men. It is perhaps needless to state to the ordinary Latter-day Saint that the Savior himself made no such claim, but informed His disciples when He was about to ascend to the right hand of God that He ascended to His Father and to their Father, to His God and to their God, He being our "Elder Brother" and the "first born among many brethren." But the object of this article is not to discuss any particular doctrinal point, but to direct attention to the unwisdom of any Elder taking a course to lead the minds of the young away from the study of the simpler principles of the Gospel. It should be plain to the most unsusceptible mind that they must progress by adding line upon line and precept upon precept, in accord with the revelations and the law of universal nature.

We advise the young men to adhere to the study of the simpler principles and not be diverted by the consideration of matters for the contemplation of which their minds are not prepared. By all means study the first principles of the Gospel and acquire the ability to explain them in private or public. The success of the Preceptor system as an aid in that direction has been demonstrated. It provides the plan for systematic study, and when a wider range of Scriptural proofs than it contains is desired, the Ready Reference can be utilized to advantage.

A PERFIDIOUS PARTNERSHIP.

A RECENT dispatch from Erie, Pa., to the New York *Times*, gives this piece of news:

"This evening the sheriff of Saline County, Nebraska, took from the Erie jail under a requisition the Rev. L. L. Luse, known in the West as the "Saintly Creditor." Luse is wanted in Nebraska on a charge of perjury, and is prosecuted by the Rev. Mr. Braden, a Campbellite preacher. The two had been in partnership in a crusade against the Mormons, but quarreled over the business partnership, and the charge against Luse grows out of their disruption. Luse was a popular M. E. preacher in Pennsylvania and Northern New York, went into the newspaper business in Wilber, Neb., and figured in a scandal in which one of his congregation, a lady of prominence, was compromised by him. Bankruptcy followed his escapade, and he fled, and has been a fugitive for a year.

THE RECENT DECISION.

THE Chicago *Herald* makes the following sensible comment on the recent decision in the Snow case:

"By the judgment just rendered by the Federal Supreme Court in the case of Snow, convicted of unlawful cohabitation under the Edmunds act, the courts in Utah will be given a check in the infliction of penalties which will not militate in the least against the administration of justice. As advised in the past, the territorial courts have been using their own discretion in trying men for unlawful cohabitation, making the offense consist of anything suggesting such cohabitation, and dividing it up into periods so as to inflict the extreme penalty in continuing sentences, aggregating in some cases several years of imprisonment, whereas, under the law the maximum punishment is prescribed as six months in the penitentiary and $300 fine. The Supreme Court now holds that the offense complained of in each case must be construed as consisting of all unlawful acts up to and including the one for which the prosecution is had, and that cumulative sentences for a continuous crime divided into periods are not to be permitted.

"The decision is of importance as showing with what zeal and harshness the new laws are enforced in Utah, where juries are regularly packed, and where a Mormon, once accused, has about as much chance of acquittal, even if innocent, as Brigham Young has of rising from the dead. One punishment for one crime is enough for any offender, even a Mormon."

Nearly 165 gin-houses were destroyed by fire in Alabama during the past three months.

THE DEATH OF SEGREGATION.

THE full text of the decision of the Supreme Court of the United States on the segregation question will be found in another part of this paper. Its purport is well known to our readers and its effects have already been experienced in this Territory in a double sense. It has brought relief to a number of persons unlawfully detained in the penitentiary and to others threatened with false imprisonment, and has demonstrated the villainy or ignorance of the promoters and abettors of the Dickson scheme for the illegal punishment of "Mormon" defendants.

But the reasons and precedents by which the Court arrived at its conclusions in the case before it for review, and the utterly groundless position of the District Attorney and the District and Supreme Courts of Utah can only be understood by a careful examination of the ruling as presented in our columns to-day.

If we had sufficient space at liberty for the purpose, we would be pleased to publish with the Opinion, the argument of Hon. F. S. Richards before the Court on the direct question of segregation as succinctly set forth in the fifth section of the brief of counsel for the appellant. It would then be seen that the Court has adopted that argument and repeated the citation of authorities it contained, and also endorsed his refutation of the sole attempt at a legal excuse for the segregation process; that is, the endeavor to make the case of Commonwealth vs. Connors (116 Mass., 35) apply to the question at issue.

In the controversy on this question before the Utah Courts, the Massachusetts case was the only one cited in favor of the segregation theory. The mass of authorities quoted by counsel for Mr. Snow, embracing the rulings of the highest courts in England and of the United States, went for nothing in Utah, while the single citation on which Mr. Dickson relied was accepted by the lower courts, and the whole outrageous imposition upon defendants unlawfully punished, was made to turn judiciary upon that one citation. And yet, as shown by Mr. Richards and affirmed by the court of last resort, that Massachusetts case had no bearing on the case under consideration.

On this question Judge Boreman used the following language in regard to the Massachussetts case:

"This last case appears to be directly in point, and we are of opinion that it supports the ruling of the lower court in the present case on the point under discussion. *It is the only case we have seen which squarely meets the issue, and it sustains the ruling of the court below in the case at bar.* Coming as it does from the very able and highest court in one of the oldest commonwealths of our Union, it commands respect and consideration and we have no hesitancy in following it. We therefore find that the court below, in the present case under consideration, committed no error in sustaining the demurrer to the plea of former conviction interposed by the appellant."

Against this Mr. Richards offered the following, which is only a portion of his argument on the point, but which completely takes away the ground on which the Supreme Court of Utah assumed to base its decision:

"While we most heartily concur with Mr. Justice Boreman in thinking that a decision of the Supreme Court of Massachusetts should *always* "command respect and consideration," we have no hesitancy in saying that the Supreme Court of Utah must have misapprehended the real import of that decision when they declared that it "sustains the ruling of the court below in the case at bar." In that case two indictments had been found against the defendant, by the same grand jury, for keeping a tenement for the illegal sale of liquors, and under a doctrine peculiar to that State the court held that, as the indictments covered two distinct periods of time, and as the "evidence that would have been competent on the one indictment would not have been competent on the other, and *the same evidence could not convict in both cases*," both indictments might stand. This rule of law that, "where the offence consists of a series of acts which, taken together constitute a criminal practice or occupation, time enters into the essence of the offense, and hence, it must be alleged with certainty, and the evidence confined to acts done within the time charged," does not prevail elsewhere than in Massachusetts. In Utah the evidence need not be confined to the period named in the indictment (U. S. vs. Cannon, 7 Pac. Rep., 379.) The rule there permitted the prosecution to introduce, on each trial, all the evidence of a continuous cohabitation during the entire time charged in the three indictments. This extreme injustice could not possibly have happened under the Massachusetts rule, for as the court said in Commonwealth vs. Robinson (126 Mass., 261), where this very case of Connors' was approved, "when a person is charged with an offense continuous in its nature, and requiring for its commission a series of acts, and such offense is alleged to have been committed upon a single day, evidence of any facts tending to establish the offense at any other time than upon the day named is inadmissible." Mr. Bishop, in speaking of this doctrine, says "it does not accord with the rules which are followed elsewhere;" and Mr. Wharton says it "cannot be reconciled with the reasoning" of other courts and legists. Still being the accepted doctrine in Massachusetts, and the very principle upon which the court based its decision in the Connors' case, it must be considered in determining the authority of that case, and to eliminate from it that essential element would be not only unfair and unjust, but illegal and inadmissible. In other words, the Utah courts could not tear away the very foundation upon which the Masachusetts rule rested, and then claim the existence of the rule in all its force and vitality. Yet, this is precisely what was done in these cases.

Though the defendant invoked the Massachusetts rule that "the same evidence could not convict in both cases," neither the ability of that eminent court nor the grandeur of the old commonwealth could "command sufficient respect and consideration" to induce the court to adopt the rule and confine the evidence in each case to the period charged in the indictment. But when, by his plea of former conviction, he claimed to be entitled to have the other prosecutions dismissed, the court became suddenly inspired with such 'respect and consideration" for the able court, whose rule it had just ignored, that it had "no hesitancy in following it," although such following would lead to a triple conviction and to the infliction of three penalties for a single offence.

It seems evident from the following that the Utah courts must have misapprehended the law as laid down in the Connors case, and have misapplied it to the case at bar. So clearly does this appear that we might safely rest upon the distinction already drawn, were it not that some stress has been laid by the prosecution by the lower courts upon an *obiter* expression of the Supreme Court of Massachusetts made with reference to the Connors case, in Commonwealth vs. Robinson (126 Mass., 264), in the following language: "Because there was no single day common to both indictments, it was held that two distinct offenses were charged; thus illustrating *the very large discretion vested in the grand jury in limiting the time within which a series of acts may be alleged as constituting a single offense.*" What did the court mean by the words we have italicised? Did they mean that it was competent for a grand jury to divide up a single continuous offense into as many different parts as their "discretion" *might suggest, and then call each* part a separate and distinct offense. That such was not the meaning of the court is evident from the following language, used by it in the very same decision, on page 261:

> The offense charged in this complaint is that of keeping a tenement for the illegal sale of intoxicating liquors between the first day of January and the twentieth of August, 1878. *If the defendant thus kept the tenement during every hour of the time between those dates, he has committed but one offense.* It is true that such offense is continuous in its character. It is not an offense committed by a single sale of intoxicating liquors, but it is that of maintaining a common resort for the purchase of intoxicating liquors which the legislature has deemed it proper to declare a common nuisance.

From this very authority it is apparent, then, that even under the Massachusetts rule, the petitioner having continuously cohabited "during every hour of the time" between January 1st, 1883, and December 1st, 1885, "committed but one offence." The discretion, then, which the court had in view as being exercised by the grand jury, was not to segregate a single continuous offence into separate and distinct offences, but to determine the period of time within which an offence should be charged As, for example: The statute of limitations in such cases being three years, the grand jury which found these three indictments had the discretion to charge the offense as a continuous one, covering the entire period of three years next preceding the finding of the indictment, or to limit the time within which the offense was charged to one year, or to any other period less than that limited by law, but they had no discretion or power to charge more than one offense committed during the whole or any part of that period. A careful examination of the case will show conclusively that the court could have meant nothing more nor less than what we have stated, and in that view of the case it is in perfect harmony with the well settled principles of law applicable to such cases.

To assume that the court meant any other or greater discretion than that suggested, would be to attribute to it the absurdity and folly of declaring that the grand jury might in its discretion exercise legislative powers. Because, if it can, by a multiplicity of indictments, increase the number of offences, it can thereby, in effect, increase and multiply the penalty prescribed by the statute, and thus change the law in its most vital part. Such power can never be conceded to exist in a grand jury. It would be in excess of the legislative power possessed by Congress itself, and would even legalize *ex post facto* enactments; for the jury could, upon such a theory, investigate what had been a person's conduct during a period of past time and, in their discretion, determine the amount and extent of punishment he should suffer for acts already committed, by the number of indictments presented against him. Such *ex post facto* legislation has been too strongly interdicted in this country to leave room for apprehension that the function of a grand jury can reach to such an alarming extent. The question of whether certain conduct constitutes one offense or more is solely a question of law, and one over which the grand jury can exercise no discretion whatever. The Supreme Court of Iowa enunciated an important truth when it said:

> It is not competent for the State at its election, by the form of its indictment, to give to defendant's act the quality of one crime or of four at pleasure. The act partakes wholly of the one character or wholly of the other.

The argument goes on to show how the penalties might be multiplied at pleasure, rendering a defendant liable to imprisonment for life and to financial ruin, if a grand jury may at its discretion segregate one offense into many. The Court, it will be seen, adopts this view of the case and says of the Massachusetts decision which was the only refuge of Mr. Dickson and the Supreme Court of Utah:

"The case of *Comm. v. Connors*, (116 *Mass.*, 35,) gives no support to the view that a grand jury may divide a single continuous offence, running through a past period of time, into such parts as it may please, and call each part a separate offence. On the contrary, in *Comm. v. Robinson*, (126 *Mass.*, 259,) it is said that the offence of keeping a tenement for the illegal sale of intoxicating liquors on a day named, and on divers other days and times between that day and a subsequent day, is but one offense, even though the tenement is kept during every hour of the time between those two days, such offense being continuous in its character."

And to crown the complete defeat of the inventors and champions of segregation the Court says:

"No case is cited where what has been done in the present case has been held to be lawful. But the uniform current of authority is to the contrary, both in England and in the United States."

A very important enunciation from the court of last resort is that in regard to the meaning of unlawful cohabitation. This has been so frequently interpreted in various ways by the Utah courts, that its signification has been altered with every different requirement of the prosecution. The highest court of appeal now says:

"The offense of cohabiting with more than one woman in the sense of the section of the act on which the indictments were founded, may be committed by a man living in the same house with two women whom he had theretofore acknowledged as his wives, and eating at their respective tables, and holding them out to the world by his language or conduct, or both, as his wives, though he may not occupy the same bed or sleep in the same room with them, or either of them, or have sexual intercourse with either of them. The offense of cohabitation, in the sense of this statute, is committed if there is a living or dwelling together as husband and wife. It is, inherently, a continuous offense having duration; and not an offense consisting of an isolated act."

This will have to stand as the law until a further decision from the Supreme Court of the United States is obtained. It is law to the District and Supreme Courts of Utah as well as to the people. Those courts have no more right to go outside of that definition in dealing with unlawful cohabitation cases than any citizen has to break the law. We shall see whether the courts or the District Attorney will pay any attention to it. They are very strenuous in their efforts to make defendants promise to obey the law "as construed by the courts;" now let them manifest their own obedience and respect for the law as construed by the highest court in the land.

According to this authoritative definition, cohabitation cannot be charged unless there is an actual "living or dwelling together as husband and wife." There must be a "duration" to that "dwelling together." "An isolated act" will not answer. The mere support of a plural family and holding out of the relation is not enough. The living or dwelling together for a period of some duration must be established or the offense is not committed or not proven. That this is contrary to the latest ruling and practice of the Utah courts, must be clear to all who have watched the course of those tribunals. Judge Zane's doctrine, that a mere visit to a plural wife, or to her children in her presence, or association with her in public at meeting or the theatre, or other similar harmless social intercourse, is to be construed as unlawful cohabitation, is completely overturned by this important enunciation of the Supreme Court of the United States. Let this be noted and understood by the bench, the bar and the public.

Our readers will perceive that in the decision of the Supreme Court of the United States the position taken by the DESERET NEWS, from the first enunciation by District Attorney Dickson of the infamous segregation theory, is sustained by the ruling of the highest judicial tribunal in the country, and that decision is unanimous. The full bench sits down on the evil perpetrated by the courts below. There are other vagaries of the Utah courts