intercourse with the wife, but even in those cases the presumption may be rebutted by showing that the husband did not have access to the wife. But in a criminal case like this there is no such presumption, and if there were it would be met and rebutted, in the absence of proof, by the presumption of innocence in the issue on the particular charge, and this presumption of law is stronger than more remote presumptions of fact.

The ignoring of this sacred right was one of the most glaring wrongs inflicted upon my client in the whole course of these extraordinary trials, so fruitful of judicial error. It was unprecedented that the court should wrest from the assailed man the shield created for him and given to him by the law.

Rufus Choate in speaking of the presumption of innocence said: "It is in the nature of evidence for the defendant. It is as irresistible as the heavens till overcome; it hovers over the prisoner as a guardian angel throughout the trial and it goes with every part and parcel of the evidence. It is equal to one witness."

I insist that there was no presumption of cohabitation in these cases, but if there was it could only be a presumption of fact, the weight of which was for the jury; and they should not have been told to convict as a matter of law, but instructed that they might draw the conclusion of fact if there was any evidence tending to show it. The conviction of Mr. Snow in the two last cases is wholly due to this instruction, for without it the jury never could have found him guilty under the evidence. It is impossible that any twelve sane men could be found in this broad land who would say that a man was guilty of criminal cohabitation with a woman whom he had never seen during the time charged. Such a monstrous absurdity could never emanate from the jury box. It belongs to that strange judicial creation known as "constructive cohabitation," and was even repudiated by Chief Justice Zane in his dissenting opinions in these cases. But the proposition, whatever its origin, is too preposterous to admit of serious argument.

A great deal has been said during this discussion about putting an end to the relationship existing between these parties, and opposing counsel has intimated that there are many ways in which this may be done; but as yet he has failed to point out any one of these ways, although pressed by the court upon this very point. Why was it that he refrained from telling, in clear unmistakable terms, how this relationship could be dissolved? Is it possible that he could not do so? Let us see. There is existing between Mr. Snow and his wives a marital relationship which they believe to be eternal and indissoluble in its character. Except as to the first or legal wife this relationship is not recognized by the law as being valid, but on the contrary all the subsequent marriages are legally void, hence there can be no divorce. Considered from a legal standpoint, these marriages never existed and therefore cannot be dissolved. No lawyer will dispute this proposition and, when it is conceded, we perceive at once the utter impossibility of legally terminating a relationship which never had a legal existence. I suppose it was for the purpose of avoiding this dilemma that counsel asserted here that the women named in these indictments made the pretense of being lawful wives. Doubtless he believed what he said to be true, but it is not. Such a claim is not made by any plural wife. Their claim of marriage is based entirely upon their religious belief, and not upon any recognition of the law, for they realize that they have no legal status as wives.

The Chief Justice: Now this is a point that is new to me. I never heard of that before, and it seems strange that it did not come up here before.

Mr. Richards: It has always been so. They never have claimed the legal status of wives. Their religious belief in the divinity of the revelation on celestial marriage teaches them that their marriages are sacred in the sight of God and extend through time and eternity, although not recognized by the law of the land. That is their position now on this point and it always has been their view of the subject, but of course there is a marked difference in many instances between their manner of living now and before the passage of this law.

Mr. Justice Bradley: Do you mean since the passage of the act of 1862?

Mr. Richards: I mean there has been a change in the manner of living since the passage of the "Edmunds law," but the status of the wives has always been as I have stated, both before and since 1862.

The Chief Justice: How are her children looked upon?

Mr. Richards: They are acknowledged and provided for.

The Chief Justice: Are they his heirs?

Mr. Richards: Yes sir. Under our statute illegitimate as well as legitimate children inherit when recognized and acknowledged by the father.

The Chief Justice: Are those illegitimate children recognized by the laws of Utah?

Mr. Richards: Only so far as to secure an inheritance in their fathers estate.

Mr. Justice Miller: I never heard of that before.

Mr. Richards: The question was never raised here before, and the legal aspect of it was so clear that I presumed it was well understood by everybody, and so never had occasion to me? I'll remember that Section 7 of the "Edmunds law" legitimates all the children of plural wives born prior to January 1, 1883. Those born thereafter will inherit under our statute equally w legitimate children, but plural wives do not inherit.

The Chief Justice: They have no rights under the law have they?

Mr. Richards: They can receive by will, and can acquire and hold all kinds of property in their own right.

Mr. Justice Bradley: In 1850 the Territory was constituted by Congress, and the Legislature was given full power to enact all laws that they could rightfully enact. Was any legislation as early as that made in regard to the status of these wives and children?

Mr. Richards: I think the first territorial law on inheritance and the estates of deceased persons was passed in 1852, providing that illegitimate as well as legitimate children should inherit.

Mr. Justice Bradley: There had been a code of laws sometime before that, I suppose?

Mr. Richards: Yes, sir; the provisional government of the State of Deseret had enacted a code of laws which were re-enacted on the organization of the Territory.

Mr. Justice Bradley: The common law was not adopted in terms was it?

Mr. Richards: No, sir. And in none of these acts did the Legislature ever attempt to give the plural wife a legal status. It was and is altogether a matter of religion with them.

The Chief Justice: Do I understand you to say that where there are plural wives there is no legal wife recognized by the laws of Utah?

Mr. Richards: No, sir; I do not say that.

The Chief Justice: There is one legal wife, is there?

Mr. Richards: Yes, sir. There is no marriage law in the Territory, and the first wife is regarded as the legal wife.

The Chief Justice: Suppose there are two married at the same time?

Mr. Richards: That is a question that has never been raised, or decided by any of the courts until it came up in these cases.

The Chief Justice: Is there any difference in the marriage ceremonies?

Mr. Richards: None whatever; and I may add that all the marriages are regarded by the Mormons as being equally sacred, and the first wife recognizes all the other women to be wives.

When your Honors commenced to interrogate me upon this point, I was endeavoring to show some of the difficulties in the way of changing the relationship of these parties and had succeeded, I think, in demonstrating the utter impossibility of legally terminating an eternal marriage relation, which is not recognized as having any legal existence. I cannot but presume that it was the realization of this fact which induced silence on the part of opposing counsel as to how it should be done, and impelled him as a last resort to declare that a man might escape from the dilemma by saying of his plural wives: "I do not acknowledge these women to be my wives." But this does not help the matter any. When the man and his wives all believe the relation existing between them to be an eternal one how can he say the women are no longer his wives? He certainly cannot conscientiously and truthfully say it for he does not believe it, and to require such a declaration from him would not only be in direct violation of his conscience, but it would be a palpable infringement upon his constitutional right to believe as he pleases and to give free expression to that belief. And yet that is the only possible means by which Mr. Snow could have secured immunity from the penalty of this law. He had conformed his conduct to its requirements, and the renunciation of his wives was all that was lacking to satisfy his most exacting accusers. To seriously argue the question of his obligation to do this would be to insult the intelligence of this honorable court, and I forbear.

But counsel for the Government, while failing to offer a feasible method of settling this question, takes occasion to speak lightly of the devotion and sacred affection which continue to exist between the husband and wives, after he has separated himself from their beds and passed from under the roofs which shelter them. He questions the existence of a platonic love which could abide in perfect trust and satisfaction, fed only by the hope of eternal union beyond the grave. Though such an affection be too occult for the learned gentleman, still there may be men and women to whose exalted minds and pure hearts it would be no mystery. And if people do live upon this earth who are capable of giving loyal homage to this love, which looks trustingly to the future for its only recompense, those people are the practicers of plural marrige among the Latter day Saints. Men, strong of intellect and frame, who have been schooled to perform their duty at any cost; and women pure of heart and chaste of body, whose earthly love is but a part of their eternal religion.

Such a people, I believe, could maintain purely and justly, the passive, waiting relation held by my client with his wives. But it is in part against such a quiescent status, with its attendant platonism, that government counsel asks for drastic measures. This is not an unfamiliar sound. No matter what inhumanity is sought to be executed against the people of Utah, no matter what solemn protest is offered, the cry is always the same: "Heed no remonstrance, for drastic measures must be used." Have "drastic measures" no boundary line; no limit beyond which they may not go? Is our boast that the Constitution forbids oppression and affords ample protection to the citizen, an idle one? Is there no point where cruelty and unconstitutionality begin? If not, then why refrain from relieving counsel of his humane regret that my people had not long since been put to the sword? If it would have been better to have slaughtered them without remorse half a century since, might it not still be better to exterminate us now—men, women and babes alike? This latter plan would exactly suit the idea which some insatiable people entertain of a "drastic measure."

I thank your Honors for the patience with which you have listened, and the kindness with which you have assisted me, by your questions, to make plain the points of this mighty issue, some of which you have been pleased to say were even new to you. And it may be that the subject is not yet exhausted.

But your Honors, I cannot leave these cases without briefly alluding to a most unjust and cruel aspersion which has, during this discussion, been cast upon my client and upon the Mormon people—that their religion was being used as a cloak for lust. I would gladly pass it by in silence, because I can imagine from my own reluctance to speak, how unpleasant it must be for you to listen; but my duty demands that I should state the facts in regard to this matter, even at the risk of exhausting your patience and possibly provoking criticism. Duty to myself, duty to this honorable Court, duty to my client, and duty to an honest, Godfearing and virtuous people, all require that I should stamp upon this merciless charge the brand of falsehood. I say it is not true. Those Mormons who have taken a plurality of wives have entered into that order of celestial marriage with the purest of motives and from the strongest possible sense of religious duty. I challenge contradiction of this statement from any honest person who has observed and studied the lives of these people, with a view to ascertaining their real status and motives.

You have before you in these very cases one of the strongest possible evidences that the charge to which I have referred is nothing but a popular fallacy. Let us look for a moment at the history of the "Edmunds law," with its judicial constructions, and see if I am not warranted in making this assertion. The act itself declares that "any male person who cohabits with more than one woman" shall be punished; and at the time of its enactment, the promoters of the measure urged its passage in the interest of morality and social purity: but when it came to be construed it was declared to apply only to cohabitation in the marriage relation, and not to "meretricious unmarital intercourse." It is a well known fact which cannot be disputed that a man may, under these constructions of the law, cohabit with two or ten women; and, although he flaunt the evil example of a lascivious cohabitation in its fullest sense, in the very face of the public, he will not offend against the law and can not be punished under it so long as he does not acknowledge the women as wives, and they do not recognize him as their husband.

No man knows this fact better than my client, Lorenzo Snow, and yet, though he has outlived his three score years and ten, he is to-day wasting his brief remaining lease of life in a loathsome prison, the companion of felons and murderers; not because he has lived with two women in the intimacy of husband and wives, nor because he has even dwelt with more than one of them, but, forsooth, because he has acknowledged the existence of a relationship between him and them which was created more than a generation since, and which he and they believe to be eternal in duration and incapable of being dissolved by any human power. How do these facts sustain the charge of licentiousness?

Your Honors have been told that the enlightened civilization of this great nation is imperilled by this "monstrous evil." Without comment upon the absurdity of the idea that a cherished institution of sixty millions of people can be imperilled by the practices of two thousand men in an isolated territory of this great Republic, I pass on with my argument.

One would almost think, in listening to the moral eloquence of Government counsel, that the Mormons must be utterly ignorant of the facilities afforded for the gratification of men's passions by the civilization of the age. But such is not the case. Mr. Snow and his compeers have been reminded of these things too often, by the suggestions and examples of their would-be reformers, to be ignorant of the true state of affairs. They are asked to renounce a so-called barbarism, which teaches men to assume the full responsibility of all their acts, to become the husbands of women with whom they associate, and the acknowledged fathers of their children—and to accept a higher civilization which provides wives (in every sense, but not in name) for the commercial travelers, of whom counsel has been speaking, in every town they visit; which denies to women the privilege of becoming honored wives and mothers and consigns thousands of them to lives of degradation, infamy, and shame; which tolerates a social evil that flourishes throughout Christendom and thrusts itself into the very capital of the nation. If my client were the selfish and sinful man that has been depicted here, how quickly he would have renounced his moral and religious obligations and, with popular approbation, have availed himself of these superior facilities and tempting allurements. But no, there is in him a religious conviction that is stronger than life itself, and which enables him to patiently endure, not only the contumely of the world, but even imprisonment, and if need be, death.

We have witnessed to-day a most startling illustration of the power of popular clamor. Does any one believe that the learned counsel for the Government could, in the discussion of any other subject, so far forget the dignity due to this honorable presence as to suggest that "it would have been better had these people been put to the sword in the first instance?" What an expression to fall from the lips of the legal representative of the greatest Government on earth, with reference to some of its most loyal citizens—and uttered too, in this temple of justice, where reason reigns, and where the clamor of the multitude must not enter. Such things have been spoken before, in the dark ages that are passed and gone forever, but never in this nineteenth century has a more cruel and inhuman thing than this been said. I need not answer it, because your Honors will not consider it. This nation needs no more chapters written in blood and tears.

It has often been written that constitutional limitations and safeguards are instituted for the protection of the weak and to restrain the oppressive power of the strong. Majorities can always take care of themselves; it is only the minority that needs the protecting shield of the Constitution. And when that minority is unpopular, and its numbers are few, there is then the greater moral obligation upon the Government and its representatives to see that their rights are not trampled upon nor their liberties abridged. We are here to-day asking the most exalted tribunal on earth to protect the liberty and preserve the constitutional rights of an American citizen: we ask that principles of law and rules of evidence, which are as old and as well established as our jurisprudence itself, be applied to these cases as you would apply them to any other case. This is all we ask and it is what we most confidently expect at your hands. This nation cannot afford to disregard the rights of the citizen, even though he be a Mormon, and history has demonstrated the fact that every departure from the fundamental law is at the peril of the Government itself: for when once a constitutional barrier is broken down, no one can tell when the breach will be repaired, nor what devastation and sorrow may follow.

When counsel tells us that "this thing must be stamped out," what does he mean? Certainly not polygamy, for there is no such charge in these cases. Nor can he mean living in the practice of polygamy, for the records in these cases show conclusively that there was no actual cohabitation with more than one woman. There remains, then, simply the religious belief of Mr. Snow and his wives that their marriage relations are eternal, and it must be that belief which is to be stamped out. Can it be possible that the lessons which history teaches upon this subject have been lost to us? Who ever heard of a man's convictions being legislated away, or his belief removed by persecution and oppression? The legislative power may control men's actions, but it cannot interfere with their belief, nor with the expression of that belief; and yet we all know that if Mr. Snow had denied the relationship existing between himself and his wives, if he had renounced them *as wives*, these prosecutions would never have been commenced.

In conclusion I can but ask your Honors for a reversal of the judgments in these cases, and for a just and humane construction of this statute in its application to them, that the people who are affected by the law may know its requirements and be able to avoid its penalties. The liberties of many people are involved, and with some even life itself is in the balance. Point out the line of conduct they must pursue, but place the seal of your condemnation upon all attempts to wrest from them a religious belief which can never be surrendered while life and being last. I now submit the cases, in the fervent hope that you will fully and mercifully answer the question, which has been so frequently propounded by the Court during this discussion, "What must these people do?"

BY TELEGRAPH

PER WESTERN UNION TELEGRAPH LINE

AMERICAN.

ST. LOUIS, 27.—The further features of the Maxwell testimony to-day were his admission that his statement in the letter to Preller saying he held certain medical degrees was a lie; his contradiction of his former statement that he wrote the marginal notes in the *Vade Mecum* about the best method of administering chloroform before he came to this country; his admission when shown the forged diploma of the Royal College of Surgeons of London that he wrote it saying it was simply to keep himself up in the practice of penmanship, and his plea of intoxication as a means of accounting for the other peculiar statements and contradictions.

The *Post-Dispatch* this evening states that upon examination of Preller's remains, which were exhumed for that purpose, three doctors will testify that the presence of no such disease existed as that Maxwell claims to have treated.

CLEVELAND, 27.—The General Assembly of the Knights of Labor met this morning. The committee on laws presented a partial report, embodying a number of propositions, only one of which was taken up. The first proposition was, in effect, that the executive board should be increased from five to eleven members.

A committee on legislation was then appointed.

At 2 o'clock a recess was taken until to-morrow morning, when the committee on the state of the Order is expected to report.

To-night it is said that Powderly's plan for the future government of the Order is the establishment of a State Assembly. There will then be four assemblies. The local assemblies will be subordinate to districts, the districts to the State, and the State to the national. The plan is reported to be very popular among those of the delegates who have heard it. It will do away with many unnecessary strikes. It provides, among other things, that no assembly but the State and National shall have power to order either a strike or a boycott. If the local assembly wants to order a strike, it must first get the consent of the district and then the State assemblies.

TOMBSTONE, Arizona, 27.—A letter received here from Don N. E. Acosta, from Guaymas, Mexico, says: "In a few days there will be published the details of the battle of Vatachine fought recently for the subjugation of the Yaquis. After three days' desperate fighting the Indians succumbed to the united arms of the State and the nation. Already several chiefs and their followers have surrendered. Cajeme up to this day has not been found. It is believed that he was wounded and is now secreted by his tribe."

WASHINGTON, 27.—The Republican senators held an order of business caucus this morning but accomplished little besides deciding to take up at once the bill to forfeit the Northern Pacific land grant from Wallula to Portland, and to refer the House arbitration bill to a special committee, of which Gen. Logan is chairman. The latter action was taken in spite of the protests of members of the committee on education and labor. The caucus committee was taken to task for having fixed the "order of business" three or four weeks ago without giving the senators who are not members of the committee, a chance to be heard.

Senator Platt was asked not to press his open executive session resolution to a vote at present, but to let it go until next session. He did not assent to this, but no positive understanding was reached on the subject.

GRAND RAPIDS, Mich., 28.—At seven o'clock last evening a thundering crash was heard in the Valley City Mills. On investigation, it proved to be the giving way of overladen floors. The whole interior of the huge structure fell into the bagement and a large portion of the contents were swept away by the mill race, out into Grand River, leaving the lofty mill like an empty egg shell. There were stored in immense bins in the second, third and fourth stories of the mills, about 20,000 bushels of wheat, and about thirty tons of bran, in all weighing 500 tons. In the western portion of the building was the milling machinery of the most improved and costly styles. The damage is estimated at $100,000.

CLEVELAND, 28.—The Knights of Labor held two sessions to-day. The committee on laws presented a report recommending that the general executive committee be increased from 5 to 11 members. After an hour's discussion it was agreed to, six to be elected by ballot and to serve during the unexpired year which ends in October. Permanent headquarters will be opened in Philadelphia and if necessary, the board will sit throughout the year. A resolution was adopted giving Powderly power to recall the commissions of all organizers.

NEW YORK, 28.—Most was taken to court this morning handcuffed to a thief. His associates Schenck and Braunschweig with him. The court room was crowded. Schenck was placed on the stand and declared he had no evil intentions in presiding at the meeting of Anarchists.

Testimony was also given as to the good character of the prisoner Braunschweig. Braunschweig himself took the stand and said he had never before been arrested. At the meeting the witness declared the presence of police at a workingmen's meeting in free America was a shame. He never mentioned anything of bombs or guns, he got his first citizen papers at Albany three years ago. He did not know whether he was an Anarchist or not.

WASHINGTON, 28.—Antonio Nardelloi was hanged at the district jail this afternoon for the murder of his fellow-workman, Carmine Rotudno, last July, for the purpose of robbery. He made a speech on the scaffold, protesting his innocence.

SYRACUSE, 28.—Judge Wallace, in the U. S. circuit court, decided the suit of Ervin and others against the Oregon Railway and Navigation Company and Henry Villard in favor of the plaintiffs. He holds Villard equally liable with the company. The amount involved is $1,500,000.

PHILADELPHIA, 28. — Forty-seven hosiery manufacturers of this city, employing over 12,000 hands, met yes-