EDITORIALS.

ITS USUAL STYLE.

The down-town advocate of absolute suppression and subjection of everything and everybody pertaining to "Mormonism," in its bigoted zeal sometimes neglects to compare its own statements with a view to that certain concordance which journalism is supposed to maintain, and thus illustrates with almost every issue how plain a case a wilful prevaricator always makes against himself if let alone. It reminds one of the adage that "liars should have good memories," and to this we will add that if they expect to escape detection their memories should be constantly on the *qui vive*. The organ referred to, a few days ago, had the temerity to say in speaking of the persecutions for "unlawful" cohabitation, going on, and particularly the case of Apostle Snow:

"He has practiced the crime for more than forty years: he has openly preached it for more than thirty years. In that respect, by precept and example he has done more harm than any one man living, with perhaps three or four exceptions. The Edmunds Act became a law four years ago. No man, in or out of the Mormon Church ever, up to the time of his arrest, had heard of any change in his domestic relations. When arraigned he declared that he had only lived with one wife since the passage of the law, and that a plural wife. The Mormon press declare that it is an infamous thing that the Court did not accept that statement, and hold that the law had not been violated. The dullest mind will see at a glance that had the Court so held, there would never have been another conviction for the crime with which he was charged."

If Apostle Snow has practiced the "crime" for forty years, he did so for thirty-six years before it had an existence as an entity in criminal affairs. If it were worth while to bandy words with so depraved a sheet (for it never ascends to the plane of argument), we would call on it to define how a social transaction which is not a menace to life, limb or property can be a crime until it is made one by law. And then, when it is erected into an artificial offense, how is it that the great charter of the country can be ruthlessly brushed aside at the behest of a cheap judge or an unprincipled editor, and the newly-made offense be given a retroactive application? The organ professes to be so determined an upholder of the law, such a stickler for obedience to every requirement, and yet it refuses to consider or to permit its allies to consider the fundamental law, but hangs on to technical constructions of questionable statutes by partisan judges, as though they comprised the whole question. Herein is a specimen of avoidance of fact, arrogance, ignorance, fanaticism and hate combined such as could scarcely be found elsewhere. It is one of those monstrosities which have become so frequent hereabout that they no longer create surprise.

"No man, in or out of the 'Mormon' Church, ever, up to the time of his arrest, had heard of any change in his domestic relations." This is a falsehood, pure and simple; the evidence showed to the contrary, and there are plenty of people who had heard to that effect within the time stated. Truth, veracity, honor, are all set aside, men's oaths count for naught, their uninfluenced and disinterested statements go for nothing with this organ and its henchmen in their ungodly raid. In their splenetic frenzy to control everything or destroy it, they will accept of but one condition from the people they are hounding, and that is one which "makes marriage vows as false as dicer's oaths."

"Had the Court so held, there would never have been another conviction fo the crime with which he was charged." Just so. And in order that there might be such convictions the Court so held. In other words, if the law will not fit the crime, the crime must be made to fit the law. This is a feat easy of accomplishment by those who find the crime existing in the shades of the past when there was no law at all.

Further on the same article says:

"There are plenty of evidences that Lorenzo Snow did not in fact change one iota from his regular course of life upon the passage of the law. All that he did was to devise a plan which he believed would baffle the court and defeat the law."

There were also plenty of evidences the other way; but as long as the defendant had to be convicted, they did not seem to count. It is only such evidences, such law and such interpretations as tend to produce the desired result that are wanted. And in the last sentence of the above paragraph, knavery is united to mendacity. The usual benefit of construing an accused person's acts in the most favorable light, which obtains in courts and journals elsewhere, is set aside here; and the absolute fact that such person is living as more in conformity with the law as his understanding suggests, and his circumstances permit, which in other places would secure acquittal, is here a "plan to baffle the Court and defeat the law." O Christianity, civilization and law, if you are indeed represented only by such exponents as the organ and its allies, assuredly your funeral has been delayed too long!

NOT A RAPID PROCESS.

Those who are so jubilant over the proposed Constitutional Amendment, expecting great anti-"Mormon" results right away as a consequence, have a peculiar faculty for drawing comfort from frail premises or else are lamentably ignorant of political methods in this country. In the first place the proposed amendment must go through Congress, and as there is matter deemed of more consequence in the shape of the appropriation bill and the fishery question before that body just now, the chances for action this session are slim; certainly it cannot go through immediately, and the prospects are that it may go over till next session, which, being a short one—ending on the 4th of March—may be unable to bother with it at all in the pressure of other matters of more immediate concern to the country at large and the solons individually. The next Congress, which meets a year from next December, will be composed of different materials in some respects at least, and enough long-headed, unprejudiced men may find their way into it to leaven up the lump of bigotry upon which many of the members are now feeding; and it may be that in the midst of it all, at any point a Power which is not consulted as a rule by politicians, may change the tenor of their purposes and the character of their dreams. But supposing the worst should come—that the Sixteenth Amendment should be rushed through under the whip and spur of public necessity and suspension of rules, what then? It would then be given to the States of the Union for their action, each one voting on its adoption or rejection separately, through their respective legislatures. These bodies would take action in and by themselves, unless Congress ordered it submitted to the popular vote, the latter being a question involving considerable more delay than if the legislatures themselves acted, as elections for a convention would have to be called and held; but in either case, the delay would be considerable, as if the Legislatures themselves acted, many of them would not convene for at least a year after the submission and would not certainly act upon the new amendment the first thing then. Then, when three-fourths of the States had been heard from as voting affirmatively, everything being certified up to the State Department, the Secretary thereof would issue his official manifesto declaring the new birth a part of the household, and then, perhaps many of the States would not act during the first session of their Legislatures following the submission, others might not act at all, and a few might vote in the negative; and thus the necessary three-fourths of the sisterhood be found wanting for a long time, if not altogether.

USURPATION AND CRUELTY.

On Friday, under the title of, "How can we have confidence?" we showed clearly that certain officials here had made judicial constructions perform the functions of wished-for special anti-"Mormon" legislation. The subject has been more or less frequently ventilated in these columns, but it will bear a good deal of probing and puncturing. It can be pursued a good deal further, and the proposition proved to a demonstration.

In the earlier stage of the present anti-"Mormon" crusade Judge Zane was in the habit, when a victim was before him to be sentenced for unlawful cohabitation, of expressing poignant regret that the punishment prescribed by the Edmunds law was not heavier. This manifestation of benevolent grief that filled the sympathetic soul of this kindly disposed official cropped out notably in the case of Parley P. Pratt, who had plead guilty to the indictment found against him. Of course it would have been cruel to have left this philanthropic official in such an abyss of grief. The effect on his constitution, mental and physical, might have been permanently injurious. But the difficulty was easily surmountable with such an able, unscrupulous, and subtle rescuer at hand as the mild-mannered Mr. Dickson.

The Judge himself had manufactured an obstacle that stood in the way of a construction that would effectually obliterate his own sorrow. By the simple expression of his personal grief at the paucity of the punishment, he made it plain that he himself *knew* that the maximum penalty was six months' imprisonment and $300 fine. This would have been a formidable barrier to the application of the elastic process of construction to other men, but not so to him. The prosecuting attorney invented the segregation process, by which the penalty can as easily be made imprisonment for life and a fine that would require a colossal fortune to pay, as that specifically defined by the law, and Chief Justice Zane, whose judicial back-handed agility has probably seldom been equalled and surely never surpassed in the annals of jurisprudence, accepted of the Dicksonian theory. He adopted it with as much ease as he usually rules during the trial before him of a "Mormon"—the objection of the prosecution is sustained; objection of the defense overruled. The ultra-liberal construction was caught up by the judges of the other Districts, and re-echoed in Idaho, Mr. Dickson being the fountain of the judicial diabolism. While that gentleman's ability, especially displayed as concoctor of extraordinary constructions, may be a subject of admiration, the fact that it should be prostituted to such demoniacal uses is equally a subject for regret. If he had a drop of the milk of human kindness—even if it were so infinitesimal as to be barely susceptible of being seen by the aid of a powerful microscope, the scene presented on Wednesday last in the First District Court, at Ogden, when men who were serving out a term in the penitentiary were sentenced to another for the same offense, would fill him with remorseful shame.

But the leading point we now elucidate is not the mere fact of the strained, changeable and elastic constructions placed upon the law by officials claiming to be kind. The feature now insisted upon as monstrous is that the character of those constructions is such that they are made to do the duty of special enactments. The official usurpers in Utah have, in their endeavors to crush an honest people, practically exercised powers that are claimed only for and by Congress, while it is questionable whether it even belongs to the latter.

When such men put on an air of injured innocence, because their cruelties are published to the world, the sublime point of effrontery is overtopped.

AN OPPORTUNE DISCOVERY.

The Hawaiian *Gazette* of April 20th contains an announcement of the death of Mr. L. L. Rice, whose name has figured prominently in connection with the notorious Spaulding story. It will be remembered that Professor Fairchild of Oberlin College, while on a visit to Mr. Rice in the Sandwich Islands, induced him to hunt among the old papers brought by the latter from Ohio, where he had been an editor, for the purpose of finding something in regard to the slavery question. And that the old "Manuscript Found," which was written by Solomon Spaulding was discovered.

It was the identical manuscript which Dr. Hurlbut obtained from Mrs. Davidson, Spauldings re-married widow, on the supposition that it formed the basis of the Book of Mormon, and that did not read as was expected and so passed out of sight. Mr. Howe was to have published it, if it suited. Mr. Rice and his partner succeeding Mr. Howe in the printing business, this with other papers fell into their hands, and when Mr. Rice moved to the Sandwich Islands it was taken there with other effects. The manuscript is now in Oberlin College and an attested copy will soon be published from the office of the Deseret News, verbatum, with all its errors and erasures, and it will be seen how much resemblance it has to the Book of Mormon.

The sudden death of Mr. Rice not long after the resuscitation of the manuscript and his unimpeachable testimony concerning it, makes its production appear quite providential. We recognize the hand of the Lord in its opportune discovery, for it effectually puts the quietus on the silly story that connects in the public mind the Spaulding story with the sacred record, translated by the gift and power of God bestowed on the great Prophet of the Nineteenth Century. The *Gazette* gives the following account of the demise of Mr. Rice:

Mr. L. L. Rice, father of Mrs. J. M. Whitney, died suddenly on the morning of the 14. The deceased gentleman has resided with his daughter since 1879, and his venerable figure was well known about our streets.

Mr. Rice was born in Otsego Co., N. Y., in 1801. When a young man he became a printer and after following the business some time in New York City, he removed to Ohio in 1830, and remained their for nearly 50 years. While in Ohio he was a prominent figure in the politics of the state, occupying at various times the position of editor and also that of state printer. He was an ardent advocate of total abstinence, which cause he championed with both pen and tongue. He was also, before the war, strongly opposed to slavery and published an anti-slavery paper. Sympathy is felt for Dr. and Mrs. Whitney in their bereavement.

A NEW-FANGLED CONSTRUCTION OF THE LAW.

One of the reasons why "Mormons" who go to prison and remain in prison, for their religion, will not make a promise which the Utah courts seek to extort from them, is the uncertainty that attends the meaning of that promise. It has been demonstrated, time and again, that "obedience to the law as construed by the courts" has no settled signification. The courts have changed the meaning of the law more than half a dozen different times. A promise to obey the law as construed by the courts, given a year ago has a totally different signification to-day. And the meaning of it in the Third District is different to its meaning in the First District. Thus a defendant is not only required to promise to obey the law, but to be subject to the whims of judges who change their interpretations at will, and who differ from each other in their arbitrary constructions.

To meet this objection, Judge Powers has attempted to explain his latest views on the subject of unlawful cohabitation, and his dictum as to what a "Mormon" with plural wives must do in order to obey the law, is triumphantly waved before the world as proof that when the "Mormons" complain of the indefiniteness of these constructions, they do so without a cause and are therefore deserving only of merciless and perpetual punishment. That is the substance of an argument in the organ of the conspirators to-day. Let us see what it is worth.

The judicial manifesto of Orlando W. Powers was issued on Wednesday. The prisoners in the penitentiary who declined to make promises for one reason on account of the indefiniteness of the law's construction, were all incarcerated before the promulgation of the Powers ultimatum. How, then, can their statement be properly denounced as "a false plea?" How can an objection as to indefiniteness, made on Tuesday, be classed as "utterly false," because of an attempt at a definition on Wednesday? and further, what assurance have we that a construction made in the First Judicial District will hold good in the Third, when the opinions of the Judges in the two Districts have previously disagreed. And, seeing that there have been so many variations up to date, how do we know that the latest Power's manifesto will last any longer than till the time when a case with some new features is developed? The uncertainty is not removed by a new edict from the bench. There is nothing to bind it as a settlement of the question. Who can say for certain that this definition will not be withdrawn at some not distant period, as the opinion in the Cannon case was withdrawn by a far higher court?

But let us examine this wonderful, explanation, definition, interpretation or whatever it may be called: The case was that of Ambrose Greenwell, the well known butcher of Ogden City. He was indicted twice for unlawful cohabitation. He plead guilty to both indictments, although they were for the same offense. When asked to make the required promise he declined saying anything about the future. Pressed by the Court to further remarks, he said he married his wives twenty-seven years ago and they had borne him twenty-seven children; he could not agree to repudiate them now. He was ready to receive whatever might be passed upon him. Judge Powers then, as reported in the organ aforesaid, proceeded to remark as follows:

"If you were to receive what the Judge wishes personally, it would be, upon receiving from you assurance that you would obey the law, to suspend sentence in your cases. The Court is aware that in most things you have been a most excellent man. The Court is aware that in this community you have a large circle of friends. At the same time that has given you additional influence among your neighbors, and the people would say: 'If so good a man as Greenwell can violate the law, why cannot others?' You continued this violation of the law after you were aware that the law was being enforced by the Government. You have, in other words, determined by your conduct, notwithstanding what the law says, notwithstanding what your country may say, to be your own judge and do as you please; that you can continue to violate it, and you cannot make a promise to the Court this morning whether you will live within the law or not. I wish you might. I wish you would say to the Court: "Henceforth I will live with my legal wife. I will not hold out my unlawful wife to the world as a wife."

I see by a statement from those now in the penitentiary that they say they are not aware what is necessary in order to live within the law; that the courts have failed to instruct them. Now, that you may be fully aware of what is required, and that you may not go there feeling that you cannot tell what the law requires you to do, I would say to you what I have said to two or three others: The law is simple and plain. The principle upon which this government is founded is the Christian idea of home—one wife, one mother and one home. All that is necessary is that a man shall live with his legal wife. He should cleave unto his lawful wife and he should say to the world: "This is my wife; I have no other." He should not hold out to the world the example of the plural household; he should not hold out to the world other ladies as wives. That is not permitted by law. It does not say he should not aid in their support, nor see that their children are educated. All this he cannot legally be forced to do, yet it is a moral duty he is bound to attend to. Of course, if you are permitted to live with one of your plural wives, and choose which one, it would lead to confusion. You could live with one this year and with another the next.

You may consider this matter hard, but a man sometimes has to do many things which seem hard; it is a duty, it is a duty you owe to your country, and I hope you will reflect upon it, so that after you have undergone the sentence of the court you will be a true, law-abiding citizen, as your example is greater than some others. There are others who have followed your teaching and have entered into plural marriage.

There could not be any more painful duty imposed upon this court than to pass sentence upon a man whom the Judge personally has learned to look upon as a friend during his residence here."

The Court then sentenced the defendant to the full penalties of the law on the first indictment, namely three hundred dollars fine and six months imprisonment on that indictment, and six months imprisonment on the second indictment, which exercise of judicial vengeance we suppose was because of the defendant's excellent qualities and the fact that he had plead guilty and thus saved the prosecution considerable trouble.

The Court wished that the defendant would live with his legal wife. Judge Powers might have saved his breath on that point, unless he wished his words to carry a meaning to the prejudice of the defendant. He has lived with his legal wife. When he has served his double term, six months of which is an outrage on law as well as justice, he is likely to live again with his legal wife. There is no issue in that, except that no judge has the right to order any man to live with a wife, legal or illegal. But this the Court assumes to do further on. He says. "All that is necessary is that a man shall live with his legal wife." There is nothing in the Edmunds law which makes any such requirement. A man can live alone if he chooses and the law cannot touch him, unless it should be administered by a Judge who legislates, as Utah Judges frequently do when the law cannot be stretched far enough to cover the ground they mark out without authority.

What else? The defendant, by the wish of the Court and by this latest interpretation of the law, in order to escape punishment must say: "I will not hold out my unlawful wife to the world as a wife." And further, "This is my wife; I have no other." Now we ask any lawyer who is willing to tell the truth, to say whether this requirement of Judge Powers is in the Edmunds law, or whether it is simply the dictum of a Court. We affirm, and defy refutation, that the Edmunds law makes no such demand upon any man. It imposes a penalty for polygamy, and another for cohabiting with more than one woman. There is nothing in it about repudiating wives, whether lawful or unlawful. All that it prohibits is marrying more wives or husbands, while the legal wife or husband is living, and cohabiting, that is living with, more than one woman.

The polygamist is not required to say of his plural wives, "These are not my wives;" he is simply prohibited from living with them as his wives. He may proclaim from the pulpit or the housetops, "I have married these women by a divine law, and I propose to acknowledge them as my wives for ever;" if he does not cohabit with them he does not break the law against unlawful cohabitation. Any man with common sense can see that Judge Powers' edict is not sustained by the Edmunds law, but we will now show that it is *contrary* to that law as interpreted by the Supreme Court of the United States, which Judge Powers is bound to recognize as a final authority.

In the case of Murphy against the Utah Commission, the court of last resort decided that the status of a polygamist is not necessarily criminal. The words "bigamist or polygamist" were construed to mean "any one who in past time has been, and who still is in those relations," and while such a person cannot vote, his status does not even imply criminality. A man who has several wives living and undivorced cannot vote, but he cannot be prosecuted under Section Three of the Edmunds Act unless he lives with two of them. Thus he is not compelled to live with any, and he is not debarred from acknowledging all. So long as he does not live with two or more of them, he is not amenable to the law. Under one construction of the Utah courts, cohabitation with the first wife is presumed—even if the facts show to the contrary, a singular freak of judicial eccentricity, but even then unless he lives with another, his recognized status as a polygamist, his acknowledgment that more than one woman are his wives is not criminal, if the Supreme Court of the United States is competent to decide, and that decision, be it remembered, has not been withdrawn. But what does Judge Powers care about anything of that kind?

A very short time ago, "holding out to the world more than one woman as wives" as well as living with them was held to be essential to the offense of unlawful cohabitation. This held good in the First as well as the Third District. Judge Powers now throws that definition down and stamps upon it. To keep the law, he says, a man besides abstaining from "holding out" and living with his plural wives, must say "these are not my wives; I have only one wife." A man with plural wives must not only abstain from even the appearance of evil, but he must come out and repudiate, in some public manner not clearly defined, any matrimonial connection with his wives whom he has married under an eternal contract.

This, he well understands, is something that a true Latter-day Saint will never do. The law does not require it, and his religious obligations forbid it. Every plural wife is a wife in the