

EVENING NEWS.

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CHARLES W. PENROSE, EDITOR.

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PETITENT INTERROG-
ATORIES.

The following interesting commu-
nication reached us yesterday.

Editor Deseret News:

A friend of mine who seems be-
wildered because of the late rulings
upon the "Amor" case, writes me
question, and who wishes to make no
inquiry in the future, propounds the
following, which I submit to you
knowing your ability in solving prob-
lems.

Will first state the case, which is
as follows: My friend's first (and I sup-
pose legal) wife has expressed her
willingness that he should "hold out"
exclusively his second (or plural)
wife, and he wants to know:

First—If he can do so lawfully
do this without divorcing his first wife,
for she says though she is perfectly
willing to be left alone in the future,
yet she is not willing to submit to a
divorce.

Second—Should he hereafter "hold
out" exclusively his plural wife, is not
a marriage necessary to make the
children legitimate? For according to
the law those children only born of
polygamous parents up to January
1st, 1885, are legitimate, or will the
ruling of Judge Zane stand good in law
and legitimate their children?

Third—Though his first wife should
consent freely to such an arrangement
for a day, might not the court, at to-
morrow, and would he not be
placed in jeopardy in more ways than
one should the institute proceedings
against him?

All of which is most respectfully
submitted by.

Our correspondent is in perplexity;
so is his friend. He evidently desires
to place us in the same predicament.
We confess to inability to solve the
conundrum he propounds without
coming in direct conflict with the rul-
ings of the astute Judge of the Third
District Court, and we are, therefor,
national all the more difficult and aw-
espiring is the fact that when people
in this region have the temerity to
differ from a Federal official, appointed
without the consent of the populace,
they are accused of treason. The very
least charge ever hurled at those who
exhibit such extra-judicial conduct
is that they are in revolt against the per-
sonified quintessence of 50,000,000 of
people reduced to a fine focus by a not
yet explained process of concentration.
But we are cornered by "Bothered,"
and see no alternative but to make the
best explanation at hand under the
circumstances.

The position of his honor Chief Jus-
tice Zane upon the first question pro-
pounded was defined by him when Mr.
A. M. Musser was before him on the 18th
instant, to receive sentence under
conviction for unlawful cohabitation.
The prisoner, who has three wives,
interrogated the learned Judge how, if
he were disposed to live in accordance
with the Edmunds law, he could place
himself in harmony with it. He put
the following question to the Court:

"I would like to ask you, and I
allowed to choose which one of the
three I am at liberty to live with?"

The Judge was, at that occasion,
evidently in a mood to place a liberal
construction upon the question, and
although other respects his magnani-
mity was not so visible to the naked
eye. He made this astonishing
response:

"You may live with either one, pro-
vided you live with both, and that is
the law. Unlawful cohabitation consists
in living with more than one woman as
your wife."

The Court had a short time previous
declared unlawful cohabitation under
the Edmunds Act to be the "holding
out by one man of more than one
woman to the world as his wives." So
far as that point is concerned, if a man
disavows his legal wife, in acting upon
the Judge's liberal definition, and re-
cognized and lived in the "habit and
repute of marriage" with one plural
wife, he would be solid so far as the
ruling is concerned. He would be
"holding out" to the world as his wife
but while he was "holding out" to
one, the law would be "holding out" to
another. Consequently, although
only one was being "held out" by him,
two would be held out in the relation-
ship of wives to the holder, and the
question is whether the man placing
himself in that position would or
would not be held responsible under
the law as a double holder out. Ac-
cording to Judge Zane's ruling of Sat-
urday, May 10th, he would not.
But if the case had been that the
wife brought before that functionary
there is but little reason to doubt that
the person who imagined he was sail-
ing in smooth, legal and matrimonial
water would find himself in the peni-
tentiary, at the earliest practicable date
on which he could be landed there by
the Court. It may be said further-
more that if the friend of "Bothered"
contemplates throwing off his wife
simply because of her willingness to
sacrifice herself for him, should he
land in prison in consequence the gen-
eral grief at the event would not be
exceedingly overwhelming to cause ex-
tensive popular prostration. And if
that be his mind he should be advised
to have himself appropriately labeled.

The second question is more striking
than its predecessor. If "Bothered"
wishes his friend to "fall from the fry-
ing-pan into the fire," he should tell
him, by all means, to go through a
marriage ceremony with the plural wife
whom he might select as the
single sharer of his love, and the
object of his protection. By that
step his legal wife being alive, and
undivorced, the maximum term of
his probable prospective imprisonment
would be extended to five years and a
half, in place of six months, with a
proportionate increase of the monetary
penalty. In addition to this question-
able comfort he would have the reflec-
tion that his children born subsequent
to January 1st, 1885, would be no more
legitimate than they were before the
performance of the ceremony. The
ceasing to "hold out" more than one
woman as wives would in such a case
not affect the question of polygamy,
which is the act of marrying a woman
while another who occupies the rela-
tionship of wife to him is living and
undivorced, minus the exceptional
conditions provided in the law.

It does not appear that the fact of
the mental vacillation of the legal wife
on the subject would alter the situa-
tion of such a case. It would possibly
bring the matter to an issue or climax.
The law has fixed her status and it re-
mains unaltered until it has been
nullified by legal process. The inter-
rogation of her mind would not cer-
tainly increase the unreason-
able character of the situation in which
the friend of "Bothered" would find
himself.

It might be asked in addition, to the
queries put by "Bothered," how, if
man were to assume the position of
man before Judge Zane on indictment
for cohabitation, the latter would set
over his former ruling. This is an
easy process in a court of sufficient
flexibility, where decisions in a certain

class of suits are made to fit cases as
much as to conform to legal require-
ments. In the case of Rudger Claw-
son, his honor, in charging the jury,

"The court charges you that cohabita-
tion, in a legal sense, as applied in
this case, means the living together of
a man and woman as husband and
wife, or under such circumstances as induce
a reasonable belief of the practice of
sexual intercourse."

In the case of Angus M. Cannon the
same court said:

"I am of the opinion that it is not
necessary to show an offense against
this law, to show sexual intercourse.
It is sufficient to show that a man lives
with more than one woman, cohabit-
ing with her and holds her out to the
world as his wife. That being so, he
does not have sexual intercourse with
her, it is no defense and is immaterial
so far as the jury is concerned."

It will be seen by this direct conflict
of opinions on a similar point from the
same judicial source, that if the friend
of "Bothered" were to imagine him-
self secure behind a judicial ruling, he
might ultimately find himself secure
behind the door of the penitentiary.

In conclusion it may be appropriate
in this connection to repeat the posi-
tion already made as clear as need be.
While it is in accordance with honor
and prudence for people liable to be
placed in jeopardy and their families
surrounded by distress by the opera-
tions of the present law, it is not pru-
dent for a man to place himself in such
a position, and he should be guided by
principle to screen himself. There
must and can be no renunciation or
repudiation. Neither is it in good
taste for a man to exhibit his domes-
tic affairs publicly, as they are among
the most sacred of his life, or will the
time enough when such manifestations
are made compulsory under the bar-
barous crusade upon men, women and
children. Neither is it a noble part
for people to play, to make it a busi-
ness to inquire into the private con-
cerns of their neighbors and take spe-
cial pains to communicate their in-
sulting gleanings as profound sec-
rets to every acquaintance they chance
to meet.

Those who are involved in the
present issue on the edge of the fry-
ing-pan stand or fall upon their own
principle. Honor and integrity cannot
be relinquished as the price of safety.

BY TELEGRAPH.

PACIFIC WESTERN UNION TELEGRAPH LINE.
AMERICAN.

LATEST BY LIGHTNING.

Reported Killed by Apaches.

SAN FRANCISCO, 22.—A Tombstone
military courier from Fort Bowie sends
information that Apaches killed two
men at Eagle Creek on Tuesday night.
Deming, N. M., 22.—Reports have
reached here that the Apaches killed
four miners at Alma, a small mining
camp on Fresno river.

Stocks.

NEW YORK, 22.—Three, 3 1/4's,
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