

art has undergone many relapses and defective or innovated restorations.

The climate of India is so moist and warm that the air, sun and rain, with myriads of almost microscopic fungi conspire to deface and reduce the hardest rocks as effectively as sunshine and frost. Consequently no really ancient monument are here to be found. Some centuries before Christ is the limit. Moreover the natives of India do not, nor ever did, excel in stone cutting or carving, confining their art to friable stones, ivory, hard woods, bronze casting and clay. Indian art, too, is so fickle in its selection of ornaments that sacred pagodas built in modern times, have occasionally, where should be, what the "Reverends" call a god; there, I say, the pagodas occasionally have a carved British soldier, shouldering a gun, or presenting arms. Yet it is largely from these "gods" that the missionaries draw up their 33 crores. When first I heard of these numbers I appealed to what I term obscure or forgotten hieroglyphics, for the majority are but such, transplanted by Indian art, from Egypt to India. In Egypt they often represented various attributes of one deity. The Bible could furnish scores of gods if we were to use each name or attribute of the Deity as representing another god. A few examples: I am Jehovah, Elohim, Lord God of Sabaoth, of Abraham, of Isaac, etc., angel of the Lord, Holy Spirit, almighty, merciful, love, Alpha and Omega, etc., etc. Though India may have had many gods, I consider 3,300,000 an hoax of a number; imagine a directory of gods with 100,000 names, a book larger than Webster's unabridged, and if you please, thirty-two such volumes on top of it—merely names and addresses of the gods, let alone attributes, birth, death, and history and manner of serving each god. Besides, according to statistics, it would make only a congregation of 100 to 150 men, women and babes to each god. It is preposterous. But in summing up the idols and hieroglyphics, the board of education easily enough got thirty-three crores of Gods.

C. U. L.

THE CHURCH CASES.

Commissioner Stone held court in Mr. Varian's law office October 11th, when the Dyer examination was resumed.

Mr. Varian offered a motion to strike out portions of the testimony of J. P. Bache, F. E. McGurrian, Frank Moffat and F. H. Dyer, going to show that Judge Zane was formerly an attorney in the case, on the ground that it was irrelevant and immaterial. In support of the motion, he urged that the scope of this examination was confined to an investigation of Mr. Dyer's accounts, and evidence regarding Judge Zane's former connection with the case as an attorney, should be stricken from this record.

Judge Judd and Arthur Brown interrupted the speaker to say that

the evidence in question was not intended to be the basis of any finding by this commissioner, but as a foundation for action in the court.

Mr. Varian said the evidence had no place, properly, in this record, and if the purpose of it was to smirch one of the judges of the court appointing this Commissioner, that would be an additional reason why this Commissioner should strike out the testimony.

Arthur Brown made a warm speech in opposition to Mr. Varian's motion, holding that it was proper to show in the record the relations of all the parties. He agreed with Mr. Varian, that it would be scandalous for a judge on the bench to say of a case in which he once acted as attorney: "I didn't exactly like the result of an examination had in that case when I was an attorney in it, I will now appoint a Commissioner to re-examine it."

He advanced reasons why, in his opinion, the evidence should remain in the record.

Judge Judd said neither he nor his associates desired to scandalize a judge. They merely stood upon their legal rights.

Mr. Varian made the closing argument in support of his motion to strike out. He held that if facts existed which made it improper for Judge Zane to sit in this case, the place to show those facts was in the Territorial Supreme Court, and not before this commissioner. He held that the attempt to get such evidence before that court by means of this proceeding, was improper.

Commissioner Stone said the order appointing him required him to examine Mr. Dyer's accounts and doings as receiver, but not to inquire into other matters. He had no authority to inquire into the right of Judge Zane to participate in the order for this examination. The only question in his mind was whether the defense, for the purposes they had stated, had a right to include in the record the evidence in question. The files of the case, he said, show that Judge Zane was once an attorney in it, and the testimony in question was only cumulative to that evidence.

After a long discussion of the matter, in which Messrs. Varian, Judd, Arthur Brown and the commissioner took part, the latter granted Mr. Varian's motion to strike out. The defense took an exception.

Mr. Varian then read a lengthy document embracing the findings of fact requested by the United States to be made.

Mr. Brown asked if the district attorney was responsible for presenting those findings.

Mr. Varian replied affirmatively, and said he would sign them.

Commissioner Stone remarked that, in regard to findings, he would say this: As to all matters embraced in the examination held before Judge Harkness, and covered by his findings, he, (Commissioner Stone) would confirm those findings; as, in his opinion, there had been no evidence in this proceeding, the effect of which was to change the result of the investigation before Judge Harkness. He also intimated that

he would find that the receiver had been guilty of impropriety, but not of dishonesty, in using \$11,000 of the fund for his own purposes, and the same had been repaid with interest; and that he would find that the receiver and his sureties were responsible for any loss to the fund, if it should transpire that, through his neglect, the Council House property has passed beyond the reach of the government.

Judge Judd—But the decree in the Eldridge case, so far as it effects the Council House corner, is broader than the findings upon which it was based, and is therefore void as to that property.

Commissioner Stone—I don't think so. The whole of that lot was in issue, and the decree explicitly defines the titles to the several claimants.

Mr. Brown said he would ask the commissioner to find that the matters embraced in this examination had already been adjudicated.

The commissioner said he would leave that question to be passed upon by the court.

It was understood that the attorneys for the receiver would be given time in which to present findings, and the court adjourned without delay.

It now only remains for the commissioner to make or reject findings as requested by the parties, and to file his report.

JUDGE ZANE AND THE MANIFESTO

October 13th, James E. Clark, of Kaysville, was arraigned before Judge Zane on a charge of unlawful cohabitation, to which he had previously pleaded guilty. This is the first case under the Edmunds law in which Judge Zane has pronounced sentence, since the manifesto relating to plural marriage was issued by President Woodruff, and ratified by the Church in general conference assembled, and a verbatim report of the proceeding is here appended:

The Court: Mr. Clark, you on a former day of this term, plead guilty to the crime of unlawful cohabitation; you are aware of that, I suppose?

Mr. Clark: Yes, sir.

The Court: Have you anything further to say now why the sentence should not be pronounced?

Mr. Moyle: I would like to call attention, in behalf of Mr. Clark, to the fact that he was married to these women before 1862, and that for a number of years,—he says about fifteen—he has lived with but one wife, she being, however, the second; and that accounts for his pleading guilty.

The Court: How many wives have you?

Mr. Clark: One now; the other one was divorced a few weeks ago.

Q. You had two previous to that?

A. Yes, sir; lived with one wife.

Mr. Moyle: The first wife sued him for a divorce in this court not long since, and received her divorce.

The Court: When was that divorce granted?

Mr. Moyle: Mr. Brown was her