which have been exposed and shown in these columns to be wrong and unprecedented, which we have not the slightest reason to doubt would be also declared unlawful, if directly reviewed by the higher court. The only security for them at present is the barrier in the way of appeal. We shall therefore have to be content just now with the present victory and rejoice in the great results that have been secured.

THE "MORMON CONSCIENCE."

THE divided half-dollar "Leaguers" are in agonies over the modification of the test oath in the anti-"Mormon" bill, which has passed the House as reported by the Committee. It does not suit them at all. The Republican wing flaps rejoicingly over the failure of the Democratic Governor to gain the appointing of nearly three thousand officers who should be elected by the people, and the Democratic wing is correspondingly cast down. But both factions are very uneasy about the probability that the monogamous "Mormons" will be able to take the oath and vote, and thus the hopes of the four-bit Leaguers will be blasted and destroyed.

In order to avert this catastrophe they have become suddenly tender over the "Mormon" conscience, and half-dollar Collector Hollister rushes into print as its protector. The "Mormon" conscience he thinks is of such a character that it cannot possibly consent to subscription to the test oath. He appeals to their "self-respect" and thinks it would be "scandalous" if any believer in polygamy should take the oath and vote. And so say both Republican and Democrat very "Loyal Leaguers" and their organs.

It is funny, very, very funny. To enter into an agreement to obey the laws as construed by the courts, involving treachery, cruelty and the breach of the most solemn obligations to God and his wives by a "polygamous Mormon," is considered not only honorable and praiseworthy, but the positive duty of every man in danger of going to prison. But if a monogamous "Mormon" should simply promises to obey the laws of the land including those against bigamy and polygamy, so that he might exercise the right of suffrage, it would be "scandalous," impossible in order to retain "*self* respect," and a terrible *violation* of his "conscience."

We beg to inform the miserable scoundrels who have been defeated in their scheme to destroy the liberties of the people of Utah that they might revel in the ruin, that the "Mormon" people are perfectly able to manage their own conscience; and should they be in doubt as to what would be exactly right under any given circumstances, they certainly will not apply for instructions to such creatures as those who now pretend to talk about honor and self-respect, qualities to which their would be counselors are perfect strangers.

The Leaguers are terribly disappointed at the aspect of affairs. Their watery congratulations over the passage of the emasculated bill in the House, will be followed by curses both loud and deep when they find how little it will profit them in practice. They may well confess their bitter disappointment in private while they pretend to be glad in public. Their ranks are filled up with incongruous elements, but unity for any length of time will be impossible. Quarrels over the spoils will be the inevitable result of such success as may appear within reach, and the cessation of four-bit contributions will send the whole concern into "innocuous desuetude." Hollister will have to bewail the utter lack of "conscience" in another direction then, and will be in hard straits to maintain either his own or the League's reckless claims to any "self-respect." As keeper of the "Mormon conscience" he certainly will not prove as rampant and phenomenal success.

IS HE A CONTEMPTUOUS OBSTRUCTIONIST?

THE decision of the U. S. Supreme Court in the Snow case, which smashed District Attorney Dickson's segregation theory, was a tremendous snub to that despotic functionary, who has been acting the role of judicial dictator to the courts of Utah. The highest court of appeal asserts that the system inaugurated by Mr. Dickson of finding a multiplicity of indictments or counts against a defendant for one continuous offense is without legal precedent, the authorities running entirely in the opposite direction.

It is a secondary snub to the District Attorney's satellites, who have been playing "thumbs up" to his dictum in the anti-"Mormon" crusade. It is barely possible that those that have been performing the puppet part for the wily attorney, whose subtlety has, however, overshot the mark, may learn a little by late events. So far as he is concerned, however, it is difficult to believe that as long as he is entrusted with power, any circumstance will ever change him into anything more or less than a legal perverter and obstructionist.

If he could dodge around even a U.S. Supreme Court decision, what reason is there for presuming that he would not resort to tactics of that character? It may be put in a stronger light than that by laying down the proposition flatly that he has done and does do it, according to our way of looking at things. In the case of Murphy against the Utah Commission, the Supreme Court of the United States asserted that the polygamous status is not criminal. This being the case it cannot be legally interfered with. In the face of this enunciation Mr. Dickson keeps on asserting to the contrary and insists that it is the duty of a polygamist to sever the marital connection with his plural wives; in other words to break up the status. The highest tribunal of the land having asserted the non-criminality of the polygamous status, that position is one with which the District Attorney has no business.

Mr. Dickson continues to show what appears from our standpoint to be his contempt for the superior court under still another decree of that tribunal. In the recent decision in the Snow case the court says: "The offense of cohabitation in the sense of this statute (Edmunds law) is committed if there is a living or dwelling together as husband and wife." This being the case, it follows as a logical sequence that the offense is not committed unless there is a "dwelling together as husband and wife." Yet no longer ago than yesterday, in a case of this character, the District Attorney insisted as a reason why the defendant should be convicted, that he had not severed the marital connection with his plural wife, or, in other words, had not broken up a status which the court of last resort declares to be innocent, and therefore beyond the reach of interference by the law under which the defendant was tried.

It is to be expected that the District Attorney will feel dogged and malicious—such men as he generally act out their natures unless their stronger tendencies are modified by a regard for correct principles—but it was hardly to be expected that he would manifest what we esteem to be a persistent contempt for the decisions of the highest court of the land, as by that course he jeopardizes whatever of legal reputation may be left to him after the terrific inroad made upon it by a high and unanimous decree, directed against the cruel and unprecedented constructions of law formulated by him and adopted by his puppetized judicial satellites.

WE ARE TO HAVE A NAVY.

THE passage so soon after its introduction, and with so little discussion, of Senator Hale's bill providing for the construction of heavy steel-clad ships carrying powerful guns for coast defense purposes, is indicative of nothing so much as that frame of mind which induces mankind to have something about that will do to take hold of in an emergency, and which the stolid and unthinking might term fear. Perhaps fear is not the proper term to use in this connection, but if it is, it only shows that that passion has its uses as potent and sometimes as efficient as those of any other member of its family. But, it will be asked, what is the United States afraid of? Why need it fear or stand in dread of any power or any possible combination of powers? It is not at all probable for a nation situated so many thousands of miles from the theatre of the prospective strife to be drawn into the European complications now so rapidly maturing, or to be greatly affected, except favorably, by any trouble, however great, that may occur across the water. It is not a satisfactory answer that some will give—that we ought to have a navy anyway, and there must be a beginning to all things; that we are the laughing-stock of the nations so far as coastwise and far-reaching marine service are concerned; that we must assume the same importance and power on the sea that already characterize our possession of the land; and thus we are going to have a light and heavy naval service that will be at once the envy and the dread of the world—a cordon of craft whose existence and effectiveness will place us on a naval footing nearly equaling that of England. Very good, but that was not the actual, immediate reason; the same arguments have been dinned into the ears of our national solons for decades past—not desultorily, but continuously and vociferously, and what good did it do? All at once, a grave and reverend senator arises in his place in the chamber, throws aside his toga (and his dignity also) rolls up his sleeves, looks ugly and whips England as roundly as one man can do such a thing at a distance of three thousand miles, because one of England's family who happens to be our nearest neighbor won't let our fishing smacks sell their products in her household! The lashing, however, so far from abashing or intimidating the said neighbor, only caused her to prepare to fight and in fact to act as though she were prepared to take the offensive; and to make matters worse, the old matron showed that she was ready to assist her offspring; and then came the calculation as to how long it would take a British fleet to reduce New York, Brooklyn, Boston, Charleston, San Francisco and some other points to masses of charred and smouldering ruins; and that, while penetration inland would be impracticable, the loss that would thus result before effectual resistance could be offered, would be utterly irretrievable; and then the fear that something might be done before we had a chance to initiate it, hurried through the bill for a navy almost before the echoes of Ingalls' eloquence had ceased ringing in the galleries.

SUPPRESSED ENTHUSIASM.

IT was predicted by the chief organ of the anti-"Mormon" crusade that the passage of the Edmunds-Tucker bill would be the signal for demonstrative and exuberant rejoicing among the "truly loyal." The news has come, but the enthusiasm evoked is not of that wild, untamable sort in which the rabidists are wont to indulge. However, it is not so excessively mild as to be entirely invisible to the naked eye. It is discernible in spots, as it were; here a little and there a little. Seething masses of humanity are not tossing their caps into space and rending the air with their shouts. Neither are flags floating to the breeze with gay and lively flap The poles which project from the principal stores are generally as bare of bunting as the capits of a theatrical parquette front row are ordinarily reputed to be of capillary hirsute. But four flags are to be seen—respectively over the Walker House, Alta Club rooms, *Tribune* office and G. A. R. local headquarters. Over no business house is there any symbol indicating a declaration of war upon the people. It may be, however, that the joy of the rule or ruin clique is too great for outward expression. Is it possible that those demonstrative patriots are to be found hidden away in obscure corners extatically contemplating the situation, while tears of gladness make a lively chase down their brightened countenances? If so, they should be hunted up, that the fellow who wires anti-"Mormon" lies for the Associated Press may have some slight color for a dispatch depicting the unfeigned exultation of the whole Gentile population to a man over the last legislative blow directed against Republican institutions in Utah.

ANTEDILUVIAN MONSTERS.

THE "Bad Lands," as they are termed, are situated in the extreme northwestern part of Nebraska. They evidently constituted at some greatly remote period the bed of a great lake or ocean, as their altitude is several hundred feet lower than that of the surrounding country. Owing mainly to the rains and floods of centuries the surface has been washed away, and in many instances deep gullies and cañons excavated exposing to view many gigantic and interesting fossils of remote antiquity. The Nebraska *Journal* says:

"Many of the animal remains are so perfectly petrified that their bodies may be lifted from their bed and carried away entire—in others the bones are so thoroughly preserved that every one, the smallest as well as the greatest has been found. There have been discovered turtles so large that a half dozen men could not turn them over, whose shells were entire; reptiles from thirty to forty feet long. The almost entire vertebrae of reptiles nearly seventy-five feet in length; bones of the greatest of all animal life yet discovered whose length is estimated to be at least 125 feet and height at twenty-five feet; birds that when they flapped their wings must have covered an expanse of twenty or twenty-five feet; remains of the ruminating nog; of those of three and four-toed horses; the antelope and deer, the camel, rhinoceros and mastodon; petrifications of the conifers, the hickory, walnut and palm trees, proving that this must have been at one time a tropical country. All this we are assured by all the men who have traveled in that wonderful country to have been seen lying in the natural position in which the bodies originally rested, or in the bottom of the cañon where they have been washed by the water. Their story is corroborated by the United States geological survey made a few years since. And it is recently reported too, that the Smithsonian Institution, Yale and Harvard colleges and other institutions have parties in the field every summer gathering these remains for their museums; that private parties along the line of the railroad make a business of collecting fossils and selling them to travelers. The consequence is that the museums of Nebraska are being robbed of these valuable deposits which rightfully belong to her.

THE LAW AND ITS PERVERSION.

THE Supreme Court of the United States, in announcing the unanimous decision reversing the ruling of the Utah Courts on the segregation question, necessarily touched on the meaning of the term "unlawful cohabitation," because that was the offense which was sought to be segregated by the Utah courts, so as to comprehend as many offenses as a grand jury of a District Attorney might feel inclined to make of it. The main point of the decision is that a defendant can only be prosecuted for one offense of this character up to the date of the indictment against him, and the Court explains the principle and the wrong perpetrated by the Utah courts in this way:

"It is to prevent such an application of penal laws that the rule has obtained that a continuing offense of the character of the one in this case can be committed but once for the purpose of indictment or prosecution prior to the time the indictment is instituted."

This is so plain and emphatic that a fee-making attorney, even though a fool, need not err therein. It leaves no loophole for any pettifogging dodge or feat of judicial gymnastics to pass by or jump through to escape it. It settles the segregation business for good, divided indictments, multiplied counts and the rest of the wretched perversions that the Utah courts sustained as law. So much for the chief question at issue. As a feature of the controversy, the signification of the term used in the creation of the offence was also considered and passed upon. The principal point was its continuous character, the next in importance was its nature or essence. Here is what the Court said on that subject:

"The offence 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 offence, having duration, and not an offence consisting of an isolated act."

This definition of the offence created by the Edmunds act of 1882 is the law in Utah and the other Territories. It may not be the law in the States, because their statutes are not framed or interpreted for a special anti-"Mormon" purpose. And as explained by two Justices of the Supreme Court of the United States on a former occasion, the term was never before used in criminal jurisprudence without comprehending that intimacy which common understanding accords to that language. But be that as it may, the paragraph quoted above stands as the law on this subject in all places over which the United States claim exclusive jurisdiction.

And it is certain that nothing less than the conduct described therein can possible constitute the offence marked out for punishment. "Cohabit" means to live or dwell together; nothing less and nothing more. If persons live apart they cannot possibly cohabit. People who reside together in the same family, cohabit. In a broad and general sense all people cohabit, that is, live together, or at the same time, for they live at once in the same world. Bringing the term into narrower limits, they cohabit if they live at the same time in the same town, or neighborhood, or street or house. But in the common sense they do not cohabit unless they occupy the same apartments, for often, several families, particularly in crowded cities, live separately in the same tenement house, and they are not understood to cohabit, because they dwell apart.

For the purposes of the Edmunds Act, cohabitation, the Court of final appeal says, means living or dwelling together as husband and wife, and that living together must be continuous. The meaning of the very language requires this mutual habitation. The parties must dwell together for some continuous period or they do not cohabit in any capacity. A man who has a plural wife, one who is not a wife in law, but whom he considers and claims as his wife before God and the Church of which he is a member, must live or dwell with her as a wife or he does not and cannot cohabit with her, either in the meaning of the statute as authoritatively defined or the philological and popular signification of the term.

A visit to the plural wife or to her children, an occasional meeting in society or at a public gathering, pecuniary support, attentions that may be innocently bestowed upon a friend or chance acquaintance, anything short of dwelling with her as a wife for some continuous period, is not unlawful cohabitation though a thousand inferior Judges thunder it from the bench, or distort language with it for the purpose of sending men to prison to gratify a malignant, bigoted and revengeful spirit. And every man so committed to the penitentiary in defiance of the ruling of the Supreme Court of the United States, is a victim to judicial wrong. He is falsely imprisoned. His incarceration is an outrage upon law, upon common sense and upon human liberty. There is no justification for it. It is an offence against reason and justice. It demands a righteous retribution. And it will receive it, as sure as there is an Eternal Judge or an everlasting principle of compensation.

If the detention of prisoners in the penitentiary for more than six months on the false theory of segregation was unlawful, so is the conviction of defendants unlawful which is predicated on the ruling of the Utah Courts upon the meaning of "unlawful cohabitation," wherein it conflicts with the definition announced by the highest tribunal in the land. And it is only continued, for the purpose of punishing "Mormons" in excess of law, because it is believed to be unappealable to the Court of final review.

The segregation infamy would, in all probability, never have been perpetrated if it had been thought susceptible of higher adjudication. No lawyer of standing believed it to be sound. It was used for the unlawful punishment of "Mormons" because its users thought they held invincible power for the purpose. It was the arbitrary exercise of might over right. So with the imprisonment of "Mormons" on rulings that are in violation of the definitions of the highest court in the country. What a manly and honorable and dignified and respectable and law-abiding course, is it not, to send men to prison simply because one *can* do so, and legal technicalities only prevent the righting of the wrong? A just and simple people ought surely to bow in reverence to such an embodiment of law and authority, of lofty principle and unswerving equity, of unbiased impartiality and passionless integrity!

The supremacy of the law can never be promoted by a perversion of the law. Anything that savors of persecution renders prosecution measurably futile. Excesses in society cannot be corrected by excesses on the bench. And while the lower courts evade the rulings of the higher, it is not to be reasonably expected that their decisions will gain respect or that offenders will refrain from such evasions of law as are possible under any circumstance. There should be no legal wrong without legal remedy, and it may be that those who planned and consummated the iniquity of segregation under the mistaken assurance that their deeds were beyond rebuke, will yet find themselves in error in persisting in the course which they are now pursuing and which is equally unlawful and unreasonable. Let the victims to the wrong have patience; justice lives and is not asleep, but time and perseverance are needful to determine the final issue. We will watch, and wait, and work!

LOOK ON THIS RULING.

IN its unanimous decision declaring segregation unlawful, the Supreme Court of the United States said:

"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.

AND ON THAT,

In passing on the question of what is unlawful cohabitation, Judge Zane said in answer to G. C. Watts, convicted of that offense:

"You have a right to support the children of your second wife—of your plural wife; and you have the right to assist her by contributing to her support; but you must understand that you have no right to live or associate with her as your wife; and you had better not associate with her at all. The fact that she is a plural wife will lead people to believe you are unlawfully associating with her if you associate with her at all. You may support your children, but *be careful not to associate with her in any way*, because if you do you will be likely to get into trouble again."

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One gray MARE, 10 or 11 years old, branded on right thigh resembling an X, shoes on front feet.

One gray HORSE, about 10 or 11 years old, shod all round, brand on left shoulder something like this W.

One bay Horse about nine years old, white strip in face and on nose, left hindfoot and ankle white and some white on right hind foot, some kind of a brand on left shoulder not legible but resembles a W.

One roan Horse Colt about eight months old, no brands visible; said colt has been in this neighborhood since about last October.

If said animals are not claimed before the 5th day of March, 1887, they will be sold to the highest reponsible bidder for cash, at 10 o'clock a. m. on that day, at the Estray Pound, Sugar House Precinct.

GEORGE CRISMON,
Poundkeeper.

Sugar House Precinct, Salt Lake Co., U.T., Feb. 23rd, 1887.