

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."

This position is legally unassailable. Under the Dickson regime here it was claimed that some judicial action must be taken to dissolve entirely a plural marriage, but the courts were not committed to the legal absurdity. In the present case it was argued by Mr. Powers that the polygamous status could only be dissolved by amnesty or pardon from the President. The nonsense of this was clearly exposed in the decision of Judge Zane.

In the case of Murphy against the Utah Commission, the Supreme Court of the United States said:

"It is not therefore because the person has committed the offense of bigamy or polygamy at some previous time in violation of some existing statute and as an additional punishment for its commission, that he is disfranchised by the Act of Congress of March 22, 1882, nor because he is guilty of the offense as defined and punished by the terms of that Act; but because at some time having entered into a bigamous or polygamous relation by a marriage with a second or third wife while the first was living, he still maintains it and has not dissolved it, although for the time being he restricts actual cohabitation to but one. He might in fact abstain

from actual cohabitation with all and be still as much as ever a bigamist or polygamist. He can only cease to be such when he has finally and fully dissolved in some effective manner which we are not called on here to point out, the very relation of husband to several wives which constitutes the forbidden status he has previously assumed." \* \* \*

"The disfranchisement operates upon the existing state and condition of the person and not upon a past offense. It is therefore not retrospective. He alone is deprived of his vote who, when he offers to register is then in the state or condition of a bigamist or polygamist or is then actually cohabiting with more than one woman."

There is no more effectual way that we know of by which the relations between a man and his plural wife can be dissolved in this world than by the means adopted in the Bennett case. That is by what is commonly called a "Church divorce." The marriage was a Church marriage unrecognized by the civil law. The divorce was a Church divorce and was as valid as the marriage, no more and no less. The relations of the parties ceased from the date of the document, and could not be assumed except by means of a new marriage. A resumption of the relations without such a marriage would be adultery in the eyes of the Church; a new marriage would constitute polygamy in the eyes of the law.

We do not believe that either of the lawyers who planned or prosecuted the Bennett case believe in their own theory. It is evident from the anger of the crowd they represent that the whole thing was a political scheme. The design was to prevent every man who had been at any time a polygamist and had not received executive clemency, although he might be a practical monogamist or even a widower, from voting at the coming election, on the false ground that he was still a polygamist.

This would be very bad policy for courts or the Government to encourage, if the desire is the suppression of the practice of polygamy. And it seems by the tactics of certain professed opponents of that practice that its cessation is the very thing they do not want. Those who have abandoned the practice are not encouraged, but stumbling blocks are placed in their way by the hypocrites who proclaim so loudly their hatred of plural marriage.

If we could feel sorry for the

schemers who planned this vexatious Bennett prosecution, we would pity their discomfiture. But we feel so much contempt for their serpentine course that we have, at present, no place for the softer sentiment. But if they have any sense left they should not exhibit, so openly, their deep chagrin.

And now let it be understood as judicially settled that any citizen who is not now a polygamist in practice, and who can take the oath provided in the Edmunds-Tucker act, is entitled to register and vote and that it is not only his right but his duty to do so and to help his fellow citizens in maintaining good order and good government.

#### ANOTHER "LIBERAL" MARE'S NEST

The organ of the "Liberals" of this city published, October 30th, what is alleged to be an affidavit from a person who claims to have been refused work on the sewers and who appears to be a tool in the hands of other individuals, anxious to injure men supposed to be active in the interest of the People's Party. Following is the affidavit:

— being deposed and sworn, testified: I reside in the city of Salt Lake, but formerly lived at Ephraim, Sanpete County. Two weeks ago, Saturday, I went to David James to secure work on the sewer; he was paying off his hands, and after waiting a short time, I approached and said to him: You don't remember me, but I used to trade with you in pumps and piping, and now I'm broke and want you to get me employment if you can. Mr. James then asked: Where are you from? I said Ephraim. What is your name? I gave it. Then after a sort of short study Mr. James remarked: Well, you know I can do nothing without orders from headquarters. Are you acquainted with Charlie Penrose? I replied that I was acquainted with him by reputation only, and not personally. Well, you go up to Charlie Penrose and ask him if you can get employment on the sewer, and if he says so you can come and work here. I went to the *Deseret News* office, where I was told Mr. Penrose, the editor, was busy, and after waiting half an hour a man came out of the office and said Mr. Penrose was at leisure now and I could go in and see him. I asked Mr. Penrose about getting employment on the sewer; also, that David James had sent me to him. The prospect of my getting a job on the sewer seemed favorable; but there was a party sitting in the office who suddenly called Mr. Penrose into another room, and after a whispered conversation between the two, Penrose returned and said he had nothing to do with it; he could give me no employment.

The "Liberal" organ in addition to other comments too gross and abusive to reproduce in the *DESERET NEWS*, says:

The deponent stated he did not know who this party was who interfered, but he was a tall, spare man with strong features and a medium