in the case for 1884. Chief Justice Zane dissented on some points from both decisions. Thus, but two of the Judges sustained the rulings of the lower court, and one of them was the Judge that issued it. That is the kind of justice which is dealt out in Utah. What a spectacle for courts and lawyers and the public generally, was Orlando W. Powers as an appellate Judge, giving to the world his decision in support of his rulings as a District Judge!

Nearly a third of the long Opinion, which we have not space to insert to-day, is occupied with a dissertation on polygamy, showing that it has been a punishable offense in England and the various States for many years. But this does not touch the question at bar. The charge against Apostle Lorenzo was not polygamy. He was convicted, in opposition to the evidence, of unlawful cohabitation. Other large portions of the Opinion are quotations from other Opinions on points that do not touch the main question. But when that is reached, the tergiversation, paltry shifts and shallow subterfuges to which the Judge resorts are enough to make even a police court lawyer blush for shame of him.

The defendant was accused of cohabiting with more than one women as his wives. The evidence showed conclusively that he had only cohabited with one. Judge Powers charged the jury that cohabitation with the first wife was to be presumed, and as cohabitation with a plural wife was admitted, the defendant was convicted. But the evidence adduced was positive that he had in fact not cohabited with the legal wife during the time named in the indictment; that he had not ate, lived, slept or stayed with her under the same roof; there was not any evidence that he had even visited her during that period. How to get over the evidence and call that cohabitation which had none of its elements, in order to sustain his own ruling, was the task that Judge Powers had before him. He tackled it without hesitation. And here is the kind of logic he used in his Opinion:

"Must a man take his meals with his wife to be living with her? Must they be under the same roof? If so, what becomes of the large class of commercial men who pass but few days at home during the whole year? Must a man pass a certain number of days and nights with his wife in order to be considered as living with her? Certainly not. As the husband goes about his daily avocation he is living with his wife. When he rides with her, or talks with her, when he visits her, he is living with her. If he sees her daily or but a few times a year, he is living with her. He is cohabiting with her. If there has been no legal separation or divorce, whether one roof shelters them or not, if he holds her out to the world as a wife, supports her and recognizes her as a wife, they are living together. It is a presumption that is conclusive, and is founded upon reasons of public policy."

Was ever such prostitution of language and reason ever witnessed on the judicial bench before? On that reasoning, every man in Salt Lake City is cohabiting with every woman of his acquaintance in Salt Lake City. When a husband who cohabits with his wife returns from a journey, no matter how long the separation, does he not dwell with her under the same roof? If absent ever so often, when he comes back, does he not "live" with his wife in another sense than merely recognizing her as such? And if the husband lived in the same town and neighborhood, and it was known that he never ate or slept under the same roof with his wife, would it not be said, and that properly, that their cohabitation had ceased? And though cohabitation might be legally presumed, would not evidence to the contrary set aside that presumption, stamp upon it, and make it legally defunct?

According to Judge Powers, cohabitation between man and wife, while he provides for her, can never cease without death or divorce. Did he never hear of a suit of the wife against the husband for the restitution of conjugal rights, one of which was cohabitation? Have not men who have separated from their wives, though living in the same town and supporting them, been sued at law to compel cohabitation? On Judge Powers' theory, a man may live in England and his wife in America, having mutually agreed to live apart, and if he supports her and acknowledges she is his wife, though they may never dwell under the same roof, they are all the time cohabiting. Read the latter part of the above quotation and see if that is not its doctrine. And that is the kind of stuff dealt out from the Supreme Bench of Utah as law! No wonder there are so many members of the bar who speak with such contempt of the judicial abilities of Orlando W. Powers. And he tells us further, that this "presumption" on which he bases his argument is "conclusive." Who ever heard before of a "conclusive presumption" that was in defiance of positive proof?

But, he argues that the construction of the Edmunds law held by the defendant would allow a man to "fill a house with plural wives and himself live in another house. He can hold them out to the world as his wives, support them, visit them and because they do not physically dwell or live together he would go free." Certainly. And why not? That is the doctrine of the Third District Court and of the Supreme Court of the United States. If a man had any number of wives before the passage of the Edmunds law, and since then he has not "physically dwelt or lived with them" he does not cohabit with them, and therefore he cannot be legally or rationally convicted of violating the law with them.

If a man can cohabit, or live with, woman without doing so "physically," we would like some legal luminary like Judge Powers to show us how it is done. If a man does not "physically" live with a woman, he does not live with her at all, in any sense that is taken cognizance of by the law or any other power in this world. What does Judge Powers expect a man to do with his wives, if he keeps the law and performs his moral duty, to say nothing of his religious obligations to them? Does he want him to eat them, or cease to provide anything for them to eat? Supporting and acknowledging them seem in his eyes to constitute the essence of the crime.

He quotes several authorities to justify a construction of the law different from its letter and the plain meaning of a given section. One of these has this sentence:

"When in a particular construction of a statute, applied to a case which it seems by its terms to include, there follows from such construction an absurd consequence, respect for the Legislature will induce the court from thence to conclude that some other construction which will not produce such a consequence, ought to be adopted. Hence, in any construction which leads to an absurdity ought to be rejected.

Well, following this principle, should not his own construction of the law be rejected? What could be more absurd than his construction of the term "unlawful cohabitation" in the Edmunds law? He rules that a man cohabits with his legal wife if he never cohabits with her. That he lives with her if he recognizes and supports her, though he never lives under the same roof with her. That if it is proved beyond question that a man lives with only one woman, if he has a legal wife living whom he never lives with, he lives with two!

But Judge Powers goes still further in his determination to have his own ruling sustained, and after stating some of the facts in regard to the case, he returns to his "presumption" and declares that

"The strong presumption of cohabitation which arises from the simple fact of lawful marriage becomes conclusive and cannot be rebutted."

Is not this new doctrine for the bar of Utah? Did they ever hear before of a "presumption that cannot be rebutted?" Did they ever hear of a presumption that is to be regarded as "conclusive" no matter how conclusive may be the proofs in rebuttal? The simple fact of lawful marriage is to be regarded as establishing the cohabitation, although the evidence shows it does not exist! Does not this one little jurist combine all the Powers of the great legal authorities of either hemisphere, and put Blackstone and Coke, Storey and Marshall into the shades of everlasting insignificance?

Judge Boreman takes the same ground in regard to the presumptive cohabitation. In deciding the case for 1884 he says:

"Where it appears that Adeline is the first wife, the strong presumption in favor of his living with her arises and but a slight detail of facts is sufficient to confirm it."

"The proof here showed that appellant recognized Adeline as his first wife by supporting her, associating with her, supplying all her wants, having her convenient to him, so as to enable him to have a general oversight over her. He had not only treated and recognized her as a wife, but proclaimed it."

That is the gist of the whole Boreman argument. We need not say anything further upon the nonsense of it. In regard to the segregated cases, he holds that an indictment found for an offense committed during one period, is not a bar to prosecution for a similar offense committed at another period. Judge Zane made the following remarks in dissenting from the main issue in both opinions:

"I dissent from the judgment of the court. The evidence showed that Adeline, one of the women named in the indictment, was defendant's first and lawful wife, without showing that during the time mentioned therein he was ever in her company or ever spoke to her, and the court charged in substance that if the jury believed that during the time mentioned in the indictment the defendant had a lawful wife living whom he recognized and held out as his wife and contributed to the support of, and that during the same time he lived with, recognized, associated with and supported as his wife another woman named in the indictment, the offense of cohabitation was complete and that the jury should convict. I think it essential to cohabitation with defendant's lawful wife that he should have been in her company some part of the time mentioned in the indictment. Association, to some extent, is an element of the crime of cohabitation, as defined in the Edmunds law. It is not sufficient that a man and his lawful wife should live in the same neighborhood or in the same city. I concur with so much of the opinion of the court that holds that more than one indictment may be found by the same grand jury against the same defendant."

The course taken to secure the imprisonment of an Apostle of the "Mormon" Church although the evidence showed him to be innocent of the charge, is condemned upon its face by the shifts and subterfuges which have had to be adopted to make it effective. In the appeal on the case in 1885, Judge Zane took the ground that Sarah Snow was the legal wife because Adeline—the first wife—and another woman were married at the same time, and therefore the marriage was void. But in the cases for 1884 and 1883 he and the other Justices fly this track and take Adeline to be the legal wife whom Judge Zane officially denounced as no wife at all. To sustain the conviction of 1885, it was absolutely necessary to pick out Sarah as the legal wife. But the evidence in the other two cases was such that Adeline had to be assumed as the legal wife or they could not possibly be sustained.

These facts ought to be known and understood, that the public may see to what tactics the persecutors of the Latter-day Saints have to resort, in order to bring them within the clutches of a law that has been made capable of so many conflicting constructions. The record of the proceedings on these cohabitation trials will be interesting reading in time to come, and the day is not far distant when Americans will blush for shame at the perversions and contortions and judicial genufluxions, by which special legislation was specially interpreted and specially applied, for the special punishment of men who believed in a creed and practiced a custom that differed from the belief and the ways of the majority of so-called civilized "Christians."

The three cases of Apostle Lorenzo Snow it is hoped will be carried up to the court of last resort. On a fair showing of the ridiculous rulings it is probable that a writ of error will be granted to the court below and then it may be seen how far the Supreme Court of the United States will lend itself to the outrageous travesty on law and justice which characterizes the latest crusade against the Latter-day Saints.

DEFEATING THEIR OWN ENDS.

A GREAT deal of nonsense is being uttered and published in regard to the case of President George Q. Cannon. If it were possible to enlarge the penalty which the law provides, so as to cover his particular case as it is viewed by his enemies, there is no doubt that he would be put to death or imprisoned for the term of his natural life. The gentleman is indicted for a simple misdemeanor. The supposition that he was so indicted has been general for nearly a year. It has also been understood that he was wanted by the Marshal. He has not appeared much in public during that period, but has attended to his business and been quite free to go and come when he considered it was necessary, and until recently no special efforts of any importance have been made for his arrest.

But quite a bitter feeling has been worked up against President Cannon, and he has been singled out as a particular object of attack because of his known abilities and great influence among the Latter-day Saints. Hence the reward which was offered for his apprehension, and which, we are pleased to say, it does not appear that any pretended friend or disciple has blasted his soul to gain. The news of his arrest while traveling westward on the Central Pacific Railroad, has given a fiendish joy to the conspirators against the peace of Utah. They are feverish in their excitement and their exultation. Even the Prosecuting Attorney and Chief Justice are spoken of in the public prints as openly exhibiting their great delight. And it is urged that "he more than any other should suffer the penalty."

But this is all wrong. President Cannon is entitled to a fair trial—we do not say he has any reason to expect it, when brought within the reach of the courts, and to the same consideration, no less and no more, as any other defendant charged with the offense for which he has been indicted. An effort is being made to work up other charges against him, as might have been expected. But he should not be singled out as a special mark for the law's vengeance. The law should know no vengeance. It should protect the innocent and punish the guilty, without passion and without partiality. Judge Zane has ennuciated the doctrine that "Justice is equalness." We do not view that as an axiom nor regard it as a principle; but it should hold good in this respect: that all defendants accused of precisely similar offenses should be viewed alike by the law, and no one should be pursued and punished for his position, influence or the enmity against him, but should be judged according to the nature of the offense.

The special proceedings against his family are not warranted by the circumstances. The manner in which they are hunted and harassed with unusually heavy bonds for their appearance, the harsh not to say indecent questioning to which one lady in particular has been subjected, and the whole course pursued in his case show that he has been make a marked and selected object for attack under the name of law.

Some of this is caused by a very mistaken idea on the part of those who are urging extra rigor and severity in his case. They imagine, because he is a valued and respected leader among the "Mormons," that his capture and imprisonment would make a great change of belief and sentiment among the masses of the people. That it would either force them into that "submission" which some people talk so glibly about but do not define, or make them think that there is some mistake about their faith, or elicit some "revelation" or "compromise" which will affect the situation.

All this shows that the enemies of the "Mormon" people do not understand them or their religion. The killing of Joseph and Hyrum Smith was expected to produce just such results as those now anticipated. The imprisonment or martyrdom of every President and Apostle would not change the faith of the Saints in the divinity of the Church to which they belong, or make them cringe to their foes or deny their principles. They do not put their trust in man or pin their faith to any mortal being.

The idea that "revelation" can be manufactured to suit the demands of men or nations, is one of the gross absurdities of anti-"Mormonism." The notion that the Saints are led by the word and caprice and personal notions of a man, is an utter fallacy that any one who chooses to investigate may see through at a glance if he will. George Q. Cannon, upon whom the responsibility is sought to be placed for the position of the "Mormons," is no more responsible for their belief and attitude than for the firmness of the grand old mountains that surround us, or the saltiness of the briny lake that reflect their snow-capped summits. The revelations and doctrines and ordinances of the Church did not come from him. He is but one of their able expounders and exemplars. If he was imprisoned for life or burnt at the stake, neither those principles nor the faith of the people would be changed one iota.

We tell those people who think that the capture of our leaders, or any amount of pressure upon the Saints, will cause a recantation or departure from the things which we hold to be of God, that they have reckoned without their host. These difficulties and afflictions only make the roots of our faith strike deeper, and the tendrils of our affection for the cause cling closer, and cause the deep determination we have to live and die by the truth to become more intense, while our abiding confidence in God assures us that "all things shall work together for good" and for the ultimate success of the work to which we have devoted our souls forever.

And the more injustice and excess of rigor in the enforcement of oppressive laws the people witness, the more compact becomes their unity and the greater their detestation of the means devised for their overthrow. The course pursued towards the "Mormons" is the surest way to defeat the object which its projectors have in view. This will be seen and recognized in time, as sure as the sun shines on the glistening granite walls of our rising temple, and as God rules in the eternal heavens.

STILL DENIES.

GEN. DEMENT still denies the stories of the newspaper reporters. Well, he is entitled to a hearing. President Cleveland has announced his opinion of newspaper veracity and he is not generally considered to be in any way Dement-ed. It is possible that the gentleman has been very much misrepresented, but he seems to have a great fondness for appearing in print, and illnatured people will be apt to think that notoriety is dearer to him than veracity. However he is here and we hope he will be able to prove his innocence.

NEW QUALIFICATIONS.

COMMENTING on the recent efforts of Senator Edmunds, the Philadelphia *News* says:

"After awhile Mr. Edmunds will propose that no Mormon shall vote who can't swear to a good memory for dates and a strawberry mark on his left arm."

Better make an amendment that the qualifications shall be an appetite for senatorial "cold tea" and the sign of a grogberry blossom on the nose.

THE "OUTS" AND THE "INS."

THE last action of the City Council which went out of office on Tuesday evening, was the passage of resolutions in honor of Mayor James Sharp. It was a fitting termination to the labors of a body which has served the people faithfully during the past two years, under the leadership of the gentleman who was the subject of the resolutions.

Mr. Sharp is an able, solid business man, whose skill, foresight and general good judgment have been recognized in his official capacity, as well as in the position that he fills so well as a prominent railroad manager. He is conservative yet progressive, and the improvements in the city which he has labored to effect, give evidence of those qualities for which he is admired and esteemed.

The people will heartily endorse the expressions of confidence and appreciation which were uttered by his associates last evening, and we are pleased to know that his portrait will grace the collection in the Council chamber of the heads of the municipality whom the city is proud to honor.

The out-going Aldermen and Councilors are also entitled to the thanks of the citizens for the energy and promptness with which they have discharged the duties incumbent upon them while serving the public. They have the consciousness of fidelity to the trusts imposed upon them, and though the populace is generally ungrateful, and forgetful of the services of officials whose terms have expired, all men who take notice of the rise, progress and improvement of this municipality will render a meed of praise to the labors of the outgoing Mayor, Aldermen and Councilors, and hold them in higher estimation for the talents they have displayed and the devotion they have exhibited to the public interest.

We welcome the new Mayor and Council to the offices to which they have been elected, and trust and believe that they will build wisely and well on the solid foundations that have been laid by preceding Councils, and so move onward that the needs of a growing and enlarging municipality will be met, and such measures adopted as will be suited to the changes which are continually taking place in this age of rapid development. They commence with the confidence of their constituents; we believe they will fully justify by their actions the expectations of those who have elected them to office. Honor to those who have retired, success to those who have just been inaugurated!