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THE STARS.

What are their years? The night's unfath-
omed deep
Blags back no answer, gives no glimmer-
ing key;
And still unknown, and beautiful, they
keep
The silent courses of Eternity.

What are their memories of Creation's
days,
When startled Chaos, from its kingdom
hurled,
First knew its Master, and with glad amaze
They sang the birth-song of our trembling
world?

What have they looked on since, with pa-
tient eyes,
While million years uncounted rolled
away?
Who claims antiquity for man that dies,
Before such records of the past as they?

Can they to man his myst'ry explain,
The why, the whence, of his uncertain
state?
Unlock the riddle that he reads in vain,
And clear the tangled problem of his
fate?

Can they a fashion to the future give,
And tell the whither of man's anxious
quest?
Make life a less than weariness to live,
Or stay the hazard of his wild unrest?

Oh stars! what midnight message do ye
bear
To minds grown weary with the years'
increase?
The wistful eyes that watch you shining
there,
Look out of troubled hearts that know
not peace.

LOUIS H. BRINDLEY.

POLYGAMOUS CHILDREN CANNOT INHERIT.

At the session of the Supreme Court, Monday, July 28th, after the News went to press, the following decision was rendered:

Supreme Court, Utah Territory.
In the matter of the estate of George Handley, deceased.

Henderson, J.
The applicants, Ruth A. Newson, Benjamin T. Handley, Harry L. Handley and Sarah A. Chapman, petitioned the probate court for a distributive share of the estate of George Handley, deceased, as his

heirs-at-law. Their petition was denied in the probate court and they appealed to the district court, where the judgment of the probate court was affirmed, and they appealed to this court.

The facts are that George Handley died intestate on the 25th day of May, 1874, leaving an estate valued at \$25,000. He left surviving him his wife and eight children, named respectively, John Handley, William Handley, Charles J. Handley, Emma N. Handley, May F. Handley, Ruth A. Newson, Benjamin T. Handley and Harry F. Handley, the last three of whom are petitioners and applicants herein. The first four children above named were all children of the deceased and Elizabeth Handley, his lawful wife, and the last four were children of the said deceased and Sarah Chapman, his plural wife, married to him according to the tenets and rules of the Mormon Church, and were the fruit of that polygamous relation. All these children are still living, except Mary, one of the polygamous wife's children, who died sole and intestate September 28, 1878, and her mother Sarah A. Chapman, has succeeded to her interests. The petitioners and appellants, therefore, are the polygamous or illegitimate children, and the polygamous children and polygamous wife (the latter claiming as heir of her deceased daughter) of the deceased, and the only question presented by the record is whether the surviving polygamous or illegitimate children are heirs-at-law of the deceased and entitled to share in his estate the same as children born in lawful wedlock. The appellants base their claim upon the provisions of an act of the Territorial Legislature, approved March 3, 1852, Com. Laws, 1876, pages 268 and 269, section 687, which reads as follows: "Illegitimate children and their mothers inherit in like manner from the father, whether acknowledged by him or not, provided it shall be made to appear to the satisfaction of the court that he was the father of the illegitimate child or children."

This statute, so far as Territorial enactments are concerned, was the one in force at the time of decedent's death. On the part of the respondents it is contended, first, that this

statute was annulled by the anti-polygamy act of Congress, approved July 1, 1862. Second, that the act is against public policy, and therefore void. The anti-polygamy act above referred to is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that every person having a husband or wife living, who shall marry any other person, whether married or single, in a territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in cases specified in the proviso of this section, be adjudged guilty of bigamy, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars and by imprisonment for a term not exceeding five years; provided, nevertheless, that this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, without being known to such person within that time to be living; nor to any former marriage which shall have been dissolved by the decree of a competent court; no to any former marriage which shall have been annulled or pronounced void by the sentence or decree or a competent court on the ground of the nullity of the marriage covenant.

Sec. 2. And be it further enacted: that the following ordinance of the provisional government of the state of Deseret, so called, namely: "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints" passed February 8, in the year 1855, and adopted, re-enacted, and made valid by the governor and legislative assembly of the territory of Utah, by an act passed January 19, in the year 1855, entitled "An act in relation to the compilation and revision of the laws and resolutions in force in Utah territory, their publication and distribution," and all other acts and parts of acts heretofore passed by the said legislative assembly, of the territory of Utah, which establish, support, maintain, shield or countenance polygamy be, and the same hereby are disapproved and annulled, provided that this act shall be so limited and construed as not to affect or interfere with the right