

THE EDITOR'S COMMENTS.

CURIOUS WILLS AND THE LAW.

The peculiarities of wills that have been left by persons having property to dispose of have caused no end of amusement and litigation; and the eccentricities of testators perhaps will continue to occupy a prominent place in the lines noted. But the law is now getting down to such rules of practical and sensible operation that many features which formerly presented difficulties in the way of disposing of bequests are no longer troublesome. This was illustrated in a decision on Monday by a Massachusetts court. A father died leaving property to his family; but in the case of two of his sons he stipulated in his will that if either of them should become addicted to the use of tobacco, either by chewing it or by smoking cigars or cigarettes, the one doing so should forfeit his share in the estate; or if the lapse into the tobacco habit were to come after the distribution, then the remainder of the heirs should have a right of action for the amount of the property. The court held that such a provision in a will was invalid, for the reason that it caused a forfeiture of property for the performance of an act that was not unlawful. The use of tobacco was not forbidden by statute, said the court, although the prevalence of the custom was well known; hence it could not be made a cause for depriving heirs of property left to them at the time of the testator's death. The anti-tobacco provision of the will, therefore, was set aside.

Right upon the news of this decision came the provisions of a will filed in the recorder's office at Provo on Thursday evening, by C. E. Malmstrom, of Mapleton. He leaves property to his children, and then stipulates that if any of his children or grandchildren become members of the Mormon Church, the Catholic church, or of any secret oath-bound society, they shall forfeit their share of the estate, which is to go to the Baptist church, provided the latter has taken action to exclude from its membership all who have joined or belong to secret societies. The estate so inherited by the Baptist church is to be used exclusively for the purpose of working against Mormonism by circulating certain slanderous works which are named. If any heir contests the will, it is stipulated that such contest is disinherit.

Mr. Malmstrom is still living, and has the privilege of engaging in anti-Mormon proceedings such as he describes, if he wishes to. It is not conceded that he has the right to do so; for the free exercise of religion is under a constitutional guaranty in this land, and no assault of the kind required by the terms of the will, and which the gentleman seems to have got his mind on, is violative of the spirit of that guaranty. By the rule of court, however, in the decision cited, the will could not stand law in any instance where it imposes a forfeit; neither the joining of either of the churches named, or if secret societies,

or the contesting of a will, is an unlawful act, and therefore is not a good reason for working the forfeiture of property once entered into after the testator's death. As was said by the court in the decision referred to, the stipulations upon which forfeiture is based "are restrictive of human liberty as guaranteed in the Constitution of the United States, and therefore cannot be given legal force in this land."

WOMAN IN POLITICS.

The women of Utah have exercised the franchise ere this, and in a way to inspire confidence in their aim and ability to support the best material available for public office. In those days, however, there were no tumultuous conventions, no extravagant displays of pyrotechnics and oratory, no unbecoming fierceness between contending factions or candidates. The era of this class of political performances was ushered in during the period when women were deprived by congressional enactment of the franchise in Utah; hence with the habiliments of Statehood, in which women have equal rights with men, the fair sex in Utah must meet a condition in exercising the elective franchise that, in the aforesaid times recalled, was entirely unknown. How they will conduct themselves in the heat of a close campaign of complicated issues will be demonstrated in the next few months, and both friends and foes of woman suffrage are watching the progress of events.

With regard to this matter it will be no harm for the women voters of Utah, in addition to the calm dignity and good judgment they are now displaying from their innate sense of propriety, to take a note from the actions of the women of California in the present equal suffrage campaign in that state, as described in the San Francisco Chronicle. Not that there is any occasion to point to the Golden State as an example of improved procedure over that which is now going on here, for there is not; but to indicate a fact that may impress more firmly than ever on the minds of the women here the measure of grace, and beauty, and dignity that is looked for to attend them in politics as in society and the home, that by the elective franchise there shall be no development to bring women to a lower plane than she has occupied heretofore.

The reference to which we allude in our California contemporary is its statement that the campaign for equal suffrage in that state is being conducted in a quiet yet effective way that must command the admiration of every good citizen. No sensational dispatches, no flrid posters, no unseemly strife heralded the opening of the battle. Not a single gun has been fired; there have been no torchlight processions, no stump speeches, no open-air oratory, no bonfires, no serenades, no dramatic episodes; yet already, throughout the length and breadth of the state and into the remotest hamlets, the intelligence has

penetrated that this fall is to witness a contest which is to be a memorable one to the women of California, and in the issue of which every woman, every man and every child in the state is directly interested.

This California campaign is being conducted by the women, unaided by the members of the other sex except in a few minor instances, and is said to be proving a perfect refutation of all the misgivings regarding the uncouth and incongruous attitude in which it has been alleged woman must appear in election matters, and which has afforded ample scope for the satirist, the philosopher, and the buffoon who have opposed woman suffrage. It is recorded that in the California campaign the women who have come upon the platform have been, without exception, modest, dignified and ladylike; the conventions which have been held have been everywhere marked by the utmost harmony; there have been differences of opinion, and widely differing views with regard to policy, but there have been no dissensions; women have not hesitated to take issue with each other when it became necessary, but they have amicably discussed their differences, and have united in their conclusions; there have been no backbitings, no insinuations, no heart-burnings; joined in a common cause, they have been willing to ignore petty differences and to make concessions. Moreover, they have never forgotten that they were ladies, and that as such they were bound to exercise the best of good breeding in all their consultations.

To this pleasant picture there is offered a contrast in political gatherings which is not confined to California, but is a general experience culminating in the chief display at national assemblages, as follows:

There have been several conventions this summer which were not conducted by women, although in one of them women delegates figured as a small and unimportant minority. It would be rather hard upon the members of those it at some future day the woman historian should draw a contrast between the wild disorder, the frantic strife, and the uproarious tumult which at times prevailed in these bodies, and the self-control, the moderation and poise which have distinguished those organized and controlled by women. Even the greater physical vigor which characterizes the male sex, his superior exuberance of spirit, and the fact that he has few play days, and when he comes to one must make the most of it, will scarcely cover him with glory as contrasted with the composed, deliberate manner in which the women are conducting matters.

Perhaps it may be too much to expect that as rosy a hue as is given to the equal suffrage campaign referred to can be cast upon an ordinary political contest where the women already have the franchise. But it is not too much to anticipate that the great majority of the women voters of this State will remember to conduct themselves with becoming dignity and politeness; that no unseemly scrambling after office, such as frequently appears on the part of the sterner sex, will characterize their movement; that no sparring and quarrelling and backbiting, no frenzy and no hysterics, will mar their reputation as being overwhelmingly on the