EDITORIALS.

POLYGAMY IN NEW YORK.

THE New York *World* of November 22 has the following editorial with the heading as above:

The Buffalo *Sunday News*, thinking that it would be an "appalling thing it, after so much legislative brain tissue has been exhausted in compiling laws in this State to prevent bigamy, a man or woman can legally live with two or more wives or husbands," has consulted a "Judge Swift" of that city concerning a paragraph that recently appeared in the *World*, and received from him a large amount of misinformation.

The divorce laws of this State are a disgrace. They not only openly permit polygamy and polyandry, but they put a premium upon both.

The opening wedge was driven when in 1878 the Legislature made this addition to the statutes:

Sec. 6. If any person whose husband or wife shall have absented himself or herself for the space of five successive years, without being known to such person to be living at that time, shall marry during the lifetime of such absent husband or wife, the marriage shall be void only from the time that its nullity shall be pronounced by a court of competent authority.

As the courts promptly decided that only the innocent third party could ask to have the second marriage set aside, and it is for the social and pecuniary advantage of this person that the second marriage shall not be voided, all such marriages result in the man having two lawful wives or the woman two lawful husbands, with both of whom he or she may live in polygamy or polyandry. "No action for divorce will lie."

But this was not enough. A fresh wife or husband every five years was too slow for our fast life. It was too much hampered even by "constructive" desertion. In 1880 the Court of Appeals said:

A court of another state has no jurisdiction to dissolve the marriage of a citizen of this state domiciled here, who is not served with process in the foreign state and who does not appear in the action. (76 N. Y., 78.)

In 1883 the Court of Appeals said:

Where a marriage is valid by the laws of another state its validity cannot be questioned in this state. (92 N. Y., 526.)

The point of these two proper and common-sense decisions lies in their application. Jones, a gilded youth, wishing to demonstrate the practicability of New York Mormonism, starts with a society marriage. Upon his return from the honeymoon he applies in Connecticut for a divorce, keeping the proceedings from his wife's knowledge When granted he takes his second love to Connecticut, marries her there, where the marriage is lawful, and brings her back to New York. Both marriages are lawful here, though the divorce is not. Neither wife has precedence over the other. They must divide dower.

Jones, by following this programme, can have twelve or more fresh wives a year. The courts will compel him to support them, and on account of the enormous number of these polygamous marriages the last legislature made non-support a misdemeanor; but neither of his wives may obtain a divorce from Jones. They may have relief. The mock virtue which refuses them a divorce advises them to do what Jones has done—go to Connecticut and get a divorce not valid in New York, contract a marriage in Connecticut that will be valid in New York, come back to this city and live with Jones or the other husband, or alternately with each, or with both, and compel support from both. Scores of such marriages have been contracted in this city and state within the past few years.

Utah was satisfied with polygamy. New York has gone further. It has adopted both polygamy and polyandry, giving the wife equal privileges."

This is a pretty state of things. After all the howling about Utah, and the shiftings and sophistries to make consecutive polygamy respectable among good pious Christians who detest simultaneous polygamy, it appears that the latter is in open and common practice in the "pivotal State." Those who know, admit that what the *World* says is positively correct, and the old cry, originating in the same State and city, is echoed, "What are you going to do about it?"

It appears that the name of the thing rather than the thing itself is what horrifies the religious world. The custom explained above is not called polygamy. So it will pass. Society smiles upon it. Nineteenth century religion does not rebuke it. The law winks at it. And while an outcry can be raised which turns public attention towards the Rocky Mountains, and a people who have no votes in politics and no voice through the press of the country to defend themselves can be made the scapegoat of a nation's sins, New York polygamy can go as it pleases and escape blame.

The *World* is right in exposing this evil, as it has been in assailing a good many shams and iniquities. But it is not correct in calling this "New York Mormonism." Whether in New York or any other place, "Mormonism" neither teaches nor countenances any such humbug and wrong as that. It is contrary to its spirit and letter to take a course of that kind. New York has indeed gone further than Utah in that matter, and if the truth could be freely told it would be found that, granting as true all the falsehoods that have been uttered and believed about marriage among the "Mormons," the deviations of Gotham alone from the line of theoretical monogamy would go so far in the direction of infamy as to leave Utah out of public consideration.

The "mock virtue" denounced by the *World* is a common commodity and has had more to do with the noise that has been made on the Utah question than anything true and genuine. If other States draw in their immaculate skirts when Utah comes forward for national recognition, New York should surely refrain from pursing up its lips and affecting virtuous indignation. Marriage and morals need regulating within her borders if anywhere in the Union.

THE POWER OF WEALTH.

A WRITER in the latest number of the *Forum*, in an article having the caption, "Should Fortunes be Limited?" gives some facts and figures that convey, in a graphic manner, an idea of the proportions and growth of the money power of the United States. He says;

"Near the close of 1885 a citizen of New York died who left to his children a fortune estimated at $182,000,000, besides making a number of minor bequests. A political committee of one hundred, appointed in the same city in October, 1886, comprised eight members whose estimated wealth reached an aggregate of somewhat more than $300,000,000, and at least two of the most collossal fortunes were unrepresented in this number. Estates rising into the tens of millions are to be found in other cities, and taking the country through, one might designate twenty-five persons whose united wealth according to current estimates, is not less than two-thirds of a billion dollars, or about one per cent. of the total wealth of the United States, supposing this to have increased over fifty per cent. since the census of 1880. Were all the property in the country held in equally large amounts, the whole would barely suffice for two thousand five hundred proprietors; or supposing these to have families averaging four persons each besides themselves, it would supply a population a trifle larger than that of the little town of Yonkers, as stated in the last census."

When the remarkable tendency of the age for classes to combine and organize, is borne in mind, together with such facts as the above, the tremendous power which capitalists are capable of exercising, under our form of government, becomes easier to comprehend.

An appeal to Jay Gould in behalf of the Chicago anarchists, displayed an appreciation, on the part of the petitioners, of the state of affairs, in relation to the subject under discussion, now in this country. It is a condition which is now being much discussed, and many who treat upon it seem to regard it with forebodings of danger to popular liberty, and the institutions of our government. And yet none of the statesmen of the nation have manifested the wisdom to formulate a remedy for that which is widely regarded as an ominous outgrowth of what has been really but the prosperity of the nation. No constitutional method of preventing a citizen from accumulating all the wealth which his sagacity and abilities may enable him to amass, has yet been pointed out, nor has a plan been indicated by which capitalists can lawfully be prevented from combining. The money power is another of the unsolved problems of the age.

A PROPER BRANCH OF STUDY.

THROUGH the Prophet Joseph Smith the Latter-day Saints were advised to study the laws, customs and history of nations. The wisdom of this injunction ought to be apparent. By coming in possession of the facts inculcated in this branch of knowledge and observing the causes conducing to the rise and fall of empires, correct views can be formed in relation to those principles of government that conduce to perpetuity. It also enables the student the better to appreciate the form of rule with which we are identified in this Republic.

Mere forms of political governments are, however, powerless and without life if they are not animated by the essence of freedom and equal rights. It is the genius of free governments to preserve equally, without distinction to all alike, the right to life, liberty and property. When any one of these is denied to any class, then the form alone remains, and the essence no longer exists.

It is folly to suppose that any portion of the people, no matter how inconsiderable, can be deprived of these rights, and the remainder be secure. Any deliberate and intentional deprival causes the general safety to vanish. It is like a tiny breach in the bank of a mighty river. The crevasse may appear insignificant of itself to begin with, but it is the commencement of a break that increases in width until it is sufficient to turn the channel of the entire stream and inundate the surrounding valleys, spreading destruction everywhere.

It matters not whether the departure take the shape of unequal laws, discriminating in favor of one class as against another within the scope of the capital and labor and land questions, or to crush a people because of the unpopularity of their religious principles, the result must be the same, because of the similarity of the cause.

If under some specious pretext, the property of a particular church is seized and another liable under the same anti-freedom law is left unmolested because one religion is more popular than another, then both the measure and its application are opposed to free government, not only in reference to property rights but regarding an establishment of religion. It is a plain infringement upon the constitutional prohibitory clause upon Congress to hinder it from making a law establishing a particular religion, for a statute either to be enacted or administered which prefers one religion over another, or to subject one to a process from which others are exempted.

This is not said because there is any desire on our part to see other churches assailed as the Church of Jesus Christ of Latter-day Saints has been. It would only be increasing the wrong to do this, and while we may suffer from injustice we have no pleasure in seeing others imposed upon. But it may be set down as a certainty that if the rights of the "Mormon" Church are not respected, those of other churches are endangered. The results of the precedents may not be immediate, but they are nevertheless certain. It is only necessary to make the breach and fail to repair it to produce the future flood.

The youth of the community should be as thoroughly familiar with the underlying principles of our form of government as the ripe scholar is with the principles which govern lingual construction. By being thus indoctrinated they will be in possession of a standard, from the basis of which they will be enabled to judge of the merits of every law or procedure pertaining to government in any of its branches. By close observation and reasoning, they will likewise be able to reach correct conclusions in relation to conditions and principles that tend to social perpetuity, or, on the other hand to social dissolution. They can then become the genuine, intelligent advocates and supporters of correct government and the principles of human liberty, which is heaven born and heaven bestowed, extinguished only by "man's inhumanity to man."

READ AND THINK.

WE commend to the consideration of those who read, especially the young, the article in this issue from the pen of J. H. W. His views are correct. He who simply skims what he reads takes a course to induce mental confusion, resulting in an impaired memory. The late Prof. Orson Pratt was an example of what intense and thoughtful reading will do. His mind was a storehouse of information on special subjects. It was his habit when reading anything that he wished to fully comprehend to peruse it not less than twice and sometimes oftener. The result was that his ability to refer directly to what he had read was remarkable.

If a person had to choose between reading much and reflecting little, and reflecting much and reading little, the choice ought to fall upon the latter as tending more to mental vigor, perspicuity and originality.

The reading of books should be engaged in for the information that can in this way be gleaned, but not for that alone. It should be made the means of inciting thought and producing ideas they do not contain, on the principle of truth begetting truth, by relative association, through the process of reflection. The thinkers of the race are altogether too few, and they should be multiplied.

THE PRESIDENTIAL SUCCESSION AGAIN.

Editor Deseret News:

Since my last request on the subject of the Presidential succession, and your reply thereto, the question has been more vigorously discussed than ever. Several persons claim that no provisions were made for the succession beyond the Vice-Presidency until the last Congress, when it was made to devolve upon the Secretary of State. How is this? READER.

Those who gave our friend such information were themselves in error. So far from the question of succession being an untouched one till the last Congress, a generation ago a law was passed upon the subject, which we believe has never been substantially repealed. It is at least intact upon the pages of the last compilation, and it is generally recognized that Mr. John J. Ingalls, of Kansas, is *ex officio* Vice-President so far as the immediate succession goes, by reason of his position as President of the Senate. Here is the law referred to:

"Sec. 146.—In case of the removal, death, resignation or inability of both the President and Vice-President of the United States, the *President of the Senate*, or if there is none then the Speaker of the House of Representatives *for the time being* shall act as President until the disability is removed or a President is elected."

A subsequent section has reference to the duties of the Secretary of State in such an emergency, it being merely to take immediate action looking to a special election for President and Vice-President, a call to be made for that purpose and the time within which it shall take place being specified. It will be readily understood that it was never contemplated that any other persons than those specially chosen for that purpose should be either the Executive or his lieutenant, the President of the Senate or the Speaker of the House as the case might be, merely discharging the duties of President *ad interim*, pending an election which the Secretary of State must cause to take place as early as practicable, and when such election takes place, then the men so chosen to be President and Vice-President respectively during the remainder of the term.

We question very seriously if any law in conflict with the provisions substantially set forth by that law would be entirely operative if it came to a practical test. The provision of the Constitution is plain and explicit on the subject of what class of citizens shall be President or Vice-President, but is silent as to other positions in the government. It provides that none but a native born shall be chosen to the former, and when it gets to the latter declares that he shall possess the same qualifications as are required for the President. This is obviously intended to secure the chair of Chief Magistrate to those, born on our soil either for a term or during intervals, but having provided no further in the matter of succession than the Vice-Presidency, it gave us the rule and the practice to be adopted when later on we found it necessary to amplify the work the founders had begun. But that instrument did not prohibit naturalized citizens from being eligible to the Presidency of the Senate or the Speakership of the House, nor yet to any of the portfolios of the Cabinet. As a matter of fact, foreign-born citizens have held these positions within a few years past. Now, any law that made any one of such officers President of the United States actually, even for a vacancy or small fraction of a term, would be in derogation of the spirit of the Constitution at least, which instrument never contemplated anything of the kind not only because of the possible conflict suggested above, but for the further reason that the poetic justice which thus hedges in only one department of our system might be kept inviolate and not subjected to even so remote a possibility of overthrow as that cited. If a foreign-born citizen were President of the Senate and President Cleveland were to die, it is a fair presumption that the former might discharge the perfunctory and routine duties of the Executive until the proper successor were chosen by the means prescribed by law, but he would in no sense be President. The official acts of a deputy are as legal as those of the principal, although the deputy may not have a single legal qualification for the position itself.

This is a very much vexed question, and we do not wonder that merely mentioning it provokes a discussion. The reader will gather from it that there is in fact no such thing as a Presidential succession beyond the Vice-Presidency, and that when we speak of the President of the Senate being the National Executive in the event of that officer's death, we use a convenient expression, having no greater significance than that he holds place for the one who may soon after be properly chosen to fill it. The question has occupied the best thoughts and a great deal of the time of the foremost statesmen of our land in this and past days, and as one can easily see is still a somewhat open subject. Such discussions do no harm, however, but rather good; since by no other means are the imperfections in our system so completely exposed and the best remedy for existing evils provided.

THE CASE OF W. H. TOVEY.

THE case of William H. Tovey, of the Twentieth Ward, who was examined yesterday, before Commissioner Norrell, on a charge of unlawful cohabitation, is one that naturally incites special comment and sympathy. The defendant is a quiet, industrious and respectable working man. Not longer ago than last August he was released from the penitentiary after serving a term of six months for the same offense with which he is now charged.

The evidence for the prosecution, including his own testimony, given with frankness, was in substance as follows: His two wives live on adjoining lots. Since his release from prison he had made his home exclusively with his legal wife. He had, however, with more or less frequency, on evening visited the house of his plural wife remaining probably at no time to exceed two hours. The reasons for these visits were, to attend to one of h children who was sick for sever weeks; to instruct his children i their lessons; to convey means f their support; to carry water, whic has to be taken from a point some dis tance from the premises, and to sa firewood. The reason given for n attending to the two last mentione items pertaining to the household wa that his plural wife had been lam from childhood and is compelled use a crutch, while none of the chi dren are old enough to perform thos labors for her. The defendant had n only never slept at the house of h plural wife, but had never even take a meal there.

What would necessarily be the com mon sense and consistent view of case like this, and therefore the leg and just one, for consistency a sense are, or ought to be, inseparab from law and justice? This wou necessarily be best ascertained by consideration of what would ha been the course of the defendant h he gone further than he did in his efforts to keep the law.

He would have neglected the educ tion of his children and allowed the to grow up as rank, untrained mem bers of society, which would, as w as the innocents themselves, thus ha suffered injury. He would have re fused to support them and the mother, entailing suffering upon the or causing them to be a public bu den. He would have failed perform manual labor connected wi the household that could not be a tended to by a lame and consequent helpless woman, and could not be do by the children of tender years.

He elected to extend in these parti ulars that assistance the refusal tender which would have been dis trous to those who were benefitted it. If a man with any responsibil in the premises, under similar circu stances, were to refuse to bestow su necessary benefits, his course would condemned in any moral commun in existence. How it can be deem within the spirit of the l to hold a man upon su grounds as those adduced a pears almost incomprehensib Commissioner Norrell evidently had heart in the case, indicating by dir expression that he doubted whether conviction would ensue if the accus were held. It would have been appr priate with this condition of the mi of that official to have given the defe dant the benefit of the doubt. In t instance the benignant rule in t respect was reversed and it w awarded to the prosecution.

If by any possible chance Comm *sioner Norrell should be mistaken* his view, which conflicted with decision, and indictment and conv tion ensue, it would be a good case present for executive clemency, wit clear statement of all the facts. T administration has expressed favor of the execution of the law wi out vindictiveness, the Chief Mag trate having stated that he did wish the "Mormon" people to have opportunity to say, with show of r son, that they were maliciously trea by the agents of the government.

HOW THE LAW IS DISTORTE

DID Justice wake up in New York a find that during her slumber she b been carried beyond her domain clamorous demagogues and over-ze ous partisans, when the verdict in case of the State vs. Jacob Sharp w annulled by the Court of Appea Surely such a result looks like the covery for the time at least of natural position by an iron rod wh torsional quality remains unimpai after being twisted and turned alm to the point of breaking. If that is case, Sharp perhaps owes to the ha execution of the Chicago anarchi his immunity today from the strip and bars of Sing Sing.

The fact exists and must have b growing upon the thinking part of people of late that the newspap have a tendency to forsake their ti honored but now nominal position guardians of the best interests of and to assume the prerogatives wh they have helped to strike from hands of petty tyrants in the d agone; in other words that the po wielded by the press has not in cases been properly directed, and creasing strength has not carried w it increasing regard for justice. S sation has become the rule, and in way can this dangerous social qua be so positively put in action as hounding those who are accused crime. To such an extent has t been the case that the rule of which brings a person charged w the commission of an offense i court sheltered at all points with presumption of innocence until contrary affirmatively appears, been reversed and it requires all safeguards ever applied in ancient modern times to shelter the innoc against the storm of public and p vate denunciation in their effort show that they are innocent.

The sensational papers may say course that the seven gentlemen co posing the Court of Appeals of N York, or the majority of them, are c rupt, or that they are at least ov awed. Perhaps nothing contain