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CHARLES W. PENROSE, - - - EDITOR

Saturday, - - - May 31, 1890.

SECOND ANNUAL CHURCH SCHOOL CONVENTION.

THE meetings of the second annual convention of trustees, officers and teachers connected with the school organization of the Church of Jesus Christ of Latter-day Saints will commence at the Social Hall, Salt Lake City, at 10 o'clock a. m., Tuesday, June 3, 1890.

All members of Stake boards of education and of the faculties of the Church schools are cordially invited to be present.

WILFORD WOODRUFF,
President.

GEO. REYNOLDS, Secretary.

THE CHURCH CASE DECISION.

TODAY we are enabled to present to our readers further information regarding the decision of the United States Supreme Court, in the Church suit, rendered May 19th. There is a striking peculiarity in nearly all the decrees affecting the rights of the Latter-day Saints—they are almost invariably subversive of elementary or fundamental principles. They are, as a rule, so glaringly unconstitutional that their true character is plainly within the comprehension of the mass of the people. It requires no legal training to perceive the situation. A wayfaring man can run and read, as we trust to be able, in a brief space, to show, in relation to the case under consideration.

The argument made by America's greatest constitutional lawyer, Daniel Webster, in the famous Dartmouth College case, was followed by a decision which has hitherto been regarded as forever establishing the proposition that a charter, granted and accepted, becomes a contract, and passes under the shelter of that bulwark of property rights, the clause of the Constitution which declares that the obligations of contracts shall not be impaired. To hold that the granting power, which is usually the legislative department of the government in this country, may give a charter and then revoke it at pleasure, after the grantees have conformed to its terms, and builded upon it, is to undermine all corporations, private and municipal, and subject the tenure of their existence to the caprice of the legislative will. Let such a doctrine be established and stock in banks, railroads and all kinds of enterprises based upon a charter, would quickly sink in value, and perhaps become worthless. It is, therefore, a necessity of our present civilization, that charters granted and acted upon shall be deemed sacred contracts. Thus, in the case of the "Mormon" Church, modern civilization has received a a thrust in a vital part.

Taking the telegraphic synopsis of the basis formulated by the court as a justification for its extraordinary decree as fairly correct, it is presumed that one of its elements was the claim that Congress has a right to "annul any law of the Territory."

This proposition has nothing to stand upon. A republican form of government is guaranteed to the people, whether they reside in a State or Territory. An authority of the kind claimed for Congress would constitute that body an autocracy, governing the people of the Territories as an emperor rules his subjects. Such a form of government is anti-republican.

The rule has been for Congress to exercise a supervisory and annulling power over the enactments passed by the local legislature, which have invariably been submitted for its approval. Those statutes which were not disapproved by Congress became the laws of the Territory on the same principle that a national law goes into effect when the President of the United States fails to act upon it. To claim that Congress has an *ex post facto* right to annul the laws of the Territory that have been in operation for nearly a generation is almost as absurd as to claim that the Chief Executive of the Republic has a retroactive veto power.

Such a doctrine as that enunciated as one of the apologies upon which this unjust decision rests amounts to rendering the right of the people of the Territory to local self-government a delusion and a snare. It takes away every vestige of popular sovereignty and constitutes Congress king.

The reasoning of the court wherein it claims that the statute which incorporated the Church was in contravention of the constitutional inhibition against enactments regarding an establishment of religion, is fallacious on its face. At the time the statute was passed there was no general incorporation act. The body of religious worshippers which was affected by it became a body corporate that it might hold the legal title to property. All other churches are corporate bodies for the same reason. We hold to the contrary of the position assumed by the court and that Congress and the august body whose action is now under review have done that which the latter has charged against the local legislature, which we will now proceed to show.

Any act that favors one religion over another is a violation of the genius and even the letter of the constitutional inhibition in relation to an establishment of religion. Congress has passed an act disincorporating one religious body and escheating its property to the government; consequently, to the extent that it has discriminated against one church it has favored the others by exemption from the process. It has constituted the other churches, left legally intact and in possession of their property, the established State religions. In sustaining this legal wrong, the court has placed its seal upon an unconstitutional process of unjust discrimination, which cuts down the equality of religions and individual citizens before the law and before its administration.

To make this point more clear, if the process of disincorporation and robbery applied to the Church of Jesus Christ of Latter-day Saints were extended to all churches except one, that which was exempt would, by this favorable treatment, be, to all intents, the established church of the State, being favored and fostered by law while the others were legally demolished. It will be observed that if the disincorporating and escheating clauses of the Edmunds-Tucker act are not in violation of the constitutional inhibition against legal enactments relating to an establishment of religion it is difficult to understand what would be.

The statute and decision are in violation of the theory of American institutions that "all men are equal before the law." If one class can