

East gives the language of his victim buttonholed for an item, and very often these interviews are manufactured entirely out of a vivid and abundant imagination, the person alleged to be interviewed having never given the writer a word on any subject.

Whatever may be done in the present instance, we will hazard the prediction that the gathering of the Saints from the "four quarters of the earth" will go on, for it is in the programme of the latter day work—and The Master has decreed it. And no puny hand that lifts itself to thwart His purposes will either accomplish much towards the end desired or reap honor or abiding reward for his effort.

FURTHER EDITORIAL COMMENTS.

AS WE believe that the sentiments of influential newspapers in opposition to the ruling of the Supreme Court of the United States, on the confiscation question, will prove interesting to the large majority of our readers, we reproduce a number of editorials in addition to those already published in these columns.

The *Denver Republican*, after introducing the subject, remarks:

"There is no doubt that Congress had the power to declare the Mormon Church corporation dissolved. In order to reach this conclusion one need not consider the question of whether the Church as a corporation had violated its charter or had done anything else contrary to the laws of the land. Congress had power to annul any Territorial enactment; and it might have done this in the case of the Mormon Church corporation on the ground of public policy, without giving any reason for its action.

"It would seem that if there is any fault to be found with the decision it is in this, that it fails to provide for a distribution of the assets of the corporation among the members of the Mormon Church. The conclusion was long ago reached that the common law rule by which the property of a dissolved corporation escheated to the crown or the state, was too harsh. It has long been recognized that it is the province of a court of equity to step in and distribute the assets of a dissolved corporation among its creditors and stockholders or members. To take the property of the Mormon Church and give it to the public schools of Utah is to confiscate that property—viewed in the light of the practice in courts of equity; and ordinarily confiscation is considered nothing less than injustice."

The *Republican* cites decisions of the Supreme Court which have been reversed, thinks public opinion will endorse this decision though lawyers may dissent from it, and seems to think "public opinion" ought to rule. This would be very dangerous to the public welfare. For public

opinion is not often based on sound law, and it is as variable and unstable as the wind. A judicial tribunal ought not to be influenced by public opinion however widespread, but by law as limited by constitutional principles.

The *Albany, N. Y., Times* makes these pertinent comments:

"This is probably the largest confiscation of church property that has ever taken place under any government on this continent, and it is the only instance within our recollection, where our government has taken possession for itself of any lands or chattels devoted to pious purposes. It is a bad act, and a bad precedent, and it is to be very much regretted that the highest judicial tribunal in the land has given it its approval. 'Congress,' says the Constitution, 'shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' and, if the framers of that great charter had been able to look into futurity, and anticipate the acts of their successors in law-making, we cannot doubt that they would have added, 'nor interfere with or control property devoted to religious uses.' But who can foresee the future, and who, in the days of Thomas Jefferson, would have expected the spoliation of an unpopular and absurd religion in the days of Benjamin Harrison? This is the first seizure of church property by the civil power, here in the United States, but what guaranty have we that others are not to follow? Who knows that the church property of the Quakers, of the Methodists, of the Jews, or of the Roman Catholics will not be treated in the same way some day? Men and brethren, have we not entered upon a path of danger?

Chief Justice Fuller thinks we have, and his brave and distinct dissent from this unhappy policy will make him remembered in the future. Our chief justice appears to be more than a mere lawyer, more than a mere partisan. He is a statesman."

The *Dubuque, Iowa, Telegraph* devotes considerable space to a lucid explanation of the case and the decision, and adds:

"Objectionable though polygamy be, and necessary as it is that it should be destroyed, those who regard the question from the standpoint of equity will be more disposed to coincide with the minority than with the majority of the court. The latter defends its approval of the confiscation on the ground that the enormous proceeds of the escheated property were employed to propagate polygamy and to promote an organized rebellion against the laws of the United States. As to the first of these grounds, it is a new principle of jurisprudence that because a man is guilty of a criminal violation of the law his goods are confiscated to the state. He may be deprived of his liberty, but it is an entirely novel proposition that he can be also deprived of his property. And this is what the decision practically affirms; for if a corporation may be despoiled of its possessions for a criminal act, according to the same principle, and by parity of reasoning, an individual may be. Regarding the second ground, it may be said, with all due respect for the court, that the rebellion in which the Mormons were engaged was not of a character to warrant the confiscation of their property. It is true that they defied the

law, but as they did not take up arms against the United States nor levy war against them, they were not guilty of treason, and treason is the only crime for which government can rightfully confiscate property.

"However, unsound though it appears to be, the decision will stand as an authoritative and final definition of the power of congress to deal with cases of this character. It establishes a precedent which may yet prove to be far-reaching and of vital importance. Certain churches are rapidly accumulating vast properties, and in time they may employ the power conferred by the r possessions to influence the direction of state affairs in their own interests. This could be construed as being as dangerous an evil to society and government as the practice of polygamy. Without doubt, under the decision just rendered, congress would have the right to destroy the evil, when it manifested itself, by the very means employed to abolish plural marriages. Indeed, the law-making power could go further. 'The contention,' says the court, 'that polygamy is part of the Mormon's religious belief is a sophistical idea.' This constitutes congress the judge of what religious ideas are sophistical and what are not, and invests that body with the authority to prohibit, even to the extent of property confiscation, practices conducted in the name and under the cloak of religion but which, in its judgment, are inimical to the public welfare. It is a fair assumption that if any church organization as such should attempt the destruction of the public school system, congress would have the power to punish it and minimize its capacity for the infliction of further harm by forfeiting its property to the state. The decision is one of the most extraordinary ever rendered by the court, and it will occasion widespread comment and discussion."

The *Altoona, Pa., Times* says, sententiously and pointedly:

"The United States Supreme Court rendered a decision the other day sustaining the constitutionality of the Edmunds law, which dissolved the Mormon Church and forfeited all property in excess of \$50,000 to the Government. This means that the United States Government can confiscate all the valuable church and other property now belonging to the Mormons, except \$50,000, which amount they must leave them. This may be all right, but it does not seem so when one looks at it in a social sense. The Government can make the Mormons live up to the Federal laws without stealing their property from them."

The *Lansing, Michigan, Journal* gives particulars of the case and, after showing the falsehood of the attacks made upon the dissenting judges, remarks:

"In the view of the dissenting Democratic judges there is no question as to the power of Congress to suppress polygamy and punish it as a crime; but they deny that this can be done in the manner provided for by the Edmunds act, which substantially adjudged the Mormon Church guilty, without giving it a judicial hearing, and then proceeded to appropriate its property to Government uses.

"If this view is not good law, good sense, and good morals, then the average American mind is woefully deficient in its conception of what constitutes legal justice and sound legal practice."