

ligion. The non-"Mormon" churches are, by the legal and judicial exemption referred to, constituted preferred religions by the State to the degree that the preference extends. It is but the initial point in the creation of an establishment of religion under the law, in this way: If more religious bodies were added to the role of victims on the list on which the "Mormon" Church stands in isolation at the head, until but one of the preferred species remained, the latter would, to all intents and purposes, be the established State religion, enjoying favors and preferences from which all others would be debarred. The fact of the victimized religious bodies being unpopular does not affect the point in the least.

In relation to the spoliation statutes, various opinions have been expressed through the press and other popular channels. Those who have favored the robbery have never attempted to defend it from a constitutional standpoint. The ground of approval has almost invariably been that the "Mormons" were the parties despoiled, and it is common to applaud whatever is an outrage upon them. Whenever the measure has been treated from the position of right, it has been denounced as being not only intrinsically unjust, but an exceeding dangerous experiment, liable to ultimately affect other religious bodies.

Some remarks uttered in the fore part of last year by Judge O. W. Powers, in an argument made by him in the capacity of counsel for Receiver Dyer at the time the unseemly squabble over the Church property was afoot, are pertinent. We have never been a profound admirer of Judge Powers, but have always been willing to admit that he is capable of emitting occasional brilliant flashes of invincible truth. He was having a spell of that kind when he reeled off the following in relation to the measure enacted to confiscate the property of the "Mormon" people:

"It was a harsh proceeding to make this confiscation act. I desire to say right here, it never met with my approval, and, I think, not with the approval of the majority of the Gentile community here. It is un-American. A man has a right to that which he earns, or to give it to a charity, a hospital, a church, and no one has the right to say him nay. To say that this government can take his money and use it for a purpose for which he did not intend it is tyranny. It is an unjust law, and has done more to injure the Gentile cause than the Mormon church ever has done. It has given a chance for that people to say

that our chief object is plunder and robbery. I don't care whether the incorporation is legal or not, the government has no right to take this property. The Mormons wrested it out of the soil; it is theirs and no one else's.

The government could have done no less, in view of the doubtful nature of this proceeding, than test the constitutionality of the law. If it is not constitutional that matter should be made known, and every dollar returned to those whose it is.

The screws were applied to this people. They were between the upper and nether millstones and were being ground to powder, as it were. They were crowded and crowded down, and compelled to accede to the terms of the receiver, who secured his pound of flesh."

THE MINORITY REPORT ON IDAHO

THE position taken by the minority of the members of the committee on Territories on the question of the admission of Idaho to statehood, as indicated by their report, is simply unassailable from a logical and constitutional standpoint. Disqualification from voting, holding office or serving on juries is in the nature of punishment. According to the theory of Representative Mansur and his fellow committeemen in sympathy with his views, no punitive process can be properly applied on the basis of a mere allegation of criminality. It must follow, but never precede, conviction of an offense against law. The constitution of the proposed State of Idaho reverses this rule of civil government. Not only does that shameful instrument place jurisprudence upon its apex with its base in the air, but it puts a class of worthy citizens under the ban of disability who are not even accused of any crime, they being disabled simply on the ground that they hold membership in a particular church among whose tenets is claimed to be an unpopular doctrine. They are deprived of the privileges which accrue under the status of citizenship, because at some time a number of the members of that religious organization have practiced and taught the objectionable tenet referred to; while they themselves have never, in word or deed, done anything in that direction.

The constitution of the proposed new State prescribes a religious test oath, notwithstanding that the National constitution forbids that anything of that nature shall ever be applied as a qualification for office within the republic.

Representative Mansur and his colleagues of the committee who joined with him in protesting against the admission of Idaho until

she shall Americanize her State constitution are clearly in the right, and their views will, in course of time, be applauded and endorsed, while the alleged organic act adopted by our sister Territory on the north will be shelved as an unseemly relic of revived barbarism.

A SAD DISAGREEMENT.

IT is sad to see the "Liberal" political brethren split into sections on subjects regarding questions which they should be a unit. A special question upon which opposing factions of the fraternity feel more like seizing each other by the hair of the cap instead of falling on each others' necks and affectionately weeping is in that connected with the proposed government building for Salt Lake City.

Those who feel an interest in this theme would do well to read and, if their mental digestion is good, assimilate the *Herald* Washington special which appears in this issue. After this intellectual exercise, let them sit down and reflect upon two important alleged ingredients of the controversy that has arisen on this subject. Those who favor the remodelling of the Woman's Home building and its conversion into a structure in which the Government business shall be conducted claim to be animated by purely patriotic motives. Every time they think of the probability of "Uncle Sam" being put to the expense of purchasing a new site and erecting a completely new structure, their financial souls are worried with monetary grief, in case the proportions of a corpulent national treasury should be diminished. It is not to be presumed for a moment that any other motive inspires the movement. Such an idea would be more than absurd, especially at a time when a real estate boom is on.

There can be no doubt about these patriotic economists having an argument on their side of the controversy that makes their antagonists feel as if they had been seized where their hair is short—the failure of the Woman's Home to accomplish what its promoters asserted it would. Three women and six children do not constitute a concourse of inmates for a building of palatial appearance and proportions. It may be said right here that the situation depicted in the plea of the economists—who are pained with the prospect of an unnecessary inroad upon the national