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Saturday, - - - June 14, 1890.

THE SUPREME COURT NOT INFALLIBLE.

"Burlington, Ia., May 31.—The *Hawkeye* will publish tomorrow an article by Judge Hurston of this city, which brings to light a decision in the United States Supreme Court several years ago, reported in 114 U. S., page 622, parallel in principle to the recent Iowa original package decision, and in which the Court reaches an exactly opposite conclusion. The Court held that, after property imported into a State reached its destination, it was at once a commodity and became a part of the mass of property in the State without having passed out of the hands of the consignee. The former decision has apparently been overlooked.

The foregoing comes to us in our regular press dispatches. The *Tribune* of this city publishes it with these headings:

REVERSED ITS OWN DECISION.

THE SUPREME COURT OF THE UNITED STATES OVERLOOKED THE RECORDS.

This is not the first time that the court of last resort has rendered a decision diametrically opposed in principle and effect to its own rulings. And yet we are expected by some unreasonable and arbitrary persons, including *Tribune* editors, to regard the judgment of that tribunal as infallible. If we point out weak points in its reasoning, or show wherein its rulings are in contravention of the supreme law, we are denounced as traitorous and rebellious and unfit for the rights and privileges of American citizenship.

The judges who compose the Supreme Court of the United States are but men. They are learned in the law, they have the experience of years, they have full opportunities to arrive at just and legal conclusions. They ought not to be biased by any considerations of politics or creed or policy. They should interpret the law according to established principles and as limited by the National Constitution, without any regard to popular sentiment or personal or public consequences.

It is grievous to see such a body divide in sentiment or political lines. Whenever such differences occur, doubts as to the decisions and the motives that led to them naturally arise in the thoughtful mind. The reverence that should be felt for so august a tribunal is naturally lessened, and confidence in its judgment must necessarily be weakened.

There is one thing that must be conceded even by persons who make such great pretence of veneration for the court. That is, it is a body composed of public servants, whose official acts are open to public criticism as much as those of officers in the legislative or executive branches of the government. And when they make mistakes or are evidently swayed by extraneous influences, it is the right of all and the duty of some men to point out and dissent from their erroneous rulings.

If a "Mormon" attempts to do this, he is assailed at once as "disloyal," and all kinds of opprobrious epithets are heaped upon him. And if he be a man of influence in his Church or among its people, the Church itself is sought to be made responsible for his utterances.

We have taken occasion at different times to show wherein some decisions of the Supreme Court are in violation of constitutional restrictions and established principles of jurisprudence. But the Church to which we have the honor of belonging has never issued any manifesto, or given any instructions, or taken any action of this character. It has been silent on the subject. And yet the "Mormon" Church is represented, continually, by the paper in which the above headlines are displayed, as setting itself up to decide for itself and its members as to the constitutionality of laws which have been passed upon by the Supreme Court.

The "Mormon" Church has never done anything of the kind. When the Supreme Court speaks of it as "a contumacious organization" it goes outside the record in the case before it and outside of the facts, and is just as much mistaken as it must have been in one out of its two exactly opposite rulings in the "original package" case.

Fidelity to American institutions, loyalty to the Republic, fealty to the Federal government, do not require the worship of any person or authority in the land, nor demand dumb acquiescence in any act of a public servant or body. The Supreme Court of the United States, we are sorry to say, has exposed itself to public criticism and has made many egregious blunders. Let those who wish to, shut their eyes to the fact that it has repeatedly reversed its own rulings, and done so unwittingly, having overlooked its own record. But we take the liberty of opening our eyes and looking at things as they are, and do not think folly is any more like wisdom because displayed by Supreme Judges, nor that wrong is made right because it is embodied in a ruling by the highest legal tribunal.

In the decisions of the majority of that court in the two recent cases affecting the members of the "Mormon" Church who have not violated the law, the court has not only erred in its disregard of the Constitution, but also in reference to the claims of counsel representing them. It has put statements in the mouths of counsel that they never uttered, and argued against a position that they never assumed. And, further, it actually announced that "public policy" influenced its decision, and showed that public prejudice swayed it, when only law and equity should have been supreme.

We do not expect infallibility in any human tribunal. In face of conflicting decisions like those mentioned in the above dispatch, nobody ought to claim it for the Supreme Court of the United States. Of course a decree of that court is binding and the end of legal controversy—*until the court can be induced to reverse its own judgment.* And therein is food for much reflection.

IT OUGHT TO FAIL.

IT WOULD seem that the "Gentiles" of Utah would be nearly as much opposed as the "Mormons" are to the Thomas-West bill introduced by Senator Edmunds. It is a "one-man power" scheme. It proposes to take from "Mormon" and "Gentile" alike the power to elect the local officers in the respective counties, and give the Governor, with the consent of the Utah Commission, the power to appoint them. There is not the slightest reason for such a radical change, nor for clothing the Executive with such arbitrary authority.

The Utah Commission have no permanent interests in the Territory. Their office is not part of the local governmental system. It is liable to abolishment at any time. And its members are not even residents of Utah. To vest any appoint-