

## A PERPLEXING QUESTION.

THE press of the country is once more commenting on the decision of the Supreme Court of the United States on the escheat of "Mormon" Church property. The leading papers seem to sense the situation pretty clearly, while others exhibit a woful lack of information and intelligence. But most of them regard the case as forming a precedent which is likely to become baneful and the means of introducing great evils into the jurisprudence of the country.

Any one who has watched closely the proceedings designed to deprive the Latter-day Saints of their Church property, under the specious plea that part of it had been and some of it might be used for an unlawful purpose, to wit, the support of the practice of polygamy, must have been impressed with the confusion and inconsistency manifested therein. It has been a muddle from the beginning. Many things had to be assumed, patent facts ignored and property rights invaded, in order to give a color of legality, to say nothing of a pretence of justice, to the diversion of the property of a Church to other uses than those for which it was donated, and for the benefit of people who never contributed a cent to its sum.

It is a new thing in the United States. Therefore many legal and judicial precedents in this country had to be set aside. And the court, in reaching the conclusion at which it was determined to arrive, had to transcend its legitimate powers and encroach upon the domain of legislative authority.

Among other influential papers, the St. Louis *Globe-Democrat* gives a fair account of the leading points of the case and makes the following remarks, which we copy without endorsement or comment:

"This implies a doubt as to the authority of the court to apply the money in its own discretion, as seems to be the intention of the law; and four of the Justices dissent as to the existence of the power to order any disposition thereof. It is urged that the purposes for which the property was originally designed were unlawful, because the corporation endorsed polygamy, and therefore it is impossible to find analogous purposes of a lawful order.

"But has the court power to dispose of property in that way, even if it be conceded that there are charitable objects to which it might be devoted without any impropriety? It is undoubtedly within the province of that tribunal to approve and confirm the condemnation of property, but the disposition of condemned property is another thing, and possibly a thing that can be done only by legislation, and not by a judicial order. The question presents a grave difficulty, and it is possible that the court may yet conclude to forego such action, and let Congress provide in

distinct terms what shall be done with the money. In any event, however, the forfeiture will hold, and that is the main thing. The fund will eventually be used in such a manner as to carry out the theory of the law and give the people of Utah the benefit of this large sum. There are schools, hospitals and other public institutions which certainly come within the meaning of the act of 1887, and means will be found to employ the money in their interest. The report of the Master in Chancery will show all the facts in that relation. It is to be supposed that the receiver is entirely trustworthy, and nothing will be lost by waiting until the matter shall be thoroughly investigated, and the best method ascertained for enforcing the law in a practical and beneficent way."

The New York *Sun* thus closes a long and ably written editorial on this perplexing question:

"Chief Justice Fuller and his Democratic associates who dissented from the opinion of the majority of the Supreme Court, were right when they said that if the purpose for which the Mormon property was accumulated were such as had been represented, it could not be brought within the rule which required that property destined for charitable uses which have failed shall be applied to a purpose as nearly as possible resembling the object which the donors had in mind. 'Nor is there any counterpart in Congressional power,' they said, 'to the exercise of the royal prerogative in the disposition of a charity. If this property was accumulated for purposes declared illegal, that does not justify its arbitrary disposition by judicial legislation.'

"The correctness of the view thus expressed is emphasized by the form in which the court has now put its decree of affirmance; for that decree shows that the United States Government having taken possession of a vast amount of property formerly under the control of the Mormon Church is at a loss to know what to do with it; and that the Federal courts must devise some method by which it can be utilized for purposes of public charity. This is nothing less than judicial legislation in the most pronounced form."

## ANOTHER "TRUST."

It is estimated that there are produced daily in the United States about 10,000,000 toothpicks. There are several factories specially engaged in the production of these pointed splinters. Maine has three, Indiana one, New York one, and Iowa one. The same question might be asked about toothpicks, as is often asked about pins, what becomes of them?

Pins, however, have engaged the attention of the wisest philosophers, and learned lucubrations have been written on them. It is true, the toothpick, also, to a limited extent, has a place in general literature, but it has never achieved any particular distinction. It is questionable whether it even figures in the industrial statistics of the country, and it has never been mentioned in connection with the McKinley bill.

Suppose the profitless discussion on tin-plate be dropped for a moment, and the toothpick issue be taken up. Very

recently a trust for the manufacture of this article has been formed, with its headquarters in Chicago. The price has already risen from \$1.75 per case of 250,000 to \$2.75. The most ardent free-traders have not charged this trust to the protective tariff, nor the rise to the McKinley bill.

There are 20,000 cords of wood used annually to supply the toothpick market. Maple, poplar and orange tree make the best woods for the purpose. In Iowa, cottonwood is used, because it is so easily worked. The timber is first cut into blocks about twelve inches square and two and a half inches thick. Each piece is then placed beneath a compound kind of knife, or rather of interlaced knives, in one piece of machinery, and it comes out in 10,000 picks. These maple chips go everywhere. They are handled by the taper fingers of the habitue of Delmonico's, as well as by the grimy hands at the mining camps.

It is becoming unfashionable in the Eastern cities to use toothpicks, in fact their use is decried, and one writer who is considered an authority on matters of fashion calls the pick "a vulgar, disgusting, American institution," though he is supposed to be a thorough American himself. But it is a futile task to attempt the suppression of this institution, for such it has become. The archives of the patent office abound with models of this little article in a variety of forms. Jewelers make a specialty of it in gold, and sell it oftentimes for as much as \$500. It is also manufactured from quill, whalebone, steel, etcetra and very often the free born American monarch uses his clasp knife to ease his molars and give them ventilation.

Ben Jonson mentions the toothpick, so does Shakespeare, even the Latin poets, Martial and Horace, speak of it eulogistically. Martial was democratic enough to say that a piece of common lentisk wood was the best for use. It was one of the marks by which a gentleman was known some two centuries ago in Europe, for Massenger says:

"I have all that's requisite to the making up of a Signior. My spruce ruff, my hooded cloak, long stocking, and pained hose, my case of toothpicks and my silver fork to convey an olive neatly to my mouth."

There were no trusts in those days and many other modern "improvements" were unknown. Very soon every article in common use will be hampered by a trust to raise its price and thus the public will be mulcted and the manufacturers pile up wealth while the laborers, who produce the article, derive no benefits from the combination. The "trust" monopoly is one of the social monsters of the age.