

Meanwhile, we suppose present conditions will remain undisturbed. And, in any event, before the real estate is taken, proceedings will have to be entered and the claims of the Church in regard to each piece of property heard and determined.

We are pleased to see the equanimity of spirit and the firm reliance upon the workings of Providence manifested by the Latter-day Saints in regard to this attempted spoliation.

PUBLIC POLICY AND NATIONAL PILLAGE.

COMMENTS on the decision of the Supreme Court of the United States in the "Mormon" Church property case appear in most of the American newspapers. As a rule they are copies, some of them verbatim reproductions without credit, from a few of the leading journals which are strongly anti-"Mormon." They display that ignorance of the real question, underlying the litigation, which is so prevalent in this country.

There is scarcely an editor in the land who understands the "Mormon" situation or who has studied the laws of Congress relating to Utah and its people. Nearly all of them speak of this decision as affirming the constitutionality of the Edmunds Act, which was passed in 1882, and jump to the conclusion that it gives the "death blow to polygamy" and disorganizes the "Mormon" Church.

Many of these comments are ludicrous to one who is acquainted with the facts and understands the natural and legal effects of the law and the decision. The law which has been passed upon is that commonly known as the Edmunds-Tucker act of 1887, and should not be confounded with the Edmunds act of 1882. The power of Congress to legislate against polygamy in the Territories was not the issue involved in the case. That has been decided for a long time. It is strange that the editors of the United States are not familiar with this fact, and lamentable that they should be so ignorant of the important national questions that are affected in this instance.

The power of Congress to pass laws for the suppression of polygamy was not questioned by counsel appearing in this case on behalf of the "Mormon" Church. The real issue was the power of Congress to repeal an act of the Territorial Legislature which was

in the nature of a contract, and to take from a religious corporation or association, property contributed for specific purposes and escheat it to the Government for other uses.

A great deal of ignorant abuse is hurled at Chief Justice Fuller and also at Justices Field and Lamar, because they dissent from the opinion of the majority. They are represented as "shielding polygamy" and supporting the "twin relic," and many other stupid accusations are made against them. The truth is, they simply defended plain constitutional principles and restrictions. And in doing so they did not hesitate because the people and institution which the legislation under review sought to despoil, were unpopular and charged with countenancing crime.

It seems useless to reason with persons who are blinded with prejudice and indifferent to facts. But the press of this country ought to pause before endorsing a movement to confiscate corporate property and divert it from its original uses, because it is *alleged* that it *may be* used by the disincorporated society to promote something forbidden by the law.

There is not any evidence that if the "Mormon" Church were to retain possession of the pieces of real property which the decision of the Supreme Court affects, or the personal property which the Utah courts declared forfeit but which the law does not mention, they would be used in any way to promote or perpetuate any practice that is contrary to law. And if there were, it is a grave question whether this probability would be a sufficient justification for the new departure in American jurisprudence, which escheats to the United States, property on which the Government has not the slightest claim, in equity or on any just principle or recognized precedent.

And we will state here, without the slightest hesitation, that the stripping of the "Mormon" Church of every dollar's worth of its property, real and personal, would not affect the polygamy question one iota. If the "Mormon" people were still preaching, practicing and perpetuating polygamy, the amount of the worldly possessions of the Church or the entire lack of them, would not affect the matter in any way whatever. The *disincorporation* of the Church, as we have heretofore shown, does not *disorganize* the Church. It remains intact. It is not weakened thereby. Its princi-

ples abide. Its spirit is still active. Its living force is not abated.

If Congress can annul a legislative act which is in the nature of a contract, without violence to the national Constitution, let that go as good law. If the Supreme Court for purposes of so-called "public policy," sustains that congressional proceeding in face of the Constitution, let that also go as a judicial decision that will answer the purpose of law. But it does not follow that this will make sound, legal, constitutional or right, the taking of property that belongs to the body of people forming the Church so disincorporated, and escheating it to the Government. That is, in plain language, national robbery.

The excuse offered for it will not stand the light of reason, justice or sound policy. Even if it were true that the property thus taken by force from a religious body, might be used to promote an unlawful practice, that is a very poor pretext for giving this great Government power to seize something that does not belong to it, for fear the property might be devoted to improper uses. And if this precedent is established, what will be the end of its application?

There are some influential papers that have looked into this matter and have gone beyond the surface, paying little attention to the false "polygamy" pretense with which it has been varnished. We append below some of their utterances.

The New York Sun of May 21st gives a succinct statement of the case, and says in conclusion:

"To us it seems that that this result can only be deemed satisfactory by those who believe in the doctrine that the end justifies the means, however objectionable the latter. It is most desirable that it should cease, but it should not be brought about by disregarding the plain commands of the constitution; and here we have three judges of the Supreme Court of the United States, including the Chief Justice, declaring that certain essential provisions of the Edmunds act are in contravention of specific limitations in the fundamental law of the land.

"No detailed discussion of the decision is possible without the text of the opinions. From the public abstracts, however, which are very meagre, we gather that the majority of the court justifies the confiscation proceedings on the ground that the property taken was used to sustain the practice of polygamy in defiance of the national laws. The dissenting judges concede 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.