

"The case is one of the most important ever decided by the Supreme Court."

The New York *Telegram* of the 22nd remarks:

"No one wishes to defend the Mormon Church. In cutting away this excrescence, though, it is well not to injure the sound organism of the patient, and thus lead to the breaking down of healthy fibre."

"If the general government may confiscate the property of the Mormon Church for crime, where will the line be drawn? That alleged Church as a corporation should not be allowed to exist when it advocates polygamy and defies the government, but the principle that Congress may order the confiscation of the property of a corporation is a dangerous one to admit. The next confiscation of corporation property which the general government may order might come nearer to invading the rights of many who now approve of the Edmunds law."

"In the end perhaps it will be seen that the view held by Chief Justice Fuller and Justices Field and Lamar, that Congress has no such power under the Constitution will be sounder, as it is undeniably the safer interpretation of the Constitution."

The Alexandria, Va., *Gazette* has this editorial:

"While some of the decisions of the United States Supreme Court yesterday in the Virginia coupon cases, and in the meat inspection case in Minnesota, are only just what were expected, that in the Mormon Church case is surprising. The Legislature of Utah granted a charter to the Mormon Church under which that Church during a long period acquired nearly a million dollars worth of property. Congress not only repealed that charter but escheated all the property of the Church to the United States, thus not only passing an ex-post facto law, and one impairing the obligations of a contract, but taking possession of private property without just compensation, and though all three of these acts are specially prohibited by the Constitution, the United States Supreme Court yesterday gave them its sanction. The law is plain enough, but the interpretation thereof passes human understanding."

The Manchester, N. H. *Union* has this clear conception of the vital question involved:

"Chief Justice Fuller and Justices Field and Lamar make a clear distinction between Mormonism and polygamy. The other members of the Supreme Court fail to make this distinction, and consequently the Edmunds anti-polygamy law, with its remarkable provision for the confiscation of church property is sustained. Now will the partisan journals, which are praising the Republican members of the court, state frankly what would be their position if at some future day, on one pretext or another, there should be a movement to confiscate the property of some other denomination in a section of country which happened to be under federal rather than State control? Mormonism is bad, undoubtedly, bad all through in the opinion of everybody except the Mormons themselves, but what has that fact to do with the legal aspects of the case? The Mormons have no more right to commit polygamy than Methodists or Baptists or Catholics have, but it is not easy to see why they have not the same constitutional right to their faith, to their particular forms

of worship, and to hold church property in excess of the \$50,000 limit prescribed by the Edmunds bill. It is not beyond the bounds of possibility that a day may come when this decision by a majority of the Supreme Court judges will prove to be the worst sort of precedent that could have been established. It is by no means certain that the several religious denominations of this country will always remain so equally divided as at present. It may not be probable, but it certainly is not impossible that some day there may be a religious sect so strong in this country that its very strength may prove a temptation to attempt the repression of other sects. Such things have been, and may be again. When that day comes, what protection will there be for religious liberty save in the Constitution of the United States, and what will that Constitution be worth as a protection in such a case if it may be twisted for the purpose of crushing out a sect which happens to be odious to a majority of the people, as Mormonism confessedly is, and deserves to be? The trouble with the present case is that it is not polygamy alone that the anti-polygamists are waging war against. It is the complete crushing out of the Mormon Church that they chiefly desire, and it is to that work that the Republican justices of the Supreme Court have given their assent. But they have been rash in their zeal. They have established a precedent that may plague this country some day."

The Meridian, Miss., *Daily News* views the subject from a political standpoint, and thus expresses itself:

"In the suit of the Mormon Church against the United States, the vital doctrines of Republicanism and Democracy are again brought to the front. The Republican Supreme Court judges have decided that the United States have not only the right to suppress polygamy, but also have the right to seize the funds and property of the Mormon Church. The Democratic justices, Fuller and Lamar, agree that Congress has the right to suppress polygamy, but it has not the right to seize and confiscate the property of corporations because they have been guilty of crimes. The Republican Supreme Court is beginning to be nothing more than a judicial body to carry into effect the behests of a Republican Congress."

The New York *Times*, a strong anti-"Mormon" journal, gives editorially a plain and well digested statement of the case, and the position taken by the minority as well as the majority of the judges, and leaves the momentous questions at issue without comment.

The *Alta California* strikes at the root of the evil concealed in this decision and lays it open in the following trenchant style:

"The decision of the federal Supreme Court escheating all the property of the Mormon Church to the United States, is more than novel. It is startling. No one questions the power of Congress to nullify the Territorial act by which the Mormon church became a civil corporation. Such nullification was no doubt competent and constitutional. It need not be in the nature of a penalty for violation of the anti-polygamy or any other law. As an act of public policy alone it would not be without justifi-

cation. But when such a local act of incorporation is not only nullified but the property held under it is escheated as a penalty for violation of the law by the corporation, a vast field of speculative law is opened, the further margins of which are not distinguishable from any present standpoint. In this case the corporation, a church, was accused of tenets and teachings and practices contrary to law, and for this its property is confiscated. In jurisprudence a germ often expands unexpectedly and is found to have held principles and possibilities entirely unsuspected. This is true of the fourteenth amendment, which was believed at the time of its adoption to apply only to natural persons, in respect of their legal rights of person, property and action. This germ has expanded until it includes artificial persons and has become a most important contribution to corporation law. Hereafter there will be at least color of authority for escheat of the property of any corporation that is found to have disobeyed the law. Congress has taken jurisdiction of all inter-state transportation lines, and by statute regulates their operation. The intricate emergencies of the railroad business are so impossible of accommodation to a rigid statute that these roads are compelled to constant technical violation of the law. Why shall not escheat of their property be the penalty? Again, if a church in the wilderness shall be escheated for preaching or practice contrary to the law of the land, why shall one within the pale escape? Several of our strongest churches openly defy the civil law, and for obedience to it visit spiritual penalties upon their members. Can anyone tell why the Mormon Church estate shall be confiscated and the property of other churches go free? An anti-polygamy law is no more sacred than a compulsory school law, a high liquor license law, and others which are openly denounced and are openly disobeyed by several churches. If the fourteenth amendment could be expanded to embrace artificial persons, the principles of this decision, which now smites Hagar in the desert, may also reach Abraham in his tent. At a distance it would seem that the pursuit of the Mormon Church to punish it is a repetition of the familiar story of religion using the arm of state to strike a spiritual rival. It is time that believers in a secular state should seriously consider the precedents in legislation and jurisprudence which are being established in the course of this contest. Idaho disfranchises for membership in the Mormon Church, and it is proposed to extend the same disability to Utah, the reason and pretext being that the teachings of the Mormon Church are inimical to good government. The editor of the New York *Mail and Express* says that the teachings of the Democratic party are inimical to good government. The President of the United States says that he will veto any bill passed in Congress by the aid of Democratic votes. Senator John J. Ingalls has often expressed himself to the effect that the Democratic party is pernicious and unfit for existence. Now, if these opinions prevail in any State sufficiently, why not follow the Idaho precedent and disfranchise all Democrats because the majority thinks their doctrines wrong? Scores of hypothetical cases can be suggested which show how perilously near the edge we are treading in the principles which are being applied to the suppression of the Mormon Church. By and by the question will be asked, 'Why was