

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - OCT. 23, 1887.

AN ADDRESS FROM PRESIDENT WOODRUFF

IN RELATION TO THE MANTI TEMPLE.

SALT LAKE CITY, Oct. 20th, 1887.

To the Presidents of Stakes, Bishop and the Saints generally.

It is with profound feelings of gratitude and thanksgiving to our heavenly Father that we announce to the Latter-day Saints that the Temple which is being erected at Manti has been so nearly completed as to be ready for the upholstering, furniture, carpets, etc., which are necessary to put it in a state of complete preparation for the sacred labors to be performed therein. This is the third building of this character which in the kind providence of God the Latter-day Saints have been permitted to erect and finish in these mountains. The Temple at Salt Lake City is also progressing in a satisfactory manner, which, when finished, will be the fourth Temple that has been constructed by the Saints under the direction of the Almighty since we came to these valleys.

How blessed are the people who have had these glorious privileges granted unto them! Our hearts swell with inexpressible feelings of thanksgiving and joy to our Father in heaven that he has permitted His Saints to build these houses. They now have opportunities to act as Saviors of their fellowmen, which but few generations of the children of men have ever enjoyed. The great work of the restoration of the dead which will occupy the time and thought of future generations has now begun, never more to end until the earth is sanctified and the plan of salvation devised in the eternal worlds for human redemption is fully consummated.

Our object in addressing you in this circular is to present to all the members of the Church the opportunity of contributing, according to their means and liberality, something towards the furnishing of the Manti Temple. Here before the contributions for that building have been confined to the Stakes which are numbered in what is known as the "Manti Temple District." Before the Logan Temple was completed an opportunity was given to the Saints to contribute towards the purchasing of its furnishings, furniture, etc. They gladly responded to the call which was made upon them. We feel that they will, on the present occasion appreciate the privilege of contributing in like manner towards the purchasing of suitable upholstery, carpets, etc., for the Manti Temple. The funds of the Superintendent are exhausted, and contracts are already made for needed articles, which have to be met at an early date.

Contributions will be taken from twenty-five cents upwards, so that those who are the most limited in means need not be debarred, while those who are more wealthy, can have the satisfaction and pleasure of making donations according to their ability for the completion of this noble edifice. We would like the Presidents and Bishops to give every one an opportunity of doing something in this direction, and the names of all, with the amounts contributed, should be carefully taken.

We would like to see the names of every man, woman and child in the Church recorded in the Archives of the Temple as having contributed something towards its erection and completion.

These funds with the donors' names, can either be forwarded to the office of the Presiding Bishop or to the Chief Clerk—Brother James Jack, at the President's Office.

It is important that these collections should be made and remitted as promptly as possible, as the need for this means is pressing.

WILFORD WOODRUFF,
In behalf of the Council of the Apostles.

MR. BROADHEAD.

The masterly argument made by Hon. James O. Broadhead on the question of the appointment of a receiver, in the suits against the Church, has been the absorbing topic in legal and other circles, this afternoon. It is a matter of regret that it is impossible to present a complete report of it in this issue, time being too limited to enable us to do so. At the conclusion of its delivery numbers of members of the

bar were heard to pass encomiums upon it. Among these was Mr. Dickson, who said—"His argument is unanswerable. It throws the cases out of court." Mr. Kirkpatrick remarked—"It is the finest I ever listened to. In my opinion the government has no case." Mr. Brown was heard to remark—"That settles it. That was a clever argument."

The learned gentleman introduced to us a somewhat new line of deportment and tactics in the matter of delivery, so far as we could observe from listening to him for a short time. His voice seldom rises above the conversational tone, but when it does the effect is all the more telling, the emphasis being always appropriately placed, so as to give conspicuous force to the chief points where they culminate in intermediary climax. We learn that in the peroration, which consisted of a terse condensation of the whole argument, he rose to eloquence.

One of the chief beauties of his style, aside from the pithy yet simple method of presenting his points, is his admirable ability to construct, the whole argument being a complete building, from foundation to summit.

We adhere to our first announcement regarding Mr. Broadhead—that he is in the front rank of American lawyers. That is about as high and as far as the disciple of Blackstone ever gets.

SENATOR McDONALD.

Those in attendance on the Third District Court this morning enjoyed another intellectual treat in the argument of Hon. Joseph E. McDonald in opposition to the motion of the government attorneys for the appointment of a receiver to take charge of Church property.

The learned gentleman's style is remarkably impressive, his close and pointed reasoning being embellished with a force of speech that causes his points to stand out with such conspicuous relief as to be readily grasped by the intelligent listener. His power to condense is strongly marked, enabling him to crowd much into a brief space, apparently without omitting an essential feature of his argument. In referring to the statements of an antagonist for the purpose of routing him—a work for which he has admirable capacity—he exhibits a vein of irony, on which he kept a firm check this morning. He evinced the quality to a sufficient extent, however, to indicate that he would be a formidable, not to say invincible, opponent in political polemics, where the orator is not bound by legal restraints and formalities.

Although the style of Mr. McDonald differs somewhat widely from that of Mr. Broadhead, each being superb in the distinctness of its particular individuality, it would be difficult, if possible, to find a stronger legal team in the United States. They form what painters call a "harmonious contrast."

Mr. McDonald is an Indianan, and is quite attached to his people as they are to him, having rewarded him frequently with posts of high honor within their gift. Politically he is a Democrat of the strictest sect, and takes rank with such giants of the party as the late Samuel J. Tilden and Thomas A. Hendricks, both of whom, like himself, stood no higher on the rostrum than at the forum.

HISTORIC GROUND.

ELSEWHERE in this issue appears a communication which is in part descriptive of a region in which the Latter-day Saints feel a peculiar interest. We refer to the letter written from Independence, Mo., a town which, with its environs, once belonged to them. Under the directions of revelation they bought and paid for the land, and a parcel of ground in the central part of the town was, by the same authority, designated and dedicated as a site for a Temple, concerning which glorious things were foretold. However improbable the fruition of their hopes may at the present time appear the Saints have faith that they will regain possession of the land embracing the town of Independence, and that they will build thereon a city of great beauty.

Many hallowed memories center in this former home of the Saints. Recollections of the commandments and promises which led them thither, of a brief period of prosperity upon the fertile soil of the locality, followed by terrible scenes of suffering, blood and banishment, are recalled when reference is made to it. Hence news from "Jackson County" is read with deep interest by many people in Utah.

Developments of a character that is somewhat remarkable have taken place in and near the town of Independence within the last two years. Instances are numerous in which land has increased in value in the space of a few months from a few dollars to several hundred dollars per acre, and the rapidity with which the wealth of the region has increased is surprising. Our correspondent refers to the rush

with which substantial and costly buildings have been erected, and of the rapid multiplication of business enterprises; but the picture he draws is a very modest one in comparison with many portrayals of the press which, however, may be, to some extent, exaggerations.

The following is taken from a current description of the town of Independence: It is the county seat of Jackson County, contains a population of 8,000, has an elevated and healthful location, and a fine system of water works. The streets are lighted with gas, and provided with street railways. The town is six miles from the great commercial metropolis, Kansas City, and trains pass hourly between the two places. It contains one of the finest court houses in the State, three good colleges, three elegant public school buildings, and a structure to cost \$25,000, is in course of erection by the Young Men's Christian Association. Numerous "additions" have been laid out around the town, and real estate speculators are advertising its attractions and pushing the sale of lots with success, and at the present rate of increase in its population it bids fair to soon rank as one of the important cities of Missouri.

DECIDEDLY UNPOPULAR.

THE suits under way against the Church are not popular. This being the case it must follow that portions, at least, of the laws under which they are brought are objects of the same sentiment. This feeling is probably a little different from that manifested generally toward measures that are aimed against a rather unpopular community. It exists, however, its presence being indicated by the strong denunciations of public journals of the country whose policy has been to swim with the popular current, as the most profitable course in line with self-interest. Numerous private expressions of the same character emanate from influential sources throughout the nation. Even among people of exceedingly pronounced anti-"Mormon" proclivities in this Territory, are to be found those who look upon the legal assault on the property of the community as anything but proper.

It is not necessary to travel far to find potent reasons for this popular attitude upon a subject of great importance. Take the American people as a whole, and there will be found deep down in the national heart a strong disposition to honesty. They have a conspicuous admiration for it and a proportionate repugnance for its opposite.

Having this proper feeling in their very nature, it is not difficult for them to form a general estimate of the subject in question. This can be done without the application of any subtle process of reasoning. It is reduced to the bare proposition of the ownership of the property involved. With the rapidity of thought it is at once decided in the public mind that it cannot possibly belong, under laws consistent with human rights, to the party seeking to seize and expend it. With equal speed it is decided before the bar of the popular tribunal that it belongs to those in possession—the people who contributed it for charitable, beneficent and religious purposes. If the subject be followed to its legitimate conclusion, it will at once be conceded that in seeking by special legislative measures to wrest the property involved from those to whom it belongs by every human right, the government committed a grave blunder inconsistent with its own character and purposes. It must follow that the general thought will be that the sooner the mistake is rectified without detriment to the victim, the better it will be for all around, and the dignity of this great nation will not suffer but be signally enhanced by such an eminently equitable proceeding.

We believe we speak the square truth, when we assert that the position of the government on this question is not even favored by the religious communities throughout the country. Many of them are doubtless tolerant and liberal in their proclivities, but as a rule their love for the "Mormons" as a people is not strikingly strong. It is, to say the least, rather limited, and even leaps the barrier of consistency by taking the form of a decided antipathy. We will do many of that class the justice, however, to say that we believe this objectionable sentiment is largely due to prejudice engendered by misinformation regarding a misconception of the character of the Latter-day Saints and their institutions. But even the most illiberal among the religionists imbued with a feeling unfavorable to this community are not so blinded by antipathy as to cause them to be oblivious to self interest. The sequestration movement against the Saints causes other religious bodies to sniff the effluvia of danger in the atmosphere. They can see that a measure that can be applied to one religious community, involving serious rights to property, can be applied to another, otherwise the indestructible principle of the equality of all men before the law would suffer violence. The feeling of, "When will our turn come?" is not one that is specially conducive to comfort.

It is not surprising, viewing the sub-

ject from this standpoint, that even religious bodies view legal measures and proceedings of the character now in application with strong disfavor.

FORCEFUL ARGUMENTS.

A LARGE portion of the space of this issue is yielded to the powerful and incisive arguments of Hon. James O. Broadhead and Senator Joseph E. McDonald, made before the Supreme Court of the Territory of Utah in opposition to a motion of the attorneys of the government for the appointment of a receiver to take charge of Church property.

It would have been gratifying to have made the presentation complete by the publication, at the same time, of the arguments of the government attorneys. It will be observed, however, by the amount of space occupied by those made by the eminent counsel for the defense, that this was impracticable. Had it been within the range of feasibility it would, if possible, have thrown up the case of the defense in a still more favorable light. The position of the complainant (the government) is so conspicuously untenable, that the counsel on that side of the suit in equity were placed at a disadvantage, having to fight, as plainly discernible by the arguments published to-day, against the clearest fundamental and elementary principles of law. They therefore had an uphill task in an effort to make the ghost of a consistent presentation. This being the case, it may be correctly said that of the three attorneys for the government, Mr. Peters alone made any show even of mere plausibility. But even so far as related to him it can only be said that he made all that could well be made a legal effort of the kind to sustain a bad cause.

In thus referring to the counsel for the government we cast no reflection upon their ability. In a matter in which neither the heart nor the judgment of a clear-headed and consistent man is concerned, no matter what may be his capacity, he struggles against great odds. "Twice armed is he who bath his quarrel just."

The reasoning of the two learned gentlemen who presented the side of the defense does not require the presence of the arguments from the other side, however, to render them of greater legal and logical force by contrast. They stand prominently out with the invincible potency which truth always possesses. It can be readily observed by the attentive reader that their well sustained propositions are not susceptible of being successfully controverted, for the reason that the gentlemen have largely dealt in fundamental and elementary principles of law, which can only be assailed with the poisoned barbs of sophistry. The propositions and sustaining reasons do not come from legal pigmies, but from men who are recognized giants in the profession. While this fact adds no intrinsic virtue to the principles they enunciate, it entitles their utterances upon any matter pertaining to law to much more than ordinary respect.

The condition which cast the shadow of weakness upon the reasoning of the attorneys for the plaintiff—the legally untenable character of this prosecution—made a splendid opportunity for the defense, whose arguments prove how capably they utilized it, enabling them to produce a formidable array of stubborn truths, some of which are so clearly portrayed as to appear almost self-evident. It was their high duty to use their professional learning and capacity to endeavor to repel an invasion of a natural right, which must necessarily be inviolable, because inalienable. They were required to insist on the maintenance of the great protective principle interwoven in our institutions, that no one shall be deprived of property without "due process of law."

That the government has, in this suit and the law under which it is brought, ignored—we ought to say violated—this underlying principle, is a fact too plain to be misunderstood. It is simply an attempt of one party who has no proprietary rights in the premises, to seize and expend property belonging to another party.

This must be the situation, because no person has ever claimed, neither would he attempt to hold, that the government has the shadow of ownership in the property involved; neither is it denied, on the other hand, that the holders of the property are not the owners of it, it being in the possession of their legally constituted and appointed agents, and held by the latter in trust for them. It follows as clearly as night succeeds day that any process of wresting that property from the hands of its owners must be undue. It is without due process of law. The reader will find in the arguments which it is our pleasure to print in this issue, as clear an exposition of the fact that the present attempt on the part of the government is one of that nature, and against which the Constitution has placed its ban and the common rights of humanity their protest, as could well be enunciated.

Can it be possible that the government of this great nation can fall so far from the glorious height to which it has climbed under the guiding hand of Providence as to descend to such procedure? Surely we will refuse to believe it until the deed is consummated. It is essential to the public

safety that the attempt should perish in its incipency and not be permitted to develop to fruition. We will decline to believe that this great and free government, founded upon the most exalted principles of human freedom would be guilty of an offense against justice and liberty on a line with the threatening and destructive theories of the anarchists. The difference would, so far as the seizure of property is concerned, be merely in the character of the means employed to gain forcible possession of that which properly belongs to others. So far as the legal status is concerned the plane would be even. The distinction would be in the degree and nature of the force employed to attain the end in view. As to whose operations would be the more destructive to the social fabric is a question which outgrowing developments alone could decide. Depredations of an unruly element of the populace may be readily extinguished by the durance of the perpetrators. On the other hand when there is an invasion of natural rights by the government itself, whose exalted function is to protect its citizens from such assaults, the situation is fraught with humilient danger to the commonwealth.

FROM WEDNESDAY'S DAILY, OCT. 19.

Thos. Allsop Arrested.

Last evening Deputy Franks went to Sandy, Salt Lake County, and arrested Thomas Allsop, of that place, on an indictment charging him with unlawful cohabitation. Mr. Allsop has already served one term in the penitentiary for this offense, and it is said that the present indictment was made on a complaint and testimony by the first wife. He was unable to secure bonds last night, and was taken to the penitentiary.

Seven Arrests.

PAYSON, Utah, Oct. 19. [Special to the DESERET NEWS.]—About midnight last night Deputies Pratt, Redfield, Dykes and others left Payson on a raiding expedition. At Payson early this morning they visited several houses and made seven arrests, all on the charge of unlawful cohabitation. The accused were all taken to Payson in wagons, for examination before the United States Commissioner there. The gentlemen arrested are Messrs. H. G. Boyle, Joseph Jones, J. Ellsworth, John Staehle, C. C. Schramm, Samuel Francom and Ferdinand Oernewest.

UNITED STATES VS. THE CHURCH.

Stipulations of Facts and Proceedings in the Case To-day.

To-day's proceedings in the suit of the Government against the Church of Jesus Christ of Latter-day Saints, began in the Territorial Supreme Court this afternoon. The complaint in the case, filed last August, and published at the time, was read by Mr. Hodson, of counsel for plaintiff. The complaint sets forth that the Church property is valued at \$3,000,000.

Mr. Hodson then read the statement of facts in the case, as agreed upon by counsel in the case. The statement is as follows:

IN THE SUPREME COURT OF THE TERRITORY OF UTAH.

No. of Term.
In Equity.

The United States of America, plaintiff,

vs.

The late corporation of the Church of Jesus Christ of Latter-day Saints, and John Taylor, late Trustee-in-Trust, and Wilford Woodruff, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Brigham Young, Moses Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant and John W. Taylor, late assistant Trustees-in-Trust of said corporation, defendants.

STIPULATION OF FACTS

on motion for the appointment of a Receiver.

For the purposes of this motion for the appointment of a Receiver in the above entitled cause, and for no other purpose, it is agreed that the following facts exist:

The act of Congress of 1887, entitled "An act to amend an act entitled 'an act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes, approved March twenty-second eighteen hundred and eighty-two,'" was received by the President of the United States on the 19th day of February, 1887, and was not approved by him, nor returned to the house in which it originated with his objections.

John Taylor was Trustee-in-Trust for the defendant, the Church of Jesus Christ of Latter-day Saints, when such act took effect, and he claimed to be and continued to exercise the powers of such Trustee-in-Trust until his death, on the 25th day of July, 1886. No successor to said John Taylor, as Trustee-in-Trust, has been elected or appointed for said Church of Jesus Christ of Latter-day Saints, but Wilford Woodruff is now President of said Church.

The defendants, Wilford Woodruff,