

they are compelled to consider the advisability of conforming their creeds to the newer conditions and thus joining in the growing repudiation of their own religious fabrics, from base to pinnacle. It looks as if the Mother, who is a power in the earth, would in time get the complete upper-hand of the children to which she gave birth. She is comparatively free from internal strife and distractions, and is stretching out her hand to grasp opportunities offered by the present complicated social conditions, that her influence may be enlarged.

THE CHURCH CASES.

The proceedings before Judge Loofbourn, as examiner in chancery, in regard to the disposal of certain funds in the hands of Receiver Lawrence belonging to the late corporation of the Church of Jesus Christ of Latter-day Saints commenced Monday, Oct. 19, in the office of Attorneys Richards & Moyle, in the Constitution Building.

The United States Government was represented by Attorneys C. S. Varian and J. L. Rawlins; Messrs. F. S. Richards, W. H. Dickson, John A. Marshal and Le Grande Young are counsel for the defendants.

It was originally intended that the examination should be conducted in one of the court rooms of the Wasatch building, but owing to these being occupied, an adjournment was taken to the place above-named.

Among those present were Presidents Wilford Woodruff, George Q. Cannon and Joseph F. Smith, Apostles Snow and Smith and Bishop John R. Winder.

Attorney Varian opened by saying that as at present advised the government would present a scheme for the application of this fund to the district schools of the Territory generally. They had been informed by counsel on the other side that they had a scheme to present contemplating the application of the fund to the relief of the poor and distressed members of the Church of Jesus Christ of Latter-day Saints and to the building and maintenance of houses of worship for members of said Church. The view that his side took of the position which the government occupied at this stage of the proceedings was this: The government was in possession of this fund, and its duty was to see that it was properly applied. To that end and for that purpose alone they would feel called upon to present a scheme for the consideration of the matter. But any claimants to the fund, such as the present Church association, it seemed to them, should be permitted to present their claim, supported by such evidence as they might deem advisable, and that all other applications should be presented; because they were not there at this time for the purpose of carrying through any particular claim. One that was just and in accordance with the views of the Supreme Court of the United States and the doctrine of charitable uses was one that the government ought to be and must be satisfied with. In other words, they did not feel that

they were appearing there simply as counsel for a private client, zealous and determined to carry out their project at all hazards. Therefore it occurred to him that it was eminently proper that the claimants to the fund on behalf of alleged parties should present their claims, which might or might not be acceptable to the government counsel. In that view, if Messrs. Richards and Dickson, representing the Church association, were ready to proceed, he thought they should be permitted to introduce their testimony, and counsel on the government side awaited the developments of all the claims that might be presented.

Mr. A. R. Heywood, of Ogden, presented the following petition:

In the Supreme Court of the Territory of Utah.

The United States of America, plaintiff, vs. the late Corporation of the Church of Jesus Christ of Latter-day Saints, defendants.

To Hon. C. F. Loofbourn, master in chancery.

The undersigned, your petitioners, herein respectfully represent and show to your honor:

First: Having information that there is now in the hands of Henry W. Lawrence, the Receiver heretofore appointed in the above entitled cause, a large sum of money which had formerly been collected together by the defendant, and which is now under the immediate control of the Supreme Court of this Territory, for distribution to some purpose or purposes most nearly akin to the original use for which it was accumulated, and with a view to such ascertainment the whole matter has been, by the said Supreme Court, referred to your honor as a master in chancery, empowered to take testimony in due form of law, as to what disposition shall be made of said fund, and to what uses and purposes the same shall be diverted and applied.

Second: Your petitioners further represent that of the moneys representing the fund aforesaid about \$90,000 thereof was contributed by the five counties comprising the northern subdivision of the first judicial district; to wit, Weber, Cache, Box Elder, Morgan and Rich.

Wherefore, your petitioners pray that at least the sum of \$90,000 of said fund be decreed to and set apart to be used solely for charitable purposes in said counties, under such conditions and under such restrictions as may be deemed expedient and proper in the premises, and your petitioners will ever pray.

And we beg to suggest that the Supreme court appoint a "Board of Charities" composed of residents of said counties to manage and disburse this fund.

A. C. BISHOP,
A. R. HEYWOOD,
H. P. HEERHMAN,
Counsel.

Signed: Fred J. Kiesel, S. S. Sohrman, A. A. Kubey, M. N. Graves, D. Thorburn.

Mr. Dickson said he would have authorities to present in support of their objection to anyone here appearing as an applicant for any portion of this fund except the parties on the record. No one else could have any standing before the Master. He spoke with reference to what Mr. Heywood called Northern Utah.

Mr. Varian—That could be taken subject to objection.

Mr. Dickson—It will not take us long to file our objection; but we are prepared to file our proposed scheme on behalf of the voluntary Church association known as the Church of Jesus Christ of Latter-day Saints. Mr. Dickson argued that these parties had no right to appear here, standing in the attitude they did, unless application was made to the Supreme Court and they were given permission to appear. He would, however, be content with the taking of the testimony, subject to the objection he had raised; although permission to do so might be given by the Master in chancery.

Mr. Heywood insisted that the people of Northern Utah appeared here under the direct invitation of the Supreme Court. These citizens came forward and asked that this fund should be distributed in a certain way, and that was all. They had nothing more to intervene for—no charitable institutions for anything else.

Mr. Richards then read the decree:

Supreme Court of the United States:

The late Corporation of the Church of Jesus Christ of Latter-day Saints et al., appellants, vs. the United States.

George Romney, Henry Dinwoodey, James Watson and John Clark, appellants, vs. the United States.

DECREE.

The decree entered in this case on the 19th of May, 1890, having been set aside by an order of the court made on the 23 day of May, 1890, it is now upon further consideration ordered, adjudged and decreed, that the decree of the Supreme Court of the Territory of Utah be affirmed with the following modification, that is to say: That the seventh clause of said decree be changed and modified so as to read as follows:

[7th. And the court does further adjudge and decree that the late corporation of the Church of Jesus Christ of Latter-day Saints having become by law dissolved as aforesaid, there did not exist at its dissolution, and do not now exist, any trusts or purposes within the objects and purposes for which said personal property was originally acquired, as hereinbefore set out, whether said acquisition was by purchase or donation, to or for which said personalty or any part thereof could be used, or to which it could be dedicated, that were not and are not, in whole or in part, opposed to public policy, good morals, and contrary to the laws of the United States; and furthermore, that there do not exist any natural persons or any body, association or corporation who are legally entitled to any portion of said personalty as successors in interest to said Church of Jesus Christ of Latter-day Saints, and the said personal property has devolved to the United States; and not being lawfully applicable to the purposes for which it was originally dedicated or acquired, and to which, at the commencement of this suit, it was being devoted by the said corporation and its controlling authorities, the same ought to be limited and appointed to such charitable uses, lawful in their character, as may most nearly correspond to those to which it was originally destined, to be ascertained and defined (unless in the