

argument on behalf of the government at 10:45. He referred to what he termed the manner under which the contributions to this fund had been acquired, and called attention to the law of the Church "as set forth by revelation on this subject and published in its book of creeds." He next made mention of the law of the Territory passed by the first Territorial legislature "in aid of Church purposes." Then he briefly dwelt upon the history of the Church in Utah. As to how this fund was dedicated, counsel on the other side contended that there was a specific intent in the mind of each of the donors, having in view some definite charitable purpose. He insisted, however, that there was nothing of the kind—that if it were possible to ascertain an opinion from each and every member of the Church who contributed to the fund, it would be found that there was an intention to devote it simply to religious and charitable purposes. It was quite evident that the money was given as tithing, practically exacted as taxes. Congress enacted a law because of the diversion and misappropriation of this fund devoted to charitable and religious purposes—its misuse in aid of illegal and unlawful objects. Counsel dealt with the decree of the Supreme Court of the United States, and argued that nothing now remained but to carry it into effect. It would seem that since the final judgment and direction of the court "this trustee" had reformed and now promised to administer this fund in accordance with his duty under the law. The Church, he insisted, or the applicants for its scheme, as well as this court, were absolutely precluded from applying this fund to its original purpose, in the manner and form at least in which it was once applied. Until another decree was formulated on different principles, the contention of counsel in regard to its application could not be maintained. It had been stated by counsel for the petitioners that the practice of polygamy having ceased, there was no reason why this property should any longer be withheld from those who heretofore had charge of it. But it was the teaching and promulgation of the doctrine of plural marriage, the scattering of the seeds throughout other peoples and communities, which the Supreme Court of the United States said was a blight and a wrong on civilization. It was in no spirit of criticism or fault-finding against the "Mormon" people, or through any doubt as to their sincerity, that he spoke thus; it was rather because of their good faith and sincerity on this question that the argument gained strength and force. We had seen, said Mr. Varian, all the power of this government, great as it is, exerted for months and years with what the "Mormon" people were pleased to call "a savage ferocity," in order to enforce this law against polygamy, and practically without effect so far as the people themselves were made to believe it to be their duty to submit to the law. We had seen the simple word of the head of this Church, sent forth throughout the Territory, change the entire practice in a day. Why? Because the people believed that Almighty God stood behind their President and that he was speaking with the voice of Deity. But suppose Deity changed His

mind and another revelation came, what security had the government or the court that their former resolution would be adhered to, or that this fund would be applied as was now promised.

Mr. Dickson—The court would still have this fund under its control.

Mr. Varian, continuing, remarked, if the scheme of these petitioners was allowed, would it not be devoted to the erection of buildings where the people could still teach all the doctrines and principles of their religion? This fund ought not to be applied to the building of meeting houses so long as this doctrine of plural marriage was sound doctrine in the creed of the Church. This was simply an application by the "Mormon" Church, and under the law and organization of that Church no man in it could control the disposition of the funds by the authorities or heads thereof. This application of the petitioners was to appoint private individuals as trustees in an unincorporated association, to administer this fund, and the court could not, he urged, grant it.

Attorney Rawlin followed with his argument on the side of the government. He said this property could not revert to the donors or those who contributed it, and if the charity failed, it fell back into the residuum of property belonging to the United States. Counsel cited legal authorities bearing on the subject of charities and the distribution of their funds. Here, said he, they had a property given to a dissolved corporation without a successor, and if the object had failed, it must go to the State. The Court not being able to designate a new object, it was freed of any taint of trust. Judge Gray, counsel instanced, referred to a case where the gift was to a charity generally. The court could not supply a charity not expressed, and the doctrine of cy pres was left without a standard to guide. Where property was given to a trustee to devote as he might designate, it was not for the courts to handle, but would go to those legally entitled to it. In this case, unless this court disposed of the property it must be administered upon by Congress. All counsel for the government now asked was a useful, lawful and beneficial application of this property coming within the intention—if it could be lawfully done—of those who originally dedicated or gave it.

Upon the re-assembling of the Supreme court this afternoon, Attorney Rawlin resumed his arguments on the side of the government. It was expected that when he closed the case would be submitted to the court without reply from counsel for the defendants, as two of the judges had expressed their desire to get away at an early hour. In that event, in order to accommodate the court, it is just possible that the reply of counsel, if made at all, will come in a documentary form. The opinion of the court will be awaited with interest.

### THE CHOLERA.

WASHINGTON, D. C., Aug. 30.—The official information of cholera in Europe received in Washington today was very meagre and confined to one dispatch from the consul at Bremen. He cabled that there was no Asiatic

cholera in the city and every precaution was taken to prevent it. The treasury officials received assurances of the effectiveness of the national and State quarantine services, and they say the department has done all it can to prevent cholera from gaining admission into the United States. A cordon of inspection and disinfection is being rapidly established on the seaboard from Louisiana to Maine and along the Canadian and Mexican frontiers. A circular on the subject was issued by Acting Secretary Spaulding this afternoon to collectors of customs and others. The collectors of customs on the Canadian and Mexican frontiers were instructed to use special vigilance in examining immigrants and effects, and co-operate with the officers of the hospital service and local health officers in such action as they may deem advisable to prevent the introduction of cholera into the United States.

At the request of Collector Hopkins of Detroit Surgeon-General Wyman appointed Dr. Mulheron special inspector at that port to assist the local authorities in examining the immigrants and baggage from Canada. If it be found necessary inspectors will also be appointed at Sault Ste. Marie, Port Huron and other lake ports to assist in preventing the introduction of cholera. The collectors of customs at Ogdenberg, N. Y., and Milford, Me., are requested to nominate an inspector to assist in the inspection and disinfection of immigrants at those points. Should it be necessary, at many immigrant stations on the north medical inspectors will be stationed to assist the regular immigrant inspector. In cases of the establishment of absolute quarantine a cordon can be drawn out within an hour by telegram from the secretary, and the United States would be shut out from the work on the east.

PHILADELPHIA, Aug. 30.—The steamship "British Princess" from Liverpool with 600 immigrants aboard, 250 of whom are from Hamburg, is still detained at quarantine. The work of disinfecting is completed, but although there was no sickness aboard the steamship, she will be detained at the quarantine until the board of health shall be satisfied that all danger of cholera is passed.

LONDON, Aug. 30.—Considerable uneasiness is felt here because of the knowledge that cholera has certainly obtained a foothold in London, and in the worst place in which it could appear. Notwithstanding the quarantine, people from Hamburg are allowed to land, and the result of all this is that two new cases of cholera have appeared in the city today.

VIENNA, Aug. 30.—The postmaster at Pilsen, Bohemia, died from cholera after one single day's illness. It is supposed that he contracted the disease while handling German letters and parcels. No other case of cholera has been reported in the whole monarchy.

BERLIN, Aug. 30.—There is a slight abatement in the severity of the cholera epidemic at Altona. From Sunday to midnight Monday the record there shows twenty new cases and eight deaths. At Wandsbeck for the same period the record shows seventeen new cases and nine deaths. Three children and the conductor of a sleeping car attached to a Hamburg train