DESERET EVENING NEWS.

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CHARLES W. PENROSE, EDITOR.

Tuesday, October 27, 1891.

CONFISCATION SUITS DISMISSED.

In the Third District Court, this morning, District Attorney Varian, for himself and the Attorney General, took very important action in reference to property in this city which had been attached and held by order of the court as Church property subject to escheat to the United States.

This property consists of what is known as the Whitney property, on the northwest corner of what is ordinarily called the Tithing Office block, with a small piece of land on the east of that corner, also the Cannon House on South Temple street. The District Attorney filed a motion to dismiss the suits against these pieces of real estate.

He also included in the motion to dismiss, all of block 57, which is better known as the Temple Block. This was merely a formal withdrawal of claim to that block for it was added as the property of the Church when the decree of the court was made in 1888.

The District Attorney also filed a motion in the Supreme Court, the trial of which will be formed in another part of this paper, that the Receiver be instructed to dismiss the suits against the pieces of property in this city and in Ogden which he had claimed as Church property and subject to escheat. These consist of what is called the Council House corner in this city, and the Tabernacle square, the Tithing Office ground and the Smurthwaite place, formerly the property of David M. Stuart.

Although the filing of these papers are simply motions to dismiss, and no action can be taken by the Supreme Court until its session in January next, yet it may be considered as a virtual ending of the suits against the property mentioned, as the District Attorney represents and acts under instruction of the Attorney-General of the United States. It is in effect a final settlement, on the basis of the agreement or "compromise" entered into by the Church Attorneys and counsel for the Government, as to what property the Church owned at the time of the dissolution of the corporation.

That our readers may understand the present situation we will make some explanations. It will be remembered that when the litigation arose over the Church property through the passage of the confiscation act, there was a dispute as to what property the Church held at the time when that act went into effect. In the summer of 1888 Attorney F. S. Richards went to Washington, and in company with Colonel Broadbent had interviews with Solicitor General Jenks and District Attorney Peters, at which the whole matter was investigated and a stipulation was made as to what property should be understood as actually belonging to the Church at the date mentioned. A decree was rendered by the Court here in October of that year, on the basis of that stipulation, and the property was turned over to the Receiver.

Mr. Richards, knowing that was the understanding to this agreement, always maintained that it was a finality so far as the question of what the Church held was concerned. But efforts were made to attach pieces of property which were not included in that stipulation, on the ground that the Church still owned them in reality, though in form they had been conveyed to their holders. The Council House corner in this city and the real estate in Ogden already mentioned were claimed by the Receiver, and suits were entered for their seizure and forfeiture. Attachments were used out last winter for the Cannon House and the other pieces of real estate we have described.

Mr. Richards was in Washington when he learned of these attachments, and he at once went to Attorney-General Miller and explained to him the agreement made with the former Solicitor-General. The Attorney-General promised to investigate the matter, and corresponded with Mr. Jenks and Mr. Varian, and expressing a desire to see the latter and Mr. Richards, they went to Washington and with him arrived at a satisfactory understanding, in which it was agreed that the stipulation or "compromise" should be regarded as a finality as to what property the Church owned when the Edmunds-Tucker Act went into effect.

It will be remembered that after Judge Zane left the judicial bench and before his disappointment, proceedings were held before Examiner Hutchins in which the Judge and his son appeared as attorneys for certain claimant trustees. In their final statement filed March 1, 1889, this paper was entered:

"The Receiver and his attorneys present that they are pursue this property, but in the light of the final decree in this case their claim is formal."

Examiner Hutchins, in his report to the Supreme Court said:

"The compromise was entitled to the credit the government was now supposed through the new officers of the compromise and has made no objection, but though its officials has expressed opposed of it."

Mr. Varian in his report to the Attorney General said:

"In this connection, would it not be prudent to determine at once the claim of the Dame, and whether the Receiver can proceed to take possession of other property, about which no claim is asserted? If the Dame is dead in this report there is no one is keeping a Receiver and his counsel as an active in the fact. The cases against the realty can be passed and determined, and the fund can be paid into the registry of the court, there to remain till Congress provides for it."

It was expected that these suits would have been dismissed long before this under the circumstances we have described. But it is better late than never. The matters in litigation are now more clearly defined. No other property than that turned over to the Receiver can be seized. The questions now awaiting are, what shall be done with the personal property, and what, if any, of the real estate held by the Receiver is to be escheated and used for the benefit of the District Schools.

The real property claimed by the Government consists of the Tithing Office, Gardo House, Historian's Office, Church Farm and some real estate in Summit County. Questions are involved in this claim which must be separately determined by the courts. Property held by the Church before July, 1862, is not subject to forfeiture. Buildings held exclusively for the worship of God and parsonages connected therewith are exempt. So is property to the value of $10,000. These facts will be applied where proper to those pieces of real estate in dispute.

The Utah court confiscated the personal property turned over to the Receiver, for the benefit of the District Schools. The Supreme Court of the United States set this decision aside, and made of the property a trust to be devoted to lawful purposes the second time to those intended by the donors. This question is now pending before the Master in Chancery and may go up to the court of last resort before it will be finally determined. So with the cases in regard to each piece of real estate in dispute.

Our readers, by a careful reading of these explanations, will understand the present status of the Church suits. And they cannot fail to see that the action taken this morning is of great importance. It really releases any Government claim to the Temple Block, to the Council House, the Cannon House, the property on the southwest corner of the Tithing Block, and the Ogden properties, or does so virtually, and it clears the way to a final disposition of the whole matter, which we hope will be in the end, according to justice, equity and the eternal principles of righteousness.

MR. INGALLS' POPULAR TOUR.

THE lecture tour of Ex-Senator John J. Ingalls is affording some substantial confirmation of what a great many admirers of this brilliant gentleman suspected but were reluctant to express; namely, that there was not near so much of the mentions of war as of gymnastics in his mental magazine. Friend and enemy are united in giving Mr. Ingalls first place among American speakers as a popular entertainer. But wit and sarcasm and florid figures of speech are only a small part of a great statesman. Mr. Ingalls has recently visited Boston on his rounds. The people were expecting something altogether splendid. They got something as could as could be in his line, but it was not what they were looking for. They had been expecting a man with his head and heart full to overflowing with great and original ideas upon the uppermost political questions of the day. Instead of receiving a feast of great thoughts they got a bumper of sparkling wit, very pertinent and refreshing but highly unsatisfactory. In the words of a Boston contemporary, it was "rhetorical" and "captivating" but "it failed to be a serious and sincere as those who wished for a really earnest production hoped for." The impression, as expressed by the same organ was that "Mr. Ingalls had in mind more upon saying smart things than upon really edifying his audiences." We have no disposition to disparage anybody in being "smart" who is constituted for that business, but it is a dangerous error in some of the affairs of life to mistake brilliancy for statesmanship, or the cunning speeches for the serious, earnest, and trustworthy intelligence which should properly guide the destinies of a great commonwealth. We strongly believe that had Mr. Ingalls been less brilliant he would have been a far greater man in the general conception of the term, besides being a more useful and capable leader of the people whom he once represented in the Senate. He grew so conscious of his smartness that it made a captive of him, allowing the best energies of his brain away from the sober duties of his calling into an unfettered worship of the integral wit and withering sarcasm of which he is unquestionably one of the greatest living masters.

ONLY A POSTAGE STAMP.

GENERAL HAZEN, assistant postmaster, has written a very interesting history of postage stamps in the United States. Congress first authorized their use in 1842. These first issued were five and ten cent stamps. The five contained portraits of Franklin, the first postmaster general, and that of Washington as the first President. These continued in use until 1847, when the three cent issue of letter postage was adopted. Then a new series of eleven different denominations came into use. These were one, two, three, five, ten, twelve, twenty-four, thirty and ninety cent stamps. In addition, there were two carrier stamps of one cent each. These continued in use until 1851. In that year a new series was issued. In 1857 the next issue of stamps took place, followed by another in 1861, which prevailed until 1869.

The new stamps range in denomination from one to ninety cents. But there is one form of stamp which bears a sixty dollar mark, the highest issued, and used by newspapers in paying postage bills. For the same purpose there is also a $1.92 stamp, and one of $5.60, and various other denominations ranging from that up to $36.36.

From 1847 to 1851 only 4,000,000 stamps were sold. In 1852 54,000,000 letters were sent with American stamps through the mails. Last year it is estimated that three billion pieces of mail went through American post-offices.

Postal cards were first issued in May, 1873. In 1874 20,000,000 postal cards were used. In 1890 256,000,000 were used, and for 1891 it is estimated that 300,000,000 cards will be used.

The government gets postal parts made for $3 made a thousand. Ordinary postage stamps cost about seven cents a thousand, all made by private firms. Stamped envelopes were first issued in 1853. There are at present seven different sizes in use. Stamped newspaper wrappers were first issued in 1861. During last year 400,000,000 of wrappers and stamped envelopes were sold. Besides there was $27,000,000 worth of postage stamps sold. It is estimated that in the United States $52,000,000 is spent every year for postage. Americans are the greatest letter writing people of modern times. There are about fifty billion pieces of mail matter posted yearly throughout the whole world, of these three billion go through the postoffices of the United States. Our postal system is said to excel any in the world, in its details for both public and private accommodation.

THE DIFFICULTY WITH CHILE.

OUR government has taken decisive steps in relation to the murderous attack made by Chilenos, in Valparaiso, on American seamen of the U. S. warship *Baltimore*. Minister Egan has made a demand upon the Junta for reparation. In representing the matter our representative has taken the ground that, taking the affair in all its details, it was not a mere street fight, but a direct insult to the United States, the victims of the assault being subjected to murderous maltreatment because they were citizens of this country.

If the Chilean government accedes to the demand made of them, all will be well. If they take the contrary position, there will be trouble in the wind. In the latter case the United States will be under the necessity of breaking off international intercourse with Chile. In the event of that step being also ineffectual, a hostile demonstration would be next in order. In case that also should fail, actual warfare would be the only resource left. It is not probable, however, that it will be necessary for this country to declare war against the little South American Republic. The latter will doubtless back down from her present somewhat saucy attitude toward the United States.

IRISH INCONSISTENCY.

THE most stupendous obstacle in the way of the solution of the Irish question lies in the people of Ireland. It is almost impossible for them to unite for any length of time in the furtherance of great public questions, and when a split occurs it is so fearfully bitter that a reconciliation is almost beyond the range of possibility. The spirit of retaliation for wrongs, real or fancied, is so deeply ingrained in the Irish character that it seems not to be eradicable, judging from the course ordinarily pursued by political leaders in that country. The fierce and implacable hatred of the Parnellites toward the McCarthyites illustrates this unfortunate characteristic. The former have utterly and contemptuously refused all advances from the latter toward an adjustment of differences. This is not patriotism—it is passion. A man who will not lay aside his personal dislikes—the word in this instance is too mild—for the good of his country is no patriot.

The enmity between the two factions, lately intensified on the anti-McCarthy side by the death of Parnell, reached its most bitterness when it produced the outrage perpetrated upon the office of the *National Press*, some Scottish workmen having attempted to demolish it and all its fixtures with dynamite. It was evident that the outrage was the result of a conspiracy with which a large number of persons were connected, the watchman having been decoyed from the post by a sham fight a short distance from the building.

While the Irish are preparing to settle the question of home rule for themselves by the introduction into Parliament of a very liberal measure, some American hogs Irish patriots are doing their best to defeat the efforts of the "grand old man" in advance.

WEEKLY FINANCIAL REVIEW.

BUSINESS CHECKS in his report for the week ending October 23, 1891, says that failures in Wall Street still continue. The absence of any advance in the Bank of England rate of discount last week, and the continued outgoing of gold, together with other favorable events were expected to revive the stock market, but scarcely a perceptible improvement took place. There are plenty of influential operators who, although they believe in obliterating higher prices, yet think it better to allow the market to rest for a time.

However, it is well known that the relief current factors affecting the intrinsic value of securities are distinctly favorable. The foreign demand for our wheat continues upon a very large scale. The return of gold from Europe shows no abatement. In London the loss of gold has so far produced no effect upon the Bank of England rate, nor upon the rate in the open market. This is a better condition of foreign finance than has been anticipated. The uneasiness caused by the new Russian loan and by reports of fresh trouble in the Argentine Republic seem to have the effect of stimulating the London demand for American investments. In the local markets all intimations show that there will be no difficulty in procuring money for stock exchange purposes.

The late reports of damage to cotton are now followed by intelligence of killing frost in the cotton belt, the immediate effect of which is to advance prices both forward in Liverpool. The crop will not realize the earlier estimates of it, but the advance in price will make the financial results about the same.

The Springfield *Republican* says that "If the talk about the need of fertilizers on our Canadian frontier continues and doubtless it will, a very respectable 'war chest' will soon be hovering over Lake Erie and casting its sullen gloom over the wharves of Cleveland, Detroit, Chicago and Duluth. It was a 'bellicose' dispatch that was sent out from Ottawa Sunday, stating that as soon as the United States abrogated the agreement of 1817, pertaining to the number of war ships on the lakes, Great Britain would run up a fleet of iron-clads through the St. Lawrence river to Lake Ontario and thence into Erie. The fun is dead sure to set every time the eagle screams. We will be more like Turkey than ever with a 'situation' of our own."

NEWS IN A NUTSHELL.

Chicago is about to put in use two-story street cars on its cable system.

The raisin crop in California will run short this year about 2,000,000 boxes.

The Krupp gun has a barrel fourteen feet long. Every charge costs $300.

There was $34,000 paid to bounties last year for wolf scalps in Minnesota.

The highest lake in the world is Green Lake, Col., 10,252 above sea level.

Every year thirty thousand acres of coal, six feet thick, is mined in Great Britain.

The Pope will not leave Rome unless driven out, so says a member of his household.

Robert Bonner will give $500 to the owner of a horse which will trot one mile in 2:08.

Walt Whitman, the poet, is paralyzed and cannot even leave his bed without assistance.

The population in Greece is increasing faster than that of any other country in Europe at present.

Dr. Tanner is a lab way to get control of the $15,000,000 owned by the Economities of Pennsylvania.

The United States through its minister to Chile has demanded reparation for the outrage on American sailors.

The grave of David Livingstone's wife in Africa is covered with jungle grass and broken by beasts of the forest.

The authorities in many of the Swiss villages have prohibited the use of red parasols, because the sight of them irritates grazing cattle.

The German colonial system is not at all prosperous. The colonies in East Africa, Southwest Africa, the Cameroons and elsewhere are decaying.

On the occasion of the birthday of the Empress of Germany, William stayed his beard and presented it to her. The beard made William look like a monster.

The two great German scientists, Helmholtz, and Virchow, have just passed their 70th birthdays. Emperor William felicitated Helmholtz on his birthday but ignored Virchow. The latter is a liberal and an active politician. That is why.

Carter H. Harrison, the ex-mayor of Chicago, is at last an editor. The Chicago *Times* has been purchased by a syndicate composed of Mike McDonald, Adolph Kraus and Carter H. The latter becomes editor. The *Mail* heretofore ran under the *Times* management will not be so in future.

Father Conroy is an apostate Roman Catholic priest. His headquarters are in Chicago. He is now lecturing in Iowa, and telling his audiences that the republic is in danger from Romanism. An resolution has been formed to prevent Catholics from holding office.

Robert Moses, a blacksmith of South Carolina, was bitten by a dog last July. Unfortunate was at other work, also a minister applied. He was sent to the Patient Institute and there treated. Last Friday he became sick, barked like a dog and died in great agony. The doctors say, however, that the Patient Department modified the disease.

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As a preventive and cure for croup, Chamberlain's Cough Remedy has no equal. It is, in fact, the only remedy that you always be depended upon and that is pleasant and safe to take. We have to use the best cheaper to give relief to children, as it contains no injurious substance. For sale at 50 cents per bottle by A. C. M. I. Drug Store. 4s

Three in Same House.

Dr. R. L. M. John of Rockford, Putnam county, Missouri, tells of special interest in recommending Chamberlain's Cough Remedy, because he knows it to be genuine. He has used it in his practice for several years, and says there is none better. It is especially valuable in colds and as a preventive and cure for croup. This most excellent medicine is for sale by A. C. M. I. Drug Store. 4s

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150 French Merino Bucks have arrived in Ogden from California. Large, Clean and For Sale. S. JEWETT.

Permanent Hospitium, For Sorrel.

From a letter written by Mrs. Ada E. Hunt, of Groton, S. D., we quote: "Was taken with a bad cold, which settled on my lungs, cough set in and finally developed into consumption. Four doctors gave me up, saying I could live but a short time. I gave myself up to my family, determined if I could not stay with my friends on earth, I would meet my absent ones above. My husband was advised to get Dr. King's New Discovery for Consumption, Coughs and Colds. I gave it a trial, took in all eight bottles; it cured me and I think God I am now a sound and hearty woman." Trial bottles free at A. C. Smith & Co's Drug Store. Regular size, 50c and $1.00. 4

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