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IN ADVANCE

CHARLES W. PENROSE, EDITOR.

Saturday, - - - November 21, 1891.

## DECISION IN THE CHURCH SUITS.

JUDGE ZANE rendered his decision November 11th in the three suits involving the question of the escheat of certain pieces of real estate which belonged to the late corporation of the Church of Jesus Christ of Latter-day Saints. The decision is in favor of the Government.

Judge Zane holds that the Temple block was worth the full amount of \$50,000 when the law limiting Church holdings to that amount went into effect; therefore the pieces of property now in dispute are forfeited under the laws of Congress. He also seems to hold that the Church did not have any legal right or title in these pieces of property until the townsite law came into operation.

In regard to the Gardo House property, however, he inclines to the opinion that it is a parsonage, and that the Church is entitled to it under the exemptions made by the Edmunds act. But he is bound by the decree of the Supreme Court, which included that property in the forfeiture.

As to the value of the Temple block, it seems to us that the Judge is mistaken if he places it at \$50,000 in 1862, when the limiting act of Congress was passed. There was no market then for real estate, and a purchaser could not have been found at any such figure. As to that, and other pieces of real estate in question, it seems to common folks that if the Church did not have property rights in them in 1862, there was no cause or reason for the passage of the law limiting churches to \$50,000 holdings. If the Church held the Tithing Office grounds in 1862, then they are exempt from the operations of the law, which could not be retroactive. If the Church held no rights to real estate at that time, what was the object and purpose of the law limiting the rights of the Church in this respect?

Of course the Judge of the District Court is bound by the decree of the Supreme Court, and he could do no better than decide in accordance with it. But his views of the parsonage matter are valuable, and are consonant with

justice and the plain meaning of the act of Congress.

The opinion of Judge Zane is marked with his usual acumen, regard for existing rulings and strict interpretation of the statutes. A new trial will be asked for. In case this should not be granted, an appeal will be taken. The Supreme Court of the Territory may modify its former decree. But it is more than probable that the case will have to go up again to the Supreme Court of the United States, before the matter will be finally adjudicated. And it is to be hoped that, by some competent means, justice will be done at last, so that the precedent may not be established in the United States of governmental seizure of property belonging to a religious association.

## VACATING THE GARDO HOUSE.

NOTICE has been served on the Receiver by the lessee, Bishop J. R. Winder, that the Gardo House will be vacated on the first of December. This house, erected by the late President Brigham Young, reverted to the Church of Jesus Christ of Latter-day Saints after his decease, in the settlement of his estate. It was occupied by President John Taylor as a parsonage, by vote of the Church in General Conference. After his death, President Wilford Woodruff, as the President of the Twelve Apostles, occupied it, and since his accession to the Presidency of the Church he and his Counselors have used it officially, under the lease taken by Bishop Winder.

In November, 1887, the house was seized by the Receiver, under the rulings of the Courts, and it has since been in his formal possession, the Church paying rent for the use of its own property. In order to keep it from occupation by persons who might not properly preserve the furniture and fittings of the establishment, the increased rent required when property was boomed in this city was paid to the Receiver. This has proved a very heavy financial burden.

It was hoped that when the litigation over the Church property was brought to a head, the Gardo House would have been judicially declared, what it is in fact, a parsonage connected with the Church and therefore exempt from escheat under the act of Congress. But the indications are now that, for some time at least, this act of simple justice will not be performed, and the venerable President of the Church prefers to retire from the occupancy of the parsonage which he ought to enjoy, rather than continue to pay the great rent that is required.

We understand that during the past four years no less than \$28,000 has been paid by the Church in rents for occupying its own property, on much of which it had possessory rights and claims before the act of 1862 was passed, limiting the real estate holdings of churches in the Territories.

The legality of this exaction is a matter for the courts to determine; its injustice cannot fail to strike every fair mind with convincing force. We do not think that any but the most bitter of anti-"Mormons," whether they be religious or irreligious, will approve of the policy that seizes the property of an unpopular religious body, and either turns its chief ministers out of buildings devoted to their use or demands from it an enormous rental for premises clearly its own.

The vacation of the Church parsonage by President Wilford Woodruff in the 85th year of his age should, it seems to us, draw the attention of the country to the injustice which is being done to the "Mormon" Church, a body that has submitted to the popular demand at a greater sacrifice than any but its members can fully understand. And something should be done to relieve the Government from the odium which must sooner or later attach to the course it has pursued under statutes specially framed against a religious institution.

## WHY NOT BE FAIR AND JUST.

IT is not to be expected that the anti-"Mormons," or "Liberals" as some of them call themselves, will be satisfied with anything that the "Mormons" do. The manifesto did not suit them. The dissolution of the People's Party did not placate them. The consistent course of the Latter-day Saints in reference to both of these matters seems to disagree with them. They want to find fault, and therefore it is easy for them to grumble.

It does not matter much what they think or what they say. But there are some people and some papers in the United States who might be expected to take a rational view of the Utah situation and to let reason take the place of prejudice. Yet while admitting that what the "Mormons" have done is right and that they have placed themselves in the position desired by the nation, these carpers seem desirous of pushing matters beyond the lines of law and of liberty and making the Saints offenders because of their faith.

How many times has it been urged by professed friends as well as open enemies of the "Mormon" people, that all that was or could be required was