

to the dictates of their reason and conscience. This theory the most of us believe in, and if the Mormon is right, God has in a revelation to them recognized and sanctioned this theory as sound.

Assuming that there is a Supreme Being who is the source of all power and wisdom, many of us believe he does so express his will so far as human government go, through the reason and conscience of mankind in constitutions and laws.

Importance is attached by the Master in his report, and counsel lay stress upon the statement of the President that polygamy is right, but that it is wrong to practice it when the sentiments of the people and municipal law is against it.

According to his statement he has an abstract belief in polygamy where laws exist against it. In other words he believes in the principle in the abstract under such circumstances, but does not believe in it in the concrete.

The government is not authorized to deprive any person of his property against his will, except by forfeiture or escheat according to law, or by appropriating it to the payment of public taxes in the mode the law prescribes or in pursuance of the law of eminent domain, with just compensation. It cannot divest any individual or any class of the people of their property, or deny to them the right to control it or to devote it to any object they may choose, simply because they may entertain wrong political or religious beliefs; the doing of either would be a plain violation of those principles of civil and religious liberty which underlie our whole political system. The intent and the resulting act may together be defined as crime and punished; but the intent alone cannot be. The perceptions, the feelings, the beliefs, or the consciences of mankind cannot be regulated by human laws. Such laws would transcend the power of all just governments.

We do not feel authorized to withhold from the Latter-day Saints the right to devote their property to charitable objects simply because we may think they have wrong beliefs; or to undertake the eradication of such beliefs by denying to them the right to the enjoyment of their property or the right to appropriate it to lawful purposes.

Polygamy having been abandoned by the church, the remaining purposes to which the personal property in question has been dedicated and to which it may be applied by the church appear to be lawful. And in view of this the writer of this opinion is unable to understand upon what principle of law this court can deny to this church the right to appropriate and apply this fund to such purposes. He is of the opinion that it should be vested in Wilford Woodruff, George Q. Cannon and Joseph F. Smith its First Presidency, and in their successors in office, the agents selected by the church to be devoted and applied to them to those purposes according to the will of the church and the wishes of its donors. A majority of the court, however, is of the opinion that it should be vested in a trustee selected by the court and in his successor or successors to be appointed by the court to be devoted exclusively to the support and aid of the poor of the church and to the building and repairing of its houses of worship, and that he should be required to give a bond before entering upon his duties sufficient to secure the amount that may come to his hands, and his performance of the duties of the trust, and that he should be required to report to the court on the 1st day of January of each year his action as such trustee.

A decree will be entered by the court in accordance with this opinion.

We concur:

BLACKBURN, J.
MINER, J.

[For further Supreme Court proceedings see page 8.]

When Judge Zane had concluded his reading of the court's opinion in the Church case, reported on pages 5 and 6 of this issue,

Attorney F. S. Richards inquired whether the court would receive a suggestion as to the person to be appointed trustee.

District Attorney Varian remarked that if the court would permit him to say a word, perhaps that step would not be necessary. The attorney general now moved for an order directing the clerk to note an exception at the foot of the decree, on the ground that it was contrary to the law and the proof, and further, that the report should have been remanded to the Master in Chancery, inasmuch as he appeared to have misconstrued a portion of the decree.

Attorney Dickson said that inasmuch as the fund was to be devoted to the poor of the Church and the repair of houses of worship, it seemed to him that one who was a member of that faith would be the proper person to administer it. It would be unwise to select as trustee a member of any other sect.

Judge Zane asked if counsel were ready to suggest anyone as trustee; whereupon

Attorney Richards named Bishop William B. Preston.

The Court asked if Mr. Varian had anything to say.

The District Attorney answered no beyond this—"It might go to President Woodruff so far as the government is concerned—that is, if the decree stands."

Attorney Richards suggested, in view of what the district attorney had said, that President Wilford Woodruff be appointed trustee of this fund, he being trustee in trust elected by the members of the Church and holding the title to their property. In support of this suggestion Mr. Richards called attention to section 28 of the Edmunds-Tucker Act, which provides that the title to Church property shall be held by trustees elected by the Church.

The court took the matter under advisement till 2 p.m.

Upon its re-assembling at 2:25 this afternoon Judge Zane handed down the final decree in the Church case, appointing Leonard G. Hardy (Bishop of the Second ward) trustee. His bond was fixed at \$500,000.

SAMOA CONFERENCE.

The semi-annual conference of the Upolu Saints commenced at Fagaili, Upolu, Samoa, on October 8th.

At an early hour in the morning the Siumu boat arrived, bringing a number of the Saints from the south side of the island. Shortly afterwards the Lalovi boat, well filled with Saints, arrived from the west end of the island. After the customary greetings, and the drinking of the ava, the morning meeting began, President George E. Browning presiding. The following missionaries were present: President George E. Browning, R. M. Stevens, H. L. Bassett, George E. Abel, L. A. Bailey, A. Twitchell, George McCune, C. W. Poole, Thomas H. Hilton and C. E. Summerhays. President George E. Browning made a few opening remarks and then Elder C. W. Poole was called

upon to address the congregation Elder George E. Abel followed. Benediction by Elder George McCune.

At the afternoon meeting Elder L. A. Bailey was the first speaker. Next came Elders C. E. Summerhays and R. M. Stevens. Benediction by Thos. H. Hilton.

After this meeting the Saints indulged in athletic sports, competing for small prizes furnished by the missionaries. In the evening the company gathered in the meeting house to witness the "Siva" or native dancing. The missionaries sang some English hymns and played selections on the harmonica. After drinking a bowl of "ava" the meeting broke up.

On Sunday morning meeting was called to order by President George E. Browning. Elder H. L. Bassett presented the names of the Apostles, of the authorities both local and general, and of the missionaries laboring in Samoa. These were all sustained by unanimous vote. After reading a report of the mission, Brother Bassett made a few remarks, and exhorted the Saints to faithfulness.

Elder George McCune spoke on the plan of salvation.

Benediction by Brother Ifopo.

Afternoon meeting was also called to order by President George E. Browning, who announced the ordination of Brother Faalogo to the office of Teacher. The ordination was performed at the hands of Elders Browning, Stevens, Twitchell and Bassett. The president then addressed the assembly, instructing the Saints to put aside all thoughts of a temporal character, and concentrate their minds on things of the Lord.

Elder A. Twitchell endorsed the words of the former speaker and offered a few observations on baptism.

An evening meeting was held, when President Browning invited all who felt disposed to rise and make a few remarks. The following Saints responded: Ifopo, Papalii, Falea, Faalogo, Taupau, Nalal, Taumal and Mala. Two others, Talisua and Tala, non-members of the Church, also spoke. Elder T. H. Hilton bore a faithful testimony.

Conference adjourned for six months. Benediction by Elder George McCune.

H. L. BASSETT, Clerk.

THE TUTUILA SAINTS.

On the morning of Saturday, Sept. 10th, the Tutuila Saints assembled at Alao, in their new meeting house, on the occasion of their semi-annual conference. Brother A. L. Green, local president, presiding. The following named missionaries were present: Brother George E. Browning, president of the Samoan mission and adjacent islands, Elders A. L. Green, A. W. Harding, F. Vancott, R. E. Dimond, William Low and James Ricks. Of the native Priesthood there were present—Ioane, Manoa and Lemafa. A congregation of about seventy assembled. The first speaker was President Browning. He gave some excellent instructions. Congregational singing; prayer by Brother James Ricks.

At 3 p.m. the Saints assembled. The speakers were Brothers James Ricks and Wm. Low. Benediction by President Browning.

Shortly after the close of this meeting three baptisms were performed, Brother