SUITS AGAINST THE CHURCH EVENING NEWS. Published Daily, Sundays Excepted, AT FOUR O'CLOCK. Arguments Delivered Oct 20 and PRINTED AND PUBLISHED BY THE 21. 1887, respectively, before DESERET NEWS COMPANY the Supreme Court of Utah. CHARLES W. PENROSE, EDITOR. Saturday · October 22, 1887. BY HON, JAMES O, BROAD HEAD AND SENATOR JOS. FORCEFUL ARGUMENTS.

A LARGE portion of the space of this issue is yielded to the pewerful and incisive arguments of Hon. James O. Broaduead and Senator Joseph E. McDonald, made before the Supreme Court of the Territory of Utah in opposition to a motion of the attorneys of the government for the appointment of a receiver to take charge of Church

property It would have been gratifying to have made the presentation complete by the publication, at the same time, of the arguments of the government

attorneys. It will be observed, however, by the amount of space occupied they are purely questions of law. We by those made by the eminent have agreed upon a statement of facts counsel for the defense, that this was | which are to govern in the determinaimpracticable. Had it been within tion of the motion for the appointthe range of feasibility it would, if ment of a Receiver; and the only possible, have thrown up the case of questions for the consideration of the the defease in a still more favorable court are two: First, whether the light. The position of the complainant (the government) is so conspicu ously untenable, that the counsel on or a Receiver, and, second, whether QUESTIONS OF CONSTITUTIONAL LAW, that side of the suit in equity were the law is sufficient in the opinion of placed at a disadvantage, having to this court to

fight, as plainly discernible by the AUTHORIZE THE APPOINT MENT arguments published to-day, against the clearest fundamental and elementary principles of law. They therefore had an uphill task in an effort to make the ghost of a consistent presentation. Tals being the case, it may be correctly said that of the three attorneys for the government, of a defendant, to take it out of Mr. Peters alone made any show even his custody before there is any deterof mere plausibility. But even so far as related to him it can only be said that he made all that could well be the language of the books, an extramade a legal effort of the kind to sustain a bad cause.

upon their ability. In a matter in which neither the heart nor the judgmin is concerned, no matter what may be his capacity, he struggles against bath his quarrel just."

The reasoning of the two learned gen tlemen who presented the side of the defense does not require the presence of the arguments from the other side. however, to render them of greater

ons are not suscep tible of being successfully controverted, for the reason that the gentlemen graphs of the bill. They are as foilows: have largely dealt in fundamental and Nigh-That the said corporation of the elementary principles of law, which Church of Jesus Christ of Latter day Saints and the successor of the said John Taylor (whose name is to this plaintiff unknown) can only be assailed with the poisoned barbs of sophistry. The propositions as Trustee-in-Trust, and Wilford Wood ruft Lorenzo Show, Erastus Show, Frank lin D. Richards, Brigham Young, Moses Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant and John W. Taylor, Assistant Trustees, and sustaining reasons do not come from legal pigmies, but from meniwho are recognized giants in the profession. While this fact adds up intrinsic virtue the defendants, wrongfully and in violation to the principles they ennunciate, it entitles their utterances upon any to hold and do exercise the powers which were held and exercised by the said corpo to the principles they ennuaciate, it were held and exercised by the said corpo-tion of the Church of Jesus Christ of Latter-day Saints as stated in paragraph first of this bill, a..d are unlawfully possessing and using the real estate referred to in the fourth paragraph of this bill, and are rematter pertaining to law to much more than ordinary respect. The condition which cast the shadow of weakness upon the reasoning of the ceiving and unlawfully applying to its and thereor, any raise, rain, wrong and, wrafts the right to sell, use and dispose of the hite Havie character of this prosecus tion-made a splendid opportunity for Tenth.-That since the 19th day of Febru the defense, whose arguments prove ary, 1857, there has been and is no person lawfully authorized to take charge of, manhow capably they utilized it, enabling age, preserve or control the property, real and personal, which on or before the day and year last aforesaid was held, owned, poss-essed and used by the corporation of the Church of Jesus Christ of Latter day Saints, and by reason thereof all the said property them to produce a formidable array of stubborn truths, some of which are so clearly portrayed as to appear almost self-evident. It was their high duty to use tueir professional learning as referred to in the third paragraph of this bill is subject to irreparable and irremediand capacity to endeavor to repel an able loss and destruction. invasion of a natural right, which must Then why, now, is this property necessarily be inviolable, because insubject to irreparable and irremedialienable. They were fequired to inable loss and destruction? sist on the maintenance of the grea. ARE THERE ANY FACTS protective principle interwoven in our stated in the bill? It will not do to institutions, that no one shall be deprived of property without "due

ing Receivers before answer, in cases of emergency is thus shown to be we'l estab-lished and generally followed by courts of equity in this country, yet the grounds which will induce the court to interfere at AN EXECUTED CONTRACT etween the government and the cororation. That will not be controporation. That will not be contro-verted, because it is in accordance with the decisions of the court to i which I have referred. It is an agree-ment, binding in all its terms. If there is a provision in the charter that it may be repealed by the power granting it—that the artificial person created by that act may be destroyed — then it is next of the posterior if here. which will induce the court to interfere as this stage of a cause must be very strong, and there must be clear proof o. If and, or of immediate danger to the property unless it is taken into the custody of the court. And where there are no allegations of defend-ant's insolvency or of danger to the property and interest concerned, the relief will not be granted before answer. So where insolvency is the around relief anon where insolvency is the ground relied upon, but the affidavit on which the application is based merely states that defendant is not deemed a responsible man by those who know him, and the affidavit of defendant fully negatives the insolvency, a Rectiver will be refused.

That is an illustration given for the purpose of showing that there must be further than that. SOME FACTS AVERRED.

some tangible allegations made, which the court and the parties can take hold of, supported by sufficient evidence, in order to justify the court in making the appointment of a Receiver. I make this as the first objection which comes to this effect: Admitting all the facts,

Of Counsel for Defense in the Suits **Brought Against the Church** which we do admit in the statement of facts submitted to this court, yet there are no averments contained in the bill by the Government.

COL. BROADHEAD:

E. McDONALD,

and no facts shown which tend to establish the fact that there is any dauger of this property being lost. It may have been conveyed in this way or that way; but if it is in the hands of responsible parties and If your honors please: I will pronothing appears to the contrary, the ceed to say what little I have to say court in the exercise of a sound disupon the questions before this court: cretion and in pursuance of well established principles of equity, will suffer the property to remain where it is until there is a further showing of facts or until the final determination of the controversy between the parties. So much, if your honors please, as to that objection and I will not dwell upon it: Now as to the points presented so facts themselves as presented are sufably by the gentleman on the other side involving the ficient to authorize the appointment

of a Receiver or to take any further This court, the highest court of this Territory, especially constituted by the Congress of the United States for action in this case. This proceeding on the part of the court-on the part the purpose of determining those grave questions arising under the acts passed of any court, whether a court of equity or a court of law under the provisions of a statute authorizing it to take possession of the property tribunal, especially by a tribunal so high as this. It is fortunate for this connmination of the rights involved in the litigation between the parties, is, in people of this country that the judicordinary remedy. It is put upon the iary of this country, are impartial. They are supposed to be impartial, and same footing in a general sense with an injunction; with this difference, they really are, so far as my observa-tion has extended; to them is entrusted the determination of this and other In thus referring to the counsel for however: An injunction gives some

the government we cast no reflection protection to the defendant, by reason npon their ability. In a matter in that before any steps can be taken a bond must be given to protect him But it is an extraordinary remedy and ment of a clear-headed and consistent | would only be adopted by the courts of justice when such facts are presented as show to the satisfaction of the court that the property sought to great odds. "Thrice armed is he who be taken out of the possession of the lefendant, in any case, is liable to be wasted or destroyed; that the defend-ant is insolvent; or that the defendant is a dishonest or improper person; or

that the defendant has been guilty of some fraudulent acts which justify the interference of a court of chancery in reaching out the.

Invincible potency which truth always possesses. It can be readily observed by the attentive reader that their well sustained propositions are not more. contained in the ninth and tenth paraprinciples which I apprehend no man on this side of the question for a mo-ment controverts-and that is, that a

laws, just as any legislative depart. | leaving, according to the rules of con-ment of any state may after, amend or struction the balance of the act creat-Bet that

DOES NOT REFER TO SPECIAL CON-TRACTS

made by the Territorial Legislature under its power to exercise general legislation, in which they have vested the Territorial Legislature in certain persons franchises to be used, and to acquire and hold real it is a part of the contract. If by a property; and also to make such regu-lations in the conduct of that Church as are consistent with the right to worship God according to the dictates of conscience. doi: 10.101 0 this approval on the part of the Congress of the United States, they had no such right; but with that ap-proval, which I say was given by the Congress of the United States to this general provision relating to the sub-lect of corporations, declaring subect of corporations, declaring sub-stantially that the charter may be amended, that the state reserves to it-

self the right to alter or amend, then it is a part of the contract. But I think may defy the gentleman to produce any decision of any court which goes

ress of the United States, at the end Now, it is claimed here, that be-cause by the organic act of the Terriory, the United States government upon all the grants of power contained in that section of the organic act, or tather in that part of the section which il rightful authors of the legislate upon has reserved to itself the right to disrather in that part of the section which gives them the right to legislate upon of that act. Would it be fair-aud all rightful subjects of legislation. I

The gentleman on the opposite side tutional law as well as any other law-to do any such thing? has referred to a great many cases, and I refer to the same cases; not all and I refer to the same cases; not all of them, but to a few, for the purpose of illustrating the position which I as-sume in this case. They refer to the work of angel and i refer to the sume in this case. The power to registration is the power to registration. The power to registration is the power to registration. The power to registration is the power to registration is the power to registration. The power to registration is the power to repeal that the power to repeal that the power to dis-

of the property belonging to the corporation. You must set apart certain of course, impart in accordance with the forms prescribed by the Constitution which is in force when the alteration is made, and not according to the forms prescribed at the time the charter was granted. Sometimes the time the charter was granted act application is reserved by a general act application. portions of it for cemeteries, buildings United States

HAD NO AUTHORITY

had, by stipulation between the Terri torial Legislature of Utah, representing the government of the United States as their agents in this matter of legisla tion, and this corporation, made a con-

cisions in all the cases to which the acquire any amount of property in the gentleman has referred. And the same doctrine is announced in almost the same language in Field and Morawetz and all the works on corpor-Congress declared in effect that nevations. There has been a provision in ertheless this right should be limited the charter itself reserving the power and restricted as to the amount the of the Legislature to alter or amend it, corporation might acquire. I say that or there has been some general law on this act is a violation of the contract the subject of corporations which re serves to the state the power to alter or amend, referring to the subject mat-But if your honors please, I take an-

ter of corporations. Now is there any other step; I say that the Act of 1862 such law here? There is no provision passed by the Congress of the United in the charter which is granted to the States, recognizes the existence and Church of Jesus Christ of Latter-day Saints, nor is there any provision in the Organic Act which reserves to Church of Jesus Christ of Latter day Congress the power to disapprove any saints. By the Act of 1862 the Con-act which may be passed by the Legis-lature which refers to this subject of not disapprove but approved this corporations. And there is a principle charter, with certain exceptions in re-

because they are in conflict with the fundamental law of the land. Now, the gentleman on the opposite side spent a great deal of his time in referring to authorities and discussing law, in the general, acceptation of the law, in the general ac term-because a law in its general tained in the original charter of incorsense is a rule of action for all citi-zens.

The United States cannot any more than a state interfere with private rights, the cast struction the balance of the act creatfor egitimate go eramental purposes. They are not included within the constitutional ing this corporation to stand as a valid act. It is not only not a disapproval, prohibition, which prevents states from but it is an averment, that the act cre-sting this corporation, with these two single exceptions, should remain valid. passing laws impairing the obligation of contracts, but equally with the states they are prohibited from depriving persons or corporations of property without due pro-tess of law. They cannot legislate back to themselves without making compensation the lands they invegiven this corporation If that be so then what right, under the power of disapproval, now has the Congress of the United States to declare that this corporation is dissolved? to aid in the construction of the railroad. I say they have no right. Irrespective You will perceive, your bonors, that

of public justice has that right.

the expression. "without due process of law" is used. And let me say that, such a contract, so made, by which property might be acquired from year franchise, vested with all the declaration. According to our theory of government the legislature does not first created, with the power to acquire of thirty years, after such a contract had been made by the Territorial Leg-islature of Utab, could, by an act of spoliation unequaled in the history of with all these franchises, and stripped or exercises the powers or rights, belonging to either of the others. The judges cannot make laws; the legisla tures cannot render judgments. They iberation, and after having heard the

parties interested, to determine whether that be a valid law or not. these things must enter into the con-sideration of the question of consti-given when this contract was first But the legislative departments of the made in 1851, and confirmed in 1855 What right then has the Congress of government cannot deprive a man or erson of property without due pro-

hange. One consists of the acts of the legislatures, which may be changed amended or repealed from time to time, as the exegencies of the public there is such language as that in the that Congress had the power to or the needs of individuals require. has been put upon the clause of the 'consti-tution above quoted, it has become usual for legislatures, in acts of incorporation for private purposes, either to make the duration of the charter conditional, or to reserve to themselves a power to alter, modify or re-peal the charter at their pleasure; and as the power of modification and repeal is thus to this court: "You must take charge Another law which does not change with the law of the land, is that no person shall be deprived of rights, liberty or property, without due pro-cess of law. "That means," says the Supreme Court of the United States, the same thing as the expression 'the according to well established rules of law, whether there has been any dissolution of that corporation-whether there has been any mis-user or non-user of its franchist? Or whether the

act of repeal passed by the legislative department of the government does in fact dissolve that corporation? Are not these judicial questions upon which the parties have a right to be

heard in a court of justice? "But no," says the Coagress of the

United States, "we act as a court and will dissolve this corporation. Not only that, but we will direct, as a court of chancery, how it shall be wound up." They say: "You must wound up." They say: "You must take part of it and give it back to certain parties to be held for Chuich purposes; we will take the balance of it and let this court determine what is to be done with it." Now, what ought to be done? Where does it go? If it be property given for charitable purposes, I take it that the claim of the original donors is lest forever. They have no right to it because was a gift. Is the government of the United States entitled to it? Why, do they propose to come in and take this property, and divide it amongst the people of the Territory of Upah; amongst those who have subscribed and these who have not subscribed, just as they may think proper? This ts the question presented here.

Now, if your honors please, in the the Constitution of the United States, light of these facts, 1 wish to read some extracts bearing upon these the Constitution of the several states, declare that no man, that no person questions, from the decisions rendered shall be deprived of life, liberty of by the Supreme Court of the United property without due process of law. It tates. I will first call your attention is a protest against the exercise of ar to the case of Terret vs. Taylor, 9 Cranch, 53. At the time of the Revolution, the

**EPISCOPAL CHURCH OF VIRGINIA** 

accept the proposition that whatever egislative authority may be exercised n the 1 er. itories of the United States, ying outside of the limits of a State; 1- vested in Congress. That has been solemnly decided by the supreme courts in more than one instance. Congress has seen proper in most in-stances to constitute agencies, if I may so term them, to exercise this power thus vested in that department of the Federal Government in the

framing of territorial organizations and authorizing territorial legislaof law" is used. And let me say that tures. And we have to day under there is a world of meaning in that consideration one of these acts, the act passed in 1850 for the organization of the Territory of Utah. And I may possess judicial powers. Our govern-ment is divided into three separate and distinct departments, no one of which trespasses upen the powers or rights, that your bonors may suppose that The am going to assert that because of that fact I know anything more of its true meaning than your honors will know. have each different spheres of action and of operation. After the law has been passed by the legislature, the index of the organization of a Territorial Legislature, a law-making udges have the right, after solemn de - power in the Territory, and conferred upon it the right to legislate upon all rightful subjects of legislation; redetermine serving to Congress the power to annul and disallow any acts passed by that Legis ature. The Supreme Court has said, and more recently cess of law, nor can they undertake to properly said, that that light would have existed without reservaissolve the corporation and destroy rights which have been vested by a tion, so far as the more repealing of the solemn contract in these parties. It has acts of the Territorial Legislature been well said that in this country we were concerned. But it was expressly have two kinds of law-one which reserved; and the important question changes and one which does not comes up flow far does this

RE-ERVED RIGHT,

inherent if you see proper to so regard it, in the Congress of the United States, expressed in this act, control the question under consideration here? In order that there might not be any delay on the part of ('ongress on that subject, the act goes on to provide that it shall be the duty of the Secre-tary of the Teirltory to report to Congress the acts that are passed as soon law of the land' as used in Magna after their passage as it is convenient Charta." an efficer discharges his daty; until the contrary appears, and therefore your

THAT LAW IS IMMUTABLE AND UN+ honors will presume, as a question of law, that these several acts of the Leg-islature—the Act of 1851, the confirma-UHANGRABLE. t is necessary for the preservation tory and validating Act of 1855-were in human rights and human property. It gives authority to legislatures and due time reported to Congress. There has never been any negation of either jurisdiction to courts. It stands senof them, except what is to be found in tinel at all times over the rights of inthe acts under consideration. Now dividuals against the encroachments before I consider the effect of lapse of time I wish to say of arbitrary power. At period in the history of every

every one word er two in regard to the free people the "law of the land" can limitation of the power of Congress be invoked by any citizen in the coitself. I have said that all rightful munity against all the citizens of the power of legislation was vested in community-as well as against legisla Congress: But what does that em tors. It says that when any one at prace? Is it an omnipotent power? I tempts to deprive you or me of our t the power of the British Parliament? property, or of our liberty, or of our lives, we have a right to be heard; we Is it an absolute power? Not so long as the institutions of this country stand. The Supreme Court of the Unihave a right to be tried by due process of law. The meanest criminal ted States has fully illustrated the dif-ference, if raclical difference there is, between the legislative authority; that ever was arraigned before a bar It is true that the mob, the populace if you please to bring it down to the most ultra point, may take a man out

exercised by legislative assemblies under our republican form of govern-ment, and that claimed for the Parand hang him without any trial; in liament of England. This difference is that they exercise the same power that is exercised by the grizzly bear of the fully stated in the case read by my colleague, which came up from the State mountains when he seizes upon his of Virginia with respect to the rights in property of the Episcopal Church, There it was distinctly laid down prey; no more, no less, no other nor greater authority. It is simply the exercise of arbitrary power. But when by Mr. Justice Story that this absolute power that was claimed for the Parlia-ment of England under the British Constitution

## DID NOT MIGRATE

to the United States and never had a bitrary power; it is a declaration in behalf of every individual in the comfoothold is this country. It is an axiom in connection with the British munity, whoever he may be, and whatever his condition. That is the doc- laws and Constitution that there is no power of Parliament mit upon the It was trine of American liberty. And yet, one of the greatest judges o brought across the ocean, but is laid that couptry, or peakaps any other, Chief lown as the foundation of our repubtures of the states, nor the legisla-tures of the states, nor the executive nor any officer of the law, nor the peo-ple themselves, have a right achieved power to pass laws that were had no Justice C.ke, has stated, in unmistakable precise question has never received the to that declaration,-which is funda-mental, and lies at the basis of our reudicial determination from the simple fact that the Parliament of England publican institutions-to this whatever may be its theoretical power, rivilege. Every man is entitled to it. has never in point of practice or effect, Every man has a right to claim it, and passed any such law. Since the days the defendants here claim it now, and of magna charta down to the present protest against this exercise of arbitime, practically there has not been rary power by any absolute power in the government AN ACT OF SPOLIATION of Great Britain. But Congress possessed no more power than it underunknown in the history of the legisla took to conter upon the Territorial legislature of the Territory of Utabtion of this country. It undertakes to deprive a large class of oitizens of cheir property. Are they American citizens? Every American citizen and that is, to legislate upon all right-ful subjects of legislation. Gase of the inhibited subjects is not to interfere within the broad domain of these rewith vested rights, nor to disturb the publican states stands upon the .same solemnity of contracts. For however parties may have differed heretofora footing. He is entitled to the same sacred principles of constitutional liberty which lie at the basis of our with respect to the fact that when the Constitutional convention was ex-pressly taking away from the states the nstitutions. It is because he has that right; it is because of the existence of power to pass a law impairing the obthat doctrine, that so many men from ligations of contracts, if they ever possessed it, it was silent as to the the various countries of the earth are coming here to live, to breathe and to Federal Government. That whatever have their being as freemen. differences of opinion may have exist-I deem it unnecessary, if your hon ed theoretically upon that subject in 'ors please, to refer further to the var-lous authorities which I have cited regard to the power of Congress on account of the prohibition applying to here. Feeble as I am, at least so far the states and not to the Federal Govas my breath is concerned. I would ernment, the Supreme Court of the still, if I thought it necessary, proceed United States has put that to rest, in the decisions rendered in the tion. But I think I have presented

questions of deep significance, some of which have not yet been decided by the courts of justice, I proceed to offer a few remarks. questions of deep significance, some

by that Congress, has been set apart be exercised upon any corporation, as a railroad company, whose charter had been granted since the passage of the general act, although no special clause containing or alluding to such reserved power be in-serted in the company's charter. especially for that purpose. I am here to discuss purely questions of law, questions of constitutional law. These questions are always proper subjects to be discussed and determined by any

language because it try, fortunate for the liberty of the

Clifford says:

reservation.

ing provisions.

Says:

or

SAV DO.

SOUNDS THE KEY NOTE

to pass the act of July 1st, 1862. They I call your honors' attention to the to the doctrine announced in the de- tract by which the corporation might

process of law." That the government has, in this suit and the law under watch it is brought, ignored-we ought to say violated-th s underlying principle, is a fact too plain to b : misunderstood. It is simply an attempt of one party who h is no proprietary rights in the premises, to seize and expend property belonging to another party. This must be the situation, because court comes to be had, the property no person has ever claimed, neither would he attempt to hold, that the government has the shadow of ownership in the property involved; neither

is it denied, on the other hand, that the holders of the property are not the owners of it, it being in the possession of their legally constituted and ap-authorized to hold it. The question presented by the bill itself is as to pointed agents, and held by the latter in trust for them. It follows erty or not. Why, such a question as as clearly as night succeeds day that that arises in every case where there any process of wreating that property from the hands of its owners must be

undue. It is without due process of law. The reader will find in the ar- holding the same. The defendant holds guments which it is our pleasure to print in this issue, as clear an exposition of the fact that the present attempt on the part of the government is of property-that a court of equity will one of that nature, and against which stretch out the strong arm of the law the Constitution has placed its ban and take it out of the possession of the defendant and put it in the custody and the common rights of humanity of the court? their protest, as could well be enunclated.

Can it be possible that the government of this great nation can fall so far from the glorious height to which it his climbed under the guiding hand of Providence as to descend to such procedure? Surely we will refase to believe it until the deed is consummated. It is essential to the public before the court of equity can be justisafet that the attempt should perish fied in exercising that extraordinary in its incipiency and not be permitted to develop to fruition. We will decline to believe that this great and free government, founded upon the most exalted principles of human is on this subject: freedom would be gailty of an offense against justice and liberty on a line with the threatenings and destructive theories of the anarchists. The differ-

charter of incorporation, where there has been reserved the power to alter. amend or repeal that grant, really does not amount to a franchise, but is

questions without being governed by prejudice or passion. Taken as they are from a profession which in its every

nature and from its education is char-itable-they are disposed to look

upon all questions in the light of

charity which, let me say, before any tribunal, is itself the foundation of

justice. No man can be just who is

not charitable. To such an enlightened and impartial tribunal has been pecu-

liarly entrusted the decision of these

questions. They have the power to

override the Legislature; they have the

power to override the Executive; they

A MERE LICENSE, and may be repealed and taken away

by the legislative department of government, which has granted that license, at any time. Or if there be a general law in force referring to thesubject of the creation of corporations, that general law has to be taken as a part of the charter, and that the Legislature has the right under the provisions of that general law to alter. repeal or amend that charter at any ime

osition. There is no man here, par-ticularly in the light of all the decislons that have been made by the Su preme Court of the United States and by the supreme courts of the states themselves, who would controvert any such proposition. The question arises in this case thea, whether there be such a special reservation, whether there be such a general law. I admit in its full force that the doc

trine laid down by the decisions of the Supreme Court of the United States is not to be controverted; that from whatsoever force that power may be derived, whether it be from a provision in the Constitution, which declares that Congress shall have power

to dispose of the territory and other deal in general terms. Are there any property of the United States, facts stated in this bill which show, or whether it be derived-which I think tend to show, that this property, or is the better opinion, the better judiany of it, is subject to irreparable or cial opinion-from the implied power irremediable loss or destruction? The which belongs to the government from cial opinion-from the implied power bill itself avers that it is in the possession of these defendants, one of whom, THE POWER TO ACQUIRE TERRITORY. however, is dead. But that leaves the the power of Congress to legislate for others in possession as averred in this the territories is complete. It matbill. It is in possession of these de-tendants. Does it appear that they ters not whether it be from one or the other source of power, admitting its save been guilty of any fraudulent acts full force, the Congress of the United by which they seek to avoid the process States has supreme legislative control I law to get rid of that property, so over the territories. And when I say that when the final judgment of the upreme legislative control, I mean in that sense, and in that sense only, will not be there to answer in which it can be said that the reany government, any representative government, whether it be the govulrements of the judgment? Does it show that any of these parties are insolvent; that when the final judgment ernment of the United States, or the of the court comes to be rendered the government of a particular state, has supreme control in the matter of such right to withdraw the franchise, diffess such right is expressly negatived in the legislation. There are some things charter." property will be lost, or in such a position that it cannot meet the requirethat are beyond and above the govern-ment of the states and the government neats of the law? Certainly not. It simply avers, that they are not of the United States; but we use the term in that limited sense. It has whether they are estitled to this propbeen held by the Supreme Court of the United States that they have the right to legislate over the territories to the same extent that the states have the

authority to legislate over the people of the states. That is about the sub-stance of the declaration made in the

CHARTER FRANCHISES.

they are, under the decisions of the

is controversy. The plaintiff avers he BNTITLED TO THE PROPERTY and that the defendant is wrongfully

Sinking Fund cases (in the 99 U. S.) and also in the case referred to by the gento the contrary. But does it follow tleman yesterday-the case in 13 Wallthat because there is litigation wherein and the case in 101 U.S. of the National the plaintiff denies the right of the Bank vs. Yankton. defendant-the right to the possession They have the legislative power, the same legislative power in its extent, as the states have, and that is conceding a great deal; but that is the substance of the decision of the Supreme Court of the United States. Of course it was formerly held differently. But It is averred that the corporation is dissolved. Suppose it is. Here are

be representatives of the corporation in the custody of their property, but Dred Scott case; but that has been then, further, the question as to whether there has been a dissoset at rest by judicial determination long since. But when it is admitted lution is a question for the consideraand said that they have the legislative tion of this court. I say that there must be some averment, some tangipower over the territories, all the leg-islative power which may be exercised ble facts stated, and showa by affidaover a particular community residing vit or other evidence in every applicain a territory which has been set apart tion for the appointment of a receiver as a separate political subdivision of the United States, or rather the territory of the United States, what does power. that mean? I will read from High on Receivers, Now, in regard to the subject of

sections 17, 19 and 106 to show what the GENERAL DOCTRINE they are contracts, as we all admit

Supreme Court of the United States, SEC. 17. Ordinarily, unless perhaps in the case of infants and lunatics, a suit must from the time of the Dartmouth Colbe actually pending to justify a court of equity in appointing a Receiver; and it follows, necessarily, that the person whose ence would, so far as the seizure of property it is sought to place in the Re- ation for religious purposes, or for any

Now, I call your honors' attention to Miller vs. State, which has been reterred to by the gentlemen on the other \$50,000 worth of real estate-that is all side; it is found in 15th Wall. Judge that this act says. That is

A FAIR CONSTRUCTION of this act, and I will read it to your

Subsequent legislation, altering or modi-fying such a charter, where there is no such reservation, is plainly unauthorized if it is honors for the purpose of showing exprejndicial to the rights of the corporators, and was passed without their assent. Where such a provision is incorporated in the charter, it is clear that it qualifies the grant, actly what it means: SEC. 2. And he it further enacted That SEC.2. And be it further enacted, that the following ordinance of the provisional government of the State of Deseret, so called, namely: "An ordinance incorporat-ing the Church of Jesus Christ of Latter-day Saints," passed February eight, in the year eighteen hundred and fifty-one, and -dytfed, re-enacted and made subth by the and that the subsequent exercise of that re-serve power cannot be regarded as an act

serve power cannot be regarded as an Act within the prohibition of the Constitution. Such power, also, that is, the power to alter, modily or repeal an act of incorporation, is frequently of the state hr a set frequent applicable to all acts of incorpora-tion, or to certain classes of the same, as the case may be; in which case it is equally clear that the power may be exercised whenever it appears that the act of incor-poration is one which falls within the res. year eighteen hundred and fifty-one, and overnor and Legislative Assembly of the ary nineteen, in the year eighteen hundred and fifty-five, entitled "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, poration is one which falls within the res their publication and distribution." subsequent to the passage of the general law, even though the charter contains no part of that section refers solely to such condition, nor any alkasion to such this corporation, but then it goes on

to say : In the case of the Railroad Company And all other acts and parts of acts here And all other acts and parts of acts here-tofore passed by the Legislative Assembly of the Ferritory of Utahi which establish, support, maiutain, shield or countenance polygamy, be; and the same here-by are, disapproved and annulled *Provided*, That this act shall be so fimited and construed as not to affect or interfere with the right of property legally aconcired v. Georgia, 98 U. S, page 108, the court | to If, then, the old Atlantic and Gulf Rail road Company, and the Savannah, Albany and Gulf Railroad Company, went out of existence when their stocks were consolidated under the act of the legislature of 1863, their powers, their rights, their 1ran with the right of property legally acquired under the ordinance heretofore mentioned. chises, privileges and immunities ceased with them, and they have no existence ex-cept by write of the grant of corporate powers and privileges made by the consoli-dation act of 1863. That act created a new corporation, and endowed it with the ser-eral immunities franchuses and privileges nor with the right "te worship God according to the dictates of conscience." but only to annul all acts and laws which establish. maintain, protect, or countenance the prac tice of polygamy, evasively called spiritual marriage, however disguised by legal or ec-clesinstical solemnities, sacraments, cere-

eral immunities, franchises and privileges which had previously been granted to the two companies, but which they could no longer enjoy. It necessarily follows that the new company held the rights granted to it under and subject to the law as it was when the new charter was granted. And the set of the State which cars is the set of the set of the set of the state which cars is the set of the polygamy in the Territories of the the code of the State, which came in force United States and other places. This on the dist of January, 1863, before the charter was granted; contained the followsecond section declares in effect that the ordinance creating this corporation of the Church of Jesus Christ of "SEC. 1051. Persons are either natural o Latter-day Saints is disapproved in so artificial. The latter are creatures of the law, and, except so far as the law forblds it, subject to be changed, modified or de-stroyed at the will of the creator; they are faras it shall maintain or shield or countenance the practice of polygamy; that that part of the corporation be

called corporations." "SEC. 1052. In all cases of private charlisapproved and annulled; Provided-Now we all know what the object of ters hereafter granted, the State reserves a proviso is-that it is to quality or the right to withdraw the franchise, unless make more certain the declarations make more certain the declarations which have gone before.

So that your honors will perceive that the provisio carries out the pur-pose declared in the preamble to the act, and declares that the act shall be Now there is a general provision of the act applicable to all corporations. These two railroad corporations had consolidated and organized a new so construed as not to interfere with the right of property sequired under company under the consolidation code of Georgia, and thereby became a new the ordinance-nor with the right to "worship God according to the dic-tates of conscience"-which is the company under that code. But being a new organization, a new corporation very language used in the third section created under the consolidation act, they became subject to this general they became subject to this general of the ordinance or act of incorpora-provision, which expressly reserves in the but only to annul all acts and regard to corporations the power is laws which establish, maintain and the Legislature to alter or modify any protect polygamy, so that this proviso charter at will. There the provision or qualification of the first part of the out the declaration made by Angell and Ames on this subject, that where a general law is passed applicable to corporations, of course that consti corporations, of course that constiand only annuls all acts which coun tenance polygamy. This then is an affirmance, almost in terms, of all the

other provisions of the ordinanceand an approval of its validity. The fair construction of this act is that so much of the territorial law,

with the ordinance, which created this corporation, as undertakes to countenance, protect and maintain the cording to the unvarying decisions of the court, the unconditional repeal of the charter of the Marginal Company is void under the Constitution of the United States, practice of polygamy is

## DISAPPROVED AND ANNULLED,

as impairing the obligation of the contract made by the acceptance of the charter beand that is all. Now, the Congress of the United States, or any othe tween the corporators of that company and the State, unless it is made valid by that lative body, takes up an act which has been passed by a previous Congress and repeals a certain section of that act. Only one section of that act is repealed. What becomes of the bal-ance? What becomes of the balance provision of the general statutes of Massa provision of the general statutes of Massa-chusetts, called the reservation clause, con-cerning acts of incorporation; or unless it falls within some enactment covered by that part of its own charter, which makes it "subject to all the duties, restrictions and liabilities set forth in the general laws, which now are, or may hereafter be in force, relating to street tailway corpora-tions, so far as they may be applicable." The first of these reservations of lexislaof the act? Is it approved or is it dis-approved? What does it mean by dis-approving one of the sections of the act, or one of the provisions of the tions, so far as they may be applicable." The first of these reservations of legisla-tive power over corporations is found in section 41 of chapter 63 of the general stat. In the function of the general stat.

was entitled to receive endowments of land for church purposes, and the minister of the parish held the title as a sole corporation with power of transmission to his successors, and the church wardens were a body cor porate, with power of guardianship over the personal property. The church thus held a large amount of land at the time of the Revolution, which was confirmed to them by stat ute of the legislature, and the act of 784 made the minister and vestry a corporation by the name of the Prot

estant Episcopal Church. All those statutes down to 1788 were by s.atute in 1798 repealed as inconsis tent with the principles of the state constitution and of religious freedom, and by statute of 1001 the legislature the Episcopal charges fu all the property of parishes of the state, and directed the overseers of the poor in each parish to sell the same and appropriate the proceeds to the use of the poor of the parish.

Mr. Justice Storey, in delivering the opinion of the court, says: "The property was in fact and in law gene-"The rally purchased by the parishioners or acquired by the benefactions of pious donors. The title thereto was indefeasibly vested in the churches or rather in their legal agents. It was not in the power of the crown to seize or assume it, nor of the Parliament itself to destroy the grants, unless by the exercise of a power the most arbi trary, oppressive and, unjust. The state succeeded only to the rights | further in the argument of this ques of the crown, and we may add, with mapy a flower of prerogative struck from its hands. The division of an empire creates no forfeiture of previ-propose to stand on the demurrer, empire creates no forfeiture of previously evisting rights. \* \* \* \* The statute of 1776 operated as a new against us, then to invoke the judggrant and confirmation thereof to

the church, and if the legislature possessed the authority to make such a grant and confirmation, it is very clear to our minds that it vested an inde-feasible and irrevocable title. We have no knowledge of any authority or principle that could support the doctrine that a legislative grant

IS REVOCABLE n its own nature and held only durant land.

of two

ACTS OF CONGRESS.

SENATOR MCDONALD:

bene placito. Judge Story goes on to say: "A pri vate corporation created by the legislature may lose its franchise by misuse or a nonuse of them; and may be resumed by the government by a judicia judgment, upon a quo warrante to as But that the legislature

the state of the record now before the court, in connection with the agreecan repeal statutes creating private ment of the parties as to the facts recorporations or confirming to them lating to the property, are what is un-der consideration. Therefore, your property already acquired under the faith of previous laws, and by such repeal can vest the property of such honors, there was no room for that corporations exclusively in the state, or dispose of the same to such pur-poses as they may please without the consent or default of the corporators, appeal from my young and eloquent friend from Colorado, who has so ably sustained the District Attorney n the presentation of this case, and there can be no purpose in it except to we are not prepared to admit; and we incite some prejudice outside of the think ourselves standing upon the questions here involved, and it would principles of natural justice, upon the be scarcely permissable in an argument fundamental laws of every free governpelore a jury. Your honors will ment, upon the spirit and letter of the Constitution of the United States and therefore not expect me to follow him in that part of his argument, but to confine myself to the record which this court must pass upon. The first upon the decisions of most respectable udicial tribunals in resisting such a loctrine." and most important question in the

The subsequent case of Wilkerson vs. Leland et al., 2 Peters 657, confirms the doctrine laid down in 9 Cranch case is to determine what the law is that must govern the decision of this ourt. supra. It was claimed that the Legislature of Rhode Island could by a legislative act confirm a sale by an execu tion in another state, under the exorbitant powers of legislation given by the charter of Charles II, which was its constitution. The court says:

"Even if such authority could be deeme to have been confided by the charter to the general assembly of Rhode Island, as an ex-ercise of transcendental sovereignity beercise of transcendental sovereignity be-fore the Revolution, it can scarcely be im-agined that that great event could have left the people of that state subjected to its un-controlled and arbitrary exercise. That government can scarcely be deemed to be free, where the rights of property are left solely dependent upon the will of a legisla-tive body without any restraint. The rights of

PERSONAL LIBERTY

and private property should be held sacred. At least no court of justice in this country would be warranted in assuming that the

SINKING FUND CASES.

Let me call your honor's attention for one moment to the language used which has been filed, and to take the by the Court in that case, and then to the language of one of the distinudgment of this tribunal, and if it be guished judges. Your honors know ment of the highest tribunal in the something of course, of the law under consideration at that time. It was the Sinking Fund Act, passed by Congress in 1878, and commonly known as the "Thurman Act." It was challenged by the railroad companies, as beirg unconstitutional, as interfering with vested rights, as affecting the obliga-If the Court please: The motion for the Receiver in this case is submitted tion of a contract between the United on the state of record and on the States and those roads. A majority of the Supreme Court held that it did not agreement of facts submitted by the invalidate the contract, that it did not parties. These furnish all the law and take away any vested rights. The court was unanimous that if it had been of that character it would all the facts that can be properly conidered by this court on this motion There is no room, if your honors please, for passing beyond this. There can be no appeal made to this court outside of that record. But the law arising upon have been invalid. Three of the distin-guished members of that court-Judge Strong, Judge Field and Judge Brad-ley-dissented from the majority of the court upon the question of the application of the law, and held that it did impair the obligation of a contract. But in deciding that it did not, the chief justice said :

The United States cannot, any more than a state, interface with private rights, except for legitimste governmental purposes. They are not included within the constitutional prohibition which prevents states from pas-sing laws impairing the obligations of con-tracts, but, equally with the states, they are tracts, but, equally with the states, they are prohibited from depriving persons or cor-porations of property without due process of law. They cannot legislate back to themselves, without making compensation, the lands they havegiven this corporation to aid in the construction of its railroad. Neither can they, by legislation, compel the corporation to discharge its obligations in respect to the subsidy bonds, otherwise than according to the terms of the contract already made in that connection. The United states are as much bound by their contracts as are individuals. If they repucontracts as are individuals. If they repu-diate their obligations it is as much repudi-It appears from the record in this

case that some time prior to 1850 the provisional government of this Terri-tory, called "Deseret," passed an or-dinance of incorporation, which ordi-nance was recognized by the first Leg-islative Assembly that organized under the Territorial government and under dince their obligations it is as much reputa-ation, with all the wrong and reproach that that term inplies, as it would be if the re-pudiator had been a state, or a municipal-ity, or a citizer. No change can be made in the titlecreated by the grant of the land, or in the contract for the subsidy bonds, with-out the consent of the corporation. All this is indisputable.

islative Assembly that organized under the Territorial government and was ratified and validated, in the ian-guage of the act of Congress of 1962, by the Territorial act of 1865. The bill filed in this case brings in view before the court the validity, and the force, and the effect of two Now, a majority of the court speak-ing through the Chief Justice, held that that law did not undertake to work a change in any of these impor-tant particulars, but simply to make certain provisions, anticipating the failing due of the debt to the governrelating to that corporation, the first passed on the first day of July, 1862, and the last taking effect on the third day of March, 1887. ment. But as I have already said to your honors, three strong men on that bench, two of them still there, held that it impaired the contract and that

Now, the points so ably presented by it was therefore yold, and I wish to my colleague in his argument up-

that doctrine has long since been overruled. We have all heard of the

A PART OF THE CHARTER at the time that the franchise was granted by the State. So in the case of Greenwood v.Union Freight Company, 105 U.S., page 15, the csurt say: We think it must be conceded that, ac

	ence would, so far as the seizure of	ceiver's hands must be made a party to th	e purpose, giving the power to acquire	utes of Massachusetts, in the following	language of common sense, and ac-	would be warranted in assuming that the	on the law question in this case, as to	said upon that subject, because it is	and the second
1	property is concerned, be merely in	suit, in order that he may have an oppor	- purpose, giving the power to acquire	language: "Every act of incorporation	cording to all rules of legal interpreta-	power to violate and disregard mem-a	the power of Congress over this sub-	SO STRIKING	1.1
	the character of the means employed	tunity of resisting the application, th	the nower to be sned or to sne creating	vear one thousand eight hundred and this	stand? Why containly Most shall	ples of justice and civil liberty-lurked un-	lect could not, perhaps, be strength-	DO BINIKLIN	1. 1. 1.
	to min forciple possession of that	granting of which might result in irrepara	an artificial verson under the law, and	ty-one, shall be subject to amendment al.	anastionable it does	der any general grant of legislative au-	ened by anything I might say, and yet	in its character and so like what he	10.0
	to gata forcioio possession of that	fole injury to his interests. And the fact	there were no provisions contained in	teration or repeal at the pleasure of the	Bat they and mathem than that? Then	thorivy, or ought to be implied from any	in the course of my argument I find H	would most probably have said in re-	1
	which properly belongs to others. So	should be distinctly and spurifically as	the charter itself nor in the coneral	legislature." It would be difficult to supply	Dut they go turther than that? They	general expressions of the will of the peo-	necessary to some extent to review	gard to this legislation if it had been	
	far as the legal status is concerned the	forth, in order that defendant may be full	Isw on the subject of corporations	language more comprehensive or expres-	provide that southing contained in this	ple. * * A grant or title to land once	this proposition, And first, what	before him, that I wish to call special	
	plane would be even. The distinction	apprised thereof and have an opportunit	y vesting in the legislature the power to	sive thaff this.	aconired under that ordinance nor the	made by the legislature to any person pr	power has Congress over the subject	attention to it. Mr. Justice Bradley	
5.	would be in the degree and nature of	to resist the application. It will not, there	alter or repeal that law, then I take it	Referring to the subject of 'corpora-	right to worship God according to the	know of no case in which a legislative act	of making laws for a Territory of the	said:	
	the force employed to attain the and	plaintiff is entitled on principles of equit	there would be no question. That	tions I may say that in none of the	provisions of that third section, which	to transfer the property of A to B without	United States? There is no section in	I think that Congress had no power to	N
100	in view . As to whom onewthere	to the interposition of the court, but th	would be a contract, an executed con-	cases referred to by the gentleman on	really is the power granted to the cor-	tional exercise of legislative newer, in any	the Constitution of the United States	pass the act of May 7, 1878, either as it re-	12 M 1
	in view. As to whose operations	facts relied upon should specifically ap	tract, which could not be repealed by	the other side-and I wont trouble the	poration to make regulations for the	state in the Union."	though motion three of article four.	road Company. The power of Congress,	101111
	would be the more destructive to the	pear. And while traudulent conduct on th	e legislation, which could not be altered	there be found one other destrine	management of the Church.	The desidence of a second man market	though section under of article tour,	even over those subjects upon which it has	
A	social fabric is a question which out-	or fund in controversy is frequently med	e tive Department of the Government.	laid down than that the personation	The corporation created by the Act	In the case of the west River Bridge	the county referred to, solitical dis.	said upon that subject, because it is so sTRIKING in its character and so like what he would most probably have said in re- gard to this legislation if it had been before him, that I wish to call special attention to it. Mr. Justice Bradley said: I think that Congress had no power to pass the act of May 7, 1878, either as it re- gards the Union or the Central Pacific Bail- road Company. The power of Congress, even over those subjects upon which it has the right to legislate, is not despote, but is subject to certain constitutional limits.	S
1. Contraction 1. Con	growing developments alone could de-	the foundation for a receivership, it will	When the organic act of this Terri-	madas which it is claimad that the	of 1800 continued in existence until	Company vs. Dix, o noward oot, the	cussions as having something to do with	subject to certain constitutional limita-	
	alda Danradationa of an analy sta	not suffice merely to allege such fraud o	when the organic act of this Terri-	logicialities department has a sight to	1802. What else can be supposed than	Court says:	this question. No court has ever	tions.	
	ciuci. Depredations of an unruly ele-	danger upon information generally, with	When the organic act of this Terri- tory was passed in 1850, that organic act vested in the Territorial Legisla- ture, as it has vested the same power in the Legislature of other territories, the power toil gislate upon all rightful subjects of legislation.	siter or smand & charter, must either	that by the provisions of the third	A franchise is property and nothing more;	reconnited the enthority to Congress	I wish before proceeding further to	
	ment of the populace may be readily	tion And a bill whose only attention	ture, as it has vosted the same nower	be contained in some provision of the	of real property which mucht be hald	it is incorporeal property, and is so, defined	incon that section. That section in	call your honors' attention to another .	the card of the second
	extinguished by the durance of the	upon these points are thus vague and gen	In the Legislature of other territories.	charter itself, or in some general law	by all such corporations - the	It is its character of property which m.	I contration on the thirds I Phat I Congrand	alemont in this case, and that is, the	Internation of the
1.4	perpetrators. On the other hand when	eral, does not present such a case as to	o the power toils gislate upon all rightful	relating to corporations. That I take	Congress of the United States had in	parts to it its value, etc.	shall have the power to dispose of and make all needful rules and regula-	acts of 1862 and 1861, which conferred	
1.00	there is an invasion of natural rights	justify the court in interfering by a Re-	- subjects of legislation.	to be the law; that at least is my	view that the corporation continued.	To the Departments College codes 12	and make all needful rules and regula-	these rights and privileges and which	
1	by the government itself, whose ex-	SEC 19 As against a defendant in the	one of the rightful powers of legisla-	opinion of the law. When, then, the	in existence, when it said that the	Wallace 919 the court save, 10	tions respecting the Territory	conferred the corporate inabcalee upon	Service and
	altad function is to protect its altisans	possession and enjoyment of property	one of the rightful powers of legisla-	Congress of the United States re-	property acquired, and the vested	Hanace, sis, the court bays:	or other property of the United	the Union Pacific Railroad reserving	
	anted rememor is to provees its clainens	which is the subject matter of the litiga	tion is the power-to create corpora-	served to itself the power to disap-	rights acquired, could not be dis-	Corporate franchises granted to private	States.". It was framed before there	the right to amend or to repeat.	
Elen 1	from such assaults, the situation is	tion, equity always proceeds with extreme	tion is the power to create corpora- tions. That is admitted. The fact	prove any legislative act passed by the	turbed? Vested in whom? Why, vested	corporations, if duly accepted by the corpor-	had been any special territorial legis-	Now, Mr. Justice Bradley in con- tinuing to give his dissenting opinion	
80.00	fraught with imminent danger to the	caution in appointing a Receiver. Where	that such corporations have been	Territorial Legislature of Utah it	in this corporation. This living ex-	ators, partake of the nature of legal estates,	lation or in fact any necessity for it.		2 - C - C - C - C - C - C - C - C - C -
100	commonwealth	defendants in possession for a long series of	created and sanctioned by the Con-	would naturally be supposed to per-	isting corporation. I say that no man	comes a contract within the protection of	The ordinance of 1787 governed the	EBIU -	See Line
1.		years, and plaintiff shows no real danger.	has never been denied and is not de	It has said to the Territorial Legis.	can take this act and read it from be-	that clause of the Constitution which or-	first territories of any consequence which belonged to the United States,	One of these limitations is that no person	122.05
	State of the second	a Receiver will not ordinarily Le appointed	nied in this case, is sufficient to estab.	lature of Iltah and to the neonle of	ginning to chu, and not come to the	dains that no state shall pass any law im-	and had already been adopted by the	without due process of 1aw : apother is that	CHER IN
1000	Y. M. M. I. A. Conference.	in limine. And where plaintin's object is to	tions. That is admitted. The fact that such corporations have been created and sanctioned by the Con- gress of the United States, a fact that has never been denied and is not de- nied in this case, is sufficient to estab- lish the fact that this is one of the rightful subjects of legislation; that it is one of the rightful powers of the legislative department. In one sense it is a misnomer to call it a law, al- though it has the force and effect of	Utah: "We give you the right to legis-	disarproval of so much of the provis-	ters of private corporations are regarded	Congress of the United States acting under the articles of confederation,	private property shall not be taken for pub-	
	r. m. m. r. A. conterence.	fendant, a Receiver, if appointed at all is an	rightful subjects of legislation: that it	late upon rightful subjects of legisla-	ions of the charter as countenances	85	under the articles of confederation,	lie use without just compensation; and a	
	The Young Men's Mutual Improve-	pointed only upon the principle of preserv-	is one of the rightful powers of the	tion, but mind you, we do not give	polygamy and a declaration that no.	EXECUTED CONTRACTS	and that provided, so far as an instru-	ted States is vested in the Supreme and in-	C.C. LAN
	ment Associations of the Salt Lake	ing the subject matter pending a litigation	legislative department. In one sense	you the absolute power to legislate.	corporation of this kind should hold	between the government and the corpora-	ment of that kind could, for the regu-	foriar Danris and not in Congress. It seems	A LANGERT
	Stake of Zion will hold a conference in	which is to determine the rights of the par-	it is a misnomer to call it a law, al-	You are not a State. You have not the	more than fifty thousand dollars' worth	tors, and the rule is well settled that the	lation and control of these territories.	to me that the law in question is violative of	
	the Theansels in this site on Catan	necessarily exercises a large discretion as	It is a misnomer to call it a law, al- though it has the force and effect of	authority of a state. The Conpress of	of real estate, leaving	legislature cannot repeal, impair or alter such a charter, against the consent, or	But without attempting to find any	all these restrictions, of their spirit at least,	Sta 21 11
1200	the taberbacie in this city, on Satur-	to whether it will or will not take posses-	law. It is something more than a law.	the United States has the legitimate	IN THE PITT POPPE	without the default of the corporation juda-	specific grant of power-for.	if not of their letter, and a law which vio	The state of the
2	day and Sunday, Oct. 29 and 30. A full	sion of the property by its Receiver, and	that the granting of these for the	and absolute and supreme authority to	in his role rough the lite	cially ascertained and declared.	THE SUPREME COURT	intes the spirit of the Constitution is as much successitutional as one that violates	a statistical and
22.5	attendance from all parts of the Stake	this discretion is governed by a considera-	and their secont ness on the nest of the	registate for this Territory, and we	the balance of the act, untouched by the			the better.	and the second
	ls desirable.	SEC. 106. While the practice of appoint-	though it has the force and effect of law. It is something more than a law. It has been so decided by the courts that the granting of these franchises and their acceptance on the part of the corporators constitutes	siter or amond derstand that we may	legislation of Congress, not disapprov-	In the Sinking Fund cases, 99 U.S.,		(Continued on Page 3.)	
294		where here it will be active of withoutt-	I corboratore comparence	alter or amend or change your general	ed by the Congress of the Onited States,	1 11a, the conft says :	to do this-we are willing to say and	I commence on rule of	
					and the second	A REAL PROPERTY AND A REAL	and the second	and the second se	