tion. A receiver was appointed to take and hold the property, in the absence of any cause for such appointment, such as usually gives authority to courts to appoint receivers.

The alleged dissolution of the corporation and the assumption on the part of the court, before any trial was had or investigation made, before even an answer was filed to the allegations of the bill, authorized, in the opinion of the court, the Government of the United States to seize and confiscate all property which might be found, such as cattle and sheep, stocks and lands, houses, temples and tabernacles, and authorized the court, through its officers, to take possession of all such property, although it is alleged in the bill that certain persons named therein, at the time of the institution of the suit, held such property in their possession as trustees for the corporation. The court in its decree specially finds that all the real property described in the findings of the court was, at the time of the institution of the suit, held in trust for the corporation.

These proceedings are extraordinary, to say the least of them. The act of Congress assumes that it not only has the power to disapprove the act by which the corporation was chartered, but to declare that the property may be seized by the Government officers without any evidence that the corporation has in any respect violated the provision of its charter, that it may be held in the hands of a receiver and finally distributed in such manner as the court might think proper.

Can such proceedings be justified except upon the ground that the government of the United States, its legislators, its courts and their officers, are not bound to regard that provision of the fundamental law of all free governments, that no person shall be deprived of life, liberty, or property, without due process of law? We think not. Here is a judgment without a hearing, a seizure without a cause, and an escheat without the pretence of any authority of law.

I say that these are acts of arbitrary power. It has been said by a distinguished jurist in this country that there are two kinds of law in America. One is the law which changes, comprising the acts of legislators and the customs of communities, which change from time to time as public exigencies may require. The other is the law that does not change. The law of the land which recognizes the doctrine that no person shall be deprived of life, liberty or property, without due process of law. That law is unchangeable and eternal. It qualifies the authority of legislators; it limits the jurisdiction of courts; it stands as a sentinel to guard against the approach of arbitrary power over individual liberty everywhere throughout this land. Whencesoever it came, whether from the barons at Runnymede, or from the forests of Germany, or from the teachings of Greek philosophers of an earlier age, it has found its way here, and in this country it has become the foundation-stone of our political fabric. If I were asked to declare my opinion as to what was the origin of that doctrine, I should say it rather springs from that spirit of manhood implanted in the breast of every man who has stamped upon his brow the image of his Maker, which enables him to say, in the face of arbitrary power, "I am not your slave; my rights are governed by law; and I am authorized by the God that made me to say that I am not subject to your mere will or caprice." What is the answer of arbitrary power? The answer, and the only answer that can be given, is, "I am stronger than thou." That is the answer of the brute and the barbarian, if, indeed, the brute could speak. It does not belong to the teachings or practice of Christian civilization, and it will not be sanctioned by this exalted tribunal.

SPOLIATION IN OGDEN.

THE movement on the part of the Liberal City Council of Ogden to gain possession of the Tabernacle block in that town continues to cause a great deal of comment among fair-minded people. It is denounced as utterly inexcusable. Even those who are more or less antagonistic toward the religious body whose members constitute the contemplated victims of the scheme, are opposed to it upon the ground that it is not sound opposition policy. It emphasizes a claim of the Latter-day Saints that they are made the subjects of spoliation and persecution.

We stated the other day that no intelligent defense had been set up to sustain the step. All that has been offered in that direction has been in the nature of limping excuses. One of the most absurd that has come under our observation consists of a comparison made by an anti-"Mormon" newspaper, wherein the Ogden affair is likened to the notorious Capitol Hill land-jumping enterprise of last summer. The occupants of the land at Ogden are sought to be placed in the same position as the land-seizing agents who took possession of the property of this city on the hill. In the latter case the title still adhered to the city, which had not released its claim, the Corporation having set apart for public uses the land thus ruthlessly taken by certain real estate agents. The jumpers held possession for a few days. After making the seizure they commenced the erection of fences and tents. The city, through its lawful officers, ejected them from the property, using whatever force was necessary to accomplish the purpose. To compare such a case with the Ogden scheme is the height of absurdity, and shows the weakness of those who undertake to apologize for it.

In the matter of the Ogden Tabernacle square, as before stated in these columns, the land was set apart about forty years since by the people who redeemed that section from the condition of a wilderness—the first settlers. The Tabernacle building has occupied the ground for nearly that length of time. The other structures are also exclusively of a religious character. The townsite act, which was passed by Congress for the benefit of the inhabitants of cities and towns, in its entire genius and intent, provides that the land shall be conveyed to the occupants at the time the law comes into operation. Surely this fact will not be controverted, neither can it be denied that the sole occupants of the land in question, from the first settlement of the region, have been the religious worshippers whose buildings are erected thereon.

What a ridiculous position must a person assume to compare such a situation with that taken by a nest of land-jumpers, who seize the property of a corporation and retain it for a few days, until they are forcibly ejected from it. There is not the remotest resemblance between the two cases in point.

Another strong feature of dissimilarity exists in the fact of the corporation in the Ogden case having released and conveyed away its title to the property which has been so long devoted to religious purposes. This situation, so we understand, was recognized by the Attorney-General in the person of the Solicitor-General, acting in his behalf. The position in regard to that property was understood by him, and by his advice it has been let alone.

The plea is reiterated in palliation of the action of the Liberal Mayor and City Council of Ogden that the courts should be allowed to settle the matter without the making of any popular outcry respecting it. This would indicate that those who desire to see the scheme forwarded entertain grave doubts concerning its ultimate success. We have already stated that, this being the case, the subject takes on the aspect of vexatious litigation. In saying this, it is not intended to be charged that the parties simply proceed as they are doing for the mere purpose of harassing and annoying those who are placed upon the defensive. With all these matters