

THE EDITOR'S COMMENTS.

CHURCH PROPERTY RESTORATION.

As readers of the News have already been informed, the United States House of Representatives on the 6th of October last passed without objection the following joint resolution (House Res. No. 34), introduced some time previously by Hon. Joseph L. Rawlins, Delegate from this Territory:

Whereas the corporation of the Church of Jesus Christ of Latter-day Saints was dissolved by act of Congress of March 3, 1887; and

Whereas the personal property and money belonging to the said corporation is now in the hands of a receiver appointed by the Supreme court of the Territory of Utah; and

Whereas according to a decision of the Supreme court of the United States the said property, in absence of other disposition by act of Congress, is subject to be applied to such charitable uses, lawful in their nature, as may most nearly correspond to the purposes for which said property was originally destined; and

Whereas said property is the result of contributions and donation made by members of said Church, and was designed to be devoted to the charitable uses thereof under the direction and control of the First Presidency of said Church; and

Whereas said Church has discontinued the practice of polygamy, and no longer encourages or gives countenance in any manner to practices in violation of law, or contrary to good morals or public policy; and if the said personal property is restored to said Church it will not be devoted to any such unlawful purpose: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said personal property and money now in the hands of such receiver be, and the same is hereby, restored to the said Church of Jesus Christ of Latter-day Saints, to be applied under the direction and control of the First Presidency of said Church to the charitable uses and purposes thereof. And the said receiver, after deducting the expenses of his receivership, under the direction of the said Supreme court of the Territory of Utah, is hereby required to deliver the said property and money to the persons now constituting the Presidency of said Church, or to such person or persons as they may designate, to be held and applied generally to the charitable uses and purposes of said Church.

The resolution having been referred to the committee on judiciary, it was on the above date reported to the House with the following amendment:

Page 2, after the word "receiver," insert the words "not arising from the sale or rent of real estate since March 3, 1887."

The matter evoked some discussion, a few members insisting that inasmuch as the resolution proposed the disposition of money belonging to the United States, it should be considered in committee of the whole. Mr. Rawlin opposed the point of order, and made a plain, forcible and apparently convincing argument, for the resolution was soon brought to its passage and, as amended, passed.

On Saturday, the 21st of October, as

our readers have also been informed, the joint resolution came up for discussion in the Senate. That body's committee on judiciary, through Senator Teller, reported it with an amendment, and Senator Peffer, who was, and for two hours had been, addressing the Senate on the silver purchase repeal bill, courteously yielded for its consideration. The following debate ensued:

Mr. Teller—I am directed by the committee on the judiciary, to whom was referred the joint resolution (H. Res. 34) providing for the disposition of certain personal property and money now in the hands of a receiver of the Church of Jesus Christ of Latter-day Saints, appointed by the Supreme court of Utah, and authorizing its application to the charitable purposes of said Church, to report it with an amendment; and as it is a matter of some importance and will not take any time, I ask that the joint resolution be put on its passage.

By unanimous consent, the Senate, as in committee of the whole, proceeded to consider the joint resolution.

The amendment of the committee on the judiciary was, in line 9, after the word "thereof," to add:

That is to say, for the payment of the debts for which said Church is legally or equitably liable, for the relief of the poor and distressed members of said Church, for the education of the children of such members, and for the building and repair of houses of worship for the use of said Church, but in which the rightfulness of the practice of polygamy shall not be inculcated.

Mr. Dolph—I do not at the present time object to the consideration of the joint resolution, but I will withhold any objection until the senator from Colorado will make a brief statement in regard to what the measure is. I should like to know how much money is involved, and precisely what the money is derived from.

Mr. Teller—I understand that the sum involved is about \$300,000. This is the personal property of the Mormon Church that went into the hands of the receiver, which, under the decision of the court, goes to the Church. When the receiver took possession of the property he claimed that about \$75,000 should come to him, which the Church had collected in the way of tithes and paid out. Although the Church had disposed of it to such an extent that it could not recover it, the Church was compelled, in order to have no trouble with the receiver, to borrow that amount of money out of bank, and it turned over to the receiver instead of property that amount of money. This is for the purpose of enabling the Church to pay back the \$75,000 which it borrowed, which it could not pay out under the ruling of the court except on the passage of this measure. The joint resolution has the approval of the judiciary committee, with the amendment reported. I believe it has the approval of the department and everybody who has any interest in it.

Mr. Dubois—I ask the senator from Colorado whether the joint resolution stands as passed by the House of Representatives?

Mr. Teller—It is the same except that under the joint resolution as passed by the other House it may be uncertain whether the Church could pay the \$75,000. It is not desired that it shall pay it, because that is a debt the Church is not able to pay, and which in equity it never ought to have been required to pay over to the receiver. It is the money handed

to the receiver which is to be paid back to the Church; that is all.

Mr. Dolph—But the amendment of the committee goes further, I think, and authorizes the money to be expended in part for the erection of houses of worship.

Mr. Teller—The whole matter is charitable. The Supreme Court of the United States practically declared that it was to be turned over to the Church for charitable purposes, and that would exclude the Church from paying the debt. Undoubtedly it could use it without this provision being put in, but the committee, or rather the sub-committee, which had it in charge, thought it best to put it in. Really, the measure is for the purpose of enabling the Church to receive back \$75,000 in cash that it advanced to the receiver.

The presiding officer (Mr. Gallinger in the chair)—The question is on agreeing to the amendment of the committee.

The amendment was agreed to.
Mr. Teller—After the word "Church" in line 16, I move to insert the word "as aforesaid."

The amendment was agreed to.
The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The preamble was agreed to.

The adoption of amendments made necessary the return of the resolution to the House, and the latter body at its next session, Monday, October 23rd, promptly concurred in the changes made by the upper chamber. The resolution was thereupon ordered engrossed as amended, and forwarded to the President for his approval. Private information received in this city on the evening of the 25th was to the effect that he had signed the bill (this news having been since affirmed in the public prints), which gives the resolution effect and makes it a law of the land.

There was an intimation, however, that owing to the fact that the matter was now in controversy before the United States Supreme court on appeal, a quibble might arise as to the effect the passage of this bill would have upon the case at bar. It will be remembered that in its last ruling on the matter, the Supreme court of this Territory restored certain property to the Church. To this part of the decision the attorneys for the government took exceptions and an appeal. In the same ruling there were points to which the attorneys for the Church took exceptions, and on their part also took an appeal. It is accordingly this decision, appealed from in its different recommendations by both parties to the case, that the court of last resort is now to review and pass upon; and it is to sustain the Church side of the controversy that Hon. F. B. Richards is now in Washington. His brief, which is concise, logical and admirable in its presentation of the case, was received by the News some days ago; but extracts from it were not given at the time for the reason that a portion of the property would probably be restored by the bill then pending and now passed, and the argument would have to be modified accordingly.

The case is thus simplified in this extent: The Supreme court in conformity with the bill will dismiss the