what prompted them to stop it. The Mormons said, "We believe the Prophet Joseph Smith had a revelation," which made it permissive or mandatory (counsel did not care which). If they believed that he who stood at the head of their Church had been permitted to receive a revelation sanctioning polygamy, however much other people might scoff, and deride, and disbelieve, was there anything very preposterous in their believing that another revelation had been received from God stopping the practice? They said, "God was moved to do this because of the suffering of the people." It was apparent to them that the sentiment of the nation was such that this thing could not go on; if it were persisted in, it was evident to the human mind that the result must be disaster and the disruption of the Church, and perhaps extermination. God, said they, foresaw this and revealed to the Church that the practice of polygamy must cease; and that so long as existing conditions prevailed, of course the same result would be reached if an attempt were made to re-establish it.

Mr. Dickson here read from an address by President Woodruff to the Church setting forth his attitude in the circumstances. If the court believed that these people were speaking the truth—and their sworn statements stood here uncontradicted—then all the government could desire had been accomplished. The people had bowed in submission to the majesty of the law of the nation; and the head of the Church came there and said: "I believe it was my duty, and the duty of the people over whom I preside, to obey the law; I have been brought to that conviction by experience, and we leave events in the hands of God." Disguise it as they would, here was a lawful and honorable purpose in view on the part of these people, for what more worthy example of charity was there under the sun than the relief of the poor and needy?

But if polygamy were still a doctrine of the Church, and its practice were still countenanced and encouraged, and it further appeared that this fund had been devoted to the charitable and religious uses and purposes of the Church, and that it had been originally designed by the donors that the fund might be applied to the spread of that doctrine, or to some other and lawful charitable and religious use of the Church, it would not be permissible for the court to apply it to an entirely different charitable use from that originally designed. But the court should in such case so limit or appoint the fund as to confine its appropriation to such lawful charities as were within the scope of the intention of the original donors. The court had not the power to wrest the fund from the other and lawful charities provided for by the donor, and apply it to other and different charitable uses. Counsel cited Boyle on Charities, the Attorney General vs. Parsons, Same vs. Hinxman, Same vs. Dixie, Jackson vs. Phillips et al., and other prominent authorities, and said the time had long since passed when the sovereign authority, whether king or legislature, would exercise power in any such arbitrary and oppressive manner as was here sought.

In conclusion, Mr. Dixon asked, could the court fairly reach the conclusion that it was the intention of the donors to this fund to apply it to the common schools of this Territory? He answered No; and when they departed from the intention of the donor they were not acting judicially. While Congress might apply a fund in a way opposite to that intended, no other power in this country could. He had nothing to say against the cause of public schools or education. The latter was one of the most noble and praiseworthy of all causes; it involved even the well-being and stability of the State, and should be the care of every good citizen; but charity, in its stricter sense, made a more pressing demand upon all that was generous in the human mind.

Counsel concluded his address at 4:50, at which time the court adjourned until 10 o'clock this morning. The argument was acknowledged on all sides to have been a most masterly one.

MR. VARIAN'S ARGUMENT.

When the court resumed its work Thursday morning, October 22nd, Mr. Varian, on behalf of the government, took up the argument. He began by saying that the history of the proceedings commencing with the first attempt of the government to enforce its laws in this Territory and culminating in the law of 1887, containing the provisions under which they were now acting, set forth numbers of attempts on the part of those most directly and vitally interested to defeat the legislation and its effect through the court upon the very grounds that were alluded to yesterday. It was said both before Congress and in all the courts in which the case was presented that it was beyond the power of the government, either through Congress or its courts, to in any way wrest this property from those who were, as it was claimed, lawfully entitled to it. That question had received careful consideration. The conduct of his side, in every particular, had been upheld, and he took it that it was not becoming at this stage of the proceedings to impress upon an argument which in the very nature of the case should be a legal and impassioned one; considerations which were properly presented in other forums, and had been already decided. This decree might properly be read in the light of the opinion of the court—although he presumed it bore evidence in connection with the entire proceedings in the Supreme Court of the United States—that the court in some degree at least, had changed its views as expressed in some language used in the opinion.

Counsel then went on to trace the various phases of this case since its determination by the Supreme Court of the Territory in the fall or early winter of 1889, embracing the subsequent determination of the Supreme Court of the United States in the following May, when the opinion already cited before the Master in Chancery, affirming the judgment of the Territorial Supreme Court, was delivered.

These matters went before the Supreme Court of the United States, which court not only took notice of the fact in regard to polygamous practices and teachings, but all the past and contemporaneous history of the corporation. That history was briefly alluded to in the opinions of Chief Justice Zane, of Utah, and Justice Bradley, of the Supreme Court of the United States, in which, perhaps, might be found the reasons which moved the legislative authority to take heroic measures as to the winding up and dissolution of this Church corporation. Counsel read from the reported opinion of the Supreme Court of the United States, delivered by Chief Justice Bradley, in which alleged defiance to the government by the "Mormon" people was set forth, their attempt to establish an independent community, and to drive therefrom all those not with them in communion and sympathy, "contempt of authority and resistance of the law." In the light of the history of the Mormon Church and its people, said Mr. Varian, and in its dealings with the government, it was perfectly plain what the mandate of the court was. They were not dealing with the donation of a citizen by way of bequest or devise—it was not a question as to whether they were the effectuated intent, as near as might be, of some charitably-disposed person who had mistaken the use, or who had dedicated or attempted to dedicate his property to some forbidden use, as to which Mr. Dickson read cases by the hour yesterday. Neither was it the case of the dissolution of a business corporation, but the dissolution of a religious corporation, because its longer existence was contrary not only to public policy but to law. And the distinction was clearly pointed out, it seemed to him in the same opinion, from which he had read, of Mr. Justice Bradley.

In this instance there were no successors. The funds could not go to the people who formed the late corporation, because that would practically return the property to the uses that were complained of. It must go to the purpose most nearly corresponding with the intent of the donors. He did not now contend—it was not necessary to do so—that any application of this fund should be made which was foreign to the objec and purposes for which it was originally destined, except in so far as that object or purpose might be unlawful. Counsel admitted that the cause of education was a charity within the scope of this general statement; he did not deny that it included the support of the poor and the building and repairing of meeting houses; but it had been insisted by the other side that the government was endeavoring or attempting to secure a diversion of this fund foreign to the original intent of the donors. The evidence as to intent here was to be gathered from the finding in the light of the history of the Church, together with the evidence as to how it was applied, and the authority exercised over it by those having control. Mr. Varian argued that the scheme of the government counsel in this matter was the most equitable one, and should receive the recommendation of the Master in preference to the others already submitted. This, he went on to declare, was simply an attempt on the part of the defendants to get possession of this fund in the very teeth of the expressed intent of Congress and in violation of the decree of the Supreme