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THE CHURCH SUITS AGAIN IN COURT.

THE litigation over the property of the late corporation of the Church of Jesus Christ of Latter-day Saints has been simplified greatly by the dismissal, at the instance of counsel for the Government, of the following cases: F. H. Dyer, receiver, vs. David M. Stewart, Robert McQuarrie and Church of Weber Stake and City of Ogden; F. H. Dyer, receiver, etc., vs. R. J. Taylor and L. W. Shurtliff; H. W. Lawrence, receiver, vs. James A. Eldridge et al.

The last named involved the Salt Lake property known as the Council House corner, and the others, property formerly owned by the Church in Ogden, including the Tabernacle square, Tithing office grounds and the old Stuart property. These are now exempt from escheat.

The case now before the Supreme Court of the Territory comes up on exceptions taken to the report of the Master in Chancery, who, after a long investigation decided in favor of the turning over of the personal property of the late corporation for the use and benefit of the district schools.

It will be remembered that the Supreme Court of the Territory decreed the personal property of the Church had "become escheated to and the property of the United States." This was based on the assumption that the personal property of the Church had been used for and devoted, among other things, to the promulgation and maintenance of polygamy or plurality of wives. We say the "assumption" because no such evidence had then been before the court. The Supreme Court of the United States subsequently dissented from this part of the decree, and ordered that the personal property should be devoted to "such charitable uses, lawful in their character, as may most nearly correspond to those to which it was originally designed," to be ascertained by a Master in Chancery subject to the approval of the court.

It is now contended that the Master erred in his decision; that he should have granted the petition of the First Presidency of the Church to have the property vested in them as Trustees to be applied to the relief of the poor of the Church and the maintenance of houses of worship, the Trustees to report annually to the court an account of the administration of the trust; and that the devotion of the property to the district schools is opposed to the decision of the Supreme Court and repugnant to justice, equity and the genius of our government.

The Master ruled that this application of the Presidency was *res adjudicata*, because the Supreme Court had already denied the petition of George Romney, Henry Dinwoody, James Watson and John Clark, on behalf of the members of the Church, claiming that they and said members were "equitably the owners of said property," and asking the court to decree that the said property belongs to the individual members of said Church. But counsel for the Church now show that theirs is a different claim and scheme entirely.

Romney et al. claimed the property for the members of the Church absolutely. The Presidency of the Church ask that it be regarded as a trust, and that they administer it as decided by the Supreme Court, for those charitable uses nearest to those designed by the donors, and subject to the supervision of the court. Further, the Supreme Court ruled that there was no ground at that time for the application of the claimants, but that "the rights of Church members will necessarily be taken into consideration in the final disposition of the case." This all goes to show that the denial of the former claim is no bar to the granting of the present petition and scheme.

It is further set forth now that the whole ground of the action of Congress and the rulings of the Courts in relation to this property was that the Church was a "political organization" employing its resources in "attempting to oppose, thwart and subvert the legislation of Congress;" that is, in supporting the practice of polygamy. But this is all changed by the action of the Church in relation to plural marriage, and there is now no reason or excuse to withhold the property from the lawful uses to which it was originally destined.

It is contended that there were lawful uses, as well as those said to be unlawful to which it was alleged the property was applied, and that to those the means ought to be devoted instead of to uses never contemplated by the donors, and for the benefit of persons never intended to receive such benefits.

All this is set forth in the brief of Hon. F. S. Richards, attorney for the Church and amplified in his plea before the Supreme Court today, a brief synopsis of which appears in our court report. Mr. Richards further contended that under the changed conditions the Church could not only sue ah for this use of the property under a trust, but could claim it absolutely as their right but would not do so. W. H. Dickson, Esq., also of counsel for the Church, showed that the power claimed to escheat in this way was never exercised under this government and could not be so used even in monarchical England by a Court of Chancery, except under the sign manual.

The argument is of great interest apart from the pecuniary interest which the Church has in the property. We cannot believe that in this free country the property of a religious body, lawfully held, will be wrested from it and appropriated to public uses and for persons who never contributed to it in any way. The case is in able hands and will be watched closely by many people besides the Latter day Saints.

THAT PAVING CONTRACT.

THE recommendation of the Board of Public Works to let the big contract for paving to the Barber Asphalt Company has occasioned more stir and indignation among business men than anything heretofore contemplated by the City Council. There seems to have been some misunderstanding in regard to the lowest bid for the contract.

Several objectors have stated, as one of the grounds of their protest, that a home company had made the lowest bid and that the Barber bid was next. They argue that if the Council can, for any reason, pass by the lowest to the next, they can pass by that to another for some other good and sufficient reason. But it appears from the actual figures that the Barber bid was really the lowest, taking the whole job in the aggregate. In some of the details there was perhaps a difference in favor of another company, but the total bid of the Barber Company, as we understand, was nearly $4,000 less than the lowest of the other bids.

We presume the Board thought that as the Barber bid was the "lowest" and the company was "responsible," the law and the regulation would require the letting of the contract to that company. So that a little less denunciation and a little more reasoning and light will probably be proper under the circumstances.

The rule to employ home talent, home material and home capital, whenever justice and economy will permit, we believe will find favor with the representatives of the people because that is what the people want. But when home contractors want higher figures than work can be done, or materials furnished for by outside firms, surely fault will not be found with officials who consider themselves bound by the rule that contracts must be let to the lowest responsible bidder.

However, in this case we think there are sufficient reasons why the Barber Company should not have the contract, but that it should be let to the home company offering the next lowest bid and the comparatively best materials. These should be considered by the City Council before the recommendation of the Board is acted upon.

From many reports coming from various places where intense dissatisfaction prevails, it appears that the Barber pavement is very defective, that it has to be constantly repaired, that the company, notoriously, by low bidding drives out competitors, and then manages to keep the letter of their contracts by frequent patchwork until the five years limit expires, and that then the public are put to endless expense by the inferiority of the materials employed and the consequent renewal or removal of the pavement.

This is a very serious matter in view of the large expenditure involved. And as most of the money will go out of the Territory if this company is employed, the loss will be still more serious. If the means can be kept at home by the employment of home materials, labor and skill, and in addition the probabilities are that better work can be secured, true economy and public interest would demand that the spirit rather than the letter of the law should govern in this matter.

It appears, further, that the home company making the next lowest bid is not presuming on the best that it is a home concern and therefore seeking to obtain high figures, but have put the price down to the lowest living rates. Also that its work already done is open to investigation; that it has erected expensive works for the business; that it is ready with suitable guarantee; that it is supported by public sentiment; and that business men whose property abuts on the streets proposed to be paved, are willing to pay the difference between the Barber bid and the figures of the home company.

With all these considerations it looks as though nothing could stand in the way of the Council to the awarding of the contract to the home company, unless the some private understanding or agreement, or something that does not now appear which would justify concurrence in the report of the committee. Until something definite is produced to show to the contrary, we shall believe that the committee and the City Council are acting on what they believe to be the law in relation to the matter, and for the best interests of the city. But the public are much aroused over it and we think the wide-spread opinion of thinking men should have due weight with the municipal authorities.

A NUMBER of colored men of Chicago have organized the Northwestern Immigration Association of Chicago, for the purpose of aiding and assisting the colored people to leave the Southern States and find homes in the Northwestern States. Arrangements are said to have been made by which a large number of colored people will leave the South this fall and come North.

ANTI-CHOLERA PRECAUTIONS AND THEIR EFFECTS.

THE circular issued over the signatures of Supervisor Wyman, of the U. S. Marine hospital service, Secretary Foster and President Harrison, will have the effect of practically closing the ports of this country against immigration from Europe. No shipping company could afford, except by at least trebling the rates of passage, to bring immigrants to this country and conform to a regulation compelling them to remain in quarantine for a period of twenty days. The increased cost would not only arise from providing food and accommodations for passengers for such a length of time, but during the detention the expenses incidental to a voyage would be running on, with the exception of coal for propelling purposes. The ships would during that time be comparatively idle so far as profit to the owners would be concerned. The regulation would virtually make the time of the voyage from Europe to New York about one month. In any case the loss to shippers will be enormous during the ensuing three months, owing to the necessary stoppage, under the new rule of European emigration to this country.

Whatever may be the consequences of the step financially, the administration is entrusted with the duty of protecting the nation, so far as lies in its power, from one of the most fearful calamities that could befal the people. If rigorous measures were not taken the President would be subjected to severe censure. The situation is one of great gravity, Mr. Harrison fully senses this fact and takes prompt action in the premises.

Complaints are being made to the effect that Canada is manifesting carelessness in the matter of precautions against the introduction of the plague into that country. If this be so and should the Dominion government continue to manifest indifference on this subject, the preventive measures adopted by the United States will be rendered to some extent nugatory, as it would be difficult to prevent the introduction of the dreaded infection by overland avenues.

In the event of the breaking out of the plague in the East, it is not unlikely that there will be a heavy influx of people westward. Many who have means of removal from the centres of attack will be likely to seek for places of safety. Europe, which is plague-infested, affords no safety; Canada may be a good refuge for thieves and scoundrels who break the laws in this country and wish to escape its just penalties, but would give no hope of immunity from cholera.

Among the most of a panic this intermountain region would probably be deemed a good place to come to. But these ideas are necessarily conjectural or speculative, and one can but watch the course of events as they occur, fervently hoping that it will be consistent with the divine will to save our country from the terrible visitation, and that God may also be merciful to all the nations.

THE AMERICAN FLAG INSULTED.

VENEZUELA, one of the South American republics, is in the throes of revolution. It appears that the rebels have the country completely in their possession. But an incident occurred on the 26th ult. which is likely to embroil the United States government. Six persons who had taken refuge on board an American vessel were forcibly dragged therefrom by Venezuelan soldiers. They were members of the last Congress and their lawyers, all natives of Venezuela.

The American captain, Woodrick by name, protested against the assault on his ship, and pointed to the Stars and Stripes flying at the mast head. The Venezuelans fought desperately, claiming that they were under American jurisdiction. They were, however, forcibly dragged from the vessel and taken away. The American consul also entered a protest, but it was entirely ignored.

The State Department at Washington, it is thought, will take some action in the matter. That an insult has been offered to the American flag is admitted almost on all sides, but there is some dispute as to the rights of American ships in foreign waters. The incident may lead to some arrangement whereby a fixed line of policy can be pursued in similar cases in future.

BERRING SEA HEARD FROM.

A DISPATCH from Victoria, B. C., states that Russian gunboats have seized four sealing vessels, three Canadian and one United States. The particulars so far are meagre, but it is presumed that the seizure was made on the usual alleged ukase of the Russian waters. It appears that the Czar has large seal interests also in this region, but heretofore American and Canadian poachers have not had any conflict with Russia. This incident revives the Behring Sea dispute once more and adds to it a new feature.

The modus vivendi entered into last May between the United States and Great Britain, it appears, it being lived up to by both nations with marked loyalty. There are four revenue cutters, two men-of-war, and several other vessels belonging to our government in and around the disputed waters. England has three large men-of-war there, the "Melpomene," "Nymphe" and "Daphne." No warning need be given to offending vessels. Their mere presence within the waters, provided they are fitted with sealing equipments, is sufficient cause for seizure. Several captures have been made during the summer, but except in one or two cases nothing serious is likely to occur.

A Columbian vessel, the "Coquitlan," was seized some time ago by the "Corwin," a United States revenue cutter. The captured vessel posed as a supply boat for the British fleet, but when examined she had a blank manifest showing neither cargo nor passengers, and yet had 600 seal skins aboard, valued at $16,800.

The Sealers' Association made quite a noise at the time, as they are making now in regard to Russia. Complaints have been forwarded to the Dominion government and also to the Imperial government in Britain. English statesmen are being seriously concerned over these colonial complaints. Lord Salisbury, a short time ago, said to a deputation of the Imperial Federation League:

"From time to time we have to exercise great vigilance lest we should incur dangers which do not arise from any interests of our own, but arise entirely from the interests of the important communities with which we are linked."

Speaking directly on these colonial issues the London *Times* says:

"How long is this to go on? How long are we to fight the battles and settle the quarrels of semi-independent states that lend us no helping hand, and treat us in all other respects as a foreign country?"

According to the dispatch referred to, it looks as if complications might arise between England and Russia in the Behring sea region. But future details of the recent seizure may give some satisfactory explanation. The Canadians are expecting, perhaps, too much from the parent country. Their action in regard to canal bills between this country and theirs they want England to endorse. Canada has imposed restrictions on British commerce, and treats England in all commercial respects as a foreign country, and yet calls on her for protection when domestic interests are involved.

A FRENZIED POPULACE.

ACCOUNTS are given of a fearful riot in one of the towns of Asiatic Russia, occasioned by excitement because of cholera. The report was rife that Russian doctors were poisoning the patients suffering from the epidemic. The deaths were so frequent that the common people actually believed it. They formed themselves into a mob, attacked the hospitals and Governor's residence. The Governor they stoned to death. The doctors who fell into their hands they treated similarly.

During the excitement, doctors, nurses, and other officials of the hospitals concealed themselves in coffins so as to escape the fury of the mob. Subsequently, the mob found these coffins and their live occupants, and jumped at the conclusion that they were cholera victims to be buried alive. This aggravated the fury of the enraged men. Hospitals were burned, and private residences supposed to be owned or occupied by any of the Russian officials were destroyed.

Troops were hurriedly mustered from neighboring towns and massed in force against the mob. Desperate fighting took place. By the aid of a body of Cossacks the mob was finally vanquished, but at a sacrifice of 100 killed and 300 wounded.

LONG DISTANCE READING.

A RECENT experiment in electric light signalling has proved successful. The summit of Mt. Washington was chosen as the point to operate from. The flash-lights which were transmitted thereform were read at Portland, eighty-five miles distant. The operator at the latter place, who read these lights, estimated that they were eighty miles above him.

Other experiments have been made during the past week between Mt. Washington and Iowa not far distant. At North Conway, about twenty-five miles from the electric station on the mountain, common print was read by aid of the light, and at Littleton, a town about the same distance, a letter was read without trouble.

Great things are expected in the line of the electric system of signalling. Some are enthusiastic enough to think that the day of conveying signals to Mars or Venus or Jupiter is not far distant.

A CREOLE kitchen, with native cooks and waiters, and dishes prepared in Creole style, will be a striking adjunct to the exhibit which Louisiana will make at the World's Fair.

THE largest man in Kentucky is Ilese Skaggs of Lawrence County, who weighs 531 pounds and is 6 feet 8 inches tall. His arms measure 2 feet in circumference, and his thighs 3 feet. He is 31 years of age.

JOHN L. SULLIVAN appears in a new role—that of author. "The Gladiator of the Nineteenth Century" purports to have been written by him. We presume nobody believes him to be the author.

THE railway over the Andes, between the Argentine Republic and Chile, has been so far completed that the steamship companies in Europe are selling through tickets from Southampton and Liverpool to Valparaiso by this route.

DR. KOCH long ago discovered the true germ of the cholera, but he has not yet found a way to kill it. The germ is a bacillus of a curved form, looking like a section of a circle with a little bend at one end. From its shape he named it the "comma bacillus."

THIS is the inscription on the sword given by the Emperor of Germany to his son, the crown prince: "Trust in God and defend thyself bravely. Therein lie thy honor and glory. He who fights heartily on the side of God will never be driven from the field. Thy power belongs to the Fatherland. To my dear son William, May 6, 1892. Wilhelm, R."

AN Oklahoma dispatch conveys the alarming news that five tribes of Indians are expecting the Messiah to come and are dancing to express the joy of their anticipation. This startles the white people. The latter are perhaps afraid that the Indians may be right and that Messiah might make His appearance. The pale faces evidently don't want Him, as they think they have no use for the Messiah. They think they could, however, utilize the red man's hands if they could get up any kind of a protest under which they could seize them.

ONE of the interesting sights in the streets of Chicago, a few days ago, was a park wagon running without horses. The wagon was equipped by the president of the American Battery company, with the recent inventions of one Wm. Morrison of Des Moines. It was run by a 3-horse power motor and a 24-cell storage battery. Last Tuesday it made its trial trip and excited very general interest. The wagon can run many miles without recharging the battery, can make ten miles an hour, and can climb any grade in Chicago.

CARL AXELSON, foreman of a New York typewriter factory, took to drinking when his favorite child Oscar died a year ago. He longed for a boy to take the place of the dead child, and when his wife gave birth to a girl, about a month ago, he began to drink harder than ever. Early Monday morning his wife was awakened and behold Axelson dressed and about to drink from a tumbler. She asked: "What have you got there?" "Poison," he replied, as he dashed the potion off, and, uttering a yell, he ran out of the room. She followed him as he ran toward the river. Axelson fell at the very edge of the embankment, and sank back a corpse into his wife's arms.