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"NEARER THEE."

They were singing, sweetly singing,
And the song melodiously
On the evening air was ringing—
"Nearer, near still to Thee."
In my eyes the tear drops glistened,
As it stirred the twilight dim;
And I wondered as I listened
If it brought them nearer Him.

Were they like the wanderer weary,
Song and voice in sweet accord,
Resting in the darkness dreary
In that yearning to the Lord?
Had His Spirit ever sought them
To be slighted or denied?
Had the sweet song ever brought them
Closer to His bleeding side?

I had loved and sang it often,
Felt its meaning deep and sweet;
And my weary heart would soften
Singing at the Master's feet;
"Nearer Thee!" how sweet the feeling!
Nearer Thee in gain and loss;
Nearer Thee when I am kneeling
In the shadow of Thy cross.

Nearer Thee when love descending
Falls in blessing on my head;
Nearer Thee when I am bending
O'er the grave that hide my dead!
Nearer Thee in joy and sorrow—
'Tis the same where'er I roam;
Nearer Thee, today, tomorrow—
O, my King, my Christ, my home!

—[F. L. Stanton in *Atlanta Constitution*.]

ARGUMENT OF HON. JAMES O. BROADHEAD.

Following is the full text of the argument made by Hon. James O. Broadhead against the Edmunds supplemental bill and in favor of leaving the disposition of the personal property of the Church, now in the hands of the receiver, to the Supreme Court of the United States:

The committee met, pursuant to call of chairman, at 10:30 a.m.

The committee having under consideration Senate bill 4047, entitled "An act supplemental to the act of Congress passed in March, 1887, entitled 'An act to amend an act, entitled 'An act to amend section 5852 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,'" approved March 22, 1887," this day heard argument of Judge James O. Broadhead, of St. Louis.

Mr. Broadhead said: Mr. Chairman and gentlemen of the committee, by your leave and courtesy I appear before you this morning to give some reasons why the bill which I hold in my hand, which passed the Senate, ought not to become a law. I will read the bill as it has only one section and as I do not believe the committee has directed its attention to it.

The bill is as follows:

AN ACT supplemental to the act of Congress passed in March, eighteen hundred and eighty-seven, "An act to amend an act entitled 'An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy and for other purposes,' approved March twenty-second, eighteen hundred and eighty-two."

Be it enacted, etc., That any and all funds or other property lately belonging to or in the possession of or claimed by the corporation mentioned in section seventeen of the act entitled "An act to amend an act entitled 'An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March twenty-second, eighteen hundred and eighty-two," at, before, or since the taking effect of said act, except so far as it shall appear in respect thereto that there is a lawful private right to the contrary shall be devoted to the use and benefit of public common schools in the Territory of Utah; and the Secretary of the Interior shall take and receive the same and dispose thereof to the uses aforesaid in such manner as shall seem to him, with the approval of the President, to be most expedient. And the supreme court of said Territory is hereby invested with power and authority to make all necessary and proper orders and decrees for the purpose hereinbefore mentioned.

Believing it will be necessary to give a brief history of what took place before the introduction of this bill into the Senate, I will state I was engaged as counsel in the case which was argued and submitted and decided by the Supreme Court of the United States, involving some of the questions to which I shall direct your attention. But I will say this—that I do not ask that any action that may be taken by this committee shall contravene any doctrine or any decision made by the Supreme Court of the United States with reference to this matter, but what I ask is strictly in accordance with the doctrine laid down by Judge Bradley in his opinion in that case.

In 1862 the Congress of the United States passed the first anti-polygamy bill. I have a copy of the third section of that act in my brief

before the Supreme Court. The third section of that act provided:

That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the Territorial government of a greater value than fifty thousand dollars, and all real estate acquired or held by any such corporation or association contrary to the provisions of this act shall be forfeited and escheat to the United States: *Provided*, That existing vested rights in real estate shall not be impaired by the provisions of this section.

That is the first statute of merit-main ever passed by the Congress of the United States. I read that for the purpose of referring to the provisions of the act of 1887, under which the proceedings were instituted before the supreme court of the Territory of Utah for the purpose of dissolving the corporation called the Corporation of the Church of Jesus Christ of Latter-day Saints, which had been incorporated as early as 1850 and maintained its corporate existence about thirty-five years or more, and this act purports to dissolve that corporation, and that the supreme court of the Territory of Utah shall take charge of the property belonging to the corporation and dispose of it according to law. Under that act proceedings were instituted by the attorney-general and judgment finally rendered by the supreme court of the Territory of Utah by which they decreed the personal property, which is now the matter in controversy here, should escheat to the United States.

The decision of the Supreme Court of the United States on that question overruled the decision of the Territorial court, taking the ground that it was not a subject of escheat; that the property did not escheat to the Government, but the property was held for charitable uses, and it was devoted and given originally for religious and charitable uses, and inasmuch as the religious uses to which part of the property was devoted was for the spread of the doctrines of the Mormon Church, including the doctrine of polygamy, that that was unlawful, but the Supreme Court held to the doctrine of charitable uses, which is prevalent in this country and in England and everywhere else where civilization has prevailed, that where property is given for charitable uses the charity never dies, but the property remains