claim on behalf of the police, that they had a right to prevent the meeting and prevent crime, and holds that the police power cannot be given such latitude; that the police cannot, at their discretion, prevent what may, in their judgment, result in crime.

"I am astonished to find that in this day and in this free country," continues the judge, "it should be urged by affidavits and arguments in a court of justice that a police official can forbid a society or a public meeting because of his belief that this society is a treasonable one and its members are about to commit treasonable acts. If this be the law, then every political, literary, religious or other society would hold their constitutional right of free speech and liberty at the mercy of every petty policeman. In no other city in the Union except here in Chicago have the police attempted to interfere with free speech or peaceable assemblies on such pretences. It is time to call a halt. The right of free speech and peaceful assembly is the very life-blood of freedom. You might as well expect to exist after your blood had been expended as to expect the continued existence of the liberty of a country's citizens deprived of free speech and peaceful assembly, and any abuse of free speech and peaceful assembly must be punished. The police by arrest without warrant, by such illegal acts as here complained of, cause more disorder than they cure and create more crime than they prevent."

In conclusion the chancellor says that inasmuch as the city authorities have undertaken to respect the law as laid down by him in this case, he would not issue the injunction prayed for to him because it was not needed.

THE CHURCH SUIT.

FOLLOWING is a synopsis of the brief and argument of James O. Broadhead and Franklin S. Richards, in the Supreme Court of the United States, in the Church suit:

The brief opens with a review of the legislation of Congress for Utah, from the passage of the Organic Act down to the Edmunds-Tucker law of 1887, including the acts incorporating and those attempting to dissolve the Church corporation, as well as the anti-polygamy provisions of the several acts of Congress. Following the introduction is a careful and exhaustive analysis of the record in the case, showing the claims of the government, the answers of the defendants, the petition for intervention, the several petitions asking to have the Temple Block, Tithing Office, Gardo House and Historian Office set apart to trustees for the use of the Church, and the findings of fact and decree of the Supreme Court of Utah. After this comes the assignment of errors and

ARGUMENT

which opens with a consideration if the powers of Congress over the Territories as shown by the decisions of the United States Supreme Court:

It is conceded that the court has declared in Murphy v. Ramsey, 114 U. S., 14, that:

"The people of the United States, as sovereign owners of the National Territories, have the supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the government of the United States, subject only to such restrictions as are expressed in the Constitution, or necessarily implied in its terms, or in the purposes and objects of the power itself; for it may well be admitted in respect to these, as to every power of society over its members, that it is not absolute and unlimited, over their political rights and franchises which they hold as privileges in the legislative discretion of the Congress of the United States."

But in the same decision the court held that:

"The personal and civil rights of the inhabitants of the territories are secured to them as to other citizens by the principles of constitutional liberty, which restrain all the agencies of government, state and national."

The theory of our government is outlined in the Declaration of Independence, as well as in the Constitution of the United States, and it applies to the territories as well as to the states, as has been held by this court in the Dred Scott case and in subsequent decisions.

Counsel then proceeded to lay down their propositions of law and to establish them by legal authorities and exhaustive arguments. Our limited space will only permit of the publication of the main points relied upon, and a few of the most pertinent authorities sustaining them.

APPELLANTS' CLAIMS.

First.

The Acts of Congress of July 1, 1862, and of March 3, 1887, are unconstitutional and void in so far as they attempt to annul the charter of the appellant corporation, or to dissolve said corporation, or to limit its power to acquire and hold real property, because said charter was and is an executed contract which cannot be impaired, either by dissolving the corporation or by limiting its rights and powers in respect to the acquisition of property.

In speaking of the charter of such a corporation as this the Supreme Court of the United States, in the Dartmouth College case, 4 Wheat., 637, through Mr. Chief Justice Marshall, says:

"This is plainly a contract to which the donors, the trustees, and the crown, to whose obligations New Hampshire succeeds, were the original parties. It is a contract made on a valuable consideration; it is a contract for the security and disposition of property; it is a contract on the faith of which real and personal estate has been conveyed to the corporation; it is, then, a contract within the letter of the Constitution and within its spirit also."

And Mr. Justice Storey, in the same case, quoting from Fletcher v. Peck, pages 682 and 684, says:

"A contract is a compact between two or three persons, and is either executory or executed. An executory contract is one in which a party binds himself to do or not to do a particular thing. A contract executed is one in which the object of the contract is performed; and this, says Blackstone, differs in nothing from a grant. A contract executed, as well as one that is executory, contains obligations binding on the parties. A grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert that right. A party is always estopped by his own grant.

"A grant of franchises is not in point of principle distinguishable from a grant of any other property.

* * * *

"The truth is that the government has no power to revoke a grant, even of its own funds, when given to a private person or corporation for special uses. It cannot recall its own endowments granted to any hospital, or college, or city, or town for the use of such corporations. The only authority remaining to the government is judicial, to ascertain the validity of the grant, to enforce its proper uses, to suppress frauds, and, if the uses are charitable, to secure their regular administration through the means of equitable tribunals, in cases where there would otherwise be a failure of justice."

The same doctrine is laid down by this court in the Pennsylvania College cases, 13 Wallace, 212. The court says:

"Corporate franchises granted to private corporations, if duly accepted by the corporators, partake of the nature of legal estates, as a grant under such circumstances becomes a contract within the protection of that clause of the constitution which ordains that no State shall pass any law impairing the obligation of contracts. Charters of private corporations are regarded as executed contracts between the government and the corporators, and the rule is well settled that the legislature cannot repeal, impair, or alter such a charter against the consent, or without the default, of the corporation ascertained and declared."

In the case of Terret v. Taylor, 9 Cranch, pages 49, 50 and 52, Mr. Justice Story, for the court, says:

"The free exercise of religion cannot be justly deemed to be restrained by aiding with equal attention the votaries of every sect to perform their own religious duties, or by establishing funds for the support of ministers, for public charities, for the endowment of churches, or for the sepulchre of the dead. And that these purposes could be better secured and cherished by corporate powers cannot be doubted by any person who has attended to the difficulties which surround all voluntary associations. * * * We have no knowledge of any authority