

CAPITOL CORRESPONDENCE.

The Church Suit in the Supreme Court. — Opening of the Last Session of the Fiftieth Congress.

WASHINGTON, D. C.,

December 3, 1888.

Editor Deseret News:

The second session of the 50th Congress opened today. The Republicans of course are jubilant, and no matter how much the Democrats may whistle cheerful tunes to keep their courage up, blue is the color that shows on their countenances. A few strong men preserve their equanimity and are already planning for another struggle, but the rank and file are bewildered and feel that they are not only beaten but routed.

THE VICTORS

boast of a long reign to come, and the indications certainly appear to warrant the anticipation. But human calculations are so often fallacious that they are not not to be relied upon, and the gift of political prophecy is not enjoyed to any marked extent.

THE CAPITOL

was crowded today, and sight-seers were as numerous almost as at the opening of a new Congress. Your Delegate, Mr. Caine, was in his place looking as straight and young as ever, and is ready to watch the interests of the Territory he represents. Flowers were plentiful on members' desks and both houses were odorously with blue bouquets. Handshaking was vigorously indulged in by rival politicians, who seemed to vie with each other in cordiality and friendly feeling. Some of the victorious party, however, could not repress a smile of triumph, mingled with sarcasm, and an occasional allusion to "lightnings" and "cyclones" and a query of "how'd ye feel?" indicated the undercurrent that roiled beneath the polite and courteous exterior.

THE PRESIDENT'S MESSAGE

was listened to with close attention, and the Democrats broke into loud applause when the clause was reached which referred to "the people's cause" which should never be compromised. The Republicans responded with derisive laughter.

The direct tax bill in the House and the tariff bills in the Senate, are talked of as the immediate subjects of consideration to the exclusion of other public matters for the present.

MR. RANDALL

seems to have fully recovered and would have received an ovation on entering the House, but he quietly slipped in while the chaplain was performing his duty. He was the centre of a throng of admiring friends as soon as recess was taken.

When the chaplain of the Senate repeated the Lord's Prayer, Senators Ingalls and Culom responded as though in church; the former particularly has not been considered piously inclined, but perhaps in his case the axiom will not hold good "out of the abundance of the heart, the mouth speaketh."

This is "motion day" in the SUPREME COURT

of the United States, and Hon. F. S. Richards appeared before that tribunal and moved that the appeal from the decree of the Supreme Court of Utah, dissolving the corporation of the Church of Jesus Christ of Latter-day Saints and confiscating its property, be advanced upon the docket and set for hearing at an early date. Accompanying the application was a printed statement of the case including citations of the acts of Congress of 1862 and 1897 touching this question, a concise and particular relation of the claims of the government in the premises, and also of the claims of the appellants and the following

PERTINENT REASONS

are assigned why the Court should grant the motion and advance the cause:

First—It is a cause in which the United States are concerned as a party.

Second—It is a cause which involves matters of public interest, very nearly and seriously affecting a very large portion of the citizens, residents and property-owners of the Territory of Utah.

Third—It is a cause involving the constitutionality of certain Acts of the Congress of the United States.

Fourth—Under the decree appealed from, a very large amount of property belonging to the Church of Jesus Christ of Latter-day Saints has been seized and is now held by a receiver. Much of said property being of a perishable nature, great and irreparable loss and damage will ensue if the property so seized and held is left in the hands of the receiver for the three years or more before this case could be reached in regular order. If said receivership is so long continued, the costs and expenses thereof, and the loss sustained by reason thereof, will amount to a virtual confiscation of very large amounts of property, and will be in effect a denial of justice.

Fifth—Said cause involves a question of general public interest to the inhabitants of all the Territories, because it involves the question of the power of Congress to control and restrict the rights of all church corporations, of all kinds and denominations, in the matter of acquiring and holding

real and personal property, and the power and right of Congress to dissolve church corporations and declare the property of such corporations forfeited and escheated to the United States.

Sixth—Under said decree appealed from, the United States has seized and now holds by its receiver possession of several hundreds of thousands of dollars worth of personal property belonging to the Church of Jesus Christ of Latter-day Saints, and claims that the same has become forfeited and escheated to the United States, without the shadow or semblance of any law or laws granting any such right or power.

Seventh—Under said decree appealed from, the United States has seized, and now hold by a receiver, possession of real estate belonging to the Church of Jesus Christ of Latter-day Saints of the value of several hundreds of thousands of dollars, and claim the right to forfeit and escheat said real estate to the United States, notwithstanding the fact admitted of record, that said real estate has been possessed, held and used by or in trust for said Church of Jesus Christ of Latter-day Saints ever since the year 1848, under the full power and sanction of the statutes of the Territory of Utah and the laws of the Congress of the United States, and notwithstanding the further fact that a portion of said real estate so sought to be escheated to the United States has been for more than ten years last past, and was at the time of the passage of said act of Congress of March 3, 1887, held and occupied exclusively for the purposes of a parsonage for said Church.

Eighth. There are now pending in the supreme and district courts of the Territory of Utah seven other suits which involve the same questions that arise in this case, and the final determination of them will depend upon the decision of this court as to the constitutionality of the aforesaid acts of Congress, and the other points involved herein.

For the foregoing and other good and sufficient reasons appearing of record in this cause, the appellants pray this honorable court to advance the case, on the docket and assign it for final hearing at an early day."

ONE OF THE RULES

of the Supreme Court in relation to the advancement of any cause, that it involves some matter of public interest. The probable waste and expenditure of large amounts of the property in dispute has been held as insufficient cause for advancement because that might be claimed in almost every instance wherein a Receiver is in possession. The public interest in this question however is concisely explained and cannot well be disputed for every ecclesiastical association in all the Territories may be affected by the issue in this important cause for the act of 1862 on which the subsequent legislation is predicated relates to

EVERY CHURCH CORPORATION

and association in the Territories or other places over which the United States have exclusive jurisdiction. It is true that the so-called Edmunds Tucker act was specially aimed at the spoliation of the "Mormon" Church, but it is based upon and claims to be in pursuance of the act of 1862 which is of general application.

Properly, the Attorney General should have moved for the advancement of this case, for he admitted that it ought to be advanced and the rule requires that counsel for the government shall move in cases wherein the United States are a party and a public question is involved, but while he declined to make the motion he stated that no opposition should be offered, and the general sentiment is that it ought to and will be granted.

Gen. Butler, George Ticknor Curtis, the Attorney and Solicitor Generals and many other

CELEBRATED LAWYERS

were present at the opening of the court. Chief Justice Fuller made a good impression among the members of the bar. He is smaller, physically, than any of the other justices, but intellectually he is not inferior by any means, and his business manner and dispatch and clear incisive sentences commend him to all concerned.

Weather in

WASHINGTON

just now is pleasant, business lively, "Sassafety" is getting ready for "the season" which will be gay and festive and the city continue to grow and improve. Your Mr. Richards intends to stay and learn the fate of his motion in the Supreme Court and, if it is favorable, to prepare for the trial which will determine not only the property question as it shall affect the Church of Jesus Christ of Latter-day Saints peculiarly, but also the still more important question of the powers of Congress to interfere in matters relating to ecclesiastical organizations, and to escheat property to the United States, belonging to dissolved corporations instead of its distribution to the individual owners according to established rules of legal procedure.

MR. RICHARDS

makes a good impression and the prevalent opinion as to the case he is here to defend is, that if the law to confiscate the Church property can be made to operate it is very bad law anyhow. Of this opinion is yours truly. X.

THE RAILROADS.

Scheme for a Line from America to Asia and Europe.

It is quite probable that some of those who read this, says the *Railway Age*, will make an all-rail journey from New York to London. How can this ever be, when three thousand miles of Atlantic ocean separate our continent from the British Isles? England lies to the east, but to reach it by railway the traveler will start westward and, riding day after day and night after night, until he reaches the opposite side of the globe, where west and east meet and separate, and then keeping on still westward, he will arrive in London, having well nigh circumscribed the globe. This is no idle fancy. The scheme involves no ocean ferrying, no stupendous and impracticable bridge building. From the eastern shore of America to the western border of England there stretches continuous dry land with the exception of the narrow and comparatively shallow straits of Behring between America and Asia, perhaps thirty miles wide, the narrow English channel only twenty miles across and the rivers science already knows how to span. As for the English channel, capital has for years been ready and anxious to tunnel beneath it and thus connect Britain and France. Preliminary work sufficient to establish the entire feasibility of the enterprise was long ago made, and but for the strange fear of French invasion which at present dominates a majority of the English people the channel tunnel might already be an almost accomplished fact. It is impossible to believe that the bold Britons will long yield to this spell of timidity, and so the possibility of eventually reaching Great Britain by rail from Europe may be admitted. The great obstacle, however, is the immense distance which must be traversed across the Russian empire. The czar has in contemplation, it is said, a line from St. Petersburg to the Pacific. The "Siberian Desert," as it is marked on the maps, is by no means so desolate a place as many believe. Indeed, the greater part of it is a vast fertile plain, not unlike those between Denver and the Mississippi, and were communication once established through this almost unknown part of the world a large amount of immigration which is flocking to America would be directed thither. If the Czar should interpose no objections or obstacles, in this day of gigantic projects nothing is so stupendous as to be thought absurd, and possibly future generations may see a band of steel encircling the globe, with the exception of the Atlantic between London and New York. But it would take millions, yes, billions of dollars to build such a road, and whether it would pay or not is something beyond present knowledge. The distance would be as follows:

Miles.  
New York to Port Moody (British America) 3,500  
Port Moody to Behring Straits 2,000  
Behring Straits to Ural Mountains 5,500  
Ural mountains to London 3,000  
Total New York to London, all rail 14,000

The sixth annual report of the Kansas state board of railroad commissioners shows in detail the progress and further extension of the states' railroad systems, the doings of the past year in transportation and the financial strength and condition of the various roads. The construction of the year, counting 221 miles under contract to be built by December 1, is 545 1/2. This makes the total mileage 8,799. This is double the mileage of three years ago, 4,168. The report says that compared with the population Kansas is the best equipped with railroads of any state in the Union, or any country in the world. For every 1000 of her population she has five and one-half miles of railroad. This, while it furnishes great advantages, has its corresponding drawbacks. The multiplication of railroads beyond the point where the volume of business is sufficient to yield remunerative revenues to companies charged with their operation and maintenance must necessarily become to some extent a mortgage on the future. Since 1865 the conditions for the rapid

development of business in Kansas has not been favorable.

The strike on the Colorado Midland, at Leadville, has ended by the company granting the increase of wages asked.

The "Golden Gate" special reached Market Street, San Francisco, from Omaha, two minutes behind the schedule time.

UTAH GRASSES.

Specimens Wanted for the Paris Exposition.

Editor Deseret News:

The special agent of the Agricultural Department, Washington, has requested me to secure a bale of 100 lbs. of each of the grasses and plants used for forage in Utah, that are not common elsewhere. These are to represent Utah grasses at the World's exposition at Paris. It is desirable that the best the Territory affords should be sent. If dealers or farmers wish to donate bales their names will be attached to them as their gift to the Exposition; but if they do not wish to donate they will be paid for at the regular price.

But no bales will be accepted, whether they are given away or sold, unless they are the best of the kind to be had in the Territory. Only one bale of each kind is desired. The following kinds are wanted: lucern, blue joint, (leaved also wild wheat and blue stem), wet meadow grass, mountain bunch grass, mountain meadow grass, desert or sand bunch grass, and various plants.

Those having bales of this to donate or sell, will please send me by mail a small package of two or three ounces of each kind, and I will select the most desirable. Farmers from any part of the Territory may send, as the railroads have agreed to transport all bales free to this city.

MARCUS E. JONES,  
25 west, Third South, Salt Lake City.

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ESTRAY NOTICE.

I HAVE IN MY POSSESSION:  
One black mare MULE, age not known, collar and saddle marked, brand not legible, has four new shoes on.  
If damage and costs on said animal be not paid within fifteen days from date of this notice, it will be sold to the highest cash bidder, at the estray pound, at 2 o'clock p. m., on the 26th day of December, 1888.  
Dated at Mill Precinct, Tooele Co., Utah, this 11th day of December, 1888.  
WILLIAM HAMMOND, Poundkeeper of said Precinct.

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When I say cure I do not mean merely to stop them for a time and then have them return again. I mean a radical cure. I have made the disease of FITS, EPILEPSY or FALLING SICKNESS a life-long study. I warrant my remedy to cure the worst case. Because others have failed to do so, I have now prepared a cure. Send at once for a recipe for not now receiving a cure. Send at once for a recipe and a Free Bottle of my infallible remedy. Three Express and Post Office. It costs you nothing for a trial, and I will cure you. DR. M. G. ROOT, 103 Pearl St., N. Y.

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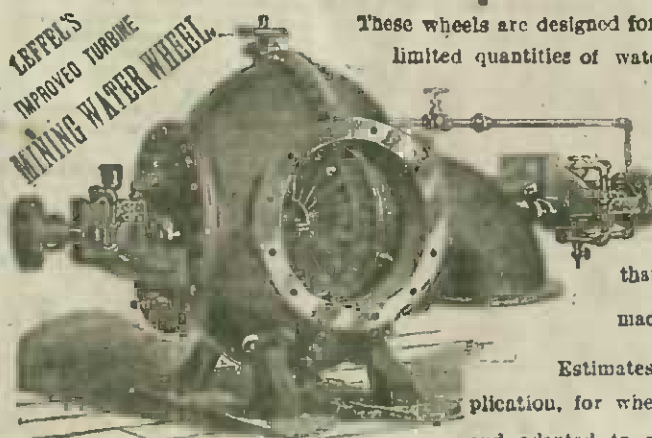
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