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CHARLES W. PENROSE, EDITOR.

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THE CHURCH PERSONAL PROPERTY.

The Master in Chancery, Judge Loofbourrow, appointed by the Supreme Court of Utah, commenced this morning to make inquiry and report thereon as to what charitable uses lawful in character and most nearly corresponding to those originally designed, the personal property of the late corporation of the Church of Jesus Christ of Latter-day Saints can be limited and appointed. Particulars of the examination will be found in another part of this paper, and will be given from day to day until completed.

The case, in brief, is this: By act of Congress the Church corporation was dissolved and its real property, in excess of the value of $50,000, was declared forfeited to the Government, to be used for the benefit of the common schools of the Territory, with the exception of such real property as was necessary for houses of worship or parsonages or burial grounds. The corporation being dissolved, its personal property was declared to be without any natural persons or any body or association legally entitled to hold it, and therefore it devolved to the United States.

After considerable litigation and appeals to the court of last resort, it was ordered by the Supreme Court of the United States that the Supreme Court of Utah should appoint a Master in Chancery for the purpose described above.

Counsel for the Government will claim the personal property for the use and benefit of the District Schools. Counsel for the Church ask that it shall be devoted to the relief and support of poor and distressed members of the Church, and for the building and maintenance of houses of worship of the Church. The latter application was filed this morning and appears in full in our report of the chancery proceedings. The claim of counsel for the Government has not been formally filed, but will be, no doubt, at a later stage of the examination.

There are some points in the scheme presented by the Church counsel which we desire to emphasize. They show that among the uses to which the property in question has been put in the past are those we have named. That while polygamy was formerly practiced by some members of the Church, by the manifesto of President Woodruff and the declaration of the Church in Conference assembled, that practice has been formally discontinued. That as a matter of fact there have been no such marriages since the date of that manifesto and its public acceptance. That the property in dispute would not be put to any unlawful use in the future, if placed in the hands of the President of the Church as trustee for the purposes mentioned. And that these are lawful uses which most nearly correspond to the purposes originally designed.

We think these statements and arguments will strike the public as eminently fair and just, and in accordance both with the ruling of the Supreme Court and the doctrine of charitable uses which has been set forth in judicial rulings for centuries. What the Master in Chancery may think of the matter, of course, is another thing.

The District Schools of the Territory are worthy of all proper public support. At first sight, the proposition to divert this property to that purpose appears an easy and legal method of its distribution. But on closer examination it seems clear that it would be foreign to the original purpose in the donation of the funds. Also that people would obtain benefits from which they are not legally or equitably entitled. The property was donated by members of a particular Church for Church purposes, and it would seem that those purposes, if not unlawful and that Church within lawful limits, should receive the sole benefit of the funds. And this not only on the principle of common right and reason, but also by the terms of the law and of the rulings of the highest judicial tribunal.

The case will be watched with intense interest, not only by the people of Utah, but by the legal fraternity and thinking people everywhere. It is a new cause in American jurisprudence. No attempt has heretofore been made by the Government to seize upon and appropriate the property of any ecclesiastical organization. It is distasteful to the very large majority of the people of the United States. It is in conflict with the feelings of all liberal-minded people. And even persons who would regard with favor the destruction of "Mormonism," view with alarm the precedent afforded by the national seizure of Church property under any pretext whatever.

We believe that the country would endorse any just plan for the settlement of this matter, one that would not involve the robbery of an unpopular religious body, and would yet uphold the laws of the United States in reference to polygamous practices. The case will no doubt be thoroughly ventilated, and we hope a judgment will be rendered and reported that will be just and reasonable and in accordance with existing rights and the public interest.

BALLOT REFORM IN NEW YORK.

The Republicans in the State of New York are forcing "ballot reform" as an issue in the present campaign. Governor Hill and the Democrats are endeavoring to dodge State issues altogether, because the record of the party is not sound on ballot reform.

What is termed the Australian Ballot system was first adopted in Massachusetts in 1888, and in the city of Louisville, Kentucky, about the same time. It now prevails in about two-thirds of the States, and is said to be operating satisfactorily in every case.

In the session of 1888-89 what is known as the Saxton bill was introduced in the New York Legislature. It embodied the main features of the Australian system, and was passed by the Republican majority, but Governor Hill vetoed it on the grounds of unconstitutionality, and of its practical disfranchisement of persons not able to read and write. The governor objected specially to the "blanket ballot." By this is meant the New South Wales ballot. All candidates are placed on one ticket. The voter, at a private place provided at the polls, simply crosses off, with a blue pencil, the names he does not wish to vote for. The ballot contains printed directions as to how many names on the ticket must be voted for. If more than the limit are voted for, the ballot is informal. Governor Hill claimed that in the case of illiterate and blind persons, this system would destroy the secrecy of the ballot.

A second bill was introduced which it was thought would meet the Governor's objection, but he vetoed that also. A third bill introduced in 1890 was passed by the Legislature and signed by the Governor. It is a compromise of the old and new systems. It permits the use of "pasters," a feature of the old system that was never received with favor by party men. It affords so much opportunity for trading that labor organizations and reformers generally condemn it. However, Hill claimed that it was a safeguard against packed primaries, but there are express provisions in the Australian system also offsetting the crooked work of a party caucus. The Republican State platform of New York on this point says:

"We favor the amendment of the Ballot law by the substitution for the unofficial 'paster' ballot, the 'blanket' official ballot, upon which the names of candidates shall be compactly grouped, rendering the voter's duty easy, treating candidates with equal justice, lessening opportunities for fraud, bribery and corruption, and largely reducing the expenses of elections."

The Australian ballot system has now become so popular, owing to its almost universal adoption, that Governor Hill finds it a delicate question to handle, especially as his own record on it can be easily construed as antagonism to honest elections.

NO NOVELTY.

There is nothing new under the sun. The St. Louis *Republic* says that the principles of the telephone have been known in India for thousands of years. English travelers and officers who succeeded in gaining the confidence of the priests of certain temples ascertained the truth of this. In the city of Panj, 200 miles from Madras, there are two temples about a mile apart. In the interior, on the ground floor of each, is a small circular room guarded from natives as well as strangers. These rooms are supposed to be the abiding places of spirits, but in reality they are the termini of a telephone line between the two temples.

The natives in their superstition regard these rooms with supernatural awe. When a worshipper makes his offering in one building and also expresses his wishes and desires, and then goes direct to the other building, all is known there ahead of him. This, of course, to him appears the result of supernatural power. The transmitters are of wood, and about the size of the head of a flour barrel. The wire is said to be of a substance resembling brass. Old worm eaten transmitters 2000 years old have been shown to favored visitors by the priests.

NEWS IN A NUTSHELL.

Welsh tin plate manufacturers are about to start a mill in Illinois.

Texas has 245 counties. It will expend $300,000 in its World's Fair exhibits.

Stock cars made of steel are coming into use. They are fully equipped with air brakes.

A British physician says that warts are contagious, and that a bacillus is present in them.

In 1879 the currency of the United States averaged $16.75 per head, in 1891 it is $23.45 per head.

The Northern Pacific paid $60,000 last year to the Pacific Mail subsidy. This year it will pay only $40,000.

The torpedo boat is being adopted by all European countries as an essential department of the naval marine.

The Cherokee strip, in Indian Territory, is likely to be the scene of another land craze. Already settlers are making a raid on it.

The original site of old Valley Forge, of revolutionary fame, comprises fifty-one acres, and was sold to John Dane, a few days ago, for $10.00 an acre.

In Sitka, an Indian village of Alaska, there are more dogs in proportion to population than in any other place in the world, yet a case of hydrophobia was never known there.

The Prince of Wales is annoyed over paragraphs appearing in the society papers relating to his household affairs. He thinks there is a traitor in his own camp, and he is looking for him.

Crab orchard, Ky., has a spring known as the "Burning Well." Its water, though clear and limpid, burns like naptha. It is cold and sweet to drink, and has been used for domestic purposes.

George William Curtis declares war on Tammany Hall. He says it is "an organization for plunder and without politics." This means that New York mugwumps will come back to the Republican party.

Mrs. Anna A. Dodge, aged 80, is an inmate of the Butte Workhouse. On the 15th inst. she received notice that she became heir to $3,000,000 left her in England. There is a long family history connected with the bequest.

The Democratic party in Louisiana is likely to split over the lottery question. The State Central Committee, after a session of five days, adjourned on the 17th inst. Most of the time was spent discussing the propriety of extending the lottery charter.

W. H. Davidson, a prominent Farmers' Alliance man in Alabama, was expelled for dishonesty some time ago. He secured the seal of an Alliance lodge, and issued a circular letter to the different Alliances asking for help, and stating that he was being persecuted.

John Spencer, who was under treatment for the cure of whisky drinking by the Keely method at the Pittsburgh Institute, died on the 18th inst. Two others are reported to have died also while under treatment. Some critics say it is a kill or cure remedy for drunkenness.

Russell B. Harrison is president of a harbor improvement company in Texas. Some time ago the New York *World* and St. Louis *Republic* said some very hard things about the management of the company. On the 17th inst. the company's attorney was instructed to bring suit for libel.

John Gannon, head usher of the Houston Opera House, was cowhided by Mrs. Hoffman on the 18th instant. Gannon refused to seat Mrs. Hoffman's daughter on the main floor of the theatre, though she held a ticket for the place. He objected because of her alleged bad repute.

It is now settled forever that Robert Ray Hamilton was drowned in the Snake River, Idaho, more than one year ago. On the 19th inst. a coroner's inquest was held on the body, and it was identified by competent witnesses as that of Mr. Hamilton of New York. The inquest was conducted by Coroner Henry Code of Evanston, Uinta Co., Wyoming.

Arthur E. Clene, a convicted horse-thief, turned Methodist preacher in Minnesota. His addresses were so fervent and eloquent that the farmers took him to their bosom. A Methodist Elder came along who recognized Clene, and published his history. Clene then disappeared. It is supposed that he intended bleeding the farmers severely.

William Congdon, aged 16, and Matilda Bolger, aged 13, of Elyria, Ohio, eloped about two weeks ago. At Berea they stole a horse and buggy. The girl was arrested and confined in a room at one of the hotels. Congdon entered the room and rescued her. They stole a horse and buggy a second time, and made for Columbus, Ohio, where they were arrested and bound over for horse stealing in $1000 bail.

The merchants and business men of Rome are becoming alarmed at what the Pope said a few days ago relating to his unsafe condition at that city. This statement is construed as meaning that the Pope intends going elsewhere. The Vatican and its church connections alone expend annually 6,000,000 lire there, while the amount expended by visitors is said to be 20,000,000 lire per year, including what is paid for painting and statuary. Should the Pope leave Rome it is feared that all this expenditure would also be transferred from there to the Pope's new abiding place.

The New York and Boston Chambers of Commerce denounced the silver bill of 1890, characterizing it, as an inflation of silver, detrimental to the well-being of the country at large. The New York *Tribune* tells the members of both chambers that they did not know what they were talking about. It says: "The new silver treasury notes are not silver notes, as the Chamber of Commerce seems to suppose, but are in fact redeemable on demand in gold coin."

The New York *World*, in reply to this, says the *Tribune* makes a false statement.

The law reads: "redeemable in gold or silver coin at the discretion of the Secretary of the Treasury." The *World* asks why did not Congress make the law read at the "option of the holder," if it really meant redeemable in gold. Independent of this, the law provides for the coinage of silver dollars sufficient to redeem the notes issued for 4,500,000 ounces of silver bullion per month.

One way to make the 1890 bill a gold one, is to get a free silver Secretary of the Treasury and then redeem silver notes with gold. This would be a practical way of settling the dispute and also settling the currency issue.

THE CHURCH CASES.

Proceedings Begun Before Examiner in Chancery Loofbourrow.

PETITIONS PRESENTED.

One by Counsel for the Late Church Corporation, and one From Northern Utah.

The proceedings before Judge Loofbourrow, as examiner in chancery, in regard to the disposal of certain funds in the hands of Receiver Lawrence belonging to the late corporation of the Church of Jesus Christ of Latter-day Saints commenced this morning in the office of Attorneys Richards & Moyle, in the Constitution Building.

The United States Government was represented by Attorneys C. S. Varian and J. L. Rawlins; Messrs. F. S. Richards, W. H. Dickson, John A. Marshal and Le Grande Young are counsel for the defendants.

It was originally intended that the examination should be conducted in one of the court rooms of the Wasatch building, but owing to these being occupied, an adjournment was taken to the place above-named.

Among those present were Presidents Wilford Woodruff, George Q. Cannon and Joseph F. Smith, Apostles Snow and Smith and Bishop John R. Winder.

Attorney Varian opened by saying that as at present advised the government would present a scheme for the application of this fund to the district schools of the Territory generally. They had been informed generally by counsel on the other side that they had a scheme to present contemplating the application of the fund to the relief of the poor and distressed members of the Church of Jesus Christ of Latter-day Saints and to the building and maintenance of houses of worship for members of said Church. The view that his side took of the position which the government occupied at this stage of the proceedings was this: The government was in possession of this fund, and its duty was to see that it was properly applied. To that end and for that purpose alone they would feel called upon to present a scheme for the consideration of the matter. But any claimants to the fund, such as the present Church association, it seemed to them, should be permitted to present their claim, supported by such evidence as they might deem advisable, and that all other applications should be presented; because they were not there at this time for the purpose of carrying through any particular claim. One that was just and in accordance with the views of the Supreme Court of the United States and the doctrine of charitable uses was one that the government ought to be and must be satisfied with. In other words, they did not feel that they were appearing there simply as counsel for a private client, anxious and determined to carry out their project at all hazards. Therefore it occurred to him that it was eminently proper that the claimants to the fund on behalf of alleged parties should present their claims, which might or might not be acceptable to the government counsel. In that view, if Messrs. Richards and Dickson, as representing the Church association, were ready to proceed, he thought they should be permitted to introduce their testimony, and counsel on the government side awaited the developments of all the claims that might be presented.

Mr. A. R. Heywood, of Ogden, presented the following petition:

In the Supreme Court of the Territory of Utah.

The United States of America, plaintiff, vs. The late Corporation of the Church of Jesus Christ of Latter-day Saints, defendants.

To Hon. C. F. Loofbourow, master in chancery.

The undersigned, your petitioners, herein respectfully represent and show to your honor:

First: Having information that there is now in the hands of Henry W. Lawrence, the receiver heretofore appointed in the above entitled cause, a large sum of money which had formerly been collected together by the defendant, and which is now under the immediate control of the Supreme Court of this Territory, for distribution to some purpose or purposes most nearly akin to the original use for which it was accumulated, and with a view to such ascertainment the whole matter has been, by the said Supreme Court, referred to your honor as a master in chancery empowered to take testimony in due form of law, as to what disposition shall be made of said fund, and to what uses and purposes the same shall be diverted and applied.

Second: Your petitioner further represents that of the moneys representing the fund aforesaid about $[illegible] thereof was contributed by the five counties comprising the northern subdivision of the first judicial district; to-wit, Weber, Cache, Box Elder, Morgan and Rich.

Wherefore, your petitioners pray that at least the sum of $90,000 of said fund be decreed to and set apart to be used solely for charitable purposes in said counties, under such conditions and under such restrictions as may be deemed expedient and proper in the premises, and your petitioners will ever pray.

And we beg to suggest that the Supreme court appoint a "Board of Charities" composed of residents of said counties to manage and disburse this fund.

A. C. Bishop,
A. R. Heywood,
H. C. Hershman,
Counsel.

Signed: Fred J. Kiesel, S. S. Schramm, A. A. Kilbey, M. N. Graves, D. Thorburn.

Mr. Dickson said he would have authorities to present in support of their objection to anyone here appearing as an applicant for any portion of this fund except the parties on the record. No one else could have any standing before the Master. He spoke with reference to what Mr. Haywood called Northern Utah.

Mr. Varian—That could be taken subject to objection.

Mr. Dickson—It will not take us long to file our objection; but we are prepared to file our proposed scheme on behalf of the voluntary Church association known as the Church of Jesus Christ of Latter-day Saints. Mr. Dickson argued that these parties had no right to appear here, standing in the attitude they did, unless application was made to the Supreme Court and they were given permission to appear. He would, however, be content with the taking of the testimony, subject to the objection he had raised, although permission to do so might be given by the master in chancery.

Mr. Haywood insisted that the people of northern Utah appeared here under the direct invitation of the Supreme Court. These citizens came forward and asked that this fund should be distributed in a certain way, and that was all. They had nothing more to intervene for—no charitable institutions nor anything else.

Mr. Richards then read the decree:

Supreme Court of the United States.

The late Corporation of the Church of Jesus Christ of Latter-day Saints et al., appellants, vs. the United States.

George Romney, Henry Dinwoodey, James Watson and John Clark, appellants, vs. the United States.

DECREE.

The decree entered in this case on the 19th of May, 1890, having been set aside by an order of the court made on the 23 day of May, 1890, it is now upon further consideration ordered, adjudged and decreed, that the decree of the Supreme Court of the Territory of Utah be affirmed with the following modification, that is to say: That the seventh clause of said decree be changed and modified so as to read as follows:

7th. And the court does further adjudge and decree that the late corporation of the Church of Jesus Christ of Latter-day Saints having become by law dissolved as aforesaid, there did not exist at its dissolution, and do not now exist, any trusts or purposes within the objects and purposes for which said personal property was originally acquired, as hereinbefore set out, whether said acquisition was by purchase or donation, to or for which said personalty or any part thereof could be used, or to which it could be dedicated, that were and are not, in whole or in part, opposed to public policy, good morals, and contrary to the laws of the United States; and furthermore, that there do not exist any natural persons or any body, association or corporation who are legally entitled to any portion of said personalty as successors in interest to said Church of Jesus Christ of Latter-day Saints, and the said personal property has devolved to the United States, and not being lawfully applicable to the purposes for which it was originally dedicated or acquired, and to which, at the commencement of this suit, it was being devoted by the said corporation and its controlling authorities, the same ought to be limited and appointed to such charitable uses, lawful in their character, as may most nearly correspond to those to which it was originally destined, to be ascertained and defined (unless in the meantime Congress should otherwise order) by reference to a master for due examination, inquiry and report thereon, subject to the approval of the court, and to be established, administered and carried out in such manner and according to such scheme as may be suggested and reported by said master and approved by the court. It is further ordered and decreed that until the ascertainment and determination of such uses and the adoption of such scheme, and until direction be taken for the ultimate funding or investment of the said per-

(Continued on Page 5.)

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