

This fund was contributed by Mormons and handled by Mormons with certain purposes and objects for the use and benefit of Mormons. The Supreme Court of the United States has declared these objects and purposes to be wholly or in part objectionable; but has nowhere declared, nor, indeed, can it reasonably be said that objects and purposes cannot be found in which a fund devoted exclusively by Mormons may be employed by Mormons for the use and benefit of Mormons upon trusts and charities not only free from legal objection but in every respect commendable. It would seem, in view of the premises and in the light of the history of the times that there is no object or purpose either more appropriate or more useful and more free from legal and other objections to which this fund can be applied than in teaching the youth of the Latter-day Saints the principles of constitutional and other law.

This suggestion is submitted to your honor in the confident belief that the disposition asked furnishes a purpose lawful in character nearly corresponding to the purposes for which the fund was originally dedicated and acquired, and which will not only be applauded by the entire body of the Latter-day Saints but will be favored by the American people, who, while approving, it may be, the diversion of the fund from its original objects and purposes, will view with disfavor any disposition which, by diverting it, even in part, to those who have not contributed a dollar towards it, will prevent the donors from using it in a lawful and meritorious manner among themselves.

WILLARD YOUNG,

By RICHARD W. YOUNG,  
Attorney for petitioner.

Territory of Utah,  
County of Salt Lake. } ss.

Willard Young, being duly sworn, says: I am president of Young University mentioned in the foregoing petition; that I have read the said petition and know the contents thereof and that the statements of facts made therein are true of my own knowledge.

WILLARD YOUNG.

Subscribed and sworn to before me this 30th day of October, 1891.

RICHARD W. YOUNG,  
Notary Public.

[SEAL]

## THE DEATH OF POLYGAMY IN UTAH.

THE *Forum* for November contains the following article from the pen of Chief Justice Zane. We reproduce it almost entire:

"Years after Joseph Smith founded the Mormon Church, he declared that the Almighty had revealed to him that polygamy was right, and he adopted it as a doctrine. He and some of his followers commenced the practice. But in obedience to public opinion, based upon the moral sense of the American people, and according to their own reason and conscience, I presume, our national law-makers in 1862 enacted a law defining plural marriage as a crime, and fixing the punishment. In 1882 they made another law, more stringent and comprehensive, defining and punishing unlawful cohabitation also as a crime. And in 1887 still another law was passed designed to be

yet more stringent and effectual. The courts of the Territory of Utah began the enforcement of the two acts first mentioned in September, 1884, and of the last law as soon as it took effect. After more than thirteen hundred men had been sent to prison for their violation, Wilford Woodruff, the President of the Mormon Church, made and published an official declaration termed the 'manifesto' in which is found the following language:

[Here are inserted extracts from the Declaration made by President Woodruff, the resolution of adoption by the General Conference, October 6, 1890, and remarks made by Presidents Wilford Woodruff and George Q. Cannon on the inspiration of the manifesto.]

I have made these quotations to show that the President of the Church advised its members to obey the law prohibiting polygamy and unlawful cohabitation; that the advice was given after prayer before the Lord, as he and his first Counselor said, and that they also said the manifesto was written and the advice given when the Spirit of the Lord was upon its author; that the Church declared he was the only person having the authority to give the advice, and that it was binding upon all its members; that after prayer it was approved by the first counselor and other high officers before it was submitted to the conference; and that he declared he knew it was right. All this must be taken as equivalent to the declaration that the manifesto was the expression of the Almighty by means of the Spirit, and that it should be regarded by Mormons as the will of God so manifested to Woodruff, and declared by him to all the members of the Church of Jesus Christ of Latter-day Saints. In effect, the manifesto is declared to be a revelation by means of supernatural power. It and the expressions of the president and his first counselor, and the resolution and the circumstances attending them, are more significant and solemn to the mind of the Mormon than to some of us who have but little or no faith in the interposition of Infinite Wisdom and Power in supernatural ways, or to a great many others who do believe in supernatural manifestations of Power and Wisdom, but do not believe that the Lord communicates his will especially to the Mormon.

The Latter-day Saints, like the members of other churches, are usually sincere. During a period of nearly six years before the action of the Church above shown, it became my duty to sentence several hundred Mormons who had been convicted from time to time of polygamy or unlawful cohabitation. In the beginning it appeared probable that a large number of men, law-abiding aside from their polygamous practices, would be imprisoned under the law. Believing that the object of the law was the protection of society from the evil effect of the crimes defined in it, I determined to take into consideration, before sentence, any promise that I might believe made in good faith by the defendant to obey the law. I came to this determination in the hope that the example of the man in making the promise before the public, and his subsequent obedience, would be as effectual for the purpose aimed at by the law as severe punishment. To that

end, I always asked the person to be sentenced to make the promise. During the two or three first years, I suspended sentence on such as made the promise, and liberated them. But, if the promise was not made, the defendant in unlawful cohabitation cases was sentenced to confinement in the penitentiary for six months, and to pay a fine of three hundred dollars—the maximum punishment in that class of cases. Greater punishment was imposed in polygamy cases. A few at first agreed to obey the law, and were liberated; but afterwards nearly all refused, saying generally that the doctrines of their Church sanctioned the practice, and that they considered those doctrines binding. After sentence, the prisoners would pass out of the court-room, in the custody of the officer, to the penitentiary, followed sometimes by a distressed wife and children. Some wore the air of martyrs, while others appeared very meek. The immediate effects of the law often appeared very sad, to justify it, it was necessary to look away, and ahead to a social system with a family consisting of one husband and one wife and their children, and the affections that arise from such relations.

But the next morning after the manifesto was issued, it became my duty to sentence several men who had been convicted of violating this same law. They were asked, as usual, if they would obey it, and they all answered unhesitatingly that they would. Among these men was a bishop who had been sentenced before for a violation of the same law, and who had refused then to make any promise. I asked him if he had changed his mind as to whether polygamy was right, and he said that he had. I then asked him when and by what the change was induced. He answered, that he changed his mind when the Church changed its doctrine, and that he had changed because he believed that it would not be right, after the manifesto, to enter into polygamy, or to practice unlawful cohabitation. Since then I have examined many more—probably more than a hundred—who came before me for sentence, or who were applicants for admission to citizenship, and they have universally said that they would obey the law, and when asked, would say that they would regard it as wrong to violate the doctrines of their Church. Some have said that they regarded polygamy as legally wrong after the courts had declared the law against it constitutional and valid, but that they did not believe it religiously or morally wrong until the appearance of the manifesto. By that action I am convinced that the Mormon Church abandoned polygamy, and that it will never adopt it again in the United States.

There was in this Territory a political organization, composed of Mormons and those who sympathized with them, known as the "People's" party. It, of course, always nominated and voted for men of its own party. It was also termed the "Church" party. To oppose this was an organization made up of non-Mormons, and it was known as the "Liberal" party. It was opposed to the church and the party representing it. The Mormons were asked, "Why not disband your party and join the Republican or the Democratic