

tees to be used exclusively as a school house. The site for the building was owned by the trustees. It was not intended to be used to impart sectarian doctrine. Since I have been a trustee the instructions from us have been not to have religious tenets taught in school. Mr. Van Dam has taught in that district ever since I was a trustee. Was present at the tax meeting. Due notice was given by the trustees when action should be taken concerning the tax, and they would sit as a board of equalization and properly adjust all matters of complaint concerning this tax. There was no other assessment made in the district at that time. I am acquainted with some of the plaintiffs. Some of them were present at the meeting when the vote was taken.

Cross-examination by Mr. Dickson: Am a member of the Church of Jesus Christ of Latter-day Saints; have been an Elder in said church 22 years; am also a Teacher in the ward. Have been a trustee about one and a half years; trustees instructed the principal of the school not to teach sectarian doctrines in school at the time of his engagement. These instructions were given in Mr. Waddell's house. Gave the same instructions a second time to Mr. Van Dam. Had never heard of religious instructions being given in the school. Trustees employed one of the assistants; did not give her the same instructions. The trustees determined before the tax was levied that the building should be used exclusively for district school purposes, and that it should not be used for dances, meetings or any other purposes. Do not know of any non-Mormon being employed in that district as a teacher. Believe in obeying the leaders of the Mormon Church. Believed in paying tithing, donations, and looking after the poor, etc. If President Taylor should command me not to employ any applicant on account of being a non-Mormon, I should use my own judgment as to whether I should obey it or not.

(Mr. Dickson here read from a discourse by President Taylor advising the people to employ competent teachers and give good Latter-day Saint teachers the preference.)

Witness, I consider that as the advice of President Taylor.

Q. What would be your action under such advice from the head of your Church if you had two applicants, one a Mormon and the other a non-Mormon?

A. I would engage a Latter-day Saint in preference to an immoral man.

Q. Suppose the applicants to be equal in all other respect how would you act?

A. I believe I would employ the Latter-day Saint.

Q. Why?

A.—My general association with the Mormon people would prompt me to decide in his favor.

Q.—You are a member of the Priesthood are you not?

A.—I am.

Q.—Do you not feel obligated to obey the covenants you have made to obey the Priesthood?

A.—I do in righteousness.

Redirect by Mr. Rawlins:

Would not employ a teacher simply because I was advised to by some of the authorities, but would use my best judgment. Would not make an improper or dishonest use of public money entrusted to me as a public officer, if I were commanded to do so by any one higher in authority in the Church.

Q.—(By Judge Z. Snow) Have you ever had the authorities of the Mormons ask you to do anything wrong?

A.—No, sir.

Q.—Have they ever asked you to violate any law?

A.—They have not.

Q.—Do our church works—the Bible, Book of Mormon or Doctrine and Covenants say anything about the duties of Trustees?

A.—I believe not.

Q.—Where do you go to learn your duties as a trustee?

A.—To the law.

Q.—If the majority of your constituents were Methodists, would you not employ a Methodist teacher?

A.—I would if my judgment told me he would make the best teacher.

Cross-examined by Mr. Dickson:

Find nothing in the law that tells me whether to employ a Mormon or non-Mormon teacher. Believed the advice of the authorities of the Church is to employ Mormon teachers.

Our Church claims to receive revelations from the Almighty from time to time. Conceive it to be my duty to obey such revelations as far as I understand them.

Q. (By Mr. Dickson).—Suppose the head of the Church received a revelation that the Mormon religion should be taught in the district schools would you feel obliged to obey it, and carry it out as a trustee?

A.—I would use my own judgment.

Q.—Is not the penalty of disobeying a revelation to be cut off the Church?

A.—That depends.

Q.—Have you not known of such instance, where members have been severed from your Church for disobeying revelation.

A.—Do not remember of such an instance just now.

Millie Foster, for defense. I am Mr. Van Dam's assistant teacher. We taught in the same room; we used the common school books. No "Mormon" Church works were used and no sectarian doctrines taught in our school. Mr. Van Dam had prayer in the morning. Did not pray for any church; no names of individuals were mentioned in his prayers. Never knew of any

portion of the school being detained after school hours for special instruction.

Cross examination by Mr. Varian. I had about 40 pupils in my department. I am a number of the Mormon Church; School was not adjourned for Fast Days; believe the trustees did not visit the school while I taught. Mr. John Morgan visited the school, and addressed the children. (Do not know whether he was a school officer. He gave them good advice, and exhorted them to study; he gave no account of his missionary experience; no reference was made at all to individuals in the prayers. History has been taught in the school, but not while I have been teaching. Both departments were dismissed at the same time. I was formerly Mr. Van Dam's pupil.

Do not remember that any pupils ever remained after school to hear Mr. Van Dam lecture on the martyrdom of Joseph Smith or anything else.

Re-direct. Church works were never used in school while I was a pupil nor while a teacher.

Katie Rigby. Have attended Mr. Van Dam's school all last year. Did not use any church works in school. Used the ordinary text books. Had prayer in the morning. Never heard of Mr. Van Dam tell of the martyrdom of Joseph Smith. We use Barnes' History of the United States. Mr. Van Dam does not pray for John Taylor.

Cross-examination by Mr. Varian.—I attend Sabbath school in the Ward meeting-house. I take the common branches in the day school. Don't think I was ever tardy. The same prayer was used all the time. Don't think I can repeat it. The children have a primary meeting after school. They meet in the basement of the Assembly Hall at 3.30 p.m. The day school teachers do not attend the primary meeting. These meetings were not announced in school. Remember seeing Mr. Morgan at school but do not remember what he talked about. Have never seen the Bishop at school. Have never seen the Book of Mormon in school. My parents are "Mormons." Have never heard any reference made in school to anything in the Book of Mormon. Have never heard Mr. Van Dam tell about the death of Joseph Smith.

Court adjourned until 2 o'clock.

2 o'clock p. m.
Wm. Creer, for defense: I am a trustee in Spanish Fork district. I am acquainted with Maria Finch. I think 95 per cent of the inhabitants of my district are Mormons. No teachers have been refused positions on account of being non-Mormons since 1874, when I became a trustee.

Cross examination by Mr. Dickson. I am a member of the Mormon Church, in good standing, I suppose. Samuel Ross, a non-Mormon, taught in 1874. He taught two winters; he was principal of the school; Ross had never been a Mormon; I knew nothing of his parents; he was not employed on account of a scarcity of teachers. Geo. Carson, another non-Mormon, taught there about a year. C. J. O. Irwin was employed in the fall of '76. He taught more than a year; he was not connected with the Church. I am liberal in my views concerning the employment of teachers. Don't know of any religious instructions being given in school. Mr. Brimhall has not, to my knowledge, ever taught religion in school. Have frequently visited the school. I employed Miss Finch (now Mrs. Theodore Burmester). She did not teach Mormon doctrine in school, for if she had, it would have been reported to me. The Book of Mormon was never used in that school. I examined the desks and found none of the books in the school-room. She had no theological class. I never heard of such a thing until I read her deposition in the paper. She taught the primer and first reader classes, and such pupils could not use the Book of Mormon. I visited the school every term and sometimes several times during a term. It could not be possible for her to teach theology without my knowing it. I had children attending school from 18 years of age down to the smallest grade, and never heard them say anything about such instructions. At first I hesitated to employ Miss Finch on account of her poor orthography. I had nothing against her character.

Re-direct. Nothing was ever in any way mixed up with school money or territorial appropriation which I handled.

Mr. Geo. H. Brimhall was next sworn. Have been a teacher in Spanish Fork since 1873. Miss Finch taught in '80 and '81. We taught the common branches. There were no theological classes taught in the district school. In a private school I had taught a Book of Mormon class, and on taking the district school many desired me to continue my teaching from the Book of Mormon class. I consented and taught that class before 9 o'clock, the time when the district school exercises began. This exercise continued about one term. No pupil was compelled to attend this Book of Mormon class. I am at present County Supt. of District schools in Utah County. We use nothing but the common school books. None of the Church works are used in any of the schools in the county to my knowledge. Schools are opened with prayer; the prayer is a general one. Have visited all the schools once and some of them twice during the past year. As County Superintendent I am one of the Board of Examiners. That board makes no religious test in awarding certificates. Have given certificates to non-Mormons. We require evidence of a good moral character on the part of applicants.

Re-direct. Nothing was ever in any way mixed up with school money or territorial appropriation which I handled.

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HORACE FAIRBROTHER.
Rockingham, Vt., July 15, 1882.

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"While in the country last winter my little boy, three years old, was taken ill with croup. I seemed as if he would die from strangulation. One of the family suggested the use of AYER'S CHERRY PECTORAL, a bottle of which was always kept in the house. This was tried in small and frequent doses, and our delight in less than half an hour the little patient was breathing easily. The doctor said that the CHERRY PECTORAL had saved my darling's life. Can you wonder at our gratitude? Sincerely yours,
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Palestine, Texas, April 22, 1882.

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