

sonal and real property in this particular case. If there is forfeiture, of course the property belongs to the government; all forfeited property goes to the government; but if there is charitable use and part of it is illegal and part legal, the property, whether it be legal or illegal, does not go to the government except as trustee. The government then holds the property as trustee for the charitable use, which is legal; it is not forfeited. It is perfectly legitimate for the Congress of the United States to decide that when this property was forfeited to the government it should be used for common school purposes, because it is then forfeited property; but this property had never been forfeited at all. They declared simply in this decision part of the uses are illegal, but the other charitable uses are not touched because the facts were not before the court at that time.

The next section, section 17, is as follows:

That the acts of the legislative assembly of the Territory of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the Supreme Court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section thirteen of this act and in section twenty-six of this act, to the respective trustees mentioned in section twenty-six of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

Section 26 is as follows:

That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in the Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds, as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

In answer to the question asked me, I say in accordance with the provisions of these two sections the Supreme Court of the Territory of Utah decreed that what is called the Temple Block, upon which is situated the Mormon Temple (which has cost them already several million dollars) and the Assembly Hall and Tabernacle—that block is No. 87, I believe—in the City of Salt Lake, was set apart to the trustees for the benefit of the unincorporated members of the Mormon Church. This corporation having been dissolved by act of Congress, the decree of the court, in accordance with the provisions of this section, so far recognized the existence of this Mormon association, if you please so to call it, because it was not then a corporation, and a decree was rendered

setting apart to the trustees for their use this block of the city, so that the court and the act of Congress recognizes the right of this Mormon Church association to build churches and temples and to hold property through trustees for that purpose.

Mr. Rogers—Who were appointed trustees in that matter—Mormons?

Mr. Broadhead—Oh, yes, sir; of course they would not appoint trustees hostile to members of the Church.

The Chairman—I had not learned that fact, and I am very glad to learn it.

Mr. Broadhead—That was done in pursuance of this section. They set apart block 87, which embraced some five or six acres.

Mr. Caine—It contains ten acres, judge.

Mr. Broadhead—It is a very valuable piece of property, upon which is situated the Temple, Tabernacle, and Assembly Hall, which are the largest buildings in Salt Lake City.

Now I wish to call your attention, for I wish to be as brief as possible, to what the Supreme Court has said in this case.

Mr. Rogers—Before going further, is that all the property they have now decreed to the whole Church?

Mr. Broadhead—That is all.

Mr. Rogers—What has become of the tabernacles in the various counties and church property?

Mr. Broadhead—They were not in the corporation; they were owned by separate organizations in the different counties.

Mr. Rogers—That is not disposed of; that is left in the hands of these churches, etc.

Mr. Broadhead—They did not belong to the corporation at all.

The Chairman—So under this law there has been no forfeiture of real estate?

Mr. Broadhead—No, sir, not yet; but proceedings have been instituted and they have been waiting decision of the Supreme Court of the United States in this case to see if it would throw some light upon the subject before trying the cases. Informations *in rem* have been instituted in the Territorial court on all property which is claimed to be over the \$50,000.

The Chairman—You will pardon me for interrupting you, but we are anxious to know what the facts are in some regards and we are quite sure you both know and will tell us as they are, and we are more liberal in asking you questions than most people, because we know you so well. Now, is there anything about this accumulated personal property in a way to trace the original donation except simply it was donated to the Church?

Mr. Broadhead—That is all, sir.

The Chairman—Now, then, in regard to the uses—

Mr. Broadhead—I may say this, further in answer to that, the Church has been found and decreed by the Supreme Court of the Territory and of the United States to be an organization for religious and charitable purposes.

The Chairman—Without specifying—

Mr. Broadhead—Without specifying what the charities are.

The Chairman—Can you give any information as to the custom of the Church in disposing of this fund heretofore, not only this one year but other years, in the way of charity, outside of the religious feature of it?

Mr. Broadhead—I can only tell you what I heard from individuals. One of the most prominent men in Salt Lake, and a leader in the Mormon Church, when I was there a year ago, said that that year the Church had paid \$100,000 to the support of the poor in Salt Lake City. I may say in regard to the Mormon people that they do not permit a person to suffer from poverty; that is one of the chief virtues of that organization. They provide for the disabled, sick, aged, and infirm as fully and freely as any people on this earth. How that is done I cannot go into details.

The Chairman—I do not ask that.

Mr. Broadhead—They have a place for the receipt of all property that is brought in. It is a large establishment and is called the "Tithing office." I am told the donations are voluntary; I do not know anything about that except from what I am told. They are brought into this very large building there which is a receptacle for the property. There are places for the storage of hay, grain, and other produce, and a corral for sheep, cattle or horses that may be given, or anything else they may send in. For meat they may send in they have a market there. If there is any one suffering from poverty in the city who needs food, he goes to the house and gets a supply of food and the fund is credited with the amount. This is one way, and there are other means of providing for the wants of the poor. That has been the custom of the Church, as far as I have been informed, from time immemorial. There are persons appointed to inquire into the wants of the poor and provide them with what is necessary.

Mr. Stewart—May I ask you a question?

Mr. Broadhead—Yes, sir.

Mr. Stewart—If I understand you, the gifts or donations to this corporation were general, that is, nobody gave to any particular use?

Mr. Broadhead—No, sir.

Mr. Stewart—The corporation itself, then, divided this between the religious and charitable uses?

Mr. Broadhead—Yes, sir.

Mr. Stewart—Now, then, how can you ascertain what proportion of the donations which have gone in to swell this accumulated fund should be devoted to charitable uses?

Mr. Broadhead—I do not think it is necessary to inquire. If no part of the fund can be devoted to illegal purposes, the fund remaining is to be devoted to legal purposes, education, the poor, school houses, etc.; if the illegal purposes cannot be carried out, it goes then to the legal purposes; if the fund had been divided before it was given—that is, so much to the Church for religious purposes and so much to other purposes—the rule probably might be