

them so made prior to March 3rd, 1887, have been at all times used by the said Church for religious and charitable purposes only.

That all the moneys and other personal property so contributed or donated to said Church by the members thereof, ever since the incorporation of said Church as aforesaid, have been managed, controlled and disbursed under the direction of the First Presidency of said Church, which consists of the President, or head of the Church, and two counselors chosen from time to time by the members of said Church.

That for several years prior to 1887, the President and trustees in trust of said Church annually made a report to said Church and to the members thereof, which report showed what disposition had been made by the Church of all of said moneys and all of said personal property so contributed or donated to said Church, from time to time, by the members thereof, and that during all the time hitherto, the members of said Church have had full knowledge given to them by the said officers of said Church of the uses and purposes to which the money and other personal property so contributed by the members thereof had been applied. And the members of said Church and the various subordinate and other officers thereof have at all times hitherto acquiesced in and approved of such disposition of the moneys and properties of the Church.

That at all times since the incorporation of said Church as aforesaid, and long prior thereto, the moneys and other properties so contributed and donated to said Church by the members thereof as aforesaid, prior to March 3rd, 1887, have been by said Church, under the direction of the First Presidency thereof (until the same was taken possession of by the Receiver in this action), devoted and applied solely to religious and charitable purposes; in which religious and charitable uses said Church and the members thereof are interested.

Much the larger part of said moneys and personal property have hitherto from time to time, prior to March 3rd, 1887, been devoted to the building of temples, in which the members of said Church worshipped God, and to other meeting houses and places of worship for the members of said Church; and also to the relief of the poor and the distressed members of said Church, their families, and to the widows and orphans of the members of said Church who were in needy or distressed circumstances.

That all the moneys and other personal property mentioned or referred to in said decree in money or personal property, or the proceeds of money and other property, contributed from time to time prior to March 3rd, 1887 (and generally in small sums), to said Church by the members thereof and by no other persons, and which money and property was to be devoted solely to the charitable and religious purposes in which said Church and the members thereof were interested; and said donations were made with the intent on the part of the donors that it should belong to and be used by the said religious association for the charitable and beneficent purposes of the members thereof.

And no part of said money or per-

sonal property hitherto contributed by the members of said Church as above referred to, nor any part of said money or personal property involved in this examination, will ever be used (if left under the control of said Church or the officers thereof,) for the purpose of teaching, promulgating, aiding or abetting polygamy, plural or patriarchal marriage or bigamy; or for the purpose of promoting, encouraging or teaching any tenet, religious belief or other precept in violation of the Constitution of the United States, or any of the laws thereof.

That heretofore, to-wit, on the 25th day of September, 1890, the above named defendant, Wilford Woodruff, being then the recognized President or head of said Church or body of religious worshippers, did, as such, address to said Church and the members thereof, a communication respecting the doctrine and practice of bigamy, polygamy, or plural marriages, a copy of which communication is hereto annexed and marked "Exhibit A" and hereby referred to and made a part hereof.

That on the 8th day of October, 1890, the said defendant, Wilford Woodruff, as the President of said Church, at the sixty-first regular Semi-annual Conference of said Church, submitted said communication to all members of said Church in attendance at said Conference. That the chief ecclesiastical officials of said Church or body of religious worshippers, residing in each and every county of the Territory of Utah, and elsewhere, were in attendance at said Conference, at the time said communication was so submitted as aforesaid.

That there were in attendance at said Conference, at the time said communication was so submitted as aforesaid more than ten thousand persons, all of whom were members of said Church, and who were assembled in conference from all parts of said Territory and elsewhere.

That when said communication was submitted to said Conference, as aforesaid, the same was endorsed and approved by all the officers and members of said Church, there present; and that from thence it has been and is now (and it is the true intent of the officers and members of said Church that it shall be) the recognized law of said Church.

That it was the intention of the said President or head of said Church by said communication so made to prevent in the future, bigamous, polygamous or plural marriages, by members of said Church, and that it was also the intention of said chief ecclesiastical officers of said Church and of the members thereof, who were present at said 61st Semi-annual Conference of said Church, when they endorsed the recommendation and manifesto issued by the said President of said Church, that bigamous, polygamous or plural marriages should not exist within the pale of the "Mormon" Church, to-wit: the Church of Jesus Christ of Latter-day Saints, or be practiced by its members or solemnized by its ministers.

That there has not been since the date last aforesaid, to the knowledge of these defendants, or any one of them, any bigamous, polygamous or plural marriage contracted or entered into

between any of the members of said Church.

That at no time since the date last aforesaid has the President or head of said Church, or any of the officers or members thereof, to the knowledge of these defendants, or any of them, or by or with the consent of any of them, in any manner advised, encouraged or assented to the practice of bigamy, polygamy or plural marriages by any of the members of said Church.

That the officers and members of said Church have been fully advised by the President or head thereof and those in authority therein, that in the future, any bigamous, polygamous or plural marriages entered into by any of the members of the said Church would be disapproved by the Church, and those in authority therein, and the persons so violating the law of the Church, by entering into such a marriage, would be subject to excommunication from said Church.

That of the moneys and other property so contributed or donated to said Church by the members thereof, as heretofore stated, the said Church, under the direction of the First Presidency thereof, has been accustomed to spend annually prior to March 3rd, 1887, and until the same was taken possession of by the Receiver in this action, a very large amount, to-wit: more than fifty thousand dollars, in relieving and assisting poor or distressed members of said Church and their families.

Defendants further represent and show to the court and to the said Master in Chancery, that said Church or body of religious worshippers, will be required in all the years to come, to expend for the relief or assistance of sick, poor or distressed members of said Church, annually, a sum largely in excess of the income that can be derived from any investment that may be made of all the moneys and other personal property mentioned in said decree, which are of the total value of about \$400,000.

And that of the moneys and other property so contributed or donated to said Church by the members thereof, as hereinbefore stated, the said Church, under the direction of the First Presidency thereof, has been accustomed to spend annually, prior to March 3rd, 1887, and until the same was taken possession of by the Receiver in this action, a very large sum in the building, repair and maintenance of places of worship for the members of said Church, exclusive of the amounts expended in the building and maintenance of the temples of said Church, to-wit, more than fifteen thousand dollars.

And these defendants further represent and show to the court and to the said Master in Chancery that the said Church or body of religious worshippers will be required, in the future, to expend in the building, maintenance and repair of convenient and necessary places of worship for the members of said Church more than twenty-five thousand dollars annually, apart from what may be required for the building or maintenance of the temples of said Church.

These defendants further allege, that none of the purposes for which said personal property and moneys were donated, or for which the same were