

Zion, a so-called corporation, defendants.

Frank H. Dyer, Receiver of the late corporation of the Church of Jesus Christ of Latter-day Saints, plaintiff, vs. Richard J. Taylor and Lewis W. Shurtliff, defendants.

In the Third District Court, Salt Lake City.

Henry W. Lawr nce, Receiver of the late corporation of the Church of Jesus Christ of Latter-day Saints,  
Plaintiff,

vs.

James A. Eldredge, Ben R. Eldredge, Lewis S. Hille, Thomas G. Webber and LeGrand Young, executors of the last will of Horace S. Eldredge, deceased; John C. Cutler, Royal B. Young, Joseph Young, Henry Dinwoodey, Edward Scraace, Heber J. Grant, George F. Gibbs, C. R. Savage, Elias Morris, W. A. Rossiter, J. H. Parry, H. B. Clawson, Caroline E. Dye, Wolley, Young & Hardy Co., a corporation, Salt Lake Literary and Scientific Association, a corporation, and the Home Fire Insurance Co., a corporation,

Defendants.

W. H. H. MILLER,

Attorney General.

C. S. VARIAN,

District Attorney.

When the Third District Court opened this morning the three cases known by the title of the United States vs. certain real estate belonging to the late Corporation of the Church of Jesus Christ of Latter-day Saints were called on for hearing. The property involved is the titling-house, Gardo House, Church Farm, and Historian's Office, and the question sought to be determined is whether such property was to be escheated.

Attorney Dickson, who in conjunction with Hon. F. S. Richards represented the defendants, informed the court that he was engaged in an important mining suit before Referee Lyle, and as a number of witnesses were in attendance this morning, he asked that the Church cases might be continued for a short time.

Judge Zane—Cases must be tried in the order in which they appear on the docket, or the court cannot make any headway. We lost a lot of time last week in consequence of cases being postponed. Counsel must understand that when cases are set down for hearing they must go on. His honor added that if counsel liked, these particular cases might pass indefinitely, and be taken up when the court could find time to hear them.

Mr. Dickson—I do not think it will occupy more than a day to try these three cases. I take it, it is on a question of law.

Mr. Varian—My instructions are to press these cases on. They were continued a month ago, and it was supposed at that time that counsel on the other side would be ready now. But difficulties seem to increase instead of disappear. The three cases, remarked counsel, could be tried and submitted in a very short time. He did not know, of course, what about the arguments. So far as he knew, however, there were no witnesses to be examined. It seemed to him the three cases had better be tried at once; they could then be submitted and got out of the way.

The Judge—Will you submit them on a brief statement of facts?

Mr. Varian—I don't think there will be any dispute about the facts. The government is quite ready to go on in these cases. Another phase of this question is now under the consideration of Master in Chancery Loufborrow, and this whole matter should go to the Supreme court at the same time.

After some further talk as to a continuance, Judge Zane consented to take up the cases on Saturday morning next, at ten o'clock.

The following petition was filed in the office of Examiner in Chancery Loufborrow, this morning, by Attorney Richard W. Young:

In the Supreme Court, Utah Territory, Salt Lake county, before Hon. C. T. Loufborrow, Master in Chancery.

The United States, plaintiff, vs. The Late Corporation of the Church of Jesus Christ of Latter-day Saints, et al., defendants.

To the Hon. C. T. Loufborrow, Master in Chancery:

The petition of Willard Young, the president of Young University, respectfully shows:

That Young University is an institution of learning founded and partially endowed by the heirs and devisees of the late Brigham Young, by a deed of trust, of which the deed hereto attached, marked "Exhibit A," is a copy.

That the land thereby conveyed is of the approximate value of \$80,000, and is situated on First, Second and A streets of Salt Lake City.

The building committee of the board of trustees of Young University have decided to have the plans of the buildings drawn by Mr. Bruce Price of New York, one of the foremost architects of the world. The buildings will surround and enclose the University grounds, and it is estimated will cost when completed upwards one million dollars.

The institution will receive its further endowment almost exclusively from members of the Mormon Church through gifts and legacies. Sums amounting in the aggregate to one hundred and fifty thousand dollars have already been promised it by responsible and sufficient persons, members of the Mormon Church; while a certain prospect of further and substantial gifts and legacies from members of that Church is found in the fact that the University is designed and officially accepted by the "General Board of Education of the Church of Jesus Christ of Latter-day Saints" as, and is generally understood to be, the chief educational institution among the Latter-day Saints.

Mr. Willard Young has recently resigned his position as captain in the engineer corps of the United States army to accept the presidency of the University, and is now devoting his time to the preliminary work necessary to its establishment. Great interest in the success of the institution is manifested by the entire "Mormon" people, so far as they have become acquainted with its aims and objects. That the University will be become a great and useful factor in the educational development of the children of

the Latter-day Saints may be regarded as a certainty.

It will be observed from the accompanying deed of trust that among the chief aims and objects of the institution is that of making of its students and graduates worthy citizens and true followers of Jesus Christ, by fitting them for some useful pursuit, by strengthening in their minds a pure attachment to the Constitution of the United States, and to our republican institutions, and that the deed expressly provides that no unlawful doctrine shall be taught or inculcated.

Your petitioner asks that your honor may report and suggest to the Supreme Court of this Territory that the personal property of the late corporation of the Church of Jesus Christ of Latter-day Saints, now in the hands of the Receiver, be set aside for the purpose of establishing and maintaining a department of law to said Young University. It is respectfully suggested that property to the value of not less than fifty thousand dollars be devoted to the endowment of each of two or three professorships; and that property to the value of not less than one hundred and fifty thousand dollars be used for the erection of a part of the projected buildings, which shall be suitable for and shall be devoted to the purposes of the said law department, and that the residue of the property, or fund, if there be any, be set aside for the purpose of forming and maintaining a law library in connection with the said law department. It is further suggested that the fund be placed in the hands of the trustees of Young University to be used by them in accordance with the terms of these requests, and under such regulations and restrictions as your honor and the Supreme court of the Territory may deem prudent. The power to nominate professors might be lodged in the justices of the Supreme court, or in such other body or officials as may be selected.

It is of course unnecessary to suggest to your honor that if the disposition here outlined does not for any reason meet with the approval of either yourself or the Supreme Court, the fund might still be vested in the trustees of Young University to be employed either generally in the pursuit of the objects of that institution, or in some special course or courses to be named by your honor and approved by the court.

It will be seen from the accompanying deed that the said university did not exist at the time of the dissolution of the aforesaid corporation, and that, therefore, the objects and purposes for which your petitioner now asks that this property be devoted were not among the objects and purposes for which said personal property was originally acquired. Nor can it be urged that the uses and purposes for which your petitioner now seeks to have this fund devoted are, in whole or in part, opposed to public policy or good morals, or that they are contrary to the laws of the United States.

From the facts stated above, it will no doubt result that the students enrolled at Young University will be, almost without exception, members of the Mormon Church and, therefore, either themselves donors or the offspring of donors of the fund in question.