

sent out to teach schools in the different parts of the Territory of Utah and adjoining States and Territories; that said normal department now number one hundred and thirty scholars, and that there is now engaged in said school teachers regularly employed to the number of fifteen and special teachers to the number of eight, making twenty-three in all.

Petitioners further state that students in said academy have come from all parts of the Territory of Utah, and that there are now students in said Academy from different sections of counties of the Territory of Utah, and adjoining States and Territories; that, as above stated, while said school was founded and instituted as a school for the education of children of what is known as the Mormon Church, yet the trustees and teachers have by no means excluded children of parents who were not Mormons, but have gladly welcomed and do now number among the students of said academy quite a number of children of parents who are not and never have been in any way connected with the Mormon Church. That while at all times they have taught in the theological department of said academy the doctrine of the Christian religion as understood and interpreted by the Mormon Church, they have at no time and to no persons ever taught the doctrine of polygamy or plural marriages, nor has there ever been taught in said school any doctrine, tenet or dogma contrary to good morals, public policy or the laws of the United States or the Territory of Utah.

They further show that from time to time the trustees in trust of the late corporation of said Church has donated out of the tithings contributed by the members of said Church to said school different sums of money to aid in carrying on the school and in support of the same; that these donations began as early as in the year 1883, and have continued up to now, and that for the academic years 1891 and 1892 the President of the Church has set apart and appropriated to said academy by way of assistance to enable it to employ teachers and carry on the operations thereof the sum of \$2,400.00, and petitioners show that said sums of money so appropriated by said Church to said academy have been appropriated out of the tithings contributed by the members of said Church from year to year.

They further show that it has been the fixed policy of the Church to in every way aid, encourage and build up said school and make it an institution of learning the equal of any in the land of its character, but they show that notwithstanding these appropriations made by the Church out of the tithings and the income from tuition and such other incomes as they have been able to realize, that said school has suffered and is now greatly suffering from the need of larger amounts of money, and that its financial embarrassments have been somewhat severe and have taxed these petitioners greatly in carrying it on as it should be; as they have shown heretofore in this petition they now owe upon said Academy building the sum of \$65,000, the most of which is drawing 10 per cent. interest, and that the debt is a heavy tax upon the Church

of the Utah County Stake under whose charge, together with these petitioners, the trustees, said Academy is being carried on.

Petitioners allege, as appears from the record in this case, that the personal property now in the hands of the Receiver, and which is to be disposed of by the result of this proceeding, was property acquired by the Mormon Church by way of gifts and donations in tithings from the members of said Church from time to time for many years past; and that the Utah Stake, of which your petitioner Abraham O. Smoot is president, has contributed annually for the last ten years the sum of \$70,000, by way of tithings to said Church, much of which, petitioners state, went to make up the aggregate of the sum of personal property now in the hands of the receiver and to be disposed of by this proceeding.

Wherefore your petitioners allege that to appropriate said personal property and moneys or a portion thereof to the paying off of the debts and the support and maintenance of said school would be in the language of the decree of the Supreme Court of the United States in this cause "lawful in its character and most nearly corresponding to the purposes to which said property was originally destined."

Petitioners allege that to appropriate said moneys or a portion thereof to said school would not only be in line with the intention of the original donors of said property to the Church, but it would be the appropriation of the same to the exact purpose in part for which said donations and tithings were made originally to said Church, which in their aggregate went to make up the sum in the hands of the Receiver.

Wherefore, in consideration of the premises, these petitioners pray that they be allowed to file this petition for the purposes and upon the behalf hereinbefore mentioned, and that a scheme be reported in favor of petitioners that said personal property or a portion thereof be appropriated to said Brigham Young Academy to be used for the purpose of paying off the debts thereof, and in the carrying on of said school, one or both, according as the court may seem meet and just.

Finally, petitioners pray for such general relief as they may be entitled to by reason of the premises and under the law of the court to be in this behalf declared, as in duty bound they will ever pray.

J. W. JUDD,
KING & HOUTZ,
Attorneys.

TERRITORY OF UTAH,
County of Utah. } ss.

Come now Abraham O. Smoot, David John and H. H. Cluff, a portion of the petitioners mentioned in the foregoing petition, who say that they have heard read the same and know the contents thereof, and that the statements therein are true of their own knowledge except such as are upon information and belief, and those they believe to be true.

A. O. SMOOT,
DAVID JOHN,
H. H. CLUFF.

Subscribed and sworn to before me, this 18th day of December, 1891.

[SEAL.] GEO. A. DUSENBERRY,
Notary Public.

DEATH AND FUNERAL OF GENERAL P. E. CONNOR.

General Patrick E. Connor, died at the Walker House last night, at 7:55 o'clock, after a severe illness of three weeks' duration. At his bedside were his four sons, P. E. Connor, Jr., of Couer d'Alene, Maurice J. Connor of Ophir, H. G. Connor of San Francisco, and Eugene F. Connor. They had known that the end was near for some time and patiently awaited its arrival. The remains were taken in charge by the Utah Undertaking Company and are now being prepared for burial.

In the midst of a blinding snow-storm, the mortal remains of General P. E. Connor were yesterday afternoon consigned to their last earthly resting-place in the cemetery at Fort Douglas. Despite the inclemency of the weather a very large number of persons assembled in the streets and at the grave to witness the military obsequies, and the cortege was a long and imposing one.

At 9 a. m. the guard of honor, veterans of the civil war, under command of Comrade B. A. Spear, escorted the remains to the reading room of the Walker House, where they lay in state until after 12 o'clock. During the three hours it is estimated that fully 5000 people viewed them. The room in which the body rested was appropriately decorated with streamers, bunting and various tokens of mourning. The Stars and Stripes were also conspicuous. On pedestals encased in black broadcloth the casket had been placed, and immediately behind it a canopy was arranged of flags and crepe. In the centre were floral offerings from the Patriotic Sons of America and the City Liberal committee, surmounted by an American eagle in gilt. At the head and foot were stands of muskets, the bayonets of which served as hangers for floral offerings from friends and relatives. On the foot of the casket rested the chapeau, epaulettes and sword of a major general, and a magnificent floral wreath. A guard from the G. A. R. posts stood around the casket, and custodians were stationed at and about the doors.

The religious services began at noon, when the doors were closed to the general public. They were conducted by the Rev. Father Kiely, of the Roman Catholic Church. Mr. C. C. Goodwin delivered a touching and sympathetic address, in the course of which he paid a high tribute of eulogy to the deceased general.

The first portion of the exercises ended, and the face of the dead having been gazed upon for the last time on earth by the relatives and friends present, the lid of the casket was screwed down. At a signal from Funeral Director Ross, the pall bearers, Mayor George M. Scott, Henry W. Lawrence, Major Silva, Ed Egan, William Husbands, Daniel Dunne, A. J. Lowe, Captain D. B. Stover, J. W. Goldwaite, Samuel McLindon, Henry Payne and Captain J. W. Greenman, took the stations assigned to them.

Main street was thickly lined with spectators as the procession started forth, the order being the same in nearly every detail as previously announced in the newspapers. In consequence of the bad weather, however, the Knights of Pythias did not appear in regalia, but the Patriotic Sons of