

they were the chosen ones to lead in the desperate assault on the "Mormon" Church. For Mr. Moore, the applicant, Messrs. LeGrand Young, J. H. Moyle and R. W. Young appeared. Among the interested listeners were Apostle J. H. Smith, M. W. Merrill and A. H. Lund. During the proceedings, whenever any of the witnesses made a particularly pointed assertion against the Church, a loud guffaw would arise from the throats of the non-"Mormons" both within and outside of the railing.

R. N. Baskin announced that Wm. H. Dickson and himself had been engaged to appear on behalf of the "Liberals," or those objecting to the naturalization of "Mormons."

Mr. Dickson said they were ready to go on, but might not be completed today, as some of the witnesses had not yet been reached.

Court—This investigation is rather a novel one, and a reasonable time will be given; but it must not be delayed too long.

JOHN BOND

was the first witness: He testified— I have been a "Mormon;" left the church in 1869; have been through the Endowment House; this was January 25, 1886; I took an oath or obligation there; they gave a grip of the hand (described by the witness) which was a token of the Aaronic Priesthood.

Mr. Moyle—The court said this examination should be confined to an oath against the government.

Court—Anything that does not tend to establish that will be irrelevant. I understand the counsel here is ignorant of the *modus operandi* of initiating members into the Church, and must let the witness state what was done, and the court will determine if there is anything that is incompatible with citizenship. If it is shown that anything is immaterial we will not allow it.

Mr. Moyle—We have no objection to the obligation referred to, but we do object to any obligation that does not relate to the government.

R. W. Young objected to any ceremony or obligation but that alleged to be in relation to the government.

Mr. Dickson said there were several obligations that were antagonistic to the government.

Court—Let the witness state what transpired, but not unnecessarily expose the procedure, except in regard to this oath.

Le Grand Young inquired whether all the minutia of the Endowment ceremony was to be testified to. This man, Moore, was accused of taking an oath against the government, and the court had stated that the inquiry would be confined to the alleged oath.

Court—Let the witness state what transpired.

The witness Bond testified— I went through several rooms; in room 5 I took what I call an obligation, named the Aaronic Priesthood, which confined me to obey every doctrine of the Church, especially against the government of the United States. The penalty was tha

"MORMONS" AND CITIZENSHIP.

Thursday, November 14th, Judge Anderson called up the application of John Moore, for naturalization, which had been objected to because he had been through the Endowment House, it being alleged that all who received the Endowment ceremony took an oath that is incompatible with the duties of a citizen.

The large Federal court room was filled with a multitude, mostly non-"Mormons," eager to hear the anticipated exposure of the Endowment ceremonies. Baskin and Dickson had seats in front, alongside of Lipman, and it was seen that

I was to have my throat cut and my tongue torn out. Then I was required to take an oath that I would avenge the blood of Joseph Smith on this nation, and teach my children and my children's children to the latest generation. The penalty was to have my heart and bowels torn out. Another obligation was to obey the Priesthood in all things. Wilford Woodruff put me through this ceremony and married me. I was sorry I took the oath, and resigned from the Church the next year. I did not want to go through, but I had asked Harrison Sperry to marry me.

Mr. Moyle objected to this as immaterial. Objection overruled.

Bond continued—Sperry sent me to the Bishop, who said he could not marry me, but would give me a recommend to the Endowment House, which I took.

Mr. Moyle asked the court whether it would confine the evidence to that which was legal.

Court—The witness may proceed.

Mr. Moyle—The reason for Bond's action has no relation to Mr. Moore. This proceeding is without warrant of law.

Court—I think if the applicant has taken an obligation that is incompatible with citizenship, he cannot be admitted. He swore that he did not take such an oath.

Mr. Moyle—Will this man state the oath that Moore took?

Mr. Dickson—No, he will not.

Court—If it is not shown that Moore took it, it will not affect him.

Mr. Baskin—Moore has admitted that he is a member of the "Mormon" church. We will show that any man who belongs to the "Mormon" church should not have citizenship extended to him. We expect to convince this court that no man who belongs to that organization has any right to citizenship. We may not bring the oath home to Mr. Moore. We propose to show what the Endowment ceremonies are.

Court—This investigation may be attended with important consequences. If it is shown that it is a necessary part of a "Mormon" to take this oath, it should be known. It depends whether membership in that Church is inconsistent with citizenship. It is claimed that this can be shown.

The witness Bond continued—There were about 50 other persons there who went through the same ceremony there were two polygamists; my wife was asked if she would allow her husband to take more wives than one; a vote was taken and all responded "aye;" we took obligations not to divulge these ceremonies, and penalties were attached which I do not remember.

Le Grande Young—I am 45; went through in 1868; when the obligation in regard to polygamy was taken, male and females were in the same room; when the obligations or oaths were taken we were all together; some of the time the men were separated; I took the obligation about avenging the blood of the Prophets.

Mr. Young—You are an exceedingly willing witness.

Bond—I am a conscientious witness.

Mr. Young—I always find men who are not conscientious making such declarations. We only want you to tell the truth.

Witness Bond—I lived at Hennefer at the time; I could not get married without. I tried to get away from the Territory last year, because of what I have been through. I took an obligation to avenge the blood of the Prophets on the United States. I took the obligation to go into polygamy. I denounced the whole thing the following year. The obligations were apart from the Endowment ceremony. I always did as I was told in the Church.

MARTIN D. WARDELL,

who was very deaf, testified—I live over the Sixth Ward bridge; am a contractor; am 67; was born in England and came to Pennsylvania in 1848; joined the Mormons in 1847; came to Utah in 1862; in my business I superintended carpenter work for the Church six years; in 1863 or 1864 I went through the Endowment House; I went through a second time about a year later; I took an oath that we would avenge the blood of Joseph Smith on this nation, from the President down; they put the lock on to us with an oath that if we revealed any of the secrets we would have our throats cut and our bowels torn out; we were asked to take an oath to obey the Church in all matters, but I backed out; I saw the death penalty inflicted on a man named Green, in 1862, about twenty miles west of Green River; W. H. Dame was captain of the train.

Le Grand Young—If this man knows of a crime he should be called before the grand jury.

Court—He may go before the grand jury, but he can tell it here.

Le Grand Young—It has nothing to do with Mr. Moore, if Wardell helped to commit a murder.

Witness continuing—Billy Williams, now dead, and Mark Surridge were there. Joseph Follett, of Cottonwood, saw the trouble; so did Dave McBride, of Iron County, and Blackburn, John W. Young, of Iron County; George Snyder, now dead, and others; my son George was there; he now lives at Peoa, Summit County; Green, the man killed, had two wagons, with three yoke of cattle to each; a Gentile was with Green; the latter was killed about 9 in the evening; when we got to the place Captain Dame led me outside of the train; I saw eleven men, in buckskin clothes, whom he called mountaineers, and told me to warn people not to go outside of camp; at night Green was called by three men; he would not come, and they dragged him out; one caught him by the hair and another cut his throat; they got \$5000 from him; some of us began to object, and John W. Young said if we did not shut up, we would be served the same; next day Dame said Green had apostatized once, and now he had apostatized and gone to hell; my son and the Gentile took Green's outfit to the Tithing yard.

It was John W. Young, of Iron County, cousin to John W. Young of this city. It was not Joseph W. Young, the emigration agent.

LeGrand Young—We move that this be stricken out, as having no connection with the endowment ceremony. This highway robbery and murder, one of the worst stories I ever heard of, is rung in here to prejudice the application of a man who had not the remotest connection with it. No man pretends to justify this crime. If this man is honest, why has he not told it to the grand jury?

Mr. Dickson—We wish to show that the penalty of the Endowment House was enforced. We think we have done it. Dame's remarks meant that the man had gone back on his covenants. The penalty was to have his throat cut, and it was cut. There was a time when it was not safe for a man to tell this to a grand jury.

Baskin (to witness)—Was there anything said about apostasy?

Wardell—Yes, an apostate was to have his throat cut.

Court—Let the objection to strike out be overruled. The testimony will be admitted.

Witness, to Mr. Young—I went through the Endowment House; the names of Joseph and Hyrum Smith and all of the martyrs were mentioned; so was the government of the United States. The murder I have told of was before I went through the Endowment House. The three men who took Green out of the wagon were seen by the others I have mentioned; one of the three was Bill Hickman; John R. Young was not there; there were more than ten of us present when the three men took him, and we did not try to save him. Green had a wife and two or three children. He lived near Farmington; he told me he had had \$5000; I saw the men take the money; I made no protest; we had no idea that the men were Danites, but they were. Bill Hickman was the captain; he afterwards told me he was there. I left the Church about five years after the killing. W. H. Dame lives south somewhere; he is the man who was with John D. Lee. I don't know whether or not Green had had his endowments; he told me men were spying about him, and he was timid about getting to Salt Lake; he did not say he was afraid of any penalty. We had traveled together from Wood River; there were about 70 wagons altogether. The three men took Green's body away with them. There was another man present, but I do not remember his name; he kept a green grocer store on First South Street; it was not Billy Gilbert, or Chadd, or Davis; it was Sanders. Several persons protested against the murder. There were Billy Williams, Follett, Surridge, Sanders and myself. Surridge afterwards apostatized. Joseph Follett is now living near the mouth of Cottonwood.

LeGrand Young renewed his motion to strike out, because it was shown that the murder had no connection with the Church.

The court overruled the motion,

and said there might be a fair inference that the murder grew out of the fact that Green had been a member of the Church and had apostatized.

Mr. Moyle—It is not shown that any of these men who committed the crime were of the traveling company, or connected with the Church.

R. W. Young remarked that Mr. Moore would like to get through in time to vote at the next election.

Baskin, sneeringly—It would be a great pity if a member of that organization should not be allowed to vote.

Court—If this man has taken such an obligation he should not be in a hurry.

ANDREW GAHOON

testified: I came to Utah in 1848; Joined the church in 1833, in Kirtland; was a member till 1871; I was a Bishop 18 years; was one when I left the Church; I received my Endowments 44 years ago, and am familiar with the ceremony so far as my memory goes; never officiated; got my endowments in 1845 or 1846; I took obligations there—everyone has to; there are oaths administered there; they relate to obeying the Priesthood, and to avenge the blood of the Prophets; this was understood to mean Joseph and Hyrum; the blood was to be avenged on any who were guilty of shedding the blood, or consented to it; there was also a covenant to yield implicit obedience, at all times, to the Priesthood; the penalty was death for revealing any of the secrets; I did not understand how the penalty was to be inflicted; the understanding was that if a man apostatized and divulged the secrets he should meet the death penalty; there was something about the throat being cut, and being disemboweled; the right hand was also forfeited; one of the penalties was for disobedience to the Priesthood. The highest allegiance was to the Mormon Church or the Kingdom of God. There was nothing said of obedience to the law of the government. They were instructed that polygamy was a command of God—that all must endorse it or be damned; it was not practiced. There is no age set for a person to go through the Endowments. It was expected that all members would avail themselves of the privilege of going through. A man cannot be legally married except there, as the Church does not recognize any other marriage. A civil or legal marriage is considered good as long as parties live. They regard it as legal in the eyes of the law, but not legal as pertaining to the Priesthood. This is taught in the Endowment ceremony.

To Mr. Young—In the obligations to avenge the blood of the Prophets, the idea conveyed was the blood of all the Prophets and especially of Joseph and Hyrum, on all connected with their death or who consented to it. There was an instruction of allegiance to the Church. There was no instruction to break the laws of the land, but we were to obey the Priesthood. We were not taught

to be immoral, we were taught to be good men, and not to break any law of morality; only the doctrines of the Church were considered highest. I considered the general teaching of the Church was in hostility to the law of the land, wherein it advised obedience to the Priesthood. I know instances but cannot name one. I never heard it taught directly that we were to take from our foes. I never taught it, because I did not believe it; some did, but I cannot name who, except Lyman Wight, at Adam-Ondi-Ahman. I did not see it, but I did the results. Lyman Wight apostatized more than forty years ago. The doctrine of taking from our enemies was not taught publicly. The Cahoon family were not trusted with secrets. I was told it would be no harm to put a man out of the way. I don't know that any man was put out of the way. I don't remember any man who was referred to. It was some man who had been in some mischief. Never heard he was put out of the way. I was not connected with any of the work, and don't know a man that was put out of the way. I knew indirectly that men were put out of the way, but it is out of my power to name one. Almon W. Babbitt was killed; I don't know who did it, or who ordered it. I don't know that it was ordered. But he was killed, and it was reported that it was done by Indians. I don't know but what Bill Hickman done the job. Indians may have killed him. I was never advised to break the law of the land, but that was implied in the teaching to obey the Priesthood. It was understood that we should obey the Priesthood. I never taught any one to disobey the law of the land, and was never asked to disobey it myself, or to tell anyone to disobey it; that is a part of the instruction in the Endowment. The Mormons regard a civil marriage as unauthorized. They do not say the offspring are illegitimate. They regard marriages outside of the authority of the Priesthood as of no force in eternity. They taught a legal marriage, under the law of the land, did not go into the other world. They married for time and eternity. They regarded the marriage ceremony of the world as good while the parties lived.

To Mr. Baskin—If a man not married by the Priesthood died, he would have no wife in the next world.

To Mr. Young—Joseph Smith and the leaders of the Mormons professed loyalty, but taught that the Government would be overthrown, and the Kingdom of God would be established. They taught that the Constitution was inspired, but it would be bettered by the Priesthood; that time has been put off from time to time. In the Endowment House they were careful not to mention the Government of the United States.

To Mr. Baskin—It was taught that the kingdom of God would be established, and all other governments would be overthrown, and the United States would be the first

to Mr. Young—I did not enter into any covenant to overthrow the government, but to sustain the kingdom of God against all others. It was understood that we had to establish the kingdom of God against all other powers. No government was mentioned but it was implied, when we said we would sustain the kingdom, that we would go any way to sustain the kingdom of God. This was to be accomplished by every means, persuasion and force, if necessary. That was the teaching, but I do not remember what was said, I can't remember the ceremony, but it was that we would sustain the kingdom against all other powers. The government of the United States was not mentioned. They were careful not to do so; they did not need to.

To Mr. Baskin—When I was Bishop, I was taught generally that I had to endorse or embrace polygamy or be damned; don't know of a case of a man being found with his throat cut; I heard that Ike Potter was so found.

Mr. Moyle—I protest against such proceedings in the name of justice, because I know it is wrong.

The court said it should be known if there was an implied feeling of hostility to the government. If this was one of the penalties inflicted for revealing the secrets of the Endowment House, I think these instances can be shown. If it can be established that members took an oath of hostility to the government, and these penalties were executed, the nature of the ceremonies should be known.

Mr. Moyle—Does the court mean to say that every murder committed in this Territory is to be charged against the Church?

Court—If they can show instances of where this penalty is enforced, that is proper.

Mr. Baskin—I propose to specify cases that the witness could not tell Mr. Young of.

Mr. Moyle—These witnesses are full of hostility to the Church in every way, and their understanding is not proper. We don't object to the truth, but we do to those hostile ideas.

Court—Let the witness answer.

Witness—I heard of Ike Potter's death.

Mr. Baskin—Have you ever heard of any others who had their throats cut?

Objected to, as hearsay was not evidence. If the witness knew of anything they have no objection. Objection overruled.

Mr. Baskin—We have proven that oaths are taken under penalties of death. If we can show that there have been mysterious crimes committed in this Territory, that should have a bearing on this matter, and connects them with the Church.

Court—That might be an inference.

Mr. Baskin—We can prove these penalties have been inflicted by Elders and members of the Church, and Potter's case is one.

Court—If a man enters into such an obligation, that is sufficient.

Witness—I don't know anything about Nigger Tom's assassination.

It was understood that it was right for a man who had violated any of his oaths; a man would be saved if the penalty was inflicted. That doctrine has been taught in public. I don't remember the wording of these oaths. After being in the Church forty years, I came to the conclusion that a man could not be a good citizen and a faithful member of the Church.

To Mr. Young—Potter was a noted outlaw; I don't know that he ever was a Mormon; he was in custody when killed; as to Nigger Tom, he never went through the Endowment House; I never was a Freemason; I paid the initiation fee, but backed out; I heard a man who was a Freemason say the Endowment ceremony was very similar to that of the Masons; the penalties of the Endowment were to be literal; the Kingdom of God was to be a literal affair.

To Mr. Young—I know of men who have apostatized. It took some courage years ago to do it. Now most of the apostates are in the Church. I knew a man named Mills.

At this point recess was taken until 2 p.m.

This afternoon

JAMES MCGUFFIE

was the first witness called. He testified—I live at 425 east Seventh South Street; have been in Salt Lake 15 years; lived in Parowan six months before then; came to Utah in 1850, and went to Iron County; with George A. Smith and others established Parowan Jan. 13, 1851, and remained till 1874; Parowan is near the scene of the Mountain Meadow massacre; the Bishop would not let those people pass through the town, and would not let us deal with them.

Mr. Moyle objected to this testimony.

Judge Anderson—Let it go in; he may answer the questions.

McGuffie, continuing—The emigrants had to go outside of the town. Col. W. H. Dame and Bishop Lewis would not let them come in. I joined the Church in April, 1840, in Liverpool; went through the Endowment House Nov. 10, 1856; Brigham Young, Heber C. Kimball and Samuel W. Richards were there; I went through only once; that was enough for me. There was a party of ten to fourteen came up from Parowan; after our washings and anointings we presented our tithing receipts. They then required us to take an oath, and to teach our children and our children's children to do all we could to uproot the American government, because they had not punished the murderers of Joseph Smith. We took an oath that we would obey the Priesthood in all things; we were citizens of the Kingdom of God, and were to be enemies of the government of the United States, because they did not avenge the blood of Joseph and Hyrum. The penalties were to have our throats cut, and our hearts and bowels torn out. The penalty was death. That was

told to us, and we believed it would be done. I was acquainted with Porter Rockwell, Bill Hickman and Lot Huntington. They were the leaders of three gangs of murderers, the blood atoners, the Danites and the avenging angels. They executed the commands of Brigham Young, who was god on earth. I knew John D. Lee, W. H. Dame and others. John D. Lee was a member of the legislature, and married two wives after the Mountain Meadow massacre. He was on good terms with Brigham Young. Isaac Haight was with Lee in 1857. There were no other penalties except as I have mentioned, and these were for disobedience to the Priesthood and revealing the secrets of the Endowment House. Wm. Laney entertained one of the members of the company killed at the Mountain Meadows. The young man asked for some onions, and Laney gave them to him. Dame sent Barney Carter, a destroying angel, and he hit Laney with a picket, and he has never been of sound mind since.

To Mr. Moyle—I was not present when the young man was at Laney's, but Laney told me, that's all I know about it; in the Endowment House I covenanted that I would have my throat cut and my bowels cut out if I rebelled against the Priesthood or revealed the secrets there; that was if I broke the covenants to do all I could to break up the government of the United States. This was not said to me personally, but it was in instructions given to us; it was "Do as you are told and ask no questions." One thing is a law one day and another another day. The authorities make the law. I've as good a head as any man in this country. John D. Lee told me he was only a tool, and he said he had been made a scapegoat. The people all turned against him, and he was treated as an outcast by all the brethren and sisters in Parowan, except me and my wife. We were his only friends after the Mountain Meadows affair. All the other people shunned him. Fifteen years ago I was at Edward Callister's house. I don't remember telling these things there. My wife did not tell me that I was lying. I call that a slander on my character. I did not confess that I lied. The Mormon people respect me, and I have no enmity toward them. I believe the heads of the Church are the greatest scoundrels that ever lived. I don't feel vindictive to anyone but Angus M. Cannon. I don't hate the heads of the Church. I am friendly to them; they never injured me. I have no malice towards them. I think they are under a great delusion and I pity them. I have friendly feelings toward them, but if I wanted a favor I would not go to them: I regard them as scoundrels. I know there were three bands of murderers, because it was in everybody's mouth. I only know what I was told about it. Everybody knew it just as I do. I know as much as anybody, by report. They were all Saints in those days. There were no sinners then. Brigham was god on earth. Heber said he was god to this people as

Moses was god to Israel. He was my god. He was every Saint's god. That was the doctrine of the Church, and I preached it. All the leading Elders of the Church preached it. They're all dead but me and Woodruff. I don't know any man living but myself who preached this. Barney Carter was Dame's destroying angel, because he sent him after me. Barney afterwards told me that he was appointed to murder. He got tired of "Mormonism," and went to San Bernardino. He is living there now.

To Mr. Dickson—I have no animosity to any but Angus M. Cannon, because he owes me \$100 for wheat. I know the leaders of the Church led me astray. It was in 1868 and 1869 when none of the people would fellowship John D. Lee. Bishop Dame treated Lee and Haight as outcasts. Dame was not there at the time of the massacre, but came next day, and when he saw the dead bodies he cried like a child. He said he would send word to Brigham Young. I was not there but somebody told me. My wife is living, and went through the Endowment House with me. She is not a member of the Church.

ANDREW CAHOON

was recalled and testified—I was a Bishop at the time I withdrew from the Church. I have never heard of any change in the Endowment House oath.

Court—What was the tendency of the teachings in the Endowment House toward promoting a friendly feeling for the government?

Cahoon—It was to alienate the people.

Court—Did it alienate them?

Cahoon—It did.

Court—What was the expression of feeling—was it unfriendly?

Cahoon—It was very unfriendly.

To Baskin—The teachings of the leaders of the Church brought about the Utah rebellion.

To R. W. Young—I got my endowments in 1845 or 1846, shortly after the death of Joseph and Hyrum. The people believed the governor of Illinois was responsible. Mobs came against the people. In Missouri the "Mormons" tried to vote, and they were driven out with considerable hardship and loss of property and life. I got my endowments after that. I think the unfriendly feeling was not altogether the result of this treatment. The leaders taught the people to sustain the Kingdom of God on earth. The head of the Church was the king. I did not understand that the Savior was the king. Brigham Young proclaimed himself king to the pioneers. I did not hear him, for I was not in Utah. I am acquainted with the Lord's prayer. It asks that the Kingdom of God should come. I regard that as a spiritual affair, not temporal. Some Christians believe the Savior will come to earth as King. I regard it as reasonable to pray for the overthrow of the government. I have heard the leaders of the Church do this. It is so common that every child knows it. I

heard Wilford Woodruff do it; it is very common for him to do that.

To Mr. Dickson—I was not present at the dedication of the Manti Temple.

To Mr. Baskin—I have heard the children sing a song in which they designate Brigham as Prophet, Priest and King.

JAMES SPILLETT

testified—I live at Cottonwood. I am registration officer and have been postmaster; came to Utah in 1853; joined the Church in 1851, in England; left the Church 20 years ago. I went through the Endowment House 23 or 24 years ago; 25 to 40 went through the same day. We took an oath that day. It was administered by Edward Stevenson. There was an oath regarding the avenging of the blood of the Prophets and Apostles on this nation, and to teach it to our children to the third and fourth generation. We took an oath of obedience to the Priesthood in all things. There was a penalty attached to each oath, such as suffering our throats to be cut or we would be disemboweled before we would divulge any of the secrets of the Endowment House. Polygamy was taught there, and we made a covenant to sustain all the principles, which of course include that.

To the Court—No oath is administered to any member of the Church before going to the Endowment House. Of course there is the covenant of baptism. It is expected that every member of the Church in good standing will go through the Endowment House to secure his family in the hereafter.

CHARLES GILMOR,

known as the "North Point Terror," testified—I came to Utah in 1866; joined the Church in 1868, and left it early in the '70's; I went through the Endowment House.

Mr. Moyle—Does the Court say the entire proceedings of the Endowment House shall be asked for here?

Court—If it is necessary to determine whether there is anything incompatible with citizenship.

Gilmor—I have suffered great persecution, and if I tell that, my life will be in danger. I ask that you will excuse me.

Mr. Moyle—This is an outrage. This man has been put on here for effect. He has tried this same plan before, that he is afraid to testify, and it's all a sham, a humbug. I say it is an outrage to put such a witness on here, just to effect an injustice.

Court—Do you fear you will be injured?

Gilmor—The obligation is such that it would seal my doom if I was to utter one word.

Court—The United States government is able to protect you. I think there is no danger, but if you really are afraid I will not compel you.

Mr. Baskin—I have known this witness a long time, and I would take his word for truth and veracity as quick as any man's. A man is not bound by such an oath as this man is being asked about, and it is

his highest obligation to come out and expose it. The good of society and his duty to his country call on him to divulge those secrets.

R. W. Young—Myself and my friend, Mr. Moyle, will unite to insure his life for \$10,000 if he is scared.

Mr. Baskin—I could never belong to such an iniquity.

LeGrand Young—It is altogether too righteous for you.

The Court asked Gilmor if he was afraid to testify.

Gilmor—It is for my wife and little ones; for myself I have no fear.

Court—We would like to have the testimony.

Gilmor—We went through a tedious ceremony, and then went into another room and put on a robe. We took an oath to yield unquestioning and unqualified obedience to the Priesthood, and to use every means to avenge the blood of the martyrs on the American nation. I raised my left hand. There was the question, "Are there any traitors here?" A reply came from overhead, "They are all faithful." An arm was pushed through a door, the hand holding a sword. The penalty was dissection of the body. Nothing was said about polygamy, but that was a doctrine of the Church, and of course it was included.

JAMES H. MOYLE

was called as a witness. He said he placed himself under no obligations, for he considered the proceedings unwarranted. He testified—I received my endowments two years ago this month. I took no oath whatever there. I know Gilmor as the "North Point Terror;" he is always in trouble, and charges the Church with it. His trouble is with his neighbors, both "Mormon" and non-"Mormon." I never heard him refuse before to testify. I did hear him claim to a jury that the "Mormon" Church were after him. I have made no mistake. He went through the same farce as he has done here. He claimed that he was in danger of his life if he testified. I was through the Endowment House first about twelve years ago. I took no obligation of obedience to the Priesthood.

Mr. Dickson—Was there any penalty for violating your covenants?

Mr. Moyle—I decline to answer. There was no covenant except for chastity, honor and good conduct. There was no reference whatever to the government. That is my explanation to the court for not answering.

To Mr. Dickson—There was nothing said regarding Joseph and Hyrum Smith. The passage of Scripture, in Revelations, regarding the blood of the Prophets, was read in an address, and we were instructed to pray that God would avenge the blood of his martyred Prophets.

Mr. Dickson—Was the penalty of death to be inflicted?

Mr. Moyle—I decline to answer.

Mr. Baskin—Was there anything about cutting the throat or being disemboweled?

Mr. Moyle—Will you specify any oath? If not, I decline to answer. I

will say to the court that this instruction which I have named has nothing whatever to do with the government. It has no reference to it whatever.

Mr. Dickson said there were a number of witnesses whom they had not a chance to confer with, and suggested an adjournment till 9 a.m., and he believed they could finish within an hour.

Mr. Baskin—There is one witness, Joseph Silver, that we can examine.

JOSEPH SILVER

testified—I have lived in Utah since 1862; was a member of the "Mormon" Church five or six years after then; was baptized in 1848; was ordained to the Melchisedec Priesthood, and have been an Elder and a Seventy; went through the Endowment House in 1863; there were oaths administered there. One that made a lasting impression was one about avenging the blood of the Prophets on their enemies; am not certain the nation was referred to. I was to teach it to my children; was also to obey the Priesthood in all things. If I failed I should be disemboweled, the heart cut out, the throat cut, and so on. Dr. Sprague officiated there. I held my right hand to the square and took the oath of obedience to the Priesthood in all things, and the penalty for breaking this was, as I have said, assassination. I was called upon to promise in the presence of God and angels to keep this covenant. The Endowment garments have marks on. (Baskin called them "clouts.") These marks signified the same as the penalties as regards the heart and bowels. There is one on the knees, but I don't remember what it means.

Mr. Moyle made another objection to the unseemly proceeding of exposing any of the sacred rights of an organization simply because that organization was unpopular. The courts had ruled that they should be protected when they were not unlawful. This proceeding is only for the sake of exposure, and the defense here should have some protection.

Mr. Baskin said that an Endowment garment had signs to keep the person in mind of the penalties to be inflicted.

Court—He may answer the questions.

Silver, continuing—The impression I obtained was that if I was unfaithful in disrobing myself there was every probability or possibility of my being sick and dying—that it was unsafe to leave them off. Heber C. Kimball instructed me how to put them on.

To Mr. Moyle—The penalty for disobedience to the Priesthood was that my throat should be cut, etc. That was to be done by some Danite, I suppose. I was not told how. It was not that I would suffer these penalties rather than reveal these things. They were too cunning to use the term assassinate. The word government was not used. The blood of the Prophets was to be avenged by the destruction of the government of the United States. The fact in my mind, is that that

was the purport of that oath. I haven't any Lord. A God was appealed to, but what that God was, whether Brigham or anyone else, I do not know.

To Mr. Baskin—The avenging was to be done by a destroying angel, appointed by the authorities.

To Mr. Moyle—I think the Church apostatized from me about twenty years ago. Porter Rockwell

Mr. Moyle—Tell us somebody living, so they can speak for themselves.

Silver—John Y. Greene.

Wm. Showell (promptly)—John Y. Smith?

Silver—Yes, John Y. Smith. He is, as I suppose, a member of the Church. He has been on the police force 24 or 25 years, and I believe—

Mr. Moyle—Do you know? Is he an avenging angel?

Silver—I presume he is. How do I know? I don't know.

The court had to instruct this witness how to answer before he would reply directly to Mr. Moyle's question.

Silver (continuing)—These destroying angels are doubtless appointed in private. I don't know anything about it. Doubtless Mr. Moyle does not.

Mr. Moyle—One part of your testimony is as true as the other parts.

Silver—According to my belief, such men have been appointed by the Church.

Mr. Moyle—Then it is all your belief?

Silver—Yes, and it's the belief of thousands of others. Nobody knows anything about it.

To Baskin—The object of anointing the arm was that it might be strong in the defence of the Church, and avenging the blood of the Prophets on those simply who denied "Mormonism." I could not repeat the ceremony.

JAMES SPILLETT

was recalled and said—At the time I went through the Endowment House my arm was anointed to become strong to avenge the blood of the Prophets upon this nation, as I understood it. Edward Stevenson was there.

The court adjourned till 9 a. m., November 15th.

Friday, November 15th, the first witness called for was Heber J. Grant, but Mr. Dickson made a mistake in the person and

JOHN HENRY SMITH

was called and testified—The St. George Temple was dedicated in April, 1877.

Mr. Dickson asked for a subpoena for George C. Lambert, business manager of the DESERET NEWS, who was ordered to bring with him the files of the DESERET NEWS, daily and weekly, containing the published account of the dedication of the St. George Temple.

LEVI AXTELL

testified—I have lived in Salt Lake nine years; have been a "Mormon;" joined the Church in Brooklyn in

1873; went through the Endowment House in the fall of 1874; I have not been severed from the Church, but am not in good standing; was through the St. George Temple; in my Endowments I was required to take an oath; I was anointed, and was supposed to avenge anything that was contrary to the will of the Church; I took no obligation to avenge the blood of the Prophets; it was; anything not for the Church is against it. I had a conversation with Mr. Dickson last night, and told him I understood the oath was to avenge the blood of the Prophets on the nation, in the overthrow of the government of the United States, and the establishment of the Kingdom of God. I also took an oath to obey the Priesthood. The penalty of disobedience was death. A man was to have his throat cut.

To Mr. Baskin—My arm was anointed to be strong to wield the sword, to strike anybody that was an enemy of the kingdom.

Mr. Dickson said he had subpoenaed Mr. Shurtliff, an ex-Bishop, but he had not yet arrived.

The witness Axtell, in reply to the court, said—When the government was overthrown, I understood the Indians were to be the battle-axe to overthrow it. When the kingdom of God was established, the "Mormon" Church was to take the control. The Church was to build up the kingdom on the ruins of the government. I understand the purpose of the Church was to overthrow the government and set itself up in lieu of it. I was to take part if it came in my day.

Mr. Baskin said he had some documentary proof, and read from a sermon of President Brigham Young, delivered March 7, 1853, and published in the *Journal of Discourses*, Vol. 1, page 83.

Mr. Moyle objected to the reading of the extract, because it had no bearing on the Endowments or the oaths alleged, and did not pertain to the question before the court. Mr. Moore knows nothing of it.

Court—There are other cases than that of Mr. Moore, some of them being persons who have not been through the Endowment House. I have never read this or any other sermon of the Elders of the Church, and will hear it. The objection made is to members of the "Mormon" Church, and if the teachings are to the Church it is proper to hear it.

Mr. Moyle—Will you exclude a man because some other member of the Church made a statement that might be contrary to the law? Will the court place the whole Church on trial for such expressions?

Court—No. That is not right. If Brigham Young was an authorized teacher, still all the members of the Church might not be responsible; but the inference is that they agree with him in a general way, and his teachings would be evidence in this case. Brigham Young was the most prominent leader the Church has had, and his teachings should be heard.

R. W. Young—Suppose teachings should be treasonable, and they were accepted, would that debar an-

other man? Would not that affect freedom of speech?

Court—Of course, freedom of speech should not be interfered with, but if there is an effort to overthrow the government, all teachings of that nature are evidence.

Mr. Baskin—We claim that any man who joins the "Mormon" Church or affiliates with it is not a man of good moral character.

Court—Is there any claim that that book is not an authorized publication?

Mr. Baskin—It is published by "Mormon" Elder.

Baskin then read from a dream which President Young had related.

Baskin then offered to read from a sermon by Jedediah M. Grant, published in the DESERET NEWS July 27, 1855.

Mr. Moyle—We object to this because it is immaterial to this issue.

Mr. Young—All of the utterances of the DESERET NEWS are not regarded as authority. That is, the utterances of any man, because they are published by the NEWS, are not binding on the Church.

Court—I suppose every member of the Church is not bound by the utterances of the paper. But it publishes what leading men have said.

Mr. Young said there were many things published there which were not printed as doctrine, and were not accepted as such. Here a man comes and offers to become a good citizen, and because of the utterances of someone, before he came to the country, he is to be kept out. Such a procedure is a farce.

Mr. Dickson said the sermon was by one of the Twelve Apostles.

Court—If it can be shown that the general course of the procedure of the Church was to destroy the government, then every man who becomes a member of that organization endorses that doctrine.

Mr. Young—If they will show any open opposition to the government, except that of 1857, which has been fully explained, and has been settled by Congress, there might be some truth in their claim. But they cannot do this.

Court (to Baskin)—You may proceed.

Baskin read from the sermon regarding covenant breakers and the penalty that the Apostle Paul said should follow them.

LeGrand Young—Jedediah M. Grant was never one of the Twelve Apostles. He was a counselor to President Young, but when this sermon was delivered he did not even hold that position.

Lipman read from the NEWS a sermon by President Young, delivered Feb. 18, 1857, about reformation, in which it is said that the penalty for adultery should be death.

Baskin offered what he claimed to be a paragraph from a report made to the Church at the October Conference, 1855, by John Taylor and Geo. Q. Cannon.

Objected to by LeGrand Young.

Court—One paragraph might convey an entirely different meaning

to that which the complete document would convey.

Mr. Dickson asked the court to go down to the house of Vincent Shurtliff, whom Dickson claimed to be an ex-Bishop, and who was too ill to come into court.

The court suggested that the stenographer go down, and that the testimony be taken and read to the court.

This was agreed to.

Mr. Baskin—We want to introduce the revelation on polygamy.

This was admitted, and court took a recess till 2 p. m., to get the testimony of Vincent Shurtliff.

VINCENT SHURTLIFF

testified as follows to Mr. Baskin—My age is 79 years next May; am a native of Massachusetts; have resided in Utah 42 years; have been a member of the "Mormon" Church—first became a member in 1842; ceased my connection with the Church about 16 or 18 years ago. I passed through the Endowment House in the fall of 1850.

Baskin—In passing through the Endowment House did you take an oath relating to your obedience to the "Mormon" Church or Priesthood?

Le Grand Young objected to the question on the ground of its general character, and of its requiring the witness to divulge religious ceremonials which did not pertain to the question at issue, and which, under oath, he is obligated to keep secret.

Witness Shurtliff—Yes, my obligation was in regard to obedience to the Priesthood in all things.

Baskin—Did you take any obligation relating to avenging the blood of Joseph and Hyrum Smith? If so, state it.

LeGrand Young repeated his objection.

Shurtliff—There was, I expect. I raised my hand to tell the whole truth. It was that the sword should not be sheathed until the blood of Joseph and Hyrum should be avenged.

Baskin—A venged on whom?

Shurtliff—I concluded, on the United States.

Mr. Moyle objected to the conclusions of the witness.

Baskin—Were the children mentioned in connection with them?

Shurtliff—Yes, we covenanted to teach it to our children and our children's children, down to the fourth generation.

Baskin—Were there any penalties attached to the obligations you took? Objected to on the ground of being too general.

Shurtliff—Yes, I concluded there would be—I am of course a Mason.

Baskin—Well, state the penalties attached to the ceremony.

Shurtliff—Well, on the whole, I think it was if we divulged and went against the Priesthood we should have our throats cut, and be disemboweled.

Baskin—Was there anything in that ceremony relating to the establishment of the Kingdom of God? If so state what it was.

Shurtliff—I don't remember, though I concluded it was the

Kingdom of God. I don't know that there was anything said on the subject.

Baskin—Was there anything said in the ceremony on the subject of the United States government being overthrown and some other government taking its place?

Shurtliff—I don't remember anything of that sort.

Baskin—You were anointed?

Shurtliff—Yes.

Baskin—State what was said in regard to anointing the arm.

Shurtliff—That it might be made strong in defending the Church and the Kingdom of God, or the Church and people of God—I forget how that was worded.

Baskin—Anything in that connection about avenging the blood of the Prophets?

Shurtliff—That was said before or after—I forget which.

Baskin—Was anything said on the subject of polygamy?

Shurtliff—I don't think there was at that time.

Baskin—Was there any obligation taken by you which bound you to obey the law of polygamy?

Shurtliff—No, I don't think there was. I had wives with me at that time; I was already a polygamist.

Baskin—Did you ever know of the penalties that were taken in the Endowment House visited upon any one who violated them?

Shurtliff—I never did.

Cross-examined by Le Grand Young:

Q.—In the general teaching that day, and general course of the Endowment, I understand you there was no particular admonition upon you to be a polygamist?

A.—None.

Q.—You would have heard if there had been?

A.—Yes.

Q.—You say you were once a Mason, in the course of the Masonic covenants did you enter into any particular agreement not to disclose the secrets of the order?

Mr. Baskin objected to the question.

A.—I did not get as far as that; I only attended one meeting; I don't know anything about their covenants; I have talked with my brother-in-law about it, and what he told me was in substance what I witnessed in the Endowment House.

Mr. Dickson referred to a sermon by President Young, in 1862, and read from the *Journal of Discourses*. The sermon refers to the unwarranted persecution of Joseph Smith and the "Normons." In this the government was referred to as the best of all earthly governments. Mr. Dickson said the tenor of it was to teach the "Mormons" that the government was their enemies.

Mr. Dickson also read sentences from Heber C. Kimball's remarks, on August 2, 1857, wherein there is a curse pronounced against every man who lifts his heel against the Saints from that day forth.

From a sermon by Heber C. Kimball, Sept. 27, 1857, on obedience, Mr. Dickson also read a number of excerpts.

On Nov. 8, 1857, was another discourse on the same subject, by Heber C. Kimball, from which a paragraph was read; also a sermon on August 30, 1857, in regard to the Gentiles ruling over the Saints. A few lines were also read from one of Heber C. Kimball's sermons, delivered August 2, 1857. Quotations were also made from a discourse given June 7, 1857.

Baskin said similar quotations could be found by the hundred in the *Journal of Discourses*.

Baskin offered in evidence a portion of an Epistle to the Church, published October 7, 1885, and signed by Presidents John Taylor and George Q. Cannon. Paragraphs and sentences here and there were picked out and read. They related to the promises of the Lord to deliver those who trusted in Him; to the revelation on celestial marriage, and to religious liberty.

Baskin offered to read from the revelation on celestial marriage.

Mr. Moyle objected, as there was no issue upon that revelation, but the objection made to Mr. Moore was that he had taken an oath in the Endowment House against the government. The United States Supreme Court had said that belief in plural marriage was not unlawful.

Mr. Dickson said that he thought no one who believed polygamy was right should be admitted to citizenship. It will be our contention in this case that no man who believes in plural marriage should be admitted.

Baskin—No man who believes in that revelation.

Dickson—To admit such a one is a farce.

Baskin—This polygamy is one of the doctrines of the Church. If it was a mere matter of belief, an abstract idea, then it could not be reached. But this revelation calls for action, and requires obedience under the penalties of damnation. Thousands have been incarcerated in the penitentiary and hundreds are serving today. Eight or ten thousand citizens have practiced polygamy. This Church assumes to control a man in all things, and one who unites himself with such an organization is not a man of good moral character. Can it be said that a man voluntarily connected with an organization like this Church is well disposed to the American government?

Court—I don't think it necessary to argue that further. There are several cases depending on whether an oath was or was not taken in the Endowment House. They were also objected to because they were members of the "Mormon" Church. That is, is membership in that Church incompatible with citizenship? The court will hear the portions of the revelation which counsel desires to read.

Baskin then read extracts from the revelation, arranging them to suit himself. He then made an absurd spectacle of himself by endeavoring to explain the meaning of some of the quotations.

Mr. Moyle objected to this, as Mr. Baskin was not a capable expounder of religious doctrines, and particu-

larly those of a people whom he hated intensely.

George C. Lambert was called for and Mr. Dickson discovered that the volumes of the News asked for were not the ones wanted, so Mr. Lambert was sent back for others.

Mr. Dickson said all they wanted was the dedicatory prayer offered in the St. George Temple; but if any new testimony should be discovered, they would want to use it.

Mr. Moyle said he would object.

Court—It would be but justice to the applicant that all the evidence of the objectors to Mr. Moore's naturalization should be brought in at the outset of the case.

Mr. Lambert arrived at this stage of the proceedings and Dickson and Baskin retired to delve into the files of the DESERET NEWS for a while.

After a lapse of some time Baskin returned and read from the *Millegnial Star*, Volume 19, page 804, regarding the government of "Mormonism."

An hour passed by, when Baskin announced that the document they were searching for was the most important of all they had, and they had not been able to find it.

Mr. Dickson said a synopsis had been found, but the part they wanted was not there.

Baskin had an alleged copy of his own, but there was no evidence that it was authentic, so it was not accepted.

Mr. Baskin said there were other documents, but as yet he had not been able to secure them.

Mr. Dickson was given a subpoena to bring in the official Church records of the dedication of the St. George Temple, and of the site of the Manti Temple, and the case was postponed till 10 a.m., November 16, to which hour the court adjourned.

November 16th, Mr. Dickson said he had found the prayer that he had referred to, and offered it in evidence.

LeGrand Young objected to it, as it was not doctrine. It was not assumed to be revelation, and it had never been put before the people and accepted as doctrine. The declarations of any individual were not binding on the members of the Church.

Court—Let it be admitted in evidence.

Mr. Dickson then read from the prayer by Wilford Woodruff, in which there is a request for the nation which makes war against the Saints, unless it repents, to be swept from the earth as with a besom of destruction.

Mr. Baskin offered the writings of Orson Pratt on the government of the Church.

LeGrand Young objected on the ground that the parts proposed to be brought in were openly declared by the President of the Church not to be doctrine.

The Court admitted the statements objected to.

The extracts read were from Orson Pratt's pamphlet on "The Kingdom of God."

Dickson offered a discourse by George Q. Cannon, delivered Dec-

ember 2, 1883, in Salt Lake City, in which the people are advised to be united and keep the commandments of God. The discourse also deals with the doctrine that revelation from God comes only through the one whom God called to preside over His Church; refers to the disfranchisement of the leading "Mormons" by the Edmunds law, and to the divine authority of those called by the Almighty to act in His name and by the Powers of His Priesthood.

Baskin then offered in evidence the Doctrine and Covenants. He then announced that his case was closed.

LeGrand Young stated that, at the first, the court had said, the inquiry would be confined to a certain scope; but this had been departed from, and an effort was made to prove that the Church, and the members thereof, were enemies of the government. The enemies of the people had been called to explain their views and doctrines. This was an unjust procedure. It may be that the witnesses we put on will not disclose the Endowment ceremonies. But we will prove that the allegation that there is an oath against the government is a false allegation. The expressions by President Geo. Q. Cannon, that only one man could receive doctrine for the Church, and that by revelation from God, is a statement of our position, and no member of the Church is bound by the ideas or opinions of another.

APOSTLE JOHN HENRY SMITH

was the first witness. He testified—I am 41 years of age; I am a "Mormon," and so were my parents and grandparents; my father was an Apostle, and I am recognized as one; there are the First Presidency of three members; the Twelve Apostles, and the quorum of Seventies. These three quorums possess equal authority, in their capacity as quorums. I belong to the second quorum in the Church, the Apostles. The First Presidency, when organized, is the authoritative quorum. I have had my endowments. Have officiated in the Endowment House, now torn down. In those ceremonies there is no oath or covenant to avenge the blood of the Prophets on this nation or people; nor is there any oath against the government. Nothing of the kind was ever presented to me—no such oath, bond or covenant of that kind, nor anything that would be so construed. Had any man presented such a thing to me I would have repudiated it. I never heard such an oath administered to me. Implicit obedience is not taught. Intelligent obedience to that which we understand is right is taught in our church. I am as free as any man on earth from my file leader. The basis of our religion is that every man must act on his own free agency. That cannot be infringed upon. No bond is asked, requiring implicit obedience to the Priesthood. We are instructed, in our Church, to be united, as is set forth in President George Q. Can-

non's discourse, which has been read here. It has been our union that has enabled us to make this country habitable. There were hostile Indians here, and there were great difficulties, which we overcame by our union. It is a doctrine of our Church that men should live in union, and protect each other's rights and interests. In the Endowment there is nothing requiring the avenging of the blood of the Prophets on this nation. The only thing that can be in any shape so construed is in passages of scripture which are read. They are found in the 6th Chapter of Revelation, 9th and 10th verses. I have been astonished at the testimony here. The verses I refer to are as follows:

And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held:

And they cried with a loud voice, saying, How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth?

This is given in the course of a lecture, that is, it is read when no obligations are imposed, and the people are advised to pray that the Lord will avenge the blood of all the Prophets, of any age, precisely as it is set forth in the verses I have read. The names of Joseph and Hyrum Smith were not mentioned to me in this connection. The prayer is taught in the Church, to all members, that justice might be done by the Lord. If the "Mormons are unjust, they are responsible under this, as well as are others. There is nothing authorizing or approving the shedding of blood. The man who breaks the law of the land is, by command of God, to be turned over to the law of the land for punishment. That is the condition, belief and practice of the "Mormon" people. In the Endowment ceremonies there is no covenant, vow, oath, or agreement by which a man's arm is to be made strong to avenge the blood of Joseph or Hyrum Smith on this nation or any other. The "Mormons" believe in anointing with oil for sickness, and is a habit with them. In all anointings we pray to God to bless the person anointed.

Baskin—That is balderdash.

Court—What is your objection.

Baskin—It has nothing to do with this case.

Court—It is impossible, sometimes, for a witness to confine an answer so that it is responsive to the question. But he will do so as much as possible.

Mr. Smith, continuing—A person is not required in the Endowment ceremonies to take an oath to go into polygamy.

To Mr. Dickson—I am reasonably familiar with the Endowment ceremonies. I have a deep affection for my country—the United States. I would repudiate any oath, covenant or condition opposed to my country. I am a polygamist, and entered that relation in 1877, before the anti-polygamy law was declared constitutional.

Dickson—Did you live in violation of the Edmunds law.

Mr. Smith—I decline to answer.

Mr. Dickson—If you did, do you say you had an affection for your country.

Mr. Smith continuing—Yes sir. I consider bigamy is the marrying of a second wife, deceiving either or both. It both have knowledge and consent, I do not consider it bigamy. If would be bigamy if a man married another wife contrary to his wife's consent. I believe the revelation on celestial marriage requires a woman to consent. I had my wife's consent. If a wife is converted that the principle is correct, she should consent; if not, no. If she refuses, he is at liberty to go ahead. I believe that is the will of God.

Mr. Dickson—If your wife had refused would you have respected the will of God?

Mr. Moyle—I object to Mr. Smith being required to state his opinions; he has stated the law of the Church.

Court—Oh, I think it proper.

Mr. Smith—Men are left to their own judgment and discretion. This law extends through time and eternity, and I could abide my time to obey the law of God. If I felt to take a wife without her consent when she refused, I suppose I should have done. I became aware that the United States Supreme Court passed on the constitutionality of the law of 1862. I took my wife in 1876 or 1877. As a man of honor I could not abandon my family.

Mr. Dickson—Is it not true that after that law was held to be constitutional you lived in violation of it?

Mr. Smith—Not in this Territory.

Mr. Moyle—The constitutionality of the law against unlawful cohabitation has never been tested.

Mr. Dickson—I want to show that there is no affection for the laws of the United States.

Court—The question of the constitutionality of the law cuts no figure in this case.

Le Grand Young—Unlawful cohabitation was not made an offense till 1882. The prosecutors here tried to make polygamy a continuous offense, but the courts would not allow it. The living with two wives before 1882 was not made unlawful.

Witness, to Mr. Dickson—After the law of 1882 against unlawful cohabitation I did not live with my second wife in this Territory.

Court—He may decline to answer if he desires.

Witness, to Mr. Dickson—I have not violated the law. I decline to say whether I lived with one in one Territory and another in another. I was once arrested. My plural wife never was on the witness stand. She was with me in Europe several years. She afterwards left this Territory of her own volition. Josephine Groesbeck is her name. When the laws of the nation conflict with the law of God, it is not our duty to violate the law of the land. The law found us practicing plural marriage. I never performed a plural marriage. I only know of my own. I do not

believe that our Church has the right to pass on the constitutionality of any law. That is the business of the United States Supreme Court.

Dickson read from the Doctrine and Covenants references to the constitutional laws of the land.

Mr. Smith—The Supreme Court of the United States passes on the constitutionality of a law. The Constitution says Congress shall pass no law prohibiting the free exercise of religion, and I looked to it to protect me. I acted on that understanding. When the law of the land makes my religion a crime, I must take the consequences. I think the Constitution is an inspired document, and the United States Supreme Court the final arbiter. If a man breaks the law he must take the consequences. The laws of this land are supreme, and I acknowledge them as such. If I break a law because it infringes on my conscience. I must take the penalty. I believe with Wm. H. Seward that there is a higher law, but if the law of the land puts him in jeopardy he is relieved from obedience to the higher law. Were I a monogamist now, under the circumstances I would not take another wife in the United States. I decline to answer any questions regarding my present status. It is a part of the teachings of the Church that union should exist, and differences be reconciled; but the individuality of any man is not interfered with. I think some men have arrogated powers that they did not possess. If a man wants to obey the counsel of the Priesthood, that is all right. If they refuse, it is not a doctrine that they will be damned. I regard the President of the Church as the mouthpiece of God when he receives revelation. The Kingdom of God means that when Christ comes He will establish His kingdom. That kingdom is not now established. I have heard it taught that it is, but I do not believe it. We are building up the kingdom, but it cannot be established till the coming of the Savior. We do not believe in the destruction of all sects and nations. The principles you refer to were not understood by the people as you seek to interpret them. I have heard it taught that in all matters, temporal as well as spiritual, the people should obey the word of God, if they accept it. I have refused to obey the orders of the President of the Church. The only command Brigham Young ever gave me was to fit out a man for a mission to Arizona, and I declined to do so. John Taylor or Wilford Woodruff never gave me a command that I remember. They have asked me to do things, and some of them I did not do. Of course. I had and gave a reason for not doing so. The language used in prayer about avenging the blood of the Saints I do not know. I only know that people are instructed to pray to the Lord to avenge the blood of the Prophets, as is said in the verses I have quoted. I decline to state any ceremonies of the Endowment House.

Dickson—What penalties are to be inflicted for revealing those covenants?

Mr. Smith—I decline to answer any questions regarding the Endowment ceremonies. There was no penalty attached to apostasy. Apostasy is not punishable by the Church, except by excommunication.

To the Court—Oliver Cowdery, an associate with Joseph Smith, apostatized and was never harmed. David Whitmer, T. D. Brown and many others, inside and outside of Utah, have apostatized. Baskin has fought the Church bitterly, and I never wronged him nor has he wronged me. No apostate has ever been assassinated by instruction or approval of the Church. I know of no one ever having been assassinated. I don't believe there has been one, but I decline to state anything of the Endowment ceremonies.

Baskin—How long before you took your second wife did you marry your first wife?

LeGrand Young objected. Objection overruled.

Court—He may answer.

Mr. Smith—I cannot state exactly—several years.

Baskin—Did you not say in the ceremony of your marriage that you would keep to your first wife and none else?

Mr. Smith—I decline to answer as to the marriage or any other ceremony in the Endowment House.

Court—He need not answer unless he wants.

Baskin—Why do you decline to answer?

Mr. Smith—Upon the principle of honor.

Mr. Dickson—I think we can compel the witness to tell these ceremonies and penalties and do not waive that right.

Witness, to Baskin—I have not habitually taught the law of polygamy. I have taught obedience to the laws of God. I have heard plural marriage taught. I have not heard its practice enjoined upon the people that I now recall. They believe in that principle; I do not remember the last time I heard it preached.

Court took recess till 2 p.m.

JOHN CLARK

testified—I have been a member of the Church 44 years; have been through the Endowment House; never took any oath to avenge the blood of the Prophets on the United States; nothing of that kind was said; there was no oath, covenant or instruction to violate the laws of the land. I did not covenant to go into polygamy; have never been advised to break the laws of the land. There were no instructions, admonitions or agreements to avenge the blood of the Prophets or anybody on this nation or anyone else. I remember no covenant to obey the Priesthood. I am a merchant; have been in business 29 years. I am now president of the corporation of Clark, Eldredge & Co.; was formerly of the firm of Chislett & Clark. Mr. Chislett is now in California, I believe.

The teachings of the Church to me have never been unlawful. The general sentiment of the people in the Church is friendly to the government. That is my experience and knowledge.

To Mr. Dickson—I am 54; have no presiding authority; am a High Priest; those who hold the higher Priesthood usually go through the Endowment House. None of the lesser Priesthood. All of these must receive the higher Priesthood to receive their Endowments. Every person of good standing cannot receive his Endowments unless he receives the higher Priesthood; the female members can all go through if they are in good standing. I cannot give the reason why Priests, Teachers and Deacons cannot go through. I went through in 1852.

Mr. Dickson—Did you take any obligations?

Mr. Clark—Yes, sir.

Dickson—Did you make any covenants or promises?

Clark—Yes, sir. I heard nothing about avenging the blood of the Prophets. I did not understand Mr. Smith to decline to answer any questions relating to that. I am not a polygamist. Have never been counseled to take another wife; believe in the revelation on celestial marriage. The practice has been restricted by laws, as pertaining to the permission of plural marriage. I have heard polygamy taught since 1862, but not in the past six years. Have not heard people taught to practice plural marriage in defiance of the law. Do not remember a sermon by C. W. Penrose, on July 26, 1884, saying it was right and constitutional to practice plural marriage. Do not remember him saying, in regard to polygamy, that the people thought the law had no right to interfere, and pronounced woes upon those who shrank from preaching the Gospel. I am not compelled to endorse Mr. Penrose's views. I have heard preaching which might be construed by some people to enjoin polygamy, but I did not, nor did others understand it that way. I understood that Mr. Penrose said and meant that we would contend legally for our rights, and we have done so. I did not understand Mr. Penrose to pronounce a condemnation upon those who do not preach celestial marriage. Celestial marriage does not mean polygamy. It means marriage for time and eternity. I do not understand that Mr. Penrose had any reference to polygamy. When he said the Gospel, he did not mean polygamy, but he meant the Gospel. I do not say the church has not taught plural marriage since the law of 1862 was declared constitutional. There may have been, and probably have, but I can recall no instance; nor do I recall any instance of an editorial in the DESERET NEWS of that kind. I do not remember the contents of the address to President Cleveland. I may have read it, but do not recollect it. I presume I did, but do not remember the contents. I do not remember the declaration that plural marriage was "a vital part of our

religion, the decision of the courts to the contrary notwithstanding." I do not say plural marriage is not a doctrine, but the law has interfered with its practice. I never covenanted to implicitly obey the Priesthood. I have heard that idea preached, but did not and do not believe it. I believe the Priesthood has a right to counsel and advise, but the people can accept it or not, just as they choose. I see no objection to that doctrine. That don't mean obedience to the Priesthood. It says and means that the Priesthood can advise and counsel. I regard the President of the Church as, to a certain extent, the mouth-piece of God, that is, he is the only one authorized to receive written revelation for the Church. It is his privilege to receive those revelations, but I do not say whether he does or not. The people are not compelled to obey. In a temporal way a man is free to do as he pleases, that is, if he does right. It is the same in politics. If the President of the Church ordered me to vote for a man at an election, if it was the best ticket I would vote for it. If I thought another ticket was best, I would vote it. I might be susceptible of conversion, but I would act on my own judgment. The Church, as such, does not control in politics. I have not heard that the President of the Church claims that right. Individuals, holding the Priesthood, use their influence, but only as individuals. They advise only as friends, and I see no wrong in following that advice if I want to. I am a citizen of the United States. I don't remember any of those frightful penalties spoken of. All I have heard are the statements made here in court. I cannot say there were or were not penalties of some kind, because I do not remember them. Excommunication from the Church is the only penalty that I know of for violating Church covenants.

To Le Grand Young—My memory regarding the alleged avenging of the blood has been kept fresh by the false statements that have been made by certain parties for many years, and I say that their statements about avenging blood on this nation are untrue in my experience. These false statements have called that point specially to my attention. I have heard of the many statements of John Hyde, Mrs. Stenhouse and others, and my attention has been drawn to that point.

To Mr. Dickson—I never heard of the penalties, except in court the past few days. I wear the endowment robes, but do not remember the meaning of the marks thereon.

To Mr. Baskin—I do remember covenants to lead an honorable, moral life. Do not remember just what they were in detail. I know that I took no covenant about the United States.

To the Court—Marriages in the Endowment House are those usual for members of the Church, but many are married otherwise. I could not say the proportion of each kind, but only the Endowment House or

Temple marriage includes the covenant for eternity.

To Mr. Dickson—Some devout members are married outside of those places, and afterwards go to the Temples.

JUDGE E. G. WOOLLEY

testified—I am 44; am a Mormon; was born in the Church; received my Endowments about twenty-four years ago. I never took an oath, obligation or vow to avenge the blood of the prophets on the United States or its people. I am positive of that. I never covenanted to avenge the blood of Joseph or Hyrum Smith on anybody. I heard nothing in regard to polygamy. Made no agreement in that regard, nor was I asked to. I have resided in Utah for thirty-nine years. In 1870 I went to the southern part of Utah and came back two years ago. Am a merchant.

To Mr. Dickson—I have been through the endowments four times, twice in St. George. The second time I was married, and the last two for dead friends. Was never married but once. I never had but one wife. Was never counseled to enter polygamy. I decline to say whether there was anything said about avenging the blood of the prophets.

Mr. Dickson—What was it?

Judge Woolley—I decline to answer.

Dickson repeated the question, and the witness again declined to answer.

Mr. Dickson—What was the penalty for a violation of your covenants, or any duty enjoined upon you?

Judge Woolley—I decline to answer.

Mr. Dickson went through a list of penalties, and asked if any of them were mentioned there. These questions Judge Woolley declined to answer.

JAMES H. ANDERSON

testified—I reside in Salt Lake City; am 32 years of age; am a printer by trade, at present engaged as reporter on the DESERET NEWS. Am a member of the "Mormon" Church. Have received my endowments; received them in this city eight years ago. I took no oath to avenge the blood of the Prophets against the government of the United States; there was no such oath or covenant administered. I took no oath to enter into polygamy; did not hear it taught that day.

Cross-examined by Dickson:

Q.—You say you made no promise about polygamy?

A.—No, sir. I do not remember polygamy having been mentioned; heard nothing said to my wife about her duty in this regard; it was not said that I was at liberty to marry more wives than one.

Q.—What was said about avenging the blood of the prophets?

A.—I decline to answer.

Q.—What was the penalty for the violation of your covenants?

A.—I remember none.

Q.—Was there a penalty of death for anything?

A.—I decline to state.

Q.—Was there a penalty that you would have your throat cut?

A.—I decline to state.

To LeGrand Young—Was there any obligation requiring you or any person at all to avenge the blood of the prophets against this nation?

A.—No, sir.

To Mr. Dickson—I took no obligation on that subject.

Q.—Do you know what the signs on the garments signify?

A.—No, I do not.

Q.—Was there a penalty that you should have your throat cut.

A.—I decline to state.

To Mr. Baskin—Was your arm anointed in the ceremony?

A.—I decline to state.

Q.—Was your arm anointed that it might be strong to avenge the blood of the Prophets on this nation?

A.—It was not.

To the Court—I decline to divulge these sacred religious ceremonies.

AARON D. THATCHER.

I am fifty-two years of age; reside at Logan; have been a merchant and am now connected with the milling business; have been in Logan thirty years; am a member of the Church of Jesus Christ of Latter-day Saints; I have been through the Endowment House; I made no covenant or promise to avenge the blood of the Prophets on this nation or government; I was not requested to do so. There was no covenant that inculcated hostility to the government. The government was not mentioned. I was not required or requested to enter into that order.

To Mr. Dickson—I have been through the endowments a number of times. I decline to divulge anything that was said or done there. I am not a polygamist.

Mr. Dickson went through a list again regarding alleged occurrences in the Endowment House, and Mr. Thatcher declined to state anything that did occur.

To Mr. Young—Never, at any time, have I made, or been required to make, a covenant to avenge any one's blood, or to take any one's life.

APOSTLE ANTON H. LUND.

I reside in Ephraim, Sanpete County; have been there since 1870; have been in the Church thirty-three years; I am a merchant; I am one of the quorum of the Twelve Apostles; was elected last conference; I received my Endowments in 1866, in Salt Lake; I never took any oath, covenant, vow or anything else to avenge the blood of the prophets on this nation; nothing of that kind is required in the Endowment ceremonies; no request of that nature, nor that indicates the shedding of blood, is made or required in that ceremony; nor is there a promise made to enter into polygamy, or to implicitly obey the Priesthood.

To Mr. Dickson—I regard the President of the Church as being selected by the approval of the Almighty; he is the ecclesiastical head of the Church; if the members of the Church under-

stand and accept the advice of the authorities, they are at liberty to do so; they can act as they please, politically; they are advised to be united. We are not taught to obey the head of the Church in temporal things. We are not directed to obey the head of the Church in all matters. We are required to recognize that authority in all spiritual matters. There may be teachings of the leaders for the people to obey counsel. I am not a polygamist. I decline to answer anything that occurred in the endowments. I will not divulge them.

Then followed Dickson's questions for what did occur, with the usual declination to answer.

Mr. Lund said the endowments were for future use, and were not to be made public. In this they were like the Masonic ceremonies. There is a misapprehension about them, but we will not divulge them.

Baskin—Is there an obligation that men and women will not commit adultery?

Mr. Lund— I decline to answer.

To Baskin—It is not explained that men may take plural wives. There is no reference whatever to polygamy. I decline to give the marriage ceremony. I have never solemnized a plural marriage.

To the Court—I decline to answer because the endowments are to be kept secret. I could not conscientiously answer.

Court—You are required not to divulge them under any circumstances?

Mr. Lund—Yes, sir.

Le Grand Young—Do you decline to answer because of any effect it will have on this case?

Mr. Lund—I do not.

Court—Do you understand the term Prophets to include Joseph and Hyrum Smith?

Mr. Lund—Yes, sir.

To Baskin—Nothing is said about the martyrs of the Church.

Mr. Dickson—Were they instructed to pray to the Lord to avenge the blood of the Prophets?

Mr. Lund—I decline to answer.

Baskin—Any more evidence of this kind?

Mr. Young—Some.

Baskin (angrily)—We will admit that 10,000 witnesses will testify to the same things.

Mr. Moyle—We accept the offer.

Mr. Dickson—Yes, 150,000.

LeGrande Young—We accept that too, and they'll all tell the truth.

The court adjourned until November 18th.

[To be continued.]