



THE GIFT OF HIS DAUGHTER

ALICE FORBES PERKINS HOOPER



THE INSIDE OF MORMONISM

A JUDICIAL EXAMINATION OF THE ENDOWMENT
OATHS ADMINISTERED IN ALL THE
MORMON TEMPLES,

BY THE

UNITED STATES DISTRICT COURT

FOR THE THIRD JUDICIAL DISTRICT OF UTAH, TO
DETERMINE WHETHER MEMBERSHIP IN THE
MORMON CHURCH IS CONSISTENT
WITH CITIZENSHIP IN THE
UNITED STATES.



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INTRODUCTION.

The object of this pamphlet is to lay before the people of the United States, in form different from any in which it has ever been presented before, information respecting the nature of the Mormon Hierarchy and its attitude toward the government of the United States.

Much information, gathered from reliable sources, has been, at different times and by different writers, conscientiously and carefully prepared and published,—but it is believed that never before have certified results of a judicial investigation of the subject by a competent Court, been available for the public. It is the conviction of many persons who have in view, not only the honor and safety of the country, but the best interests of the people of Utah, both Mormon and Gentile, that this information should not longer lie concealed from the people, and that the present time, when an issue which in the light of the facts herein presented is of vital importance is about to be raised in the Senate of the United States, is the most opportune time for its publication.

The matter contained in this pamphlet consists of (1) An abstract of the testimony of witnesses examined before the United States District Court for the Third Judicial District of Utah; (2) a few quotations from the voluminous documentary evidence, ample quotations from which are found in the accompanying decision of the Court; (3) the opinion and decision of

the Court. This matter is all taken from the stenographic report of Mr. Frank E. McGurrin, Court Stenographer, as certified to by the Court. (See certification appended to Judge Anderson's decision, which we give in full.)

It is much to be regretted that so small a part of the one thousand pages of the stenographer's report of the testimony presented can be given here without producing a volume too large for the purpose intended; but it is believed that the essential points made by the Court in its decision are covered by this abstract. For the sake of brevity, all the questions of the counsel are omitted, except those that are essential to the testimony.

Many passages in the arguments of the counsel on both sides would add much to the interest and value of this pamphlet if its limits would permit of their insertion. But the object of this publication is to present neither partisan opinion, nor thrilling incident, nor a story, but the bald facts as given by competent witnesses, under oath, in the simplest and most condensed form.

The issue of vital importance referred to above, is the question whether Mr. Reed Smoot, an Apostle of the Mormon Church and Senator-elect from Utah, is a proper person to be admitted to a seat in the Senate of the United States.

The purpose in publishing this evidence at this time is to show that a man who is a member of any one of the three quorums which constitute the government of the Mormon Church and are the fountain of authority in that Church, is not a loyal citizen of the United States, and cannot, by the most liberal construction of his covenants and obligations, consistently qualify as a member of either House of Congress.

If the decision of Judge Anderson, which is herewith pre-

sented, is valid, and if the denial of citizenship to foreigners who are under Endowment House oaths, is warranted by the evidence, surely an inspired and a pre-eminently authoritative official in the Mormon Kingdom, whose first obligation is to aid in maintaining and administering that alien and hostile government, ought not to be allowed to participate as a legislator in the affairs of the nation which he is sworn, if so counseled by the oligarchy to which he belongs, to help destroy.

This is purely a civil question with which religion has nothing to do and into which, by no possible sophistry, should it be allowed to be thrust. In this business we are called to deal not with the Mormon people, nor with the Mormon Church as a religious body, but with an oath-bound, disloyal and despotic organization, which exists for other purposes than worship or charity, and which obscures its political nature and character behind the exteriors of religion. It is in essence a government separate and distinct from the United States of America and not subordinate to it nor consistent with it. It has its own legislative, executive and judicial systems complete. Its form is stable, its faith is variable. Throughout its history its one dominant purpose to rule or ruin has been maintained, while its religious element has been subordinate and subservient, and has been made to conform, by frequent adjustments, to that dominant purpose.

With the religious faith and worship of this organization we need have nothing to do,—but with its civic features it is our business and responsibility to have a great deal to do. Wherever in this pamphlet, the word “Church” occurs, reference is made to the frame-work, the organization, the President and his cabinet

of fourteen Prophets, Seers and Revelators, of whom Apostle Smoot is one, and not to the company of worshippers or their system of faith. This despotic oligarchy interferes with rights which are guaranteed every citizen by our Constitution, it vitiates society, it offends the ethical sense of our people and it menaces the government itself.

The accompanying decision of Judge Anderson, and the abstract we have given of the evidence before him, show conclusively that the Mormon people are under the rule of a power which denies them a republican form of government. The rule or government of this people is administered by co-ordinate "Quorums" of oath-bound officials who are absolute in their authority—having no constitution to limit or define their power. The first Quorum consists of the "Prophet, Seer and Revelator" and his two Counselors. The second Quorum, which is co-ordinate with the first, consists of the Twelve Apostles, who are also "Prophets, Seers and Revelators." To this second Quorum Mr. Smoot belongs. According to Apostle John Henry Smith, the first Quorum of "Seventies" is a third co-ordinate Quorum. This oligarchy recognizes no authority on earth, temporal or spiritual, superior to itself. Every member of this organized power owes his supreme allegiance to the organization to which he belongs. He can obey the laws of the country and support the Constitution only when they do not conflict with the will of his Quorum. As one of the Quorum of Mormon Apostles Senator-elect Smoot must place the will of his Quorum above the Constitution of the United States or the laws of the land as interpreted by its Supreme Court. He cannot by reason of this higher allegiance, participate in any attempt of the Senate to enforce certain of its

laws in territories under its exclusive jurisdiction. In his personal influence and official acts at home he must of necessity set at defiance our courts, defeat their attempts to mete out justice, advocate practices which are in violation of existing laws, and restrain the people of his community from respecting the authority of the United States. Moreover, by the obligations resting upon him, he is bound, under death penalties, to conceal such evidences of polygamous or plural marriage as would enable the law-abiding people of the State or the United States, to see and deal with polygamy and polygamous practices as they ought to be seen and deserve to be dealt with.

He must also, of necessity, be under the control and subject to the dictation of his associate Apostles and Prophets in his official acts wherever he may be, so that in the United States Senate he would not be the representative of the legislature which elected him, nor of the people of Utah, but the mouthpiece of the despotic Heirarchy which, having dictated his election, will dictate his vote as Senator.

The people of the United States rose in their majesty and shut the doors of the House of Representatives against the polygamist, Brigham H. Roberts, and sent him back to his harem. A greater and more dangerous than Brigham Roberts is before us now, seeking a higher place in the councils of the nation. Whether Apostle Smoot be a polygamist or not, his presence in the Senate would be a matter of much greater importance to those who shield or practice polygamy on the one hand, and to the people of the United States on the other, than the presence in the House of a notorious polygamist like B. H. Roberts could possibly be. Mr. Roberts might, perhaps, have taken his stand as a sporadic case

of polygamous corruption, but Apostle Smoot, from his exalted office in the Church, is sworn to employ his position to fasten the possibility of that pollution upon every home in the Mormon community, and to give to its unlawful practices the sanctions of his authority under the penalty of eternal damnation.

For these and other reasons, it is the earnest prayer of the liberty-loving and law-abiding citizens of Utah that Apostle Reed Smoot, Senator-elect from Utah, be denied a seat in the Senate of the United States. In this prayer or petition it is believed that the people of the United States will, if they be fully informed, most heartily unite.

HENRY G. McMILLAN,

Late Clerk of the District Court for the Third Judicial District of Utah.

THE INSIDE OF MORMONISM.

Testimony taken from the proceedings in the District Court for the Third Judicial District of the Territory of Utah, in the matter of John Moore et al., to become citizens of the United States, at a hearing commencing November 14, 1889, before Hon. Thomas J. Anderson, Judge, as reported by Frank E. McGurrin, court stenographer.

THE COURT: In the matter of the application of John Moore to be admitted to citizenship, objection was made to his admission as a citizen, because it was shown that he was a member of the Church of Jesus Christ of Latter-day Saints, and had been through the Endowment House. It was stated that it could be shown that those who had been through the Endowment House, if not all members of that Church, had been required to take, or had taken an oath, or entered into an obligation of some kind, that would be incompatible with their duties as citizens of the United States; that the oath that they were required to take there, was incompatible with the oath they were required to take when becoming citizens.

In the case of the Applicant Moore and several others of a similar character, the further hearing of the testimony has been continued until this morning for the purpose of giving the objectors a chance to offer the testimony which they claimed they could furnish. The Court is now ready to hear any testimony they may offer on that subject.

MR. BASKIN: May it please the Court, for reason of the importance of this question, and the general interest the public have in excluding all persons from being naturalized who are not strictly competent; Mr. Dickson and myself have been requested

to appear and participate in this examination with the sanctioned permission of the Court.

THE COURT: The counsel will be permitted to appear and conduct the examination of witnesses, and counsel for the Applicants, or any person offering to act as counsel for them, or on behalf of the Church, may appear also, and cross-examine witnesses, and offer evidence on their side. If they have evidence to show that such oaths or obligations were not entered into, or any evidence that may tend to explain away, they may be at liberty to present it.

MR. DICKSON: Your Honor, we are prepared to go on with the examination this morning, but may be unable to complete it today. Subpoenas have been issued for a great number of witnesses on the part of those who interposed the objection to this class of persons being admitted. A part of them have not been served, but we will put on such witnesses as we have here, and may, when we get through with them, ask further time to produce the other witnesses whom the officers have not been able to reach.

THE COURT: Well, this inquiry of course is rather a novel one, and whatever reasonable time is required will be given. This investigation should be conducted with as much dispatch as possible, but a reasonable time will be given to procure witnesses.

JOHN BOND'S TESTIMONY.

JOHN BOND, being duly sworn, testified that he had been a member of the Mormon Church, went through the Endowment House in 1858, and that while doing so took an oath or obligation.

OATHS AND PENALTIES.

Being questioned as to oaths and penalties, Mr. Bond said: "In its administration, the one going through takes the right hand of the party that officiates there; presses the knuckle of the index finger; that was a token of the lesser priesthood, as I remember, that was binding upon me." (Counsel for the Applicants interrupt and object to questions that compel the witness to divulge the secrets of the Endowment House. Extended discussions between the opposing counsel will be omitted here, as gen-

erally elsewhere, for the sake of brevity. The Court held that as the issue turns upon the Endowment House oaths, or obligations, or whatever they are, the questions of the Counsel for the Objectors are proper, and the witness must answer.)

WITNESS: As far as I remember I took the obligation; pressed their thumb with the index finger; that is the Aaronic or lesser priesthood; this confined me to believe every doctrine that was taught by the Mormon Church, especially against the government of the United States, as I understood it. The penalty of divulging that, I was to have my throat cut from ear to ear, and my tongue torn out. I was required to hold my hands to high heaven in the presence of those there, that they might see that I granted this act to be done. This is the first as far as I remember.

VENGEANCE AGAINST THE GOVERNMENT.

"The second one, I was put under, was to avenge the blood of the prophets against the Government of the United States, teach that to my children and my children's children from generation to generation, and everlastingly keep after them. The penalty, I believe, was that the heart, or the bowels, would be torn out,—something to that effect, so far as my memory will carry me."

PRIESTHOOD SUPREME.

"I consider, from what I was told there, that I was to support the priesthood in all things, religiously, socially, politically, domestically and financially, as far as I understand the question.

"I should judge there were about fifty men and women with me that day. The oath was administered by Wilford Woodruff, the President of the Church today. (1889).

"I have been sorry ever since that he put me under such obligations, but the following year I apostatized from the Church. I wouldn't tolerate it."

AGAINST HIS WILL.

"How did I come to go through there? I didn't wish to go through first; I went to a friend of mine,—Harrison Sperry. He

is now the Bishop. He was then a Bishop's Counsellor. I says: 'Harrison, I would like you to marry me.' He said he would marry me provided the Bishop was willing. He referred me to Bishop Thomas Jenkins to see whether he would allow him to marry me. This was to be a civil marriage. I looked upon the Church as being able to marry me at that time. The Bishop told me that he couldn't allow Harrison Sperry to marry me; that he had orders from Brigham Young not to do so, but he would grant me a recommend to go through the Endowment House. He said: "John, if you would like to go through the Endowment House I will grant you a recommend." I said: "I will take the recommend. I went through on them grounds."

POLYGAMY REQUIRED.

"I was under obligation to sustain and uphold the subject of polygamy. The question was put to my wife, with other women: 'Are you willing to allow your husbands to have more wives than one? All those that are in favor of that say Aye,—contrary No.' They were all ayes."

SWORN TO SECRECY.

"There was an obligation to keep that within ourselves as a secret. It was not to be revealed outside of our own people. I think there was a penalty, but I don't just remember that. It is twenty-one years since I went through. That is to the best of my memory and knowledge. I am conscientious about the matter. I know I have to meet my sayings before my God."

CROSS-EXAMINED BY MR. LE GRAND YOUNG.

"I COULDN'T GET MARRIED WITHOUT IT.

WITNESS: "I am forty-five today (1889). I went through in 1868.

"At the time the oaths and obligations were taken the males and females were together.

"I got my recommend to go through the Endowment House from Bishop Jenkins. I couldn't get my marriage ceremony without it, without going against the consent of the Church. I tried

to get away from this Territory on account of what I have been through."

"ALWAYS DONE AS I WAS TOLD.

"I swore to avenge the blood of the prophets—a matter of faith, and to teach that to my children and my children's children from generation to generation, and everlastingly, as far as I remember. Yes, I took that obligation, to the best of my knowledge, something to that effect.

"I agreed to enter into polygamy with the balance, and I denounced it the following year. I was conscientious about the matter. I always done as I was told, when I was in the Church,—done too much sometimes."

MARTIN D. WARDELL'S TESTIMONY.

MARTIN D. WARDELL,—being duly sworn, testified, that he was 67 years old, a native of England—became a Mormon in 1840 and came to the United States in 1840 and to Utah in 1862,—am a carpenter and builder, and for over six years Superintendent of Carpenter work for the Church,—went through the Endowment House in 1863 or 4,—went through more than once.

"ENEMIES TO THE NATION.

"After we were taught a good many things that had transpired and passed up to the present, the oath was taken that we should avenge the blood of Joseph Smith on this nation, down from the President to the last man; and after we had done that we was talked to a little bit more in another room, and we took another oath, that if we divulged any of the secrets we should have our throats cut, and our bowels ripped out; that is to be taught to the children and the children's children down to the third and fourth generations."

Q. "Did you take any obligation as to your duty to the priesthood in matters temporal and political."

A. "No, sir, I backed out. When I went home with my wife I told her that we had done wrong. I left the Church soon after, in about three or four years."

BLOOD ATONED.

Q. "I will ask you, Mr. Wardel, if you ever saw the penalty inflicted?"

A. "Yes, sir, in the latter part of 1862, about twenty miles this side of Green River, upon a man by the name of Green. They were coming to Salt Lake City, returning from the States; they had been here once. It was the last of the Church train. W. H. Dame was Captain of the train. Billy Williams, who used to be in Walker's store, was the Chaplain of the Train." (Nine other persons in the train are mentioned by name by the witness). "Green had an outfit of two teams—three yoke of oxen to each wagon. Well, when we got about twenty miles this side of Green River, Captain Dame came and took me by the shoulder and he says: We didn't do much last night; the brethren hasn't got cleaned up; we will take an early sit tonight, and let them have time to finish up—took me by the shoulder and led me outside of the train and pointed over, and I seed eleven men dressed in buckskin clothes, in a circle, and the horses outside." "Now," he says, "These are mountaineers." "And finally about 9 o'clock, three men comes up and they call on this man Green; he was in his wagon and didn't come out. He was a little afeard. They called him once or twice. I got up, I was in the wagon with my family, and just as I got out, they took the man and there was two or three around, these men that I mention now,—and they pulled the man out of the wagon by the coat and he stood on his feet, and he hadn't stood more than about three minutes—maybe three minutes—until a man took him by the hair of the head, and the other cut his throat; and when he laid down they opened his clothes and took a belt off from him with \$5,000. When we commenced to make trouble about it, John W. Young told us if we didn't shut our mouths they would serve us out the same and leave us for the wolves to eat.

"The man that was with Green was inquiring where he was, and he looked all around for him;—he was away herding cattle when the thing happened, and didn't know anything about it only what he was told; and Captain Dame said that he had apostatized from the Church once, and he had apostatized again and gone to hell now."

Q. "Was there anything in that oath or obligation which you took about apostasy from the Church?"

A. "Yes, you should have your throat cut and your bowels ripped out."

CROSS-EXAMINED BY MR. LE GRAND YOUNG.

"AND TOOK THE MONEY.

"I didn't know the men at the time, but I found out one of them afterwards—Bill Hickman."

Q. "The three men came up and took the man out of the wagon and murdered him right before your eyes?"

A. "Yes, sir, and took the money out and took it away."

Q. "He told you he had \$5,000 on him?"

A. "Yes, he had sold a house and a farm and a mill; I think it was a saw mill he sold to make the raise. I couldn't tell you where Green was from. He had a wife and two or three children here. I have no idea where the money went to, except it has gone where the balance has gone to. He said there was \$5,000,—and I will take his word for good."

REIGN OF TERROR.

Q. "Did you enter any protest there yourself?"

A. "No, sir, I daresn't do it—not until we started—four or five of us—we talked about the matter; we thought it wasn't Godlike nor manlike to do such a thing. We had no idea that these men were Danites."

Q. "Well, were they?"

A. "Well, were they? You know as well as I do."

Q. I am asking you now?"

A. "Yes, sir. Bill Hickman was the Captain."

Q. "You recognized him, did you?"

A. "Yes, sir, and I spoke to him in this Court room about it."

Q. "What was the given name of this man Dame?"

A. "W. H. Dame—he lives south somewhere, I couldn't tell where; somewhere at the Mountain Meadows; somewhere down there."

A MOUNTAIN MEADOWS CHIEF.

MR. BASKIN: "Is he the man whose name was associated with the Mountain Meadows Massacre?"

A. "He was the man that was along with John D. Lee."

MR. LE GRAND YOUNG: "Had you ever talked with Mr. Green in regard to his Endowments?"

A. "I don't know that that was mentioned between us."

Q. "Do you know whether he had had his Endowments?"

A. "I couldn't tell you that, such things as that was never breathed to me,—I didn't know anything about it at that time, but I know now."

Q. "He had made no oath against the government which you know of?"

A. "I couldn't tell you that."

Q. "Then he had broken no oath as far as you know?"

A. "Well, you know, if it comes to the bottom of it, he told me that there was men around and had been spies looking after his business as well as he; he said he was a little timid about getting to Salt Lake, and when he told me those things I couldn't tell what was up. I didn't know, I was ignorant in the matter, but I thought there was some things that was not right, but I never said anything until I went through myself, and then I saw it."

BISHOP CAHOON'S TESTIMONY.

BISHOP ANDREW CAHOON, being first duly sworn, testified: "Came to Utah in 1848. Was a member of the Mormon Church about forty years,—became a member at Kirtland, Ohio, in 1832. My connection ceased in 1871. I had been a Mormon Bishop eighteen years. I received my Endowments 43 or 44 years ago."

TEMPLE SERVICE AT NAUVOO.

Q. "Well, I will ask you to state whether or not you took any obligations in passing through that Endowment House, or covenant?"

A. "Every one has to do that. I did."

Q. "It is a requirement, is it?"

A. "Yes, sir."

Q. "Now, I will ask you to state whether there were any portions of that obligation relating to obedience to the priesthood, or to avenging the blood of the prophet, upon the nation? If so, state what it was, and what were the penalties attached to it?"

A. "Well, as near as I can remember I was sworn to avenge the blood of the prophets, that was understood, indirectly, to refer to Joseph Smith."

Q. "Avenge it upon whom?"

A. "The understanding was, that any parties who were guilty, or consented to their death, as near as I understand it."

Q. "Was there any portion of the obligation relating to obedience to the priesthood?"

A. "Yes, sir, the idea was that they were to yield implicit obedience at all times, in every respect to obey the priesthood."

Q. "Were there any oaths of secrecy?"

AND THE PENALTIES WERE DEATH.

A. "Yes, sir, they were not to divulge anything they saw, or heard, or received in the Endowment House, and the penalties were death."

Q. "How was it to be inflicted?"

A. "Well, I didn't understand that,—otherwise than they were not to divulge."

Q. "But how were the penalties to be inflicted?"

A. "I don't know as I can answer that question, exactly."

Q. "You drew your hand across your throat just now?"

A. "Well, the understanding was that they forfeited their lives by divulging what they heard and saw."

Q. "Was there anything said in that obligation about tearing out the heart, or tongue, or disembowelment?"

A. "They forfeited their lives if they apostatized. I think the right hand was forfeited for some offense,—quite difficult for me to mind exactly how those oaths were administered, and what for, but I know there was fearful penalties, one was for divulging anything received, another for disobeying the priesthood; they were to yield implicit obedience to the priesthood."

THE MORMON CHURCH WAS THE KINGDOM OF GOD.

"The understanding was that God had established His Kingdom upon the earth, and the Mormon Church was the Kingdom of God, and all that belonged to the Mormon Church were expected to yield allegiance to that church, to that Kingdom alone, that the highest allegiance was to the Mormon Church—the Kingdom of God."

POLYGAMY NECESSARY TO SALVATION.

Q. "Was there anything said in relation to polygamy?"

A. "They were instructed—taught that it was a command of God. All must endorse it—obey it or be damned,—that if they don't practice it, they must accept it as a command of God. I think they were not admitted under sixteen or something thereabouts. Most all of them do go through."

"The doctrine that I have been instructed in is that the only legal marriage was by the priesthood of the Church. Anything outside of that was illegal. This is taught in the Endowment House ceremony, both in the form of lectures and in the form of obligations."

CROSS-EXAMINED BY MR. LE GRAND YOUNG.

Being questioned as to the attitude of the Mormon Church toward the Government, Bishop Cahoon said:

"The idea conveyed was, the blood of all the prophets, and especially the blood of Joseph and Hyrum Smith, was to be avenged.

"We were instructed to devote our entire allegiance to the Kingdom of God in every way. The instructions of the priesthood were first and highest. The highest obligation a man could hold was to obey the priesthood.

"I considered the teachings, the general teachings, of the Church in hostility to the laws of the land. Yielding implicit obedience to the priesthood brought them frequently into collision with the laws of the land."

NOT WRONG TO STEAL FOR THE CHURCH.

"It was considered no crime to take from those who opposed the Church, because they were the enemies of the Kingdom of God."

Q. "Did you ever hear that doctrine taught?"

A. "Oh, yes, oh, yes. All of those that pretended to lead and guide and govern the Church taught that it was lawful to take anything from our foes, from those that were enemies to the Kingdom."

Q. "Well, just tell us an instance, the time, the place, and who were present?"

A. "Well, those that pretended to have authority in the priesthood led the way and others followed along,—in Missouri, for one place,—at Adam-ondi-Ahman it was the president of the branch, Lyman Wight."

Q. "Can you name any instance in this country where that doctrine was taught or practiced?"

A. "Well, it wasn't supposed to be taught publicly—secretly."

Q. "How did you find it out?"

A. "O, lots of them. I haven't been familiar with that it. I was instructed that it would do no harm to put that man out of the way—a certain individual,—I can't name him now,—I didn't put nobody out of the way,—I didn't consent to it."

Q. "What man said it?"

A. "Orson Hyde."

BLOOD ATONEMENT AGAIN.

Q. "Did you ever know of any man being put out of the way for that?"

A. "O, lots of them. I haven't been familiar with that because, as I say, I wasn't trustworthy in that dirty work."

Q. "Well, tell who they were, tell some one man who was put out of the way—you can name somebody?"

A. "Well, I will tell one, that is Almon Babbitt for one,—Secretary of State."

Q. "Where was he put out of the way?"

A. "Out on the road east."

Q. "Well, who did it?"

A. "Why, I don't know, I am sure, I wasn't there."

Q. "Do you know who ordered it done?"

A. "Such things as that are kept very secret and private. It was reported that he was killed by the Indians."

Q. "Do you know who killed him?"

A. "I can't say whether there was a white man by the name of Bill Hickman there."

Q. "Do you know he was?"

A. "I say he might have been there and done the job, he might have had some Indians to help him. I can't say."

OBEDIENCE TO PRIESTHOOD AS AGAINST LAWS OF THE LAND.

Q. "Coming back to the original proposition; you said that the general doctrine was to obey the Church, or at least obey the priesthood; now, I want to ask you, if you, during the course of your administration as Bishop, was you ever advised in any way, shape or form, to break the law of the land, if so what, when and where?"

A. "Well, that was an implication. When you are instructed to obey the priesthood implicitly, in every respect, it is understood that if it came in conflict with anything else, it didn't matter; you was bound to obey the priesthood, whatever—"

Q. "That is understood, but is it said that you must obey it as against the law of the land?"

A. "Yes, sir, everywhere, it has been a public teaching—"

Q. "Was that in the Endowment House—a part of the ceremonies?"

A. "Yes, sir, that was part of the instruction, the teaching."

Q. "That you were to obey the priesthood as against the law of the land?"

A. "Why, in every respect whatever, to obey the priesthood implicitly, regardless of other authority—you know that has been the teaching right through and through for fifty years."

Q. "Now, during that time, that fifty years of connection with the Church, did you ever teach anybody to disobey the law of the land?"

A. "I didn't believe in it. That is the reason I am an apostate, because I didn't believe in the doctrine."

U. S. GOVERNMENT TO BE OVERTHROWN.

Q. "Now, Mr. Cahoon, did you ever hear any teaching in the Endowment House, or outside of the Endowment House,

either from Joseph Smith or his successor in office, as the leaders of the Church, in regard to the Constitution of the United States and the laws of the land?"

A. "They professed loyalty, while they practiced infidelity."

Q. "Just what do you mean by that? How did they profess loyalty?"

Q. "They professed loyalty by yielding to the inevitable; that is, they couldn't help it. But they taught that this government would be overthrown, and the Kingdom of God be established on its ruins."

AND THE CONSTITUTION OF THE U. S. TO BE RE-WRITTEN BY
MORMON LEADERS.

Q. "Did they ever teach you anything in regard to the overthrowing the Constitution of the United States, did you ever hear that at all?"

A. "The Constitution of the United States would be, perhaps, an after consideration; after the government was overthrown the leaders of the Mormon Church would reform that document to suit themselves."

Q. "Did you ever hear them say that the document needed reforming?"

A. "O, yes."

Q. "You never heard it taught that that was a Divine Document?"

A. "O, yes, they taught that it was an inspired document, but that it would be better—eventually it would be better."

Q. "Who was going to better it?"

A. "The priesthood of the Mormon Church?"

Q. "When?"

A. "Well, when they got it in their hands."

Q. "When was that going to be?"

A. "Well, directly, it has been put off from time to time, from time to time. They say it is pretty near now."

Q. "State when and where you heard it?"

A. "Heard it all the while, ever since I was in the church."

THEN THE MORMON KINGDOM WILL BE ESTABLISHED.

MR. BASKIN: "Was there anything said about the establishment of the kingdom?"

BISHOP CAHOON: "Establishment of the kingdom; why, that is understood, that it is established by the establishment of the Mormon Church, and that was the Kingdom of God, and all other kingdoms would be overthrown, and this kingdom would be established on their ruins; the first one to suffer would be the government of the United States."

MR. LE GRAND YOUNG: "That was taught, was it, in the Endowment House?"

A. "Taught in the Endowment House and taught in public here."

Q. "Did you ever enter into any covenant that you and the rest who went through the Endowment House that day would take your part in overthrowing the government, or be hostile to it?"

A. "I entered into all the covenants that were there. At that time I believed implicitly in the authority of the priesthood and the mission of Joseph Smith, and the establishment of the Kingdom of God at that time, and of course I held up my hand, to sustain the Kingdom of God against all other powers. Yes, sir, this was the Kingdom of God. And they were to commence with the government of the United States, all those who belonged to the Church, all those who obeyed the priesthood were to help to do it."

A LITERAL TEMPORAL KINGDOM.

Q. "Was it to be done by help of physical hands, or was there to be a divine interposition?"

A. "You know yourself that you and me have both done it."

Q. "Was it to be done by moral suasion, or by physical force,—how was it to be accomplished?"

A. "By all means, every way, moral suasion, with religious influence, powder and lead—they didn't care much about the government of the United States when they had a kingdom."

RE-DIRECT EXAMINATION OF BISHOP CAHOON.

POLYGAMY AND BLOOD ATONEMENT.

MR. BASKIN: "Mr. Young asked you if, in going through the Endowment House there was any injunction laid upon you to

do anything in violation of any of the laws of the United States; was there anything said on the subject of polygamy?"

A. "Well, that was one point; a person had to obey that—endorse that, embrace and practice it, or be damned."

Q. "Mr. Young asked you if you knew of any crimes having been perpetrated in pursuance of what you said was the practice; did you ever know of any persons in this country, since you have been living here, that have been assassinated or killed, with their throats cut from ear to ear—did you know of any case of the kind—did you know Ike Potter?"

A. "Lived at Coalville? No, I wasn't acquainted with him."

Q. "Well, do you know anything about his death, whether he was killed or not?"

A. "Yes, I know it from information from those that lived there; my brother for one."

Q. "Do you know whether he was found with his throat cut from ear to ear?"

A. "That was the understanding, that he was mutilated—"

TRIES TO EXTINGUISH THE SEARCHLIGHT.

MR. MOYLE: "Well if your Honor please, it seems to me—"

MR. BASKIN: "It is in answer to their—"

MR. MOYLE: "—there ought to be some limit to this examination."

MR. BASKIN: "It is all cross-examination to what he brought out."

MR. MOYLE: "If, in the course of the history of this Territory, there has been a man found with his throat cut—"

MR. BASKIN: "I will bring it home to your Church, if necessary, that every case—"

MR. MOYLE: "To ask questions of that kind, it seems to me, if your honor please—that I should protest against it; I do protest against it, because I know in the name of justice it is wrong; it is wrong according to law."

THE COURT: "If they say that the teachings of the church tended to produce, and did produce, a hostile feeling to the government, that its members entered into an obligation, either

express or implied, of hostility to the general government, or that it produced that sort of feeling among its members, I think that that ought to be known, at least when the members of that Church offer to become citizens of the United States. And now, I understand from the counsel, that acts like that one just mentioned, he expects to show, resulted from the teachings of the Church, and that was one of the penalties to inflict upon those who apostatized, or who made public the secrets of the Church and of the Endowment House; and these instances, I suppose, are mentioned as tending to show the character of the teachings themselves. I do not think it is improper, in a proceeding of this kind, when the hostility of the Church is attempted to be shown, and anything that will tend to establish the fact that its members took an oath of disloyalty to the government and the penalties affixed to it, and to show that these penalties were carried out—I do not think it would be improper for them to be made known. It seems to me that when a foreigner comes here, after taking an oath of allegiance to some power other than that of the United States, and he then proposes to become a citizen of the United States, the nature of that obligation that he entered into, the character of the organization of which he became a member, and to which he has sworn allegiance higher than the government, ought to be known, * * * Of course if the witness states that he does not himself know or have any means of knowing how they came to their death, his testimony would amount to little, if anything.”

The re-direct examination of Bishop Cahoon was resumed.

COULDN'T BE A LOYAL CITIZEN OF THE UNITED STATES AND A
MORMON AT THE SAME TIME.

MR. BASKIN: “Were these penalties to be inflicted in case there was a violation?”

A. “Perfectly right to do it. That was the only way they could be saved.”

Q. “Explain what you mean by that?”

A. “Why, if they violated any of their oaths, the penalties, if inflicted upon them, would save them; they would be saved if they were killed, that is, the penalties were inflicted.”

Q. "That is, if their blood was shed here it would save them in the eternal world?"

A. "Yes, sir, they must be destroyed here—"

Q. "Have you ever heard that doctrine preached publicly?"

A. "O, yes, sir."

Q. "Or taught?"

A. "Yes, sir, and it is in print."

Q. "Was it taught in the Endowment House ceremony?"

A. "O, yes, sir, these oaths were taken by those who went through the entire ceremony. After being a member of the Mormon Church forty years, and seeing the workings of it, I came to the conclusion that a man could not be a loyal citizen of the government, and at the same time a faithful member of the Mormon Church—consequently, I left."

Q. "Were the penalties to be literally or figuratively executed?"

A. "It wasn't a spiritual affair, it was to be literally done."

J. "Well how was the Kingdom of God, that you spoke of, was it literal?"

A. "It was to be a literal kingdom right here on earth."

Q. "And governed here on earth?"

A. "Yes, sir, and no fun about it."

RE-CROSS EXAMINATION OF BISHOP CAHOON.

ABOUT APOSTASY.

MR. LE GRAND YOUNG: "I want to ask you if you ever knew of any man apostatizing from the Church besides yourself?"

A. "O, yes, plenty of them."

Q. "Did you ever know of any man having the penalty visited on him?"

A. "Twenty years ago,—why it was dangerous to leave the Church, it was a difficult matter for a man to raise courage enough to leave the Church; now most of the apostates are still in the Church."

RE-DIRECT EXAMINATION.

ATTITUDE OF THE MORMON CHURCH DOESN'T CHANGE.

MR. DICKSON: "Bishop, you continued your connection with the Church until 1871, and you continued to hold the office of Bishop in the Church until about the time you withdrew from the Church?"

A. "Yes, sir."

Q. "Had you ever heard that the obligation that was administered in the Endowment House when you went through, had ever been changed at all?"

A. "I have never learned that it was."

THE FOUR MORMON TEMPLES, SCHOOLS OF DISLOYALTY.

THE COURT: "What was the general tendency, or the effect, of the teaching in the Endowment House, and of the Mormon Church generally, upon its adherents, as promoting a friendly or unfriendly feeling toward the government of the United States?"

A. "The tendency of the entire teachings, out of the Endowment House and in it, was to alienate the feelings of the people from the government."

THE COURT: "Well, did it alienate them?"

A. "It did. The expressions of feeling toward the government of the United States were common and universally unfriendly, very strongly so."

RE-DIRECT EXAMINATION.

MORMON REBELLION.

MR. BASKIN: "They took up arms against the government, didn't they?"

A. "Yes, sir. They were taught to arm themselves, arm their wives and their children."

Q. "Were you here during the Utah Rebellion?"

A. "Yes, sir."

Q. "What effect, if any, did the teachings of the Church have in bringing about the Rebellion?"

A. "The general teachings of the leaders of the Church, I think, had a tendency to bring about that Rebellion."

RE-CROSS EXAMINATION.

MR. R. W. YOUNG: "You got your Endowments a year or two after the time that Joseph and Hyrum Smith had been killed, did you?"

A. "Yes, I was in Nauvoo when they were murdered."

Q. "And was it pretty generally understood in the Church at that time, that they had lost their lives through an inattention to duty of the Governor of the State, Governor Ford?"

A. "That was the impression on the minds of the Mormon people."

Q. "And previous to the time that you got your Endowments, had mobs gathered a great many times against the Mormon people throughout the state of Illinois?"

A. "They were frequently brought into collision."

TRUE CAUSE OF THE MORMON WAR IN MISSOURI.

Q. "You were in Missouri, were you, during the time of the troubles there?"

A. "Yes, sir, all through there."

Q. "What could you say of the Mormon treatment in Missouri?"

A. "Well, they sought for political power, and went to the polls to vote; that brought about a collision: it was a political trouble that caused the outbreak."

Q. "And what was the result of the outbreak?"

A. "The result was their being driven from the State."

Q. "At a sacrifice of their property?"

A. "To a great extent."

Q. "And sometimes of their lives?"

A. "There were some lives lost."

Q. "And in the midst of winter?"

A. "Yes, sir."

Q. "And you got your Endowments subsequent to these events?"

A. "Yes."

Q. "Now, this unfriendly feeling that you have spoken about, that existed among the Mormon people toward the government,—would you say that it resulted from those outrages that you have spoken of, and treatment of the Mormon people?"

A. "Not altogether."

Q. "But you think that would be a cause for a considerable feeling, and just cause, wouldn't you?"

A. "It had its influence, but it is not the prime influence."

BRIGHAM YOUNG PROCLAIMED KING.

"The teachings of the leaders of the people was that the Kingdom of God was set up on earth and that they were bound and pledged to sustain and build it up in conflict with all other powers and governments. The King of that Kingdom that was set up on the earth was the head of the Church. Brigham Young proclaimed himself King here in Salt Lake Valley before there was a house built, in 1847."

Q. "Who was present and heard that?"

A. "The Pioneers."

Q. "Mention somebody that heard Brigham Young make that statement?"

A. "I will mention John Green."

Q. "Did you hear it yourself?"

A. I did not. I wasn't here until the next year, but assumptions to that effect I heard. After I came here Brigham Young claimed to be the Head and Leader of the Church and King,—would-be King of this Kingdom."

MR. BASKIN: "You have heard the children very often sing a song in which they designate Brigham Young as President, Priest and King?"

A. "Yes, 'Prophet, Priest and King.'"

TREASONABLE PRAYERS.

R. W. YOUNG: "Would you regard it as treasonable for a God, if there is a God, or the Savior, if there be a Savior, to come and take charge of this earth?"

A. "When a man prays for the overthrow of the government of the United States I consider that treasonable. I have heard that prayer many times, yes sir, hundreds of times. I never heard a leader of the Mormon Church pray for the President of the United States, or the government."

MR. DICKSON: "Have you ever heard the leaders of the Mormon Church pray for the overthrow of the government?"

A. "I have, many times."

MR. R. W. YOUNG: "Mention an instance where that was done."

A. "Why, it is so common, every child is familiar with it. I have heard it almost universally in public."

Q. "Can you mention a living man who has ever made that prayer in your hearing?"

A. "Wilford Woodruff, the present president of the Mormon Church; it is a common thing for him to pray for the overthrow of the government, yes, and Heber C. Kimball."

JOSEPH SILVER'S TESTIMONY.

THE ENDOWMENTS IN THE MORMON TEMPLES.

JOSEPH SILVER: Being sworn as a witness in behalf of the Objectors, testified that he was baptized into the Mormon Church about the year 1848, came from England, and has resided in Salt Lake City ever since 1862, attained to the Melchisedec priesthood, held the office of an Elder, and was ordained a Seventy, and passed through the Endowment House.

MR. BASKIN: "Were there any oaths administered to you in passing through the Endowment House?"

A. "Yes, sir."

Q. "I wish you to state what those oaths were?"

A. "Well, one that made a lasting impression on my mind was in relation to avenging the blood of the prophets."

J. "Avenging them on whom?"

A. "Now, I wouldn't be certain whether the word 'Nation' was named or not, but I am certain in regard to 'Enemy.'"

Q. "Was anything said about your children in that obligation?"

A. "Yes, that it was of course to continue to my children and children's children, and so on, and so on."

Q. "Was there any obligation relating to your obedience to the priesthood taken, and if so, what?"

A. "Yes, sir, very special obligation,—obedience to the priesthood in all things, both temporal and spiritual."

Q. "Were there any penalties attached to the violation of the obligation?"

A. "Yes, sir,—that the one should be disemboweled, the throat cut and the heart cut out, and so on."

Q. "Were you called upon to promise in the presence of any power—to swear? "

A. "In the presence of those present, and in the presence of God and the angels, and so on, and so forth."

Q. "And you promised to do those things?"

A. "Promised to do those things."

TEMPLE ROBES.

Q. "In what way were you en clothed with what is known as endowment garments in that ceremony, with signs and slits upon them?"

A. "Yes, sir."

MR. R. W. YOUNG: "If the Court please, we object to that question; we cannot see what relevancy it has."

MR. BASKIN: "The next question will show it. I am going to show that the penalties are foreshadowed in those endowments."

THE COURT: "Of course if they do not show its materiality it will not be considered at all."

MR. BASKIN: "I will show by my next questions that the signs on those garments are figurative of those penalties, so as to keep them always in mind."

COURT: "Answer the question."

Q. "What was there about your heart on the endowment garment?"

A. "A slit right here, opposite the heart. It signified that if the covenant, or the oath was revealed, or broken by the recipient, that of course his heart would be taken out."

J. "How was it with relation to the throat?"

A. "I don't remember that there was any special sign on the throat, but there was a sign on the navel here, yes and on the knee as well—"

THE MORMON ATTORNEYS TRY AGAIN TO DROP THE CURTAIN.

MR. MOYLE: "If your Honor please, we offer one more objection to this. It seems to me that it is not proper; that simply

because some person comes in and charges that there are secret oaths, or something done—which involve some feature or part of the religion or ceremonies of such an order or organization, that the entire thing shall not only be exposed to the Court, but shall be made a matter which the gaping public may come in and gaze upon; it seems to me that it is unnecessarily exposing the secret rites and ceremonies of a religious organization which, though unpopular, if your Honor please, should be protected to some extent.”

MR. BASKIN: “In order that we may not be put in any false position by the side remarks of the gentleman, I wish now to state the relevancy of this testimony. The witness has already stated that he took an oath to avenge the blood of the prophets, and to teach that to his children; to yield implicit obedience in all matters to the priesthood, and that that covenant was taken under certain penalties, and that an endowment garment was put upon him, with signs to keep in mind those penalties; not only did they administer an oath fearful in its extent at that time, but in order to keep it in mind of the party who took it he was enjoined to keep those garments on him as a remembrance of those signs and penalties as long as he lived.”

THE COURT: “He may answer the question.”

Q. “Well, you have spoken of these signs, what was enjoined upon you in relation to your wearing those garments, and the purpose for which you were to wear them?”

A. “The impression that I obtained was simply this; that if I was unfaithful in disrobing myself of the garments, that there would be every possibility and probability of my—of course being sick and dying, and so on; in fact the instructions were to the effect, in substance, that it was unsafe to leave the garments off, and Heber C. Kimball went so far as to instruct us to be sure, in putting on a clean garment, to put one leg in at a time.”

Q. “Was there anything said about these signs being put on the garments?”

A. Yes, those were—of course, the instructions that were imparted by the officiating priest.”

CROSS-EXAMINATION OF JOSEPH SILVER BY MR. MOYLE.

DESTRUCTION, AS FAR AS POSSIBLE, OF THE U. S. GOVERNMENT.

Q. "You say that there was an oath taken that if you did not obey the priesthood or if you divulged the secrets of the Endowment House—"

A. "Repeat that question, and stand up and look me in the face."

Q. (The last question repeated). A. "The penalty of disobedience to the priesthood was that my throat was to be cut, I was to be disemboweled, my heart taken out."

Q. "Who was to do that?"

A. "That is the question, perhaps some Danite."

Q. "Do you know anything about it?"

A. "Some Danite or Destroying Angel, especially appointed—especially appointed."

Q. "How was the blood of the prophets to be avenged; was anything said about that, or was it just merely stated that they should avenge the blood of the prophets?"

A. "Why, as I understood it then, by the destruction as far as possible, of the entire government of the United States; and let me here state, if I may be allowed, that that has been the whole gist of the thing."

JAMES MCGUFFIE'S TESTIMONY.

JAMES MCGUFFIE: Being duly sworn as a witness in behalf of the Objectors, testified as follows:

Am 75 years old, a resident of Salt Lake City 15 years,—came from Liverpool to the United States in 1848, came to Utah in 1850—in the fall of 1850 went with George Smith, John D. Lee and some other notables, down south 260 miles, and located Parowan and organized Iron County—got there in January, 1851, and lived there until 1874.

Bishop McGuffie being questioned about the Mountain Meadows Massacre said:

"Parowan is near the scene of the Mountain Meadows Massacre,—I seen them people,—the presiding officer, the Bishop of the Mormon Church wouldn't allow them to go through the

town of Parowan,—persons were sent in there to pass them to the north. No, sir, they wouldn't allow that band of emigrants to pass through the settlement, where you lived, they had to go past the north wall;—there was a mud wall six feet at the base, twelve feet high. I was superintendent of construction of that wall."

J. "Who objected to their going through the settlement?"

A. "Why, the authorities there,—I mean Wm. H. Dame; he was the Colonel of the Iron Battalion, and I was an officer of that Battalion, and there was Bishop Lewis; he was a Bishop over the temporal affairs of them in it, and Wm. H. Dame was what they called spiritual head of the church-presiding officer. They were responsible to Brigham Young."

TRAINING FOR BLOODY WORK.

"I went through the Endowment House on the 10th day of November, 1856. President Brigham Young, Heber Kimball, and others officiated. There was a company came from Parowan and we had a recommend from the Bishop and we had the receipts for our tithing, we were considered in good standing and worthy to receive our endowments, so that we might associate in the circles with the brethren. There might have been twelve or fourteen; they were all married with the exception of Peggy Jane Meeks, and she was a single girl. After we got our washings and anointings they began to instruct us, and they required us to take an oath with uplifted hands to do all in our power, and to teach our children and our children's children to do all in their power to destroy or uproot the American government, for the reason they hadn't punished the murderers of Joseph and Hyrum Smith."

Q. What was the substance of the oath that you took by which you agreed to yield obedience to the priesthood?"

A. "We took an oath that we would obey the priesthood in all things; we were members of the kingdom of God, citizens of the Kingdom of God; and the government of the United States—we were to be their enemies on account of them not avenging the blood of Joseph and Hyrum Smith. We were to obey the priest in all things, temporal and spiritual, politically and so-

cially." (Witness corroborates testimony of previous witnesses as to oaths and penalties.)

AGENTS OF THE KINGDOM.

"There was three organized bands of murderers in the territory in those days. The leaders of them, Bill Hickman was one, Porter Rockwell was the other, and the other was Lot Huntington. The names of the organizations,—one was 'Blood Atoners,' another was 'Destroying Angels,' and the third was the 'Danites,' and they had the work apportioned out to them by President Young; he was God on earth; he got the word of God and he gave it to the people."

MR. DICKSON: "Now Mr. McGuffie, you remember the time of the Mountain Meadows Massacre?"

A. "Oh, well; I remember it and knew the men that were in that massacre."

Q. "You knew John D. Lee at that time?"

A. "Personally acquainted with him."

Q. "You knew W. H. Dame?"

A. "Yes, he was my next door neighbor."

Q. "You knew Brigham Young?"

A. "Well acquainted with him, nearly fifty years personally."

Q. "You continued your acquaintance with him after that massacre?"

A. "Yes, I left the Church 23 years ago last August."

Q. "But your acquaintance with Brigham Young, John D. Lee and with W. H. Dame continued for some years after the Mountain Meadows Massacre?"

A. "Yes, sir, until 1866."

MASTER AND SLAVE.

Q. "Do you know whether or no, after that massacre, John D. Lee continued to be on terms of friendship with President Young?"

A. "Oh, yes, and got more wives; had two sealed to him the very year he committed that atrocious murder; as well acquainted with John D. Lee as I could be with any man."

BRIGHAM REWARDS LEE.

MR. BASKIN: "Was he a member of the legislature?"

A. "Yes, sir, and Wm. H. Dame, too; but it was Isaac Haight along with John D. Lee in the winter of 1857 after the massacre."

MR. DICKSON: "What I want to get at is, whether you know, of your own knowledge, that after that massacre, John D. Lee continued to be on terms of friendship with the President of the Church?"

A. "Oh, yes, and got two more women after that; got two at a lick—an English girl; she died—"

MR. BASKIN: "Now I understand you to say that you took an obligation to obey the priesthood in all matters?"

A. "Yes, in all things."

Q. "Was there any penalty attached to your disobedience to the priesthood in that ordeal through which you passed?"

A. "There was nothing further than that the throat was to be cut, and the belly to be ripped out; I think that was plenty enough."

Q. "Do you know William Laney?"

A. "Yes, I knew him well, he lived about five rods below my house at the time of the Mountain Meadows Massacre."

NO DEBT OF GRATITUDE TO BE PAID.

Q. "Do you know of his having furnished that band of emigrants with supplies?"

A. "Yes, Laney recognized in the company a young man named Harris as being the son of a man that had been a great friend to him and treated him kindly when he was on a Mormon mission in Tennessee, and Laney invited the young man to supper at his house,—and invited him to come and get his breakfast, and the young man after he got his breakfast, saw the onions growing in the dooryard and said he would like to have a few of them, and Laney said: 'Well, take all you want and welcome,' and he took them;—and then Dame sent Barney Carter, he was one of the 'Destroying Angels' there, and he tore a picket out of the fence and hit Laney side of the head, and the man has never been sound in his mind since, just because he let the onions go to the man; it was Laney's only offence."

Q. "What position do you say Dame held in the Church at that time?"

A. "He was Colonel of the Iron Battalion, and he was a High Priest of the Mormon Church of the branch of Parowan; that was in 1857."

CROSS EXAMINATION OF BISHOP McGUFFIE, BY
MR. MOYLE.

LEADERS, NOT LAWS NOR ORDINANCES, GOVERN THE PEOPLE.

Q. "You covenanted that you would obey the laws of the Church and its regulations and ordinances?"

A. "The authority of the Church; one thing is a law one day, and another another day, and whatever the authority was—it is a living priesthood; the man that is placed between God and the people—that is the law."

Q. "And you will swear to that will you?"

A. "I will swear to it in the presence of God Almighty and His Holy Angels."

Q. "How do you know that John D. Lee had three wives that year?"

A. "Well, he had been visiting with me and sitting at my table, and was eating as a man would eat at a friend's table, and he cried like a child, and said he would be a scapegoat for this thing, this massacre,—was only a tool to accomplish the thing, and the whole country turned against him; nobody would receive him into the house when he came to Parowan, only me and my wife. I never believed it was on his shoulders. I knew better than that. He was only one among many."

Q. "Do you feel very friendly toward the Mormon Church?"

A. "I wouldn't put a straw in their way."

Q. "Why wouldn't you?"

A. "Because they always treated me like a gentleman; the Mormon people respected me."

Q. "Why did you volunteer so much, and manifest so much feeling over the matter?"

A. "Because I came to tell the truth."

Q. "You are telling more than you were asked to; why did you volunteer?"

A. "I only answered the questions."

Q. "You say that you entertain very kind feelings toward the Church?"

A. "No, toward the people in the Church; I believe the heads of the Church are the greatest scoundrels ever lived, but the people are deceived; they are good people, lots of them."

Q. "You feel, then, that the Church as a body, is something you would like to overthrow?"

A. "I don't want to overthrow it; I am independent of the Church."

Q. "You entertain kindly feelings, then, toward the heads of the Mormon Church, generally?"

A. "Why, yes, they haven't injured me as individuals. I have no fellowship with them. I am not bound to hate them. I don't know as I hate any human being. If they wanted any favor and it was in my power I would grant it, the same as any human being. I feel toward them that they are human beings like myself, and they are under great delusion, as I was under it, too, and I got out of it, and I pity them in place of hating them or disliking them. Yes, I would pray for them, and do them a good turn if I could."

Q. "Then you are friendly to these men whom you regard as scoundrels?"

A. "Friendly, certainly, until they are convicted,—why not?"

Q. "How did you know that there were these three bands you spoke of?"

A. "Why, because it was in everybody's mouth, that Bill Hickman was so and so, and that——."

Q. "You only know because you heard other people say so?"

A. "All the Saints knew. There was nothing but Saints here in them days; there were no sinners here."

BRIGHAM YOUNG WAS GOD ON EARTH.

Q. "You say Brigham Young was God on earth?"

A. "God on earth. Yes."

Q. "I suppose you know that as you know these other matters?"

A. "Well, Heber says: 'Brother Brigham is my God; I got no other God. He is God to this people as Moses was God to the Children of Israel; Moses he spake to the Almighty on Mount Sinai, and because he was there so long the reflection of God was on Moses' countenance, and he had to put a veil on to go and talk to the people, and Brigham was just the same as Moses was, a God to the people.'"

Q. "You mean by that, a leader to the people, do you?"

A. "No, he was a God to the people."

Q. "He was your God?"

A. "Yes, and everybody's God that lived——"

Q. "And you think that because he was your God he was everybody's God?"

A. "He was every Saint's God."

Q. "Do you mean to say that that was the doctrine of the Church?"

A. "Yes, sir; and I preached it myself, too,—preached it in Europe and America. You never was in Europe, I guess."

A DESTROYING ANGEL.

(Here Mr. Moyle reverted to the Parowan affair. In answer to his questions the witness said:)

"I had a blanket, and three or four of them had dirks or butcher knives, and he told my son Joe to go and tell his father to come out. I had a strong presentiment not to go out. Afterwards Barney Carter said, that night they were sent to murder me for talking."

Q. "You knew nothing about it except as it was told you by others?"

A. "Barney Carter himself told me."

Q. "Told you what?"

A. "He was appointed to murder me, and told me to clear out. He got tired of Mormonism and went to San Bernardino."

Q. "I suppose he is out of the Territory?"

A. "He is in San Bernardino, or was when I saw him last. I was down there in 1866."

"STAND UP TO IT LIKE A MAN.

Q. "Did the friendship between Lee and Brigham Young continue after that massacre?"

A. "Oh, yes.

Q. "Did the friendship between Lee and Dame continue after the massacre?"

A. "Well, no, I couldn't say it did. Dame wasn't there when the massacre was—when the people was murdered, but he came the next day, and when he saw the mountain strewn with over 120 human beings, he cried and he said to Isaac Haight: 'I never thought there was so many people as this,' and says he, 'I will have to report it to President Young.' 'Well, now,' says Haight, 'stand up to it like a man,' and, says he, 'you were the man that gave us orders to do it.'"

MR. MOYLE: "It seems to me one of the greatest farces, if your Honor please, to have a man like this—shouting——"

THE COURT (To witness): "Just state what you heard; that is, what one person said to another and you heard it."

CITIZENSHIP NOT OF RIGHT, BUT OF GRACE.

MR. DICKSON: "If Your Honor please, in a matter of this kind, it is not like a case where a man is on trial for some offense. Here is a man who belongs to this organization, who has been through the Endowment House, who is claiming the privilege of citizenship. It is a matter he is not entitled to as of right, but as a matter of grace and discretion, in the sound discretion of the Court. It does seem to me that these matters, which were matters of public notoriety among the members of that organization, is competent testimony for the Court to weigh and consider in determining whether it will extend the privileges of citizenship to the applicant or no."

CHARLES GILMOUR'S TESTIMONY.

CHARLES GILMOUR, being sworn as a witness for the Objectors, testified, corroborating the testimony already given by others as to oaths and obligations.

MR. BASKIN: "I will ask you to state what the obligations were at the Endowment House?"

WITNESS: "If your Honor please, I am a citizen of this country, and I love my country before everything else; I have suffered heaps of persecution at the hands of the Mormon people in the past, but should I declare a word of that ceremony my life would stand forfeit, and I ask you, on behalf of my wife and little ones, that you will excuse me from testifying."

THE COURT: "I think the government of the United States is able to protect you, and I have no doubt that it would do so, and will do so in any event. Of course if you are afraid to testify on that ground I don't know that it would be right for the Court to require you to do so."

IMPRESSIVE OBJECT LESSON.

Under this assurance of protection the witness gave testimony, which is, in the main, the same as that already given, adding, however, that at a certain point in the ceremony in the Endowment: "There was an arm shoved through a door that was there, and there was what looked to me to be a United States Cavalry sword, and the body wasn't shown, only to the elbow, and that came through the door, and it twisted, and the effect of the light from the window on that sword was exceedingly startling; that was when these oaths against the people and the government of the United States were being administered."

MR. MOYLE SWEARS.

In a discussion between the Attorneys before the Court, MR. MOYLE, one of the Counsel for the Applicants, took the stand as a witness for the Applicants. Being duly sworn he testified that he was a member of the Mormon Church, and had been through the Endowment House twice, once when married, once "ten or twelve years ago."

MR. DICKSON: "Did you take your endowments at that time?"

A. "I took my endowments both times."

Q. "Did you take any oath at that time?"

A. "No, sir."

Q. "Or covenant?"

A. "No, sir."

Q. "What?"

A. "Well, covenant—excuse me; certainly, I took a number of covenants."

Q. "Did you take any obligation upon yourself?"

A. "Yes, sir."

Q. "With reference to the priesthood?"

A. "In what respect?"

Q. "Obedience to the priesthood?"

A. "No, sir."

Q. "Nothing of the kind?"

A. "No, sir."

Q. "Not even by implication."

A. "No, sir; not even by implication."

Q. "Are you testifying without any mental reservation about it?"

A. "I am, positively without any mental reservation whatever."

Q. "Was there any penalty explained to you, or spoken of, as a consequence of a violation of your covenants?"

A. "That I decline to answer."

Q. "Why?"

A. "Simply because it is a matter which I regard as sacred; I say that there was no covenant, or nothing that was there done, in which I in any way——"

Q. "Just answer my question, sir."

A. "I decline to answer."

Q. "Then stop when you decline to answer."

A. "Yes, sir, I decline to answer."

MR. DICKSON: "That is all."

WITNESS: "And in behalf of my declaration to the Court, I want to say this, that my reason for it is this, that there was nothing—there was no covenant taken, no promise made, but for chastity and for honor and for good conduct; there was nothing said by which I bound myself in any way against the government, or made—or vowed that I would in any way act in antagonism to the government, or anything that has any bearing or relevancy to this issue."

MR. DICKSON: Q. "Now, are you through?"

A. "As to those matters that I regard as secret and sacred, I decline to answer."

Q. "Are you through now?"

A. "Because it has nothing to do with this case."

Q. "Have you finished?"

A. "I don't know whether I have or not; if you have anything to ask I am ready to hear it."

Q. "I don't want to interrupt you. Are you through with your explanation?"

A. "I am prepared to hear you."

AVENGING THE BLOOD OF THE MARTYRS.

Q. "Was there anything said by any person in your hearing about avenging the death of the prophets?"

A. "Yes, sir."

Q. "What was that?"

A. "It would be a matter of impossibility for me to relate exactly what it is."

Q. "I mean the prophets, Joseph and Hyrum?"

A. "Nothing whatever."

Q. "The martyred prophets?"

A. "The martyred prophets; yes, sir."

Q. "What was it?"

A. "It was nothing more or less than this: The passage of Scripture—I can't recall it. If I had the Bible here I could find it. It is in the Book of Revelations; it runs something like this: Oh, Lord, holy and true, how long shalt our blood remain un-avenged? It was something of that kind, and I am not certain but what—my recollection is that there was something said in connection with that, as a matter of instruction. I will state this much in order that the matter may be fully explained, that in the process of receiving endowments, there are addresses delivered by elders who are officiating, and in one address instruction is given that we should pray that God would avenge the blood of his martyred prophets, and that is all."

Q. "That is all?"

A. "That is all."

Q. "Wasn't there a penalty of death pronounced there?—wasn't it explained to you that the penalty of a violation of any of your covenants would be death?"

- A. "I decline to answer."
- Q. "That you decline to answer. All right."
- MR. BASKIN: "Wasn't one of those penalties that your throat should be cut across?"
- A. "With reference to what covenant?"
- Q. "Well, with reference to the covenants you took there?"
- A. "I decline to answer."
- Q. "Wasn't the penalty that your bowels should be torn out?"
- A. "I decline to answer that, unless you tell me what you want to answer."
- Q. "And that your heart should be torn out?" (No response.)
- MR. BASKIN: "That is all."
- (Thereupon the witness left the stand.)

CHARACTERISTIC MORMON TESTIMONY.

The testimony for the applicants is characterized throughout by unwillingness of the witnesses to testify to any facts, by evasion, by feigned ignorance, by defective memory, by subterfuge, and by downright contradictions in their statements in the direct and the cross-examinations. A few excerpts from the testimony of two or three of their most prominent witnesses will show the whole trend. The others take the cue and follow their file leaders.

JOHN HENRY SMITH TESTIFIES.

APOSTLE JOHN HENRY SMITH, 41 years old, born in the Mormon Church of Mormon parents, grandparents also Mormons, gave some valuable information at the outset as to the seat of authority and responsibility in the Mormon Church.

THE GOVERNMENT OF THE MORMONS.

He said: "The government of the Mormon Church consists of a Presidency of three, of a Council of twelve who are called Apostles, and a Council of Seventy, who are composed of seventy members. These three Quorums hold equal authority in the government of the Church:—that is, the vote of the Twelve is equal to the vote of the three first Presidents;

the vote of the Seventy, composed of seventy members, is equal to the vote of the Presidency of the Church."

DIRECT EXAMINATION BY LE GRAND YOUNG.

Q. "I will ask you, Mr. Smith, if, in the course of the administration of the ceremonies there in the Endowment House, there is any covenant or oath or affirmation made by, or required of, those passing through there, that they will avenge the blood of the prophets on this nation or its people, or against the government of the United States? Has there ever been since you first went through there?"

A. "I absolutely declare that there was no such oath, or such covenant, no such bond entered into by me, nor did I ever administer such an oath, covenant or bond to any man, that could be construed, by any reasonable construction of language, any way upon the earth, to mean a thing of that kind; and will say here for myself, that had any man presented to me an oath that bound me to become a deliberate enemy of my country that I love and respect, I would have repudiated it upon the spot."

Q. "Is there anything in the Endowment Ceremony that teaches, promises, or in any way countenances, the right of one man to shed the blood of another?"

A. "No, sir; no, sir. On the contrary—

Q. "Is there anything in the teachings of the Church, from the first revelation to the last?"

A. "No, sir."

CROSS-EXAMINATION BY MR. DICKSON.

Q. "I understand you to say that you have a very deep affection for your country?"

A. "I have, sir."

Q. "You mean by country, The United States?"

A. "I have, sir."

Q. "And that if you had been required to enter into any covenant or obligation of any character which was antagonistic to your duties as a citizen of your country, you would have promptly repudiated it?"

A. "I say so, even at that early age."

Q. "And that has been always your attitude?"

A. "That is today, and was then."

Q. "Are you a polygamist?"

A. "Yes, sir."

Q. "When did you enter into polygamy?"

A. "I entered into polygamy twelve years ago."

Q. "Didn't you know that that was against the law of your country?"

A. "I knew there was a contest as to the constitutionality of a law that had been passed by Congress."

Q. "Didn't you know that that was against the law of your country, and that the law had been declared, prior to that, to be a constitutional and valid law?"

A. "No, sir."

Q. "Did you continue, after the passage of the law of 1882, to live in violation of it?" A. "I decline to answer that question, sir."

Q. "If you did continue to live in violation of that law after you knew that its constitutionality had been upheld by the Supreme Court of the United States, would you still maintain that you had a deep affection for the laws of your country?"

A. "Yes, sir—the law of Congress was directed against the principle of my faith, and that principle of my faith was introduced, acknowledged, and had been taught and established for nearly forty years."

POLYGAMY AND BIGAMY.

Q. "Didn't you know that the Congress of the United States had, as early as 1862, prohibited the practice of polygamy in the Territory of Utah?"

A. "No, sir; it prohibited the practice of bigamy in the Territory of Utah."

Q. "Well, what distinction do you make between bigamy and polygamy?"

A. "I make this distinction: that a bigamist is a man that marries a wife, and then marries another, deceiving the first by not permitting her to know that he has married a second, or the second to know that he had married the first."

Q. "According to your understanding, if the first and sec-

ond wife at the time of the second marriage, have knowledge of the situation of the man, that there is no bigamy, is that it?"

A. "Yes, sir."

Q. "Do you believe in the revelation of celestial marriage?"

A. "Yes, sir."

DOOM OF A LOYAL WIFE.

Q. "Do you understand that revelation to be to this effect, that if the first wife refuses to consent to her husband taking a second wife, she shall be damned?"

A. "I understand that principle; a good many women have taken that chance. Under the Mormon theory they shall be damned."

Q. "What part of that revelation do you reject?"

A. "I accept the whole revelation."

Q. "If, believing in that revelation, you felt it your duty to take a second living wife for time as well as eternity, and your first wife withheld her consent, would you not yield obedience to the will of God and take a second wife?"

A. "Yes, sir; if I felt to do it."

After some discussion between the counsel, the Court ruled:

THE COURT: "The question of whether the constitutionality of the law had been passed upon or not, is immaterial, because, until the Supreme Court of the United States had held the law to be unconstitutional, it is the duty of the citizen to obey it."

Q. "Knowing that there was a law upon the statute books of the United States, making it a crime for you or any other man in this Territory who had a wife living, to take another wife, didn't you violate that law?"

A. "Yes, sir; I did violate that law upon the statute books—I did this upon the basis that it was unconstitutional."

Q. "After you knew the constitutionality of this class of legislation had been upheld, you still continued to violate that law, didn't you?"

A. "I decline to answer."

NOT FREE UNDER HIS RELIGION.

Q. "If you did continue to violate it after you knew its constitutionality was upheld, don't you say that where the law of the

land comes in conflict with what you believe as revealed to your Church, that you will follow the latter and reject the former?"

A. "When the law of the land takes my religion, that is established and fixed, and that I have practiced and observed, while the constitution of the United States shall remain, I shall think I am protected in the practice and observance of my religion, so long as I wrong no other being—as I remarked, I had taken upon myself an agreement and a covenant that was a perpetual one. Were I outside of that condition in regard to that matter, I would be reasonably a free man."

THE KINGDOM.

Q. "Isn't it true that your Church, through its recognized officers and teachers and leaders, has taught for years, publicly and privately, that the kingdom of God was now established on earth in the form of the Church of Jesus Christ of Latter-Day Saints"—

A. "I have heard them use that name; I have heard them use that word. I have heard Brigham Young use it; I have heard the Apostles use it. As a matter of fact I presume every Apostle and every elder that has spoken, has used that phrase—but the Church of Jesus Christ of Latter-Day Saints is the name of this Church; that is all there is about it."

Q. "And you have heard every apostle of the Church teach that doctrine, have you not?"

A. "Not as a doctrine, but announce it—in the course of talk say: 'This is the Kingdom of God.'"

Q. "And say it was the duty of these people, meaning the members of the Church, to follow the counsels of the men at the head of the Church, in respect to building up the Kingdom of God on earth, haven't you?"

A. "Yes, sir."

DECLINES TO ANSWER.

Q. "Weren't the people instructed to pray the Lord to avenge the blood of the prophets, and to teach that to their children and their children's children?"

A. "I have no remembrance of any such instructions of that positive kind."

Q. "Well, that they were instructed to pray to the Lord to avenge the blood of the prophets, wasn't that it?"

A. "I decline to answer any further questions with regard to that."

Q. "What penalties were attached to a violation of the covenants that you took in the Endowment House?"

A. "I decline to make any statement."

Q. "Wasn't one of the penalties that you would have your throat cut?"

A. "I decline to make any answer" (and so to other questions).

WITNESS: "Your Honor, I would like to make one statement right here, and that is this: That Oliver Cowdrey, the immediate friend and associate of Joseph Smith, apostatized from the Mormon Church; he was never killed; he knew all that Joseph Smith knew. David Whitmer and Martin Harris, who were his immediate associates, apostatized from the Church; they were never harmed or hurt in any degree—every one of them died out of the Church—and the fact that Mr. Baskin, who is a pronounced enemy, and has been from the first—and I have always respected him for his honesty—he has never let up for a minute; he has fought Mormons from the first until today, and as viciously as any man ever did."

MR. DICKSON: Q. "What is the penalty for going against the Lord's Anointed and the Heads of the Church?"

A. "I decline to answer to penalties."

Q. "How long had you married your first wife before you took the second?"

A. "I couldn't tell you."

DR. RICHARDS testified.

DR. HEBER JOHN RICHARDS, another witness for the applicants, under cross-examination, testified as follows:

MR. WILLIAMS: Q. "You say there was no covenant to avenge the blood of the prophets upon this nation?"

A. "None that I heard, sir."

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

A. "In the fore part of the ceremony, in the anointing, they

annointed my right arm that it might be strong to avenge the blood of the prophets, but that was all that was said."

Q. "What was said about avenging the blood of the prophets, Joseph and Hyrum?"

A. "Nothing whatever about Joseph and Hyrum, that I recollect—it was just 'prophets.'"

Q. "What obligation did you take with reference to obedience to the priesthood in all things?"

A. "If any, it has slipped my mind, I don't remember."

Q. "What teaching was there with reference to polygamy?"

A. "I don't remember anything being said about polygamy."

Q. "Did you take any obligation under a penalty? I wish you would state it in substance?"

A. "I couldn't do it—I couldn't do it if I was willing, and I don't feel willing to."

MURDER, BUT NOT IN THE EYES OF THE CHURCH.

Q. "Well, Doctor, it has been stated upon the witness stand that those covenants were taken, and the penalty understood to be, that if a man apostatized from the Church, the duty of those who had been through the Endowment House was to go and murder him, or kill him, did you ever hear anything of that sort?"

A. "No, sir; I can explain to you what I understood by that—was simply this: That after I had become a member of the Church, if I then fell away, I could get remission if I went voluntarily and asked for the atonement of my blood, but not without it; it must come by my desire, the same as baptism does, if I was taken out and baptized against my will, it would do me no good, and if I was killed against my will, it would do me no good."

Q. "And it would be appropriate, when they made the request, for some brother to shed his blood?"

A. "Yes, some person who was authorized to do so."

Q. "And it wouldn't be murder?"

A. "It wouldn't be murder—it would be murder probably in the eyes of the law, but not in the eyes of the Church."

Q. "And that was taught?"

A. "That was taught."

E. L. T. HARRISON'S TESTIMONY.

Respecting the authority claimed and exercised by the Church to control in temporal and political affairs as well as spiritual, Mr. E. L. T. HARRISON, an Architect and a prominent citizen of Salt Lake City, a witness for the objectors, testified, under oath:

THE CHURCH IN TEMPORAL AFFAIRS.

"I was severed from the Church for my opposition to the doctrine of the government of the Church in temporal affairs. It was taught that the President of the Church was authorized to direct the affairs of the Church in things temporal as well as spiritual, that included the political direction of the Mormon people. The prominent point which we opposed was the right of the President of the Church to administer in relation to what men should do with their money, and other such things. I was tried by the Church Assembly. The charge was, as I have stated, that we denied the right of the President to direct in temporal matters. One of the points was that we believed in the propriety of developing the mines of the country—the necessity of their development. There was no charge of anything wrong in our conduct, except that we were in disobedience to the counsels of the servants of God on those particular points, and the effect of that would be to invite in non-Mormon people. I was in some apprehension about my personal safety. That lasted for about a year or two. Mr. Wm. S. Godbe was associated with me. I did on a number of occasions, take precaution for my safety. Brigham Young claimed for himself a right which was inconsistent with the theories taught to me in England, previous to my coming to this country."

Q. "Well, from the time you first came from England to this country up to the time that you were excommunicated, didn't the whole priesthood sustain Brigham Young in his claim of temporal power, or right to control the people temporally and spiritually?"

A. "They did so—far as I am acquainted with them."

A FEELING OF HOSTILITY TO THE UNITED STATES.

Q. "What was the feeling among the members of the Church generally toward the United States?"

A. "There was a feeling that the United States was in opposition to them, had injured them—that the officers of the United States had persecuted them—there was a feeling that they had a right to practice polygamy—that the government was wrong in opposing their practices, and was acting unconstitutionally—there was a feeling of hostility on those grounds, yes. It was very bitter in individuals, and of a more modified character in others. It was a decided hostility."

THE COURT: Q. "About that time that the Act of 1862 was passed against polygamy, did you hear any command on the part of Brigham Young that the male members of the Church should all or generally go into polygamy in defiance of the law?"

A. "It was an understood fact that they were required—such as received the sanction from the Church—to go into polygamy."

T. G. WEBBER AND THE HALF-MASTED FLAG.

MR. THOMAS G. WEBBER, a native of England—a first lieutenant in the Army of the U. S. for five years—a member of the Mormon Church ever since the Civil War, and now superintendent of the Z. C. M. I., being duly sworn, gave very general denials and asseverations of ignorance and forgetfulness as to most of the matters which are subjects of investigation, but admitted finally, that his obligations of honor to the Church were greater than to the government in some things. He remembered that on the Fourth day of July, 1884, the flag was at half mast on the City Hall and on the Z. C. M. I., but he was ignorant of the purpose, or of the authority by which it was done, though he was both a member of the City Council and one of the officers in control of the Z. C. M. I. He had heard that the flag was also at half mast over the home of the President of the Mormon Church, the County Court House and the office of the Deseret News, but he knew nothing about it.

Q. "Wasn't there a resolution passed in the City Council

explaining it, and saying that it was done to manifest the grief of this people?"

A. "Yes, sir; at the oppression they had received at the hands of the American nation. So far as our Co-operative Institution is concerned, we endeavored to find out who ordered the flag at half mast—we couldn't find out."

C. W. PENROSE'S CONTEMPT OF COURT.

MR. CHARLES W. PENROSE, Editor of the Deseret News, the official Organ of the Mormon Church, after giving freely and at great length his testimony for the Applicants, under oath, refused to answer the first question of the cross-examination bearing on the matter at issue, and being in contempt, was sent to prison—thus defeating the cross-examination, and interrupting the proceedings of the Court. (The question was, "How many wives have you, Mr. Penrose?")

THE COURT: "I propose that this witness shall answer this question, unless he puts his refusal upon one ground that would be a proper ground to take. It is simply, as it is now, put upon the ground that he does not want to answer it, and does not intend to. That is a direct issue between the witness and the Court. * * * I don't think it would be proper to allow Mr. Penrose to defeat the purpose of this investigation by his contumacy. The case of the Applicant Moore will be kept open. There are other cases pending. The taking of testimony may proceed."

TESTIMONY OF HENRY W. LAWRENCE.

MR. HENRY W. LAWRENCE, being sworn as a witness for the objectors testified that he had been a member of the Mormon Church for many years and had officiated in the Endowment House between 1865 and 1869. Being examined by Mr. Baskin he testified: "There were obligations and covenants entered into in the Endowment ceremonies. There is a great deal to them. There is a covenant to avenge the blood of the prophets. Reference is made to Joseph and Hyrum Smith.

ENDOWMENT OATH OF VENGEANCE.

"In substance it is: 'You, each and all of you, covenant and agree to avenge the blood of the prophets, Joseph and Hyrum, who have sealed their testimony with their blood. This you will teach to your children and their children's children unto the third and fourth generation'—with some other things that are added to it. In different apartments there are different degrees, and sometimes these ceremonies are administered, a number of them together, 'This you do in the presence of God, angels and these witnesses.'"

COVENANT TO OBEY THE PRIESTHOOD.

"They covenant, with other things, to obey the priesthood in all things. Polygamy is recognized. If one of the leaders or teachers of the Church should preach a sermon in public advising the people to abandon the practice of polygamy and advising them to obey the laws against polygamy, if he wasn't immediately cut off from the Church, he would be socially and religiously ostracised. Their polygamy is divine or it is not divine; it is either a revelation given to Joseph Smith, or it is a fraud; if they believe in Joseph Smith, and believe in his revelations, they have got to stick to it."

THEORY VS. PRACTICE-MYSTERIES.

"The charge upon which I was excommunicated was a rather general charge of apostasy. Anything in disobedience to the priesthood was apostasy. * * * There are many theories connected with Mormonism that are pretty good, they are very winning to the outside world. The practical working of Mormonism is one thing, the theories are another. There were a great many things connected with it that were objectionable. When you would ask any one in authority they would say, 'Well, you don't understand. These things are all right, and if you only have faith—are faithful you will understand them after a while.' We were taught to a certain extent to give up our individuality, not to think, not to reason."

FREEDOM OF SPEECH FORBIDDEN.

For some little time before we came out of the Church Mr. Godbe and Mr. Harrison were printing what was called The Utah Magazine, the forerunner of the Tribune. The paper was started with the view of printing some advanced ideas or liberal thoughts to set the people to thinking. I realized that there were a great many things that were wrong, and we wanted to see them corrected. We were all in the Church and we wanted Mormonism to be true. We had grown up in the system, and we didn't want to follow something that was not what it represented itself to be. For about a year or two that magazine existed. The priesthood was supreme here in these mountains. To object to anything, to object to any of the counsels of Brigham Young or any of the leaders of the Church was considered—I won't say worthy of death, but of excommunication and ostracism which very few men could afford to bear. In temporal matters, and in spiritual matters it is the right of the priesthood to dictate in all things, the people to give their unquestioned obedience. We saw that the course which we were pursuing, defying the government and trying to ostracise and alienate the people from the government and the world would bring us into conflict with the government and with civilization. We wanted to prevent this if we could. It was considered quite a crime for any man to advocate the opening of mines. Brigham Young or the priesthood used to say that whenever the Lord wanted the mines open he would order them opened. Of course, that would be through the priesthood.

SPIRIT OF ENTERPRISE CRUSHED.

They printed a piece on opening the mines. At that time they were building the Union Pacific railroad. Brigham Young had contracts on that road, and he tried to control the wages of the workmen. He taught that the wages of workmen and all these temporal matters must be controlled by what was called the School of the Prophets. Mr. Harrison wrote a piece on Workmen's Wages in which he argued that Supply and Demand should control the workmen's wages. Brigham Young had never been opposed by anyone at that time.

MINING AN APOSTASY.

The charges were that they had printed things in the Utah Magazine against the counsels and direction of the holy priesthood. George Q. Cannon was the prosecuting attorney. He stood right there (pointing) and he read that piece on the Development of Mines as one of the evidences of the spirit of apostasy. That was the main charge against these men that they wanted to open up the mines here, contrary to the directions and counsels of the holy priesthood. The result was that the vote was taken and they were cut off from the Church.. Geo. A. Smith got right up there and says, "These two men sitting there have blacker hearts than any men since the formation of the world. They want to open up the mines and bring all hell and the devil in here." When the contrary vote was called for, Mr. Kelsey voted to sustain them. He had been a member of the Church ever since the old Nauvoo days. For exercising the right to vote the contrary vote, Brigham Young got up and says, "I move that Eli B. Kelsey be cut off from the Church."

KELSEY CONDEMNED WITHOUT A TRIAL.

That vote was taken immediately, without a trial, when the theory of the Church is that every man shall have a fair hearing before the members of the Church. I remained in the Church probably for a month afterward. I wanted to help bring about some reforms that I saw were necessary. We wanted to see Mormonism made respectable so as to bear the light of the nineteenth century. I wasn't even then prepared to give up the Church, but they cited me to appear before the Bishop in the Eighth ward, and some general charges were made against me, of a spirit of apostasy in sustaining Godbe and Harrison and their movement, and I was cut off from the Church.

THE UNITED STATES GOVERNMENT DEAD EASY.

They didn't give me a trial before the High Council nor allow any more public trials. The Mormon Church claims to be the government and kingdom of God, that is, a present, literal kingdom, with laws to govern and control its members and all its affairs—extended to the direction of the people in all things.

When they first came here they had a provisional government called the State of Deseret; they included within their jurisdiction the whole country this side of Oregon on the north, east of the Sierra Nevadas; took in, I think, New Mexico. This was the extent of what they hoped and expected to get a state government for and establish their kingdom, the kingdom that was set upon the earth, no more to be thrown down. As the power developed they expected to control, not only this government of the United States, but the whole earth. They believe that because the government of the United States was established upon such a broad basis, so free and liberal in its provisions, this kingdom of God could be established and increase until the time that it would take possession of the government. That is the theory of the Mormon kingdom of God. We used to sing a song here in early days, "Brigham Young, he is our king." It went to the tune of "Du da." It is a temporal and spiritual kingdom combined.

LOYALTY NEVER TAUGHT.

Nowhere in the teaching of the Mormon leaders, nowhere in their private ceremonies, are people taught to be loyal and true to the government of the United States. The general tenor of the teachings in early days was disloyalty to the government. I refer to just one instance now, where it did more to prejudice the young people than any one thing I suppose.

TAUGHT TO HATE THE GOVERNMENT.

In 1847, during the Mexican war, when the Mormons were on the frontier, all in their camps, going out to Salt Lake, or west somewhere, there was a battalion called for from the Mormons to go and fight the battles in Mexico. I always supposed, from the teachings of the Mormon leaders, that it was a requisition, and I have heard over and over, the government handled roughly, denounced for calling upon the Mormon people for 500 of their best men, to cripple them right there on the banks of the Missouri, in the most trying time. The people were taught that the government had called for these men so that we would not be prepared to protect ourselves against even the Indians. It was

so represented by our leaders. I used often to think that that was a most damnable thing. That was preached in sermons by Brigham Young, by George A. Smith and the other leading men of the Church, time and time again. The true condition of the thing was, we afterwards found out, and it was one of the things that turned me against the system, that it was on the solicitation of the agents of this Church that that battalion was asked for. Jesse S. Little was one of them. The government, out of kindness to the people, and on the solicitations of the agents of this Church, asked for that battalion. They paid them one or two months' wages in advance, and that money was used to help buy teams and assistance for the people, and helped them to come out here to Salt Lake. Instead of the truth being told, they were told that it was done in order to cripple them in the face of the Indians. This was one of the things they taught the people to prejudice them against the government of the United States.

From 1862 to 1865 the most radical talk was indulged in; since that time they have been a little more careful in their expressions. This talk was indulged in, not only by Brigham Young, H. C. Kimball, Geo. A. Smith and the twelve apostles, but by other leading men of the Mormon Church. We were told that the government had allowed us to be driven from our homes, deprived of our property, the saints to be murdered, the prophets to be murdered, and that they had deprived us of all our rights as American citizens, and that by that means we were alienated from the government. Had it not been for the teachings that were given to them by the leaders, there is no reason why the people should not have been friendly to the government of the United States. If they felt that they were free from the obligations of the Church they would be a good, loyal people.

THE AMERICAN FLAG INSULTED.

ARTHUR WILD, another witness, testified under oath, that in 1879, on the occasion of a procession accompanying Daniel H. Wells from the penitentiary at the time when he was released from imprisonment for contempt, that he saw the American flag, the Stars and Stripes, trailed in the dust by members of that

procession, on Main street, Salt Lake City; the flag was trailing along in the dust and when they went by the Court House they all "hollered, hooted and hissed."

POLYGAMY BANNER EXALTED.

MRS. CORNELIA PADDOCK, under oath, testified that the City Council and the Fire Department headed that procession, and that there was a banner carried by a lot of little girls: "We will uphold polygamy," and another banner, but I don't remember by whom it was carried, and the inscription on it was, "We will obey the priesthood."

FLAG TRAILING IN THE DUST.

GEORGE WALTON also testified, under oath, that he witnessed the same procession, saw the national flag trailing in the dust from a wagon in that procession, and that as the procession passed the Court House they gave a hideous, hissing yell.

HON. E. D. HOGE, being duly sworn, testified that he was "standing on the stoop of the Federal Court House with Mr. McMillan, Clerk of the District Court, a good many others were there, as the procession accompanied Daniel H. Wells from the penitentiary, where he had been imprisoned for contempt, saw the American flag trailed in the dust. Mr. Wells was accompanied by prominent Mormon officials.

INSULT A U. S. JUDGE.

JUDGE JOHN R. McBRIDE, who was standing with JUDGE EMERSON, the committing Judge, being under oath as a witness, corroborated the testimony of the foregoing witnesses, and in addition, said: "The crowd generally was not disorderly, but very noisy, there seemed to be a good deal of enthusiasm, and when they arrived opposite the Federal Court House they discovered that the Judge was there, and the demonstration of derision was quite apparent and very pernicious. Our estimate of the number in the procession was 10,000 to 12,000. There were mottoes borne by the multitude, one was 'Polygamy is of God,' another 'We will obey our religion,' or 'We will be faithful to our religion,' or something like that."

DEFIANT MOTTOES.

W. G. VAN HORN, being duly sworn, testified that he witnessed the procession which accompanied Daniel H. Wells on his return from the penitentiary, and its demonstrations. He copied the mottoes which were on the banners borne by that procession for the Tribune. "One was 'The 19th century is too late for religious pains and penalties to be imposed in the name of the law.' Another motto was, 'Prisons are made for thieves, vagabonds and lawbreakers and not for honorable men. When used for such purposes we honor the prisoner more than the persecutor.' Another was, 'Honor to the man who prefers fealty to his friends, his religion, his country and his God, to obedience to the unjust fiat of a jaundiced judiciary.' Another, 'When Free Masons, Odd Fellows and others are compelled to make their secrets public, it will be time enough to practice on Mormons. Try the others first.' Another, 'There is nothing more sacred than a religious obligation.' Another, 'Better the penitentiary for faithfulness in this world, than the prison house for perjury in the next.' Another, 'It would accord more with the dignity of the judiciary in fining an honorable gentleman for contempt, to find a more powerful reason that the cut and color of an apron, for its action.' Still another, 'The women of Utah uphold polygamy.' These mottoes were all in the Tabernacle after the procession entered it. And there were other mottoes not here reported."

Q. "Was the American flag there at all?"

A. "Not to my knowledge, I didn't see it, sir. The banner — 'The women of Utah uphold polygamy,' was carried by girls and misses. At the meeting Franklin D. Richards, Mr. Wells and President John Taylor spoke."

MR. DICKSON introduced in evidence, a copy of a circular bearing date Salt Lake City, May 26, 1885, and addressed by John Taylor, the late President of the Church, and George Q. Cannon, his First Counsellor, to the Presidents of Stakes and their Counsellors, the Bishops and their Counsellors, and the Latter Day Saints generally. The purpose of this circular was to arouse the officers and members of the Mormon Church to a united and determined effort to defeat the courts of the United States in their attempt to enforce the laws of Congress against

polygamy. A few extracts from that circular will suffice to show its character :

CHARGES CONGRESS WITH VIOLATING CONSTITUTION.

"Attempts are now being made to destroy our rights under the Constitution, and to effect this, that instrument, which the Prophet Joseph Smith said was given by inspiration of God, is being trampled by those who should be its administrators and guardians. This compels us to contend for constitutional principles. We must uphold them to the best of our ability. An attack has been made upon our religion, and it appears to be determined that we shall either abandon it or be visited with the most severe pains and penalties. Under the cover of this attack upon the principle of patriarchal marriage, we are denied most of the rights which belong to freemen, and which our ancestors enjoyed for ages before they were enunciated in writing in the Constitution of the United States. For proof of this we need but to refer to our right to be tried by a jury of our peers,—a right which men of our race have enjoyed from the most remote times. Our religion is made the pretext for this deprivation of rights, and for bitter threats against the few remaining liberties which we possess. To preserve these liberties and to regain the rights of which we are already deprived, we must contend earnestly, manfully, legally and constitutionally. * * * * *

WILL FIGHT THE GOVERNMENT.

"But the contest in which we are now engaged requires means with which to conduct it. At the beginning of these attacks upon us we formed a defense fund. This was for the purpose of employing legal talent and defraying necessary expense, so that neither our public rights nor the liberties of any of our brethren, should be lost for want of proper defense. This fund has been formed by contributions made by the various States, it being the intention to use it for the defense of all who might be assailed on religious grounds in the Territory of Utah, so that the expense of defending himself should not fall upon any individual but be borne by all in common. The Territorial Central Committee, because of the peculiar circumstances which surrounded some

of our brethren outside of this Territory, found it necessary to extend a helping hand in their cases. Counsel has also been given to the leading authorities of the Church in Idaho and Arizona to form in each of these territories a defence fund similar to that to which we refer as existing in Utah, as it is equally necessary that the Saints in each of these territories should make common cause in defending themselves."

CALLING UPON ROCKY MOUNTAIN STATES AND TERRITORIES TO JOIN IN INSURRECTION.

"The views which we express in this circular upon this subject to the Saints in Utah, therefore, will apply with equal force to the Saints in Idaho or Arizona, or wherever they may be attacked in violation of the constitution. Of course the funds collected in each of these territories will be handled by the Committee appointed for that purpose."

"It ought not to need any argument to convince Latter Day Saints of the wisdom and propriety of creating and maintaining such a fund."

THE WARFARE AGAINST US.

"The warfare against us is not upon individuals, but is upon the Church as a body, and upon the religion which we all profess to believe and practice. And while, at the present time, the attack is ostensibly made upon our system of plural marriage, it is evident that our persecutors will not be satisfied with the breaking up of the families of all who are open to this charge, but if unchecked, would proceed from the commission of one outrage to another, until we should be stripped of every human right, including our homes and our properties. * * * *"

"Attorneys have been employed and legal help has been furnished to all who, because of their obedience to the law of God, have been assailed. This has required money, for liberty in these United States has become an expensive luxury. * * *"

"We do not think it is advisable for brethren to go into courts and plead guilty. We must not look at our own cases from individual standpoints, but in the light which the people may be

affected by our action. Every case should be defended with all the zeal and energy possible. Let us contend for our rights, inch by inch, and not yield a particle to the demands of those who are assailing us. We have rights under the Constitution, and however these may be denied to us, it is still our bounden duty to contend for them, not only for ourselves, but in behalf of all our fellow citizens and for our posterity, and for humanity throughout the world. Were we to do less than this we would fail in performing the mission assigned to us, and be recreant to the high trust which God has reposed in us."

THE OLD CRY OF PERSECUTION.

"There is another matter to which we wish to call your attention in this connection. Several of our brethren have been consigned to prison because they will not break their covenants and deny their faith. Some of them have been sentenced in gross violation of law. Others have been compelled to flee to avoid arrest and prolonged imprisonment, not so much because they are afraid to meet the consequences of their conduct, if they could have a fair trial in the courts, but because they cannot have a fair trial, for we all know that with packed juries, and those, of our enemies, it is impossible to obtain justice, and that we are denied the protection which under the form of law, properly administered, the vilest criminal receives, and that conviction and imprisonment are the almost inevitable result of accusation and arrest. The families of those brethren who are thus imprisoned and of those who have been compelled to flee should be looked after."

"In closing this epistle, we say to all the Latter Day Saints, these trials through which we are now passing will have the effect to prove the Saints and those who are only Saints in name. Those who have been careful to keep oil in their lamps, now have the needed light to guide them. They have been told that no man can serve two masters; that we cannot serve God and Mammon. Those who have observed these teachings and have diligently kept the other commandments of the Lord, will find themselves in the possession of the needed strength and faith to enable them to bear every trial."

"Brethren and sisters, notwithstanding these light afflictions, the honest in heart need not fear, for in God we trust. He is on the side of right, and Zion will most assuredly triumph."

"We remain yours in the new and everlasting covenant,

JOHN TAYLOR,

GEORGE Q. CANNON.

Of the First Presidency of the Church of Jesus Christ of Latter Day Saints."

OPINION AND DECISION OF THE COURT.

Opinion of Judge Anderson, rendered in the Third Judicial Court, at Salt Lake City, Utah, November 30, 1889, in which Naturalization was Denied to John Moore and Others, Because of Their Being Members of the Mormon Church.

In the District Court, for the Third Judicial District of the Territory of Utah.

In the matter of the application of John Moore, Fred W. Miller, Henry J. Owen, John Berg, Walter J. Edgar, Chas. E. Clissold, Nels Anderson, Carl P. Larsen, Thomas M. Mumford, John Garbet and Arthur Townsend to become citizens of the United States.

OPINION.

ANDERSON, J.:—In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar upon the ground that they were members of the Mormon Church, and also because they had gone through the Endowment House of that Church, and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted. The admission of the other applicants was objected to solely on the ground that by their own statements they were members of the Mormon Church, although they had not gone through the Endowment House, and had not taken the oath usually administered there, nor in fact any oath incompatible with citizenship.

The claim is made by those who object to the admission to citizenship of these persons, that the Mormon Church is and always has been a treasonable organization in its teachings and in its practices, hostile to the government of the United States, disobedient to its laws, and seeking its overthrow, and that the oath administered to its members in the Endowment House binds them under the penalty of death to implicit obedience in all things, temporal as well as spiritual, to the priesthood, and to avenge the death of the Prophets Joseph and Hyrum Smith upon the government and people of the United States. The taking of further testimony at this time is for the purpose of determining whether or not these allegations are true.

The third subdivision of section 2165 of the Revised Statutes of the United States provides that in order to entitle an alien to be admitted as a citizen of the United States,

"It shall be made to appear to the satisfaction of the court admitting such alien that he has resided in the United States five years at least, and within the state or territory where such court is at the time held, one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States and well disposed to the good order and happiness of the same."

Those objecting to the right of these applicants to be admitted to citizenship, introduced eleven witnesses, who had been members of the Church of Jesus Christ of Latter Day Saints, commonly called the Mormon Church. Several of these witnesses had held the position of Bishop in the Church and all had gone through the Endowment House and participated in its ceremonies. The testimony of these witnesses is to the effect that every member of the Church is expected to go through the Endowment House and that nearly all do so; that marriages are usually solemnized there, and that those who are married elsewhere go through the Endowment ceremonies at as early a date thereafter as practicable, in order that the marital relations shall continue throughout eternity. That these ceremonies occupy the greater part of a day, and include the taking of an oath, obligation or covenant, by all who receive their endowments that they will avenge the blood of the Prophets, Joseph and Hyrum Smith, upon

the government of the United States, and will enjoin this obligation upon their children unto the third and fourth generations; that they will obey the priesthood in all things, and will never reveal the secrets of the Endowment House under the penalty of having their throats cut from ear to ear, their bowels torn out, and their hearts cut out of their bodies. The right arm is anointed that it may be strong to avenge the blood of the Prophets. An under garment, a sort of combination of shirt and drawers, called the Endowment Robe, is then put on, and is to be worn ever after. On this robe near the throat, and over the heart, and in the region of the abdomen, are certain marks or designs intended to remind the wearer of the penalties that will be inflicted in case of a violation of the oath, obligation or covenant he or she has taken or made.

On behalf of the applicants fourteen witnesses testified concerning the Endowment ceremonies, but all of them declined to state what oaths are taken, or what obligations or covenants are there entered into, or what penalties are attached to their violation; and these witnesses when asked for their reason for declining to answer, stated that they did so "on a point of honor," while several stated they had forgotten what was said about avenging the blood of the Prophets. John H. Smith, one of the Twelve Apostles of the Church, testified that all that is said in the Endowment ceremonies about avenging the blood of the Prophets is said in a lecture, in which the ninth and tenth verse of the sixth chapter of Revelations are recited, 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.'"

Other witnesses for the applicants testified that this is the only place in the ceremonies where avenging the blood of the Prophets is mentioned.

John Clark, a witness for the applicants, testified that he took some obligations, made some promises, entered into some covenants in the Endowment House, and wore his Endowment robes, but did not know the significance of the slit over the

heart. E. L. T. Harrison, another of applicant's witnesses, testified that he had a clear recollection that his right arm was washed, and something said about it being made strong to avenge the death of the Prophets, and that the names of Joseph and Hyrum Smith were not mentioned, but were understood to be among the number whose blood was to be avenged; and E. G. Wooley, a witness for the applicants, testified they were to pray for the Lord to avenge the blood of the Prophets. Every other witness for the applicants who was asked the question stated that Joseph and Hyrum Smith were understood to be included among the Prophets whose blood was to be avenged.

The witnesses for the applicants, while refusing to disclose the oaths, promises and covenants of the Endowment ceremonies and the penalties attached thereto, testified generally that there was nothing in the ceremonies inconsistent with loyalty to the government of the United States, and that the government was not mentioned. One of the objects of this investigation is to ascertain whether the oaths and obligations of the Endowment House are incompatible with good citizenship, and it is not for applicants' witnesses to determine this question. The refusal of applicants' witnesses to state specifically what oath, obligations or covenants are taken or entered into in the ceremonies, renders their testimony of but little value, and tends to confirm rather than contradict the evidence on this point offered by the objectors. The evidence established beyond any reasonable doubt that the Endowment ceremonies are inconsistent with the oath an applicant for citizenship is required to take, and that the oaths, obligations or covenants there made or entered into are incompatible with the obligations and duties of citizens of the United States. The applications of John Moore and Walter J. Edgar, both of whom were shown on the former examination to be members of the Mormon Church, and to have gone through the Endowment House, are therefore denied.

THE GENERAL OBJECTION.

As to the objection made to the admission of the other applicants upon the ground solely of their being members of the Mormon church, a large amount of evidence, mostly documentary,

has been introduced, only a small portion of which can be noticed in this opinion without extending it to too great a length. The evidence consists mostly of the sermons and writings of the Mormon rulers and leaders published under the direction of the Church. On the subject of the right of the priesthood and rulers to dictate to the members in temporal matters, portions of section 124, page 436 of the Doctrine and Covenants are offered by the objectors, containing the prophecies of Joseph Smith as follows:

"And now I say unto you, as pertaining to my boarding house which I have commanded you to build for the boarding of strangers, that it be built unto my name, and let my name be named upon it; and let my servant Joseph and his house have place therein, from generation to generation. For this anointing have I put upon his head, that his blessing shall also be put upon the head of his posterity after him. And as I said unto Abraham concerning the kindreds of the earth, even so I say unto my servant Joseph, in thee and in thy seed shall the kindred of the earth be blessed. Therefore, let my servant Joseph and his seed after him have place in that house from generation to generation, forever and ever, saith the Lord. And let the name of the house be called Nauvoo House, and let it be a delightful habitation for man, and a resting place for the weary traveler, that he may contemplate the glory of Zion, and the glory of this the cornerstone thereof. That he may receive also the counsel from those whom I have set to be as plants of renown and as watchmen upon her walls. Behold verily I say unto you let my servant George Miller, and my servant Lyman Wight, and my servant John Snider, and my servant Peter Haws, organize themselves and appoint one of them to be a president over their quorum for the purpose of building that house. And they shall form a constitution whereby they shall receive stock for the building of that house. And they shall not receive less than fifty dollars for a share of stock in that house, and they shall be permitted to receive fifteen thousand dollars from any one man for stock in that house; but they shall not be permitted to receive over fifteen thousand dollars stock from any one man and they shall not be permitted to receive any man as stockholder in this house, except the same

shall pay his stock into their hands at the time he receives stock."

Also from page 241 of the same book, as follows:

"And now verily I say that it is expedient in me that my servant Sidney Gilbert, after a few weeks, should return upon his business and to his agency to the land of Zion; and that which he hath seen and heard may be made and known unto my disciples, that they parish not. And for this cause I have spoken these things. And again I say unto you, that my servant, Isaac Morley, may not be tempted above that which he is able to bear, and counsel wrongfully to your heart, I gave commandment that his farm should be sold."

From page 242 of the same book as follows:

"And it is not meet that my servants, Newell K. Whitney and Sidney Gilbert should sell their store and their possessions here, for this is not wisdom, until the residue of the Church, which remaineth in this place shall go up unto the land of Zion."

Also an extract from a discourse by President Brigham Young delivered in the Tabernacle in this city, June 16, 1867, in which he used the following language:

"You may say it is hard that I should dictate to you in your temporal affairs. Is it not my privilege to dictate to you? Is it not my privilege to give this people counsel, to direct them so that their labors shall build up the kingdom of God instead of the kingdom of the devil. I will quote you a little scripture if you wish, the words of an apostle of the Lord Jesus Christ to me. You may think that I saw him in a vision, and it was a vision given right in broad daylight. Said he, 'Never spend another day to build up a Gentile city, but spend your days, dollars and dimes, for the up-building of the Zion of God upon the earth, to promote peace and righteousness and to prepare for the coming of the Son and Man, and he that does not abide this law will suffer loss.' That is a saying of one of the Apostles of the Lord Jesus Christ. He said it to me. Do you want to know his name? It is not recorded in the New Testament among the Apostles, but it was an Apostle whom the Lord called and ordained in this, my day, and in the day of a good portion of this

congregation, and his name was Joseph Smith, Jr. These words were delivered to me in July, 1833, in the town of Kirtland, Geauga County in the State of Ohio. The word to the elders who were there, was: 'Never from this time henceforth do you spend one hour to sustain the kingdoms of this world, or the kingdoms of the devil, but sustain the Kingdom of God to your uttermost.' Now, if I were to ask the elders of Israel to abide this, what would be the reply of some amongst us? The language in the hearts of some of you would be: 'It's none of your business where I trade.' I will promise those who feel thus that they will never enter the celestial kingdom of our Father and God. That is my business. It is my business to preach the truth to the people and it will be my business by and by to testify for the just and to bear witness against the ungodly. It is your privilege to do as you please. Just please yourselves, but when you do so will you please bear the results and not whine over them."

(Journal of Discourses Vol. 12 P. 59.)

In another discourse made in the Tabernacle in this city March 9, 1862, the same distinguished leader used the following language:

"There is not a man upon the earth who could magnify even an earthly office without the power and wisdom of God to aid him. When Mr. Fillmore appointed me Governor of Utah, I proclaimed openly that my priesthood should govern and control that office. I am of the same mind today. We have not yet received our election returns, but should I be elected Governor of the State of Deseret, that office shall be sustained and controlled by the power of the eternal priesthood of the son of God, or I will walk the office under my feet. Hear it, both saint and sinner, and send it to the uttermost parts of the earth, that whatever office I hold for any government on this earth shall honor the government of Heaven, or I will not hold it."

(Journal of Discourses Vol. 10, P. 42.)

Elder Geo. Q. Cannon, in an address in this city on the first day of January, 1865, used the following language:

"When the counsel of God comes through His servants to us, we should bow to that no matter how much it may come in

contact with our pre-conceived ideas; submit to it as though God spoke it and feel such reverence toward it as though we believed the servant of God had the inspiration of the Almighty resting upon him."

(Journal of Discourses, Vol. 11, P. 71.)

In a discourse delivered in this city on the 30th day of August, 1857, Elder John Taylor, afterward one of the presidents of the church, used the following language:

"God has established His kingdom. He has rolled back that cloud that has overspread the moral horizon of the world. He has opened the heavens, revealed the fullness of the everlasting gospel, organized this His kingdom according to the pattern that exists in the heavens, and he has placed certain keys, powers and oracles in our midst, and we are the people of God, we are His government. The priesthood upon the earth is the legitimate government of God, whether in the heavens or on the earth."

(Journal of Discourses Vol. 5, P. 187.)

In a discourse by President Heber C. Kimball, delivered in this city Sunday morning, August 30, 1857, he used the following language:

"I want to tell some of my feelings here today in a few words relative to Brother Brigham. I call him brother because he says if I call him president he shall call me president, and just as sure as he does I am as flat as a pancake. I shall only call him president before the saints in his calling. I was going to say, before our enemies, but damn them, they shall never come here. Excuse me; I never use rough words only when I come in contact with rough things, and I use smooth words when I talk upon smooth subjects, and so on, according to the nature of the case that comes before me. You all acknowledge Brother Brigham Young as president of the Church of Jesus Christ of Latter-day Saints. Then you acknowledge him as your leader, prophet, seer and revelator, and then you acknowledge him in every capacity that pertains to his calling, both in church and state, do you not? (Voices, Yes.) Well, he is our governor. What is a governor? One who pre-sides or governs. Well, now we have declared in a legislative ca-

capacity that we will not have poor, rotten-hearted curses to rule over us, such as some they have been accustomed to send. We drafted a memorial and the Council and House of Representatives signed it, and we sent to them the names of men of our own choice, as many as from five to eight men to each office, men from our own midst, out of whom to appoint officers for this territory. We sent that number for the President of the United States to make a selection from and asked him to give us men of our own choice, in accordance with the rights constitutionally guaranteed to all American citizens. We just told them right up and down that if they sent any more of such miserable curses as some they had sent were we would send them home; and that is one reason why an army or rather a mob, is on the way here as reported. You did not know the reason before, did you? I want you to go and get your butcher knives, your bowie knives and jack knives, and sharpen them. There is nothing to fight and there will not be this year. We shall have a year of peace. They may try to come here, and then they will not come here. If they do not undertake to come here, then there will not be any trouble but they will never force a governor on us again. No, never. Nor their poor, rotten-hearted judges and marshals, etc., if you will do right."

(Journal of Discourses, Vol. 5, P. 100.)

Elder Wilford Woodruff, now President of the church, on the 8th day of April, 1862, delivered an address in this city, in which he used the following language:

"This kingdom has got to rise up and take its stand in majesty, in strength and power, among the nations, and all that the Lord has promised will be realized. Our president has frequently told us that we shall not separate the temporal from the spiritual, but they must go hand in hand together. And so it is, and so must we act in reference to building up the church and kingdom of God."

(Journal of Discourses, Vol. 6, P. 345.)

On the 22nd day of October, 1865, President Woodruff delivered an address in the Tabernacle in this city, in which he used the following language:

"The Lord has said that in the last days His kingdom should

not be taken from the earth nor given to another people, but that the Kingdoms of this world should become the kingdoms of our God and His Christ. We have the Bible, the Book of Mormon, the Book of Doctrine and Covenants, and other relations of God to this effect. Either this is the kingdom of God or it is not the kingdom of God. If it is not the kingdom of God, then are we like the rest of mankind. Our faith is vain, our works are vain, and we are in the same condition of ignorance with regard to the gospel and the purposes of God as the rest of the world. There are tens of thousands throughout these valleys who know that this is the kingdom of God. They know this by the revelations of Jesus Christ. It is not the testimony of another man that gives me the knowledge for myself. If I had not the testimony of truth for myself I would not be qualified to build up this kingdom. There is no man nor woman qualified to build up the kingdom of God if they have not the testimony of truth for themselves. I will say to this congregation, Jew and Gentile, believer and unbeliever, that this is the great kingdom spoken of by Daniel, the common cement of the Zion of our God, which every prophet has spoken of who has referred to the Zion in the last days. The Lord has sworn by himself because he could swear by no greater, that he will establish it in the latter days."

(Journal of Discourses, Vol. II, P. 245.)

BISHOPS' COURT.

Evidence was also introduced showing that the Bishops' courts of the church exercised judicial functions to the extent of rendering judgments and annulling and modifying judgments rendered by the civil court. It is contended, however, that they have no power of enforcing their judgments except by excommunication or other like means. This is perhaps true, but with a people so completely under the control of their leaders as the members of this church are, this method is in many, if not in most cases, as effectual as an execution or other process of the civil courts. The following are samples of the procedure in the Bishops' court:

"Salt Lake City, Utah, Nov. 20, 1889.

"Brother Otto Van Ostrum:—You are hereby notified to attend a Bishop's court to be held in the Sixteenth Ward school

house, Salt Lake City, on Friday evening, Nov. 22, 1889, at seven o'clock, to answer the following charge, which has been preferred against you: Salt Lake City, Oct. 30, 1889. To Bishop F. Kessler: Dear Brother:—I hereby prefer a charge against Otto Van Ostrum, a member of the Sixteenth Ward, for unchristianlike conduct in enforcing a contract to exchange property between us through the United States Commissioner's Court, before my wife had agreed to the transaction, and before I fully understood the nature of the contract, through my limited knowledge of the English language. And also for being about to sell a portion of my property by marshal's sale to satisfy damages which he has never sustained, as neither him nor I were in the least injured by the failure of the exchange. The time of the sale having been advertised for Nov. 16th, I would respectfully ask that a hearing may be had before you in this case as early as possible.

"(Signed)

G. L. JENSEN.

"Do not fail to appear with your testimony prepared for investigation of the above charge.

"By order of Bishop F. Kessler and Council.

"GEO. R. EMERY, Ward Clerk.

"N. B. If you do not appear or send a justifiable excuse for your absence, this case will be heard and acted upon whether you are present or not.

G. R. E.

"Salt Lake City, Jan. 24, 1887.

"We, the Bishop and Council of the Fourth Ward, after due deliberation, render the following judgment in the case of Joseph Snowden vs. Chas. Williams: The interest now due, amounting to \$178, is to be paid on the 15th day of April, 1887; \$400 of the principal and \$42.50 be paid on the 24th day of July, 1887; the remaining \$450 principal and \$22.50 (interest on \$450 for six months at 10 per cent per annum) to be paid on the 24th day of January, 1888.

"HARRISON SPERRY, Bishop;

"THOMAS CORLESS and

"CHARLES KNIGHT, Counselors;

"W. F. SMITH, Clerk."

I think there can be no question but that the church claims and exercises the right to control its members in temporal as well as spiritual affairs.

BLOOD ATONEMENT.

The evidence also shows that blood atonement is one of the doctrines of the church under which, for certain offences the offender shall suffer death as the only means of atoning for his transgression, and that any member of the church has the right to shed his blood.

In a discourse delivered Sept. 21, 1856, Brigham Young said:

"There are sins which men commit for which they cannot receive forgiveness in this world or in that which is to come; and if they had their eyes open to their true condition they would be perfectly willing to have their blood spilt upon the ground, that the smoke thereof might ascend to heaven as an offering for their sins; whereas: if such is not the case, they will stick to them and remain upon them in the spirit world. I know when you hear my brethren telling about cutting people off from the earth, that you consider it is strong doctrine; but it is to save them. It is true that the blood of the Son of God was shed for sins through the fall, and those committed by men, yet man can commit sins which it never can remit. As it was in ancient days so it is in our days, and though the principles are taught publicly from this stand, still the people do not understand them. Yet the law is precisely the same. There are sins that can be atoned for by an offering upon an altar as in ancient days, and there are sins that the blood of a lamb or of a calf or of turtle doves cannot remit; but they must be atoned for by the blood of a man. That is the reason why men talk to you as they do from this stand. They understand the doctrine, and throw out a few words about it. You have been taught that doctrine, but you did not understand."

And again, on the 8th day of February, 1857, in a discourse in the Tabernacle, President Young used the following language:

(See Deseret News, Vol. 6, p. 397.)

"But now I say in the name of the Lord, that if this people

will sin no more; but faithfully live their religion, their sins will be forgiven them without taking of life. You are aware that when Brother Cummings came to the point of loving our neighbors, he could say yes or no as the case might be. That is true; but I want to connect it with the doctrine you have heard in the Bible. When will we love our neighbors as ourselves? In the first place, Jesus said that no man hateth his own flesh. It is admitted by all, every person loves himself. Now, if we do rightly love ourselves, we want to be saved and continue to exist; we want to go into the kingdom where we can enjoy eternity and see no more sorrow and death. This is the desire of every person who believes in God. Now, take a person in this congregation who has knowledge with being saved in the kingdom of our God and our Father, and being an exalted one who knows and understands the principles of eternal life, and sees the beauty and excellency of the eternities when compared with the vain and foolish things of the world, and suppose he is overtaken in a gross fault, and he has committed a sin which he knows will deprive him of that exaltation which he desires and that he cannot attain to it without the shedding of his blood, and also knows that by having his blood shed he will atone for that sin and be saved and exalted with the gods. Is there a man or woman in this house but what would say: 'Shed my blood that I may be saved and exalted with the gods'? All mankind love themselves and let these principles be known by an individual and he would be glad to have his blood shed. That would be loving themselves unto an eternal exaltation. Will you love your brothers and sisters likewise when they have committed a sin that cannot be atoned for without the shedding of their blood? Will you love that man or woman well enough to shed their blood? That is what Jesus meant. He never told a man or woman to love their enemies in their wickedness. He never intended such things. I could refer you to plenty of instances where men have been righteously slain in order to atone for their sins. I have seen scores and hundreds of people for whom there would have been a chance in the last resurrection if their lives had been taken and their blood spilt upon the ground as a smoking incense to the Almighty, but who are now angels to the devil, until our elder brother, Jesus Christ, raises them up, conquers death, hell and

the grave. I have known a great many men who have left the church for whom there is no chance whatever for exaltation, but if their blood had been spilled it would have been better for them. The wickedness and ignorance of the nation forbid this principle being in full force. But the time will come when the law of God will be in full force. This is loving our neighbors as ourselves. If he needs help, help him; and if he needs salvation, and it is necessary to spill his blood upon the ground in order that he may be saved, spill it. Any of you who understand the principles of eternity, if you have sinned a sin requiring the shedding of blood, accept the sin unto death, would not be satisfied nor rest until your blood should be spilled that you might gain that salvation you desire. That is the way to love mankind."

President Jedediah M. Grant delivered a discourse March 12, 1854, on the subject that he calls "Covenant Breakers," that is, those who leave the Mormon Church, in which he used the following language:

"Then what ought this meek people, who keep the commandments of God to do unto them? 'Nay,' says one, 'they ought to pray to the Lord to kill them.' I want to know if you would wish the Lord to come down, and do all your dirty work? Many of the Latter Day Saints will pray and petition and supplicate the Lord to do a thousand things they themselves would be ashamed to do. When a man prays for a thing, he ought to be willing to perform it himself; but if the Latter Day Saints should put to death the Covenant Breakers, it would try the faith of the very meek, just and pious ones among them. It would cause a great deal of whining in Israel. Then there was another old commandment. The Lord commanded them not to pity the person whom they killed, but to execute the law of God upon persons worthy of death. This should be done by the entire congregation, showing no pity. I have thought there would have to be quite a revolution among the Mormons before such a commandment could be obeyed completely by them. The Mormons have a great deal of sympathy. For instance, if they can get a man before a tribunal administering the law of the land, and succeed in getting a rope around his neck and having him done up like a dead dog, it is all right, but if the church and kingdom of God should step forth and execute the law of God,

Oh what a burst of Mormon sympathy it would cause. I wish we were in a situation favorable to our doing that which is justifiable before God without any contaminating influence of Gentile amalgamation, laws and traditions, that the people of God might lay the ax to the root of the tree, and every tree that bringeth not forth good fruit might be hewn down. What! Do you think people would do right and keep the law of God by actually putting to death the transgressors? Putting to death the Covenant Breakers would exhibit the law of God no matter by whom it was done. That is my opinion. You talk of the doings of the different governments, the United States if you please. What do they do with traitors? What mode do they adopt to punish them? Do traitors to that government forfeit their lives? Examine also the doings of other earthly governments on this point and you will find the same practice universal. I am not aware that there are any exceptions, but people will look in the books of theology and argue that the people of God have a right to try people for fellowship, but they have no right to try them on property or life. That makes the devil laugh, saying 'I have got them on a hook now. They can cut them off and I will put eight or ten spirits worse than they are into their tabernacles, and send them back to mob them.' "

(Deseret News, July 27, 1854.)

Referring to the right of the church to shed the blood of those who apostatized, Brigham Young, in an address delivered in the Tabernacle March 27, 1853, found in Vol. 1, Journal of Discourses, p. 81, used the following language:

"I will tell you a dream that I had last night. I dreamed that I was in the midst of a people who were dressed in rags and tatters. They had turbans upon their heads, and they were also hanging in tatters. The rags were of many colors, and when the people moved they were all in motion. Their object appeared to be to attract attention. Said they to me, 'We are Mormons, Brother Young.' 'No, you are not,' I replied. 'But we have been,' said they; and they began to jump and caper about and dance, and their rags of many colors were all in motion to attract the attention of the people. I said 'You are no saints; you are a disgrace to them.' Said they, 'We have been Mormons.' By and by along came some acrobats, and they greeted them

with 'How do you do, sir? I am very sorry to see you.' They kept on that way for an hour. I felt ashamed of them for they were in my eyes a disgrace to Mormonism. Then I saw two ruffians, whom I knew to be robbers and murderers, and they crept into a bed where one of my wives and children were. I said 'You that call yourselves brethren, tell me, is this the fashion among you?' They said, 'But they are good. They are gentlemen.' With that I took my large bowie knife that I used to wear as a bosom pin at Nauvoo and cut one of their throats from ear to ear, saying, 'Go to hell across lots.' The other one said 'You dare not serve me so.' I instantly sprang at him, seized him by the hair of the head, bringing him down, I cut his throat and sent him after his comrade. Then told them both if they would behave themselves, they should yet live, but if they did not I would unjoint their necks. At this I awoke. I say rather than apostates should flourish here, I will unsheath my bowie knife and conquer or die (Great commotion in the congregation and a simultaneous burst of feeling assenting to the declaration). Now you nasty apostates, clear out or judgment will be put to the line and righteousness to the plummet. (Voices generally, 'Go it, Go it!') If you say it is right, raise your hands. (All hands up.) Let us call upon the Lord to assist us in this and every good work."

An effort was made to show that blood atonement, as preached by Brigham Young, and Jedediah Grant is not now the doctrine of the church, and a pamphlet containing an address on this subject by Elder Chas. W. Penrose, in October, 1884, was offered in evidence, but in this pamphlet Mr. Penrose sustains the doctrine of blood atonement as preached by Brigham Young and President Grant.

On page 18 of the pamphlet, containing the address of Mr. Penrose, referring to the blood atonement, he uses the following language:

"Now, according to the doctrine of President Brigham Young, the blood of Jesus Christ, as I have shown you, atoned for the original sin, and for sins that men commit, and yet there are sins which men commit for which they cannot receive any benefit through the shedding of Christ's blood. Is that a

true doctrine? It is true, if the Bible is true. That is Bible doctrine."

Again on page 36 he says:

"Now, Brother Jedediah M. Grant and Brigham Young, because of the transgression of the people, spoke as I have quoted. This was the time of the reformation and the fears of evil doers was worked upon to induce reform, and hence the strong language used at that time. Do we need the same language now? I hope not; but if there was any need of it, it would be just as applicable now as then."

And again on page 43 he uses the following language:

"These are some of the ideas entertained by the Latter Day Saints on the subject of blood atonement. After baptized persons have made sacred covenants with God and then committed deadly sins, the only atonement they can make is the shedding of their blood. At the same time, because of the laws of the land and the prejudice of the nation, and the ignorance of the world, this law cannot be carried out, but when the time comes that the law of God should be in full force upon the earth, then this penalty will be inflicted for those crimes committed by persons under covenant not to commit them."

FEELING TOWARDS THE GOVERNMENT.

As to the feeling of the members of the Mormon Church toward the government of the United States, the evidence discloses a condition of things greatly to be deplored. Brigham Young was the first governor of the territory, and for years resisted all attempts of the authorities to install the proper officers for carrying on the territorial government, unless men of his own selection should be appointed. He claimed the right to say who the officers should be, and the President of the United States finally found it necessary to send an army to Utah. Referring to the sending of troops here, Brigham Young, in a speech in this city on Sunday, April 13, 1857, said:

"I do not often get angry, but when I do I am righteously angry, and the bosom of the Almighty burns with anger toward those scoundrels, and they shall be consumed in the name of Israel's God. We have borne enough of their oppression and

hellish abuse, and we will not bear any more of it, for there is no just law requiring further forbearance on our part, and I am not going to have troops here to protect the priests and the hellish rabble in efforts to drive us from the land we possess, for the Lord does not want us to be driven, and has said: 'If you will assert your rights and keep my commandments, you shall never again be brought into bondage by your enemies * * * If you do your duty in this respect, you need not be afraid of mobs nor of forces sent out in violation of the very genius of our free institutions holding you until mobs kill you. Mobs? Yes, for where is there the least particle of authority, either in our constitution or laws, for sending troops here, or even for appointing civil officers contrary to the voluntary consent of the governed? We came here without any help from our enemies and we intend to stay here as long as we please. They say that their army is legal and I say that such a statement is as false as hell and that they are as rotten as a pumpkin that has been frozen seven times and then melted in a harvest sun. Come on with your thousands of illegally appointed troops, and I will promise you in the name of Israel's God that you shall melt away like the snow before a July sun * * * We are not to be persecuted as we have been. We can say, 'Come as a mob and we will sweeten you up right suddenly.' They never did anything against Joseph until they had ostensibly legalized a mob, and I shall treat their army and every armed company that attempts to come here, as a mob. (The congregation responded, Amen.) You might as well tell me that you can make hell into a powder house as to tell me that you could get an army in here and have peace. I intend to tell them and show them this if they don't keep away. By taking this course you will find that every man and woman feels happy and they say: 'All right, all is well.' And I say that our enemies shall not slip the bow on the Old Bright's neck again."

Referring to the same subject, President Heber C. Kimball, in August, 1857, delivered a discourse in this city, found in Vol. 5, p. 138 of the Journal of Discourses, in which he used the following language:

"Will the President in the chair of state be tipped from his seat? Yes, he will die an untimely death, and God Almighty will curse him, and he will also curse his successor if he takes

the same stand, and he will curse all those that are his coadjutors and all who sustain him. What for? For coming here to destroy the kingdom of God and the prophets and apostles and inspired men and women, and God Almighty will curse them, and I curse them, in the name of the Lord Jesus Christ, according to my calling; and if there is any virtue in my calling, they shall be cursed, every man that lifts his heel against us from this time forth."

Elder Orson Hyde, in a discourse delivered in this city, and found in the *Deseret News*, Vol. 7, p. 275, used the following language:

"The last Eastern mail, I think, brought me a pamphlet or tract written by Elder Orson Pratt at Liverpool, England. Subject, 'Gathering of the Saints and building up of the Kingdom of God. The whole matter is handled in a masterly way, free from blind obscurity, unchecked and unrestrained by fear, and untrammelled by the religious or political dogmas of the age. It is the product of a clear head, of a strong heart, and of an unflinching hand. In short, it is heaven's eternal truth. I do exceedingly regret having mislaid it for I would like to send it to Senator Douglas with a request that he read it faithfully before he applies the knife to cut out the 'loathsome ulcer.' Having read it then, if he shall be disposed and able to cut out, cut away, and carve up to suit his own peculiar appetite and that also of his friends. Will some person having said tract or pamphlet be kind enough to mail it to Hon. Steven A. Douglas, Washington, D. C.? But let all men, however, know that if what the honorable gentleman calls the 'loathsome ulcer' be cut out, according to his views and suggestions, the United States will be cut off from being a nation and her star of empire set, and set in blood?'"

In September, 1857, Brigham Young, in an address delivered in this city and found in Vol. 5, *Journal of Discourses*, used the following language:

"There cannot be a more damnable, dastardly order than was issued by the administration of this people while they were in an Indian country in 1846. Before we left Nauvoo, no less than two United States senators came to receive a pledge from

us that we would leave the United States, and then while we were doing our best to leave their borders, the poor, low, degraded curses sent a requisition for five hundred of our men to go and fight their battles. That was President Polk, and he is now weltering in hell with old Zachariah Taylor, where the present administrators will soon be if they do not repent. * * * Liars have reported that this people have committed treason, and upon their lies the President has ordered troops to aid in officering this Territory, and if these officers are like many who have previously been sent here, and we have reason to believe that they are, or they would not come when they know that they are not wanted; they are poor, miserable, black-legs, broken down political hacks, robbers and whore-mongers, men that are not for civilized society, so they dragoon them upon us for officers. I feel that I won't bear such cursed treatment and that is enough to say, for we are just as free as the mountain air * * * There is high treason in Washington, and if the law was carried out, it would hang up many of them, and the very act of James K. Polk, in having five hundred of our men, while we were making our way out of the country, under an agreement forced upon us, would have hung him between the heavens and the earth if the laws had been faithfully carried out. And now, if they can send a force against this people, we have every constitutional and legal right to send them to hell, and we calculate to send them there * * * Our enemies had better count the cost, for if they continue the job they will want to let it out to subcontractors before they get half through with it. If they persist in sending troops here, I want the people of the West and the East to understand that it will not be safe for them to cross the plains."

Whether such language as the above instigated the Mountain Meadows Massacre, or whether that horrible butchery was done by direct command of Brigham Young, will probably never be known, but it is a part of the history of this Territory that about that time a party of peaceful immigrants, who were passing through Utah, on their way to California, consisting of about 130 men, women and children, were mercilessly butchered by men under the command of John D. Lee and Captain Dame, both Mormons in high standing.

JUDGE CRADLEBAUGH'S ORDER.

On the fourth day of April, 1859, Judge Cradlebaugh caused the following order to be entered on the records of his court, towit:

"This court has sought diligently and faithfully to do its duty, to administer the laws of the United States and of this Territory. It could have no other object. But at every turn it has had to encounter difficulties and embarrassments. Men high in authority in the Mormon Church, as well as men holding civil authority under the Territorial government, seem to have conspired to obstruct the course of public justice and to cripple the earnest efforts of the court. The whole community presents a united and organized opposition to the proper administration of justice. Every art and every expedient have been employed to cover up and conceal crimes committed by Mormons. Witnesses have been prevented by threats of violence from obeying the summons of this court; others that have testified have been driven to seek safety in the protection of the United States troops stationed near here—who it is proper to say are here on the requisition of the court, and for whose presence the court is responsible. The absolute necessity of having those troops here has been duly demonstrated by all that has transpired during the session of the court. To crown all, the grand jury, sworn to perform a high public duty, has lent itself as a willing instrument to this organized opposition to the laws of the country and refused to meet its obligations. A most willing inclination has been manifested to prosecute Indians and other persons, not Mormons, for their offenses, while Mormon murderers and thieves are allowed to go unpunished. This court has determined, as its action manifests, that it will not be used for this community for its protection alone, but that it will do justice to all. Not being able to do this, the court now adjourns without day.

"(Signed.)

JNO. CRADLEBAUGH,
Judge Second Judicial District."

WOODRUFF'S PRAYER.

Counsel for applicants, however, contend that the feelings of the people of the Mormon Church toward the government have undergone a change, and that in later years the former feeling of hostility has disappeared, or become greatly modified. The evidence, however, does not sustain this claim. In January, 1877, at the dedication of the St. George Temple, Wilford Woodruff, who is now President of the Church, prayed for the destruction of the government in the following language, to wit:

"Therefore, O Lord our God, we pray that thou wilt give thy people faith that we may claim this blessing of thee, the Lord of Hosts; thou wilt lay thy hand upon thy servant Brigham unto the renewal of his body, and the healing of all his infirmities, and the lengthening out of his days and years. Yea, O Lord, may he live to behold the inhabitants of Zion united and enter into the holy order of God, and keep the celestial law, that they may be justified before thee. May he live to behold Zion redeemed and successfully fight thy devils, visible and invisible, that make war upon thy saints. May he live to behold other temples built and dedicated unto thy name and accepted of thee, O Lord, our God. And we pray thee, our Father in Heaven, in the name of Jesus Christ, if it can be consistent with thy will that thy servant Brigham may stand in the flesh to behold the nation which now occupies the land upon which, thou, Lord, has said the Zion of God should stand in the latter days; that nation which shed the blood of prophets and saints, which cry unto God day and night for vengeance; that nation which is making war against God and his Christ; that nation whose sins and wickedness and abominations are ascending up before God and the heavenly hosts, which causeth all eternity to be pained and the heavens to weep like the falling rain:—Yea, O Lord, that he may live to see that nation, if it will not repent, broken in pieces like a potter's vessel and swept from off the face of the earth, as with the besom of destruction, as were the Jeredites and Nephites; that the land of Zion may cease to groan under the wickedness and abominations of men."

THE WELLS DEMONSTRATION.

In May, 1879, one Miles was on trial in this court for polygamy. Daniel H. Wells, one of the presidents of the church, was duly called as a witness, and on refusing to answer a question propounded to him concerning the records of marriages in the Endowment House, was committed to prison for contempt of court. On being released, a procession, variously estimated by the witnesses at from two thousand to ten thousand Mormon people, headed by the City Council and Fire Department, escorted him from the prison through the streets of the city to the Tabernacle, where a meeting of eight thousand or ten thousand people was held, and speeches were made endorsing his conduct. As the procession moved up Main street the American flag was dragged in the dust, and a large banner was carried by little girls on which were inscribed the words, "We will uphold polygamy." As the procession passed the building where the District Court was being held the people gave vent to their feelings by hooting and jeering and hissing. At the meeting in the Tabernacle banners were numerous on which was inscribed such sentiments as the following:

"The nineteenth century is too late for religious pains and penalties to be imposed in the name of the Lord." "Prisons are made for thieves, vagabonds and law breakers, and not for honorable men. When used for such purposes we honor the prisoner more than the prosecutor." "Honor to the man who prefers fealty to his friends, his religion, his country and his God to obedience to the unjust fiat of a jaundiced judiciary." "When Free Masons, Odd Fellows and others are compelled to make their secrets public, it will be time enough to practice on Mormons. Try the others first." "There is nothing more sacred than a religious obligation." "Better the penitentiary for faithfulness in this world, than the prison house for perjury in the next." "It would accord more with the dignity of the judiciary in fining an honorable gentleman for contempt, to find a more powerful reason than the cut and color of an apron for its action." "The women of Utah uphold polygamy."

THE FLAGS AT HALF-MAST.

On the fourth of July, 1885, the flags were displayed at half-mast by the Mormons in this city at the city hall, and County Court House, at the office of the Deseret News, at the Gardo House, at the Mormon Co-operative Store building, and other places. Counsel for applicants claim that this demonstration was not intended as an insult to the government nor its flag, but as a sign of mourning, because of the unjust laws against polygamy, and the acts of the officers of the government in enforcing them. But the evidence fails to show that crape or any other emblem of sorrow was displayed in any manner, and there can be no question but that the half-masting of the flag was intended to be as it was understood by those who witnessed it, an insult to the national authority.

OPPOSING THE LAWS.

The evidence shows that the church has, in the most determined manner and with all means at its command, opposed the enforcement of the laws of the United States against polygamy and unlawful cohabitation, while polygamy has been constantly preached as a cardinal doctrine of the church. A fund has been raised in this territory to aid in the defense of all who may be prosecuted for violation of these laws, not only in Utah, but in Arizona and Idaho Territories. In May, 1885, John Taylor and Geo. Q. Cannon of the first presidency of the church, both of whom were then under indictment for unlawful cohabitation, and were hiding from the officers to avoid arrest, issued a circular to be read in all the churches, calling for contributions to this fund. When men have been convicted for violating these laws, and the court has offered to suspend sentence or inflict a light penalty, if the offenders would promise to obey the laws in the future, they have almost invariably refused to make any promise whatever. It has been a common custom among the Mormon people, ever since the enforcement of these laws began when one of their number has been convicted and sentenced to imprisonment for violating the law, to give him a reception on his return home, and honor him in every way possible, while those who have promised obedience to the law have been ostracised, and

held up to the public execration and scorn. To suffer fine and imprisonment for violating the law, or for "living his religion" as they usually term it, is deemed by them as worthy of all praise, and will, as their leaders teach, result in the exaltation in the life to come of him who thus proves the sincerity of his faith. As showing the manner in which violators of the law are honored, I quote from the Deseret News of the date of January 16, 1889, which was introduced in evidence, as follows:

A CORDIAL RECEPTION.

"William Chatwin writes as follows from Santaquin, Jan. 14, 1889: 'Will you please insert in the News an account of the following that was transacted at a Santaquin depot on Monday morning last, the 13th inst. The residents of Santaquin had been informed that their Bishop, George Halliday, would return home from the penitentiary, as one who had endured imprisonment for conscience sake, by the morning's Utah Central train. The Sunday school children and teachers were prompted by a feeling of love and respect to go down to the depot in procession to welcome him home, singing songs of welcome, and bearing a banner with the following inscription, "Bishop George Halliday, we truly welcome you home." But the weather being too unfavorable for such a project, the teachers and larger scholars could only go, though the smaller ones with great difficulty were restrained from following after, notwithstanding the snowy condition of the morning. In arriving at the depot all were moved with tears of joy. Since his arrival home the members of the ward have decided to give him a reception party, but to accommodate all it was found necessary to divide the town and take one-half at a time. May all honorable convicts for the truth's sake be so worthily treated."

As illustrating the pressure brought to bear by the Mormon leaders to prevent their members when convicted of violating the law from promising obedience, I quote two editorials, offered in evidence, from the Deseret News, the Church organ, of date Sept. 29, 1885, one in regard to a member who had promised to obey the law and one in regard to a member who had refused to make such promise.

IMPRISONMENT AND HONOR.

The position taken by Bishop H. B. Clawson this morning will be endorsed by every true Latter Day Saint. He could assume no other and be true to his religion, his family, and his own manhood. The dilemma in which he was placed was tersely defined by himself. He was left to elect between imprisonment and honor and liberty and liberty and dishonor. To his honor be it said in time and eternity that he chose the former. No man under similar circumstances can consistently take any other course. The reasons for adopting the stand he took were clearly, though briefly given by the accused. They might, however, be elaborated indefinitely. There is one principle involved that makes the attitude, from the standpoint of the Latter Day Saints, infallible. Celestial marriage, including plurality of wives, has been accepted by them as a divine revelation. Those who enter into the covenant it involves, take that step with this understanding, and that God is recognized in the formation of the contract. This being the status of the member, to presume that any persons who have entered into the relationship, can consistently take part in a divorce contract with any other and necessarily lower power to render it nugatory for any portion of time is absurd. The agreement is for time and eternity, and it is therefore continuously in force, unless broken by one or the other of the parties. Yet such is the position in which the courts place the Latter Day Saints in the present prosecutions. They demand that a covenant of renunciation be entered into with them. This is, speaking from the standpoint of the saints, opposed to an infallible principle, recognized of jurisprudence that no agreement entered into under direct supervision of a high tribunal can be disturbed or nullified by one of the lower order. If this be the case in ordinary legal affairs, how much more force is given to it when applied to matters to which God himself has instituted for the benefit of those of his children who seek to obey his laws? One point advanced by Bishop Clawson was evidently cruelly taken advantage of by the court, who dwelt upon it as if animated by a desire to make it appear the main basis of his position. The religious and conscientious principles involved were what influenced the conduct of the defendant. The sentiment of the com-

munity being against him, had he recanted, would not have influenced him one way or the other. Recantation was opposed to his principles and convictions, and would have blasted his hopes for eternal salvation. Those considerations founded the basis of his attitude in accepting imprisonment and honor, in place of liberty and dishonor. Yet the sentiment of the community in which a man lives is entitled to respect when it is correct. The court, however, caught at this straw in order to accuse Mr. Clawson of cowardice, when that gentleman was exhibiting an act of the truest heroism. Perhaps we may here suggest that when a judge or any other person, official or otherwise, takes advantage of his position to inflict an insult upon a person in his power, he cannot be classed among those who possess courage of the highest order, which is inseparably connected with magnanimity. But the gratuitous insults of his honor were not confined to his immediate victim. They were distributed among and poured upon the heads of innocent children. Before the learned judge can consistently talk of cowardice let him take some lessons in courage and temperance under ordeals, from some of the Mormons who are brought into his court. This morning he was confronted by a courageous man who dared, in the face of threatened fine and imprisonment, decline to recant his religious principles, and discard his family, while he snatched at the opportunity to inflict upon them a gross, unwarrantable insult. Bishop Clawson has gone to prison, but he has been rendered a prisoner merely by prohibition, the offense for which he was punished being in no sense *malum in se*. He goes with the best wishes of a host of friends, including the whole of his co-religionists. It is with sadness that one turns from the noble and manly picture presented by the conduct of Brother Clawson to its reverse, as exhibited in the craven course of T. O. Angell, Jr. It is a transformation from sunshine to gloom, from the heroic to the contemptible. Had the gentleman climbed to any height in the walks of religion and other departments of life, he might have been designated a fallen angel. As it is, he probably carries out the highest ideas he has of greatness, and may not be open to censure as severe as would be the just due of minds of greater advancement. It does not appear that Mr. Angell can possess anything like a correct conception of the grandeur of being consistent. Let him pass."

LIBERTY AND DISHONOR.

"This afternoon Mr. Septimus W. Sears, as will be seen by a statement elsewhere, went before the court, as did Bishop Clawson. He chose liberty and dishonor. There is but little need to comment on the case; let the reader peruse what we have said in relation to Mr. Clawson, and he has but to imagine its opposite in order to understand our estimate of the position."
(Deseret News, September 29, 1885.)

LOOK AT THE LEADERS.

As further showing how the Mormon Church honors those who violate the laws of the United States, it is only necessary to look at the cases of some of its leaders. John Taylor, lately one of the presidents of the church, was indicted for unlawful cohabitation and died while in hiding to avoid arrest, still retaining his position as president.

George Q. Cannon, who is one of the presidents of the Church, was indicted for the same offense and was convicted and served a term in the penitentiary. Apostle John Henry Smith, a witness in this case, testified that he is a polygamist and that he married his plural wife since the law of 1862 was passed prohibiting polygamy. Charles W. Penrose, who was a witness in this case and who was indicted for unlawful cohabitation and was pardoned by the President of the United States, is today the editor of the newspaper organ of the church. Joseph F. Smith, who is also one of the presidents of the church, is and has been for several years under indictment for unlawful cohabitation and has been hiding from the officers in order to avoid arrest.

THE CONSTITUTION AND LAWS.

It is claimed by counsel for applicants, and some evidence was introduced to show that in the Doctrine and Covenants and other church publications, obedience to the law of the land is taught, and also that the Constitution of the United States is an inspired instrument; but the evidence discloses that the reason

the Constitution of the United States is considered an inspired instrument is that it is construed by the Mormons to prohibit the passing of any laws against polygamy, and all such laws are considered by them as in violation of the Constitution. As to their teaching obedience to the laws of the land, it is only taught in general terms. During the ten days this investigation lasted not a word of evidence was introduced or offered showing that any preacher or teacher of the church ever in a single instance advised obedience to the laws against polygamy. On the contrary, the evidence in this case and the whole history of the Mormon church in Utah, shows that it has persistently refused obedience to at least a portion of the laws of the government, has insulted and driven United States officers from the Territory, has denied the authority of the United States to pass laws prohibiting polygamy as an unwarrantable interference with their religion, and generally has antagonized and denounced the government in almost every possible way. Undoubtedly there are many members of this church who feel friendly to the government, and would gladly break the shackles that bind them to the Mormon priesthood if they felt that they dared do so; but with an organization, the most thorough that can be imagined, which can be wielded against them, they remain in the church rather than take the risk of financial ruin and social ostracism.

THE MORMON CHURCH TEACHES.

First: That it is the actual and veritable kingdom of God on earth, not in its fullness, because Christ has not yet come to rule in person, but for the present he rules through the priesthood of the church, who are his vice-regents on earth.

Second: That this kingdom is both a temporal and spiritual kingdom, and should rightfully control, and is entitled to the highest allegiance of men in all their affairs.

Third: That this kingdom will overthrow the United States and all other governments, after which Christ will reign in person.

Fourth: That the doctrine of "Blood Atonement" is of God, and that under it certain sins which the blood of Christ can

not atone for, may be remitted by shedding the blood of the transgressor.

Fifth: That polygamy is a command of God, which, if a member obeys he will be exalted in the future life above those who do not.

Sixth: That the Congress of the United States has no right under the Constitution to pass any law in any manner interfering with the practices of the Mormon religion, and that the acts of Congress against polygamy, and disfranchising those who practice it, are unwarrantable interferences with their religion.

NOT FIT CITIZENS.

Can men be made true and loyal citizens by such teachings, or are they likely to remain so, surrounded by such influences? Will men become attached to the principles of the Constitution of the United States when they hear the government constantly denounced as tyrannical and oppressive? It would be as unreasonable to expect such a result as it would be to expect to gather grapes from thorns or figs from thistles.

It has always been and still is the policy of this government to encourage aliens who, in good faith, come to reside in this country, to become citizens, but when a man of foreign birth comes here and joins an organization, although professedly religious, which requires of him an allegiance paramount to his allegiance to the government; an organization that impiously and blasphemously claims to be the kingdom of God, to control its members under His immediate direction and yet preaches and practices a system of morals shocking to Christian people everywhere, and under which the marriage of a man to two or more sisters or to a mother and daughter is sanctioned; an organization that sanctions blood atonement as a means of grace and murder as a penalty for revealing the secrets of its ceremonies, and which for nearly half a century has refused to acknowledge the supremacy of the United States or render obedience to its laws;—it is time for the courts to pause and inquire whether such an applicant should be admitted to citizenship.

The evidence in this case establishes unquestionably that the teachings, practices and aims of the Mormon Church are an-

tagonistic to the government of the United States, utterly subversive of good morals and the well being of society, and that its members are animated by a feeling of hostility towards the government and its laws, and therefore an alien who is a member of said church is not a fit person to be a citizen of the United States.

The applications of Fred W. Miller, Henry J. Owen, John Bird, Charles E. Clissold, Nils Anderson, Carl P. Larsen, Thomas M. Mumford, John Garbett and Arthur Townsend to become citizens, are therefore denied.

THOMAS J. ANDERSON,

Associate Justice Supreme Court and Acting Judge Third Judicial District.

I, Thomas J. Anderson, hereby certify that the foregoing evidence, as certified to by F. E. McGurrin, official stenographer of the District Court of the Third Judicial District of the Territory of Utah, in the months of November and December, 1889, in the matter of the application of John Moore and others to become citizens of the United States, is a true and complete transcript of all the evidence offered or introduced at the hearing had on said application. I further certify that the foregoing opinion is a true and complete copy of the one delivered by me at said hearing Nov. 30, 1889.

Dated this 2nd day of February, A. D., 1903.

THOMAS J. ANDERSON,

Formerly Associate Justice of the Supreme Court of the Territory of Utah.

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