

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

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

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

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

Silver—John Y. Greene.

Wm. Showell (promptly)—John Y. Smith?

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

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

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

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

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

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

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

Mr. Moyle—Then it is all your belief?

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

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

JAMES SPILLET

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

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

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

JOHN HENRY SMITH

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

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

LEVI AXTELL

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

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

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

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

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

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

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

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

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

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

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

other man? Would not that affect freedom of speech?

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

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

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

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

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

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

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

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

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

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

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

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

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

Court (to Baskin)—You may proceed.

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

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

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

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

Objected to by LeGrand Young.

Court—One paragraph might convey an entirely different meaning