

was accepted formally by the Church in Kirtland; there have been additions since that time. The minutes of the meeting of October 10, 1880, were read from.

The first Doctrine and Covenants I ever saw (in about 1859) contained the article on government, and I understand it has been in all editions. The officers of the Church get office by the vote of the people, in a general or local capacity. In 1880 the General Assembly of the Church elected John Taylor President. The authority of the Church is announced in the Doctrine and Covenants. If any man, even the President of the Church, preaches contrary to the revelations in the Doctrine and Covenants, the revelations stand, and are the standard by which to judge. (Mr. Penrose read from Sec. 107, of the Doctrine and Covenants, in regard to the powers of the Priesthood, and its organization and officers.) If the people, as a body of the Church, reject the President, then there would be no President till another is elected. The President receives revelation for the Church; but the members are not compelled to receive it. (The portions of the Doctrine and Covenants relating to this were read. Mr. Penrose also read from a sermon by President Brigham Young, June 5, 1859, regarding the agency and freedom of choice that belongs to mankind; also other extracts on the same subject, from President Young's remarks.) I know of instances where the people refused to accede to the expressed desire of President Young. It was in 1876 or 1877, in the Third Ward, where the President's candidate for Bishop was voted down, and afterwards the old Bishop was sustained. In Iron County, the President wanted a man for President of the Stake, but the people voted him down. There is not, nor has there been any doctrine of the Church, that the President or any man has the right to order a man to be killed. Such an idea would be contrary to the Church doctrine. I never heard of one being killed in that way. In regard to the doctrine of the blood atonement, I never heard it taught that a man could be killed for any purpose. I have preached on the subject, and my teachings have not been disapproved. I believe that they are in conformity with the Church doctrines. The killing of an individual is viewed with abhorrence by the Church. In section 42, paragraphs 18 and 19, the Lord commands us not to kill, and says that he who kills shall not have forgiveness in this world nor in the world to come. The Bible is also a standard work of the Church, and it forbids murder. The Doctrine and Covenants says that those who kill shall be delivered up to the laws of the land. John's epistle says a murderer has not eternal life. The Bible and Book of Mormon are both standards of doctrine to the Church. They contain the revelations given anciently, and the Doctrine and Covenants those given in this age, and all combine. The doctrine of blood atonement is believed in as Paul says, that without the shedding of blood there is no forgive-

ness of sins; that Jesus Christ died for man's sins; and this is blood atonement—that Christ's blood atoned for sin, and by obeying His laws we receive the benefit of that atonement. We believe that if men sin against the Spirit of God so far as to shed blood, they cannot be forgiven; their only atonement is the shedding of their blood, and that must be done by the laws of the land. There is no one in the Church authorized to do it. Our idea is that a murderer's blood should be shed, and that is the reason the Utah statutes give one condemned to death the choice of the manner of death. We regard the crime of adultery by a man who has taken certain covenants as worthy of death; but we do not believe we have any authority to inflict that penalty; we accept the Mosaic doctrine. We think that if the law of God were enforced there would be a provision in the law of the land inflicting that penalty on adulterers. This is what Brigham Young, Jedediah M. Grant and others referred to.

Mr. Penrose's address on "Blood Atonement" was offered in evidence.

Mr. Penrose then read from President Young's remarks on the killing of Dr. Robinson. In this the President denounced the killing, and said that if any one ever said that he counseled them to kill any one it was a lie. Mr. Penrose further testified—It is not a doctrine of the Church that apostasy is punishable with death. I do not know any one who believes in it. We abhor the shedding of blood except in self-defense, in the execution of the civil law, and in defense of country and family. I have preached the Gospel more or less the past thirty-eight years, and have preached a great deal. It has been largely the business of my life, and I think I am fairly acquainted with the doctrines of the Church. I have been a student and expounder of Church doctrines. The extreme penalty of the Church is excommunication; disfellowship is a lesser penalty. In the course of the endowments there is nothing in opposition to the laws of any country. The government is not referred to. The endowments relate principally to the future state; there is no authorization to shed human blood under any circumstances. There is no penalty for apostasy. I know what the Articles of Faith of the Church are. They were formulated by Joseph Smith, as Prophet and President of the Church.

The Articles of Faith were introduced as evidence and were read.

Dickson then began the cross-examination of Mr. Penrose, who testified—I was born in London, and came to Utah in 1861; joined the Church in 1850; took an oath of allegiance to the government in 1865 or 1866; Judge Titus was judge of the court where I was naturalized. I have been amnestied by the President of the United States.

Mr. Dickson insisted that Mr. Penrose should tell how many wives he had.

Mr. Penrose said he was pardoned and amnestied by the President.

The court said the fact that any witness was a polygamist should be known to the court, to be considered in weighing the evidence, and that he should answer the question.

Mr. Penrose—Does not the fact that I had received pardon show that I had violated the law?

Court—Yes, but it does not show any foundation for it.

Dickson—He says that so far as he knows there is nothing inconsistent with good citizenship in the teachings of the Mormon Church.

LeGrand Young—That has nothing to do with how many wives he had. He was under indictment for unlawful cohabitation. The people had been advised by eminent counsel that the law of 1862 was unconstitutional, but in 1879 it was decided constitutional. It was not charged that Mr. Penrose had violated it since then. Inquiry into his marriage relations cannot be gone into after the Chief Magistrate of the nation has wiped the crime out of existence.

Mr. Dickson insisted that the question should be answered, and said he had not only violated the law, but continued to violate it, and to preach that it was unconstitutional, up to 1884.

LeGrand Young—I admit that polygamy is a doctrine of the Church today. I don't deny it; but I do not say it is right to violate the law against it. I have a right to speak against the law of the country, and agitate its repeal. We think that, in the peculiar circumstances of the case, Mr. Penrose has a right to refuse to answer.

The court ruled that the question should be answered.

Dickson—How many wives have you?

Mr. Penrose—I decline to answer.

Dickson—Lest it would criminate you?

Mr. Penrose—No, sir; but on the grounds that I have received pardon.

Mr. Young said he understood the ruling to be that the question could be inquired into. He was surprised at the position the witness had taken.

Court—I am surprised also.

R. W. Young—It might be construed into holding them out.

Court—That would be a reason for refusal.

Dickson—It would not be a reason, we could compel him to answer if he was now violating the law, in cases where the United States is a party.

Mr. Moyle—The United States is not a party in this case.

Mr. Penrose—I have reasons for not answering the question in its present form, and could explain them to the court in private.

Dickson said the Court had ruled the question proper, and the witness declined to obey the injunction of the court. It was an attempt to trifle. If he still refused to answer he should be dealt with.

The Court said it could not hear any private reason. Judge Anderson suggested that the witness be given a short time to consider.

LeGrand Young asked that time be given till morning.

The Court said it was not disposed