

it, the question "For what reason do you know?" was objected to by Sheeks and Rawlins, as immaterial, irrelevant and inadmissible, because what was said or done by a trustee or trustees outside of this county had no bearing on the conduct of the school in question in this city.

This point was argued by Messrs. Sheeks, Varian, Dickson and Rawlins. The Court overruled the objection and the defendant's counsel excepted to the ruling.

The witness continued: The reason was that I did not belong to the Mormon Church. The trustee, Garner, seemed satisfied with my examination as to qualifications and gave me a recommendation to the other trustees, but just as I was going out of the gate he called me back and asked me if I belonged to the Mormon Church. I told him no, and he said it was no use for me to make any further application because it was not their custom to employ teachers who were not of their faith, that they did not employ any other persons except those who were willing to teach their doctrines.

A. A. Leonard was the next witness, and testified: Lived here since '76; had been employed in teaching school; held a certificate of qualification from the county board of examiners; made application for and secured the school at Union Fort in this county; was engaged by the Bishop of the ward, who was also a trustee. He asked me if I was a Mormon. I replied that I was not. I think there was a special reason why I was engaged. I had relatives here who were Mormons, and they recommended me as being a man who would not do them any harm. Next made application for the 5th district school of this city, and was engaged under similar circumstances. The matter was discussed by the trustees and myself considerably, and finally I met the trustees and the Bishop of the ward. On his advice they employed me, saying as I was not a member of any church there would be no danger of my inculcating doctrines of a different kind from theirs.

Next applied for the Seventh District of this city to Mr. McLachlan, one of the trustees, that was in 1880. Was not employed. There were no objections to my qualifications or recommendations, but he said there were other applicants, and that they gave the preference to members of their own church.

Next applied for the 12th District; was asked whether I was a "Mormon." The trustees put that school up to the lowest bidder, and I was underbid.

Next applied for a position which I was informed was vacant, in the Central School at Ogden. Received an encouraging reply from Mr. Stanford, one of the trustees. Went up there and made a formal application. When I reached there and he learned that I was not a Mormon, he said the matter was referred to John Taylor and they were awaiting his answer before giving a decision in the matter. An answer finally came from him referring the matter to Mr. Shurtliff, the President of that Stake. Saw Mr. Shurtliff on my way down here; he was on the same train, and he talked so favorable that I began to make preparations to go up there, but in a day or two afterwards I got a letter stating that they had decided not to give me the position. Stanford stated the reason it had been referred to President Taylor, which was that there had been a Gentile engaged in one of the schools, and that the Bishop had advocated that the people withdraw their children, and he was compelled to dismiss school, and before he employed any more Gentiles he wanted some higher authority than his own for doing so.

Zerubabel Snow was the next witness called.

Lived in this Territory since '51. Am a member of the Church of Jesus Christ of Latter-day Saints, by others we are called Mormons. Have no doubt the books placed in my hands purporting to be the Book of Mormon and Doctrine and Covenants are authentic and published by authority of the Church. Those books are accepted by members of the Church as authority as representing the creed of the Church.

(Vols. 1 and 2 of the Journal of Discourses were then placed in his hands.)

Have seen those books but never owned them. Have seen shorthand reporters present taking down sermons, know Geo. D. Watt was such a reporter, and suppose these books to be correct, but do not know.

(The letter of the Presidency to Elder S. W. Richards prefacing the first volume was read to witness.)

I am inclined to think it was reported that way. One of my charges to a jury may be in there.

I have no doubt in my own mind that the books are authentic. Have frequently heard people cite from the journals of discourses. Have been a subscriber for the News since it was first published. Discourses have been published in its columns. As to the matter of discourses, I have no doubt those were published by authority of the Church. Albert Carrington was at one time editor, C. W. Penrose is now.

Identified a volume of the WEEKLY NEWS.

A. L. Griffith was the next witness placed upon the stand. He testified that he came to this Territory as a school teacher and located at Ogden, where he now lives, being engaged in business there at the present time as a dealer in produce. He applied to Mr. Joseph Stanford for the position of teacher in the 4th Ward school and

was engaged by him as a teacher for a period of nine months. At the time of securing this engagement witness was asked if he was a member of the Mormon Church, and was also given to understand that teachers belonging to that faith were preferred. He taught the school for three months, and at the expiration of that time he was, to use the witnesses own words, "let off," notwithstanding the fact that the trustees acknowledged to him that he had lived up to his part of the contract. This was in 1879. The first day the school opened with him as teacher, one of the trustees called at the schoolhouse, spoke about opening with prayer, and told him if any prayers were said at all they must be "Mormon" prayers, and he responded with the declaration that he could not make a "Mormon" prayer. At the time of his dismissal from the school, the trustees stated that they wished he was of their faith, that they preferred "Mormons" to teach in the schools, and that was the only reason they gave for his dismissal. Didn't remember ever being requested to teach anything to the children that could be construed as being sectarian in character; the nearest approach to it was when the statement by one of the trustees that if any prayers were said at the opening and closing of school they must be Mormon prayers. The books used in the school-room, so far as witness knew, were not sectarian books; they were the same books as were used in other schools of the Territory. Part of his pay came from the school district, part from the public fund and part he collected as tuition fees. The building was used also for Sunday school and meeting purposes; he also had to give up the school during fast days—one day in the week; he was told that it was customary to close the schools on that day, and he followed the example set.

A. L. Kendall next testified. Have lived in this Territory about 25 years, for the last 7 years have been teaching until this last year. Received my education principally in the Deseret University. Taught in the 4th and 11th District schools in this city for 4 years, also taught 8 months in Provo in 1882-3. Held a certificate of qualification from the board of examiners of this county. Before he received that certificate was asked if he was a Mormon. Was sent for by Prof. M. H. Hardy, to go to Provo to teach school there. It was customary to hold school every day in the week except on fast day, the first Thursday in each month. Was baptized into the Mormon Church when young, and was considered a member of the Church during the time he taught school.

The proceedings were in progress when we went to press.

FROM SATURDAY'S DAILY JAN. 3.

Twelve Years' Travel Around the World.—The foregoing is the title of a cloth bound volume of 172 pages, which has been placed upon our table by the author. It is a narrative of personal experience, and should be very interesting as much of it relates, to countries that are themselves full of interest. It certainly possesses one merit—that of being published in the Territory, but as to any other we cannot say, nothing read the book.

Wedded.—At Logan, December 31, 1884, Mr. N. H. Staker and Miss Matilda E. Wagstaff were united in holy wedlock. Yesterday there was a reception at the residence of the bride's parents, in Sugar House Ward, and last evening the celebration of the happy event was completed by a delightful party in the ward house. Both the bride and groom are residents of Sugar House. They start out in married life under promising aspects, and we wish them prosperity and length of days.

Paralysis of the Heart.—Charles Clifton, aged 68, who resides in Provo Valley, and who for many years was a resident of the Seventh Ward, in this city, died at Wm. Cook's home, in the 21st Ward, yesterday afternoon. An inquest was held, the verdict given by the jury was to the effect that the deceased died of paralysis of the heart. The deceased was taken ill about four o'clock in the morning, and died soon after one o'clock in the afternoon. He leaves a wife and three children.

THE SEVENTH DISTRICT SCHOOL CONTROVERSY.

The examination of Mr. A. S. Kendall was continued at 2 o'clock yesterday afternoon. Said he had given no religious instructions while a teacher and had no devotional exercises except prayer and reading from the Bible; the reading was applicable to no particular sect. Never taught church history. Geography was never used to illustrate Mormon history. Was somewhat familiar with the Bible and Book of Mormon, had never read from the latter as a teacher. As far as he knew, the schools of this city were held in meeting houses. In his prayer did not pray for President Taylor nor the Church authorities. Had not heard them pray for at the University.

Josephine Rask aged 12 years was next sworn. Had attended school in Richfield, Sevier County. The teacher prayed for John Taylor and others. School closed for fast-meetings. The schoolhouse was built by subscription.

George Haight.—Am 15 years of age. Have heard Mr. Van Dam, my teacher,

pray for John Taylor. One evening he asked the scholars to stay after school and he would tell them a story about Joseph Smith and how he was killed by Gentile soldiers. We had prayer morning and night. John Taylor was prayed for regularly.

Cross examination.—This was about a year ago. Most of the children remained to hear the story. The Book of Mormon was not used in school. I had a talk with Mr. Varian before I came here.

Thos. W. Lincoln.—Have lived here about four years and taught all that time. Had visited the Ogden Central School, and while there witnessed one of the assistant teachers conduct some exercises with the primary pupils in which they named John Taylor, Geo. Q. Cannon and Jos. F. Smith as the Presidency of the Mormon Church. Something was also said about temples and the leading newspapers.

Cross-examined by Mr. Rawlins.—I was principal of the Ogden Methodist school at the time. About 160 pupils were present.

Herbert Van Dam testified that he was the teacher in the 7th District, and was a member of the Mormon Church.

Jas. Anderson, one of the plaintiffs, testified that he knew of but one Gentile who patronized the school. He thought there were more than twice as many Mormons as Gentiles in the Ward.

Mr. I. M. Waddell, one of the trustees of the Seventh District, said the Assembly Hall building was not deeded to the Trustee-in-Trust about 10 years ago. Mr. Raybould was a non-Mormon was elected a trustee by a majority of 27; believed the non-Mormons were in the ascendancy in that district.

Mr. Varian read the deposition of Mrs. Theodore Burnester, who resides in Tooele; the lady affirms that she was born in this Territory; graduated in the B. Y. Academy; that the county court paid her tuition; that she taught the Fourth District School in Provo and later in Spanish Fork; taught there under Mr. Geo. H. Brimhall; he taught a theological class, and I taught one; I used to tell the pupils stories from the Bible and the Book of Mormon; Mr. Brimhall read to his class twice a week from the Bible and twice from the Book of Mormon; we prayed for President Taylor and his counselors; I asked Mr. Brimhall how he reported his Book of Mormon teachings; he said he reported them as history; I once told him I did not think polygamy was right. He replied: "Well, Miss Finch, the day has gone by when persons holding your opinion can occupy the position you do." Prof. Maeser once said that although the teaching of religious doctrines in schools might not be legal, a good teacher could introduce religion into all studies—notably geography. I was told that one of President Young's aims in forming the Academy was to raise up teachers who would be good Latter-day Saints. I believe that the county court pays the tuition of normals in the Brigham Young Academy. I once applied for a teacher's position in Ogden, and the first question asked me was whether I was a member of the Church or not.

Mr. Varian then read the following from the journal of the Legislative Assembly in 1870:

"The report of D. H. Wells, Chancellor of the University of Deseret:

"The appropriation of \$10,000, made by your honorable body at the last session but one, has been expended in procuring works printed in the Dereret characters, including 20,000 copies of the first and second school books, designed for introduction in the common schools as readers; 8,000 copies of the first part of the Book of Mormon, and 500 of the book complete, and the stereotype plates of all have been secured."

Mr. Varian stated that his side offered in evidence two volumes of the Journal of Discourses, and the Legislative Journals for the sessions of 1870, 1873, 1880, 1882 and 1884. Objected to by Mr. Sheeks, who said nothing appeared to show that the Journal of Discourses contained the authorized utterances of the church.

Mr. Milando Pratt, who had just entered, was sworn to settle this point, as Mr. Varian said: I am an Elder in the church; I am a scribe in the Historian's office of the Church of Jesus Christ of Latter-day Saints. I know of a publication known as the Journal of Discourses. It is a compilation of the discourses of leading men in the church. The publication must have been commenced over thirty years ago. It is still continued. We have some of the earliest volumes in our office. (Witness identified two volumes as those containing the discourses in question.) I know of the DESERET NEWS. I couldn't say whether it is the Church organ or not. It is a Mormon newspaper. The publication of discourses in the News is regarded as authentic, I believe, at least it is by me. I once heard the correctness of a published discourse questioned by Wilford Woodruff, who said he had been made to say something he did not say. I don't know whether we have volumes eight or nine of the News in our office or not. I can ascertain and can report in the morning.

Court adjourned until 10 o'clock this morning.

THIS MORNING'S PROCEEDINGS.

Prosecution proposed to read from vols. I and II of Journal of Discourses to show that the leading Elders of the Mormon Church claimed authority in temporal as well as spiritual matters. Defense objected to such reading as it had not been proved that the Journal of

Discourses was considered authority in the Church; moreover, the sermons may not have been reported correctly. The sermons were simply individual opinions of certain doctrines, and not an authentic declaration of any religious tenet. The speaker may or may not be authorized to make certain declarations concerning Church doctrines.

Prosecution said all that was wanted was to show what authority the Church leaders claim, to which the people submit. They expected to show from the books in question that the leaders of the Mormon Church claimed authority in the most minute matters of temporal things, and expected obedience in all temporal, political and spiritual concerns.

Mr. Milando Pratt took the witness stand. Said vols. eight and nine of DESERET NEWS were in the Historian's Office. Recognized the volumes of the Journal of Discourses. Could not say if the Discourses were considered authority in the Church. Each discourse is delivered on the responsibility of the speaker.

Revelation is part of the faith of the "Mormons." Revelation to the Church comes through the leading officer in the Church. If the speakers' remarks agree with the revelations of the Church they are considered authentic; if they do not, their utterances are not so considered. John Taylor, Brigham Young, Heber C. Kimball, Jedediah Grant and others were authorities in the Church, and if their remarks coincided with the doctrines of the Church they were considered correct. Was educated in this Territory, and was acquainted with the leading tenets of the "Mormon" Church. Some of the sermons published in the Journal of Discourses were not considered authoritative, but were looked upon as the opinions of the speakers. Some of the sermons had been denounced by the First Presidency as containing incorrect doctrines. Witness examined one or two volumes of the Journal of Discourses but did not see any of the sermons that had been so denounced. Did not understand that the contents of the Journal of Discourses were considered authority by the Church as a whole. The Bible, Book of Mormon and Doctrine and Covenants are the standard works of the Church. The people are advised to study all good books. Did not remember ever hearing speakers quote from the Journal of Discourses. They were kept as part of the history of the Church. Discourses of late years had been reported by shorthand writers. Believed Mr. Irvine was the authorized Church reporter. Thought the sermons were first published in the DESERET NEWS.

Cross-examined by Mr. Rawlins: Knew what was called the Word of Wisdom. It was a revelation given to Joseph Smith. Did not know of any that strictly obeyed it.

Q.—Is plural marriage a command of the Church?

A.—I think it is.

Q.—Do all the people obey it?

A.—No, they do not.

Q.—Do one in ten obey it?

A.—I think not.

Q.—Did not Brigham Young promulgate or teach that the people should enter into what is called the "Order of Enoch," by which property became common and was controlled by certain persons?

A.—I believe Joseph Smith received a revelation that provided for an organization in some respects like that.

Q.—Was it obeyed or carried out?

A.—I believe not.

Q.—Is it a fact that the Mormon people yield obedience in all things, both temporal and spiritual, to the teachings of the leaders.

A.—They do not.

Q.—All the revelations are not obeyed?

A.—They are not.

Ever since the organization of the Church only one man has had authority at one time to receive revelations for the guidance of the whole Church, but each individual in the Church has a right to receive revelation for his own guidance. This is a safeguard against spurious revelation. It is not a doctrine of the Church that the people must act politically as they are told, but it is required that they yield strict obedience to the law of the land. It was never a doctrine of the Church that the tenets of the Latter-day Saints should be taught in public schools that are supported by taxation. Had looked upon the DESERET NEWS as the Church organ. Its editorials and the discourses published in it I have regarded as individual opinions. Thought that paper had condemned the teaching of sectarian doctrines in public schools supported by general taxation.

Prosecution objected to this class of evidence.

The Court expressed the opinion that there was evidence to show that not only the contents of the Bible, Book of Mormon and Doctrine and Covenants are believed in by the Latter-day Saints, but that the teachings of Joseph Smith, Brigham Young and John Taylor were recognized by them as authority. There is also evidence that the Journal of Discourses and the DESERET NEWS contain teachings that are acquiesced in by the authorities of the Church, that are expected to be obeyed by the members of the Church, and therefore the Court admitted them as evidence.

Cross-examination continued: Had not examined the discourse in question and did not know what ones may have been condemned. Sometimes persons have been publicly censured for teaching erroneous doctrines. This is not always the case when wrong principles are taught.

Re-direct: Did not know of any discourses of Brigham Young or John Taylor that had been repudiated by the Church. The Word of Wisdom was a doctrine of our Church which condemns the use of hot drinks, tobacco and intoxicating liquors. Some who do not observe this doctrine strictly are considered good people and in fair standing. It is expected that it will be obeyed. Church authorities claimed no power to dictate Church members in civil and political matters. They claimed no right to control any civil officer in the discharge of his official duties.

Witness was excused and the court adjourned until 2 o'clock.

AFTERNOON PROCEEDINGS.

At 2 p.m. court was opened, and Master Woods, age 13, was placed on the witness stand. He attended the 7th District School. H. Van Dam is the teacher; school is opened with prayer; thought John Taylor was prayed for by the teacher.

Cross-examination: Was not positive that it was John Taylor who was prayed for; did not pay much attention. Attended the same school last year; the teacher does not close school with prayer. Did not remember that the teacher had ever asked the children to remain after school to hear a lecture of any kind. Knew a boy named Haight; think he attended last winter. Have never heard Mr. Van Dam tell how Joseph Smith was killed.

Re-direct.—Remembered talking with Mr. Varian this morning about the praying of Mr. Van Dam, but did not remember what he said. His mother had not told him what to say in court. Did not recollect hearing any one prayed for. Did not think he ever heard John Taylor's name mentioned in prayer by his teacher. Was a Mormon and attended Mormon Sunday School. His father was not a Mormon.

Cross examination by Mr. Rawlins.—Father did not tell me what to say. He was away from home. Had heard John Taylor prayed for in Sunday school. No one had told him to testify that John Taylor was prayed for. He was dismissed and his evidence thrown out.

Jas. Woods.—Have attended the 7th district school two years. Mr. Hall was my first teacher, then Mr. Stewart and then Mr. Van Dam. School opened by prayer every morning. Had heard no one's name mentioned in the prayer. Admitted that he had stated to the prosecution before court commenced that John Taylor was prayed for. Witness was excused.

Mr. Varian then read from the Doctrine and Covenants, pages 390, 68, 72 and 74 verses; also from the Journal of Discourses Vol. I, pages 361, 224, 346, 247 and 161; and Vol. II, 13, 14, 15; also Vol. XIX, page 53, these being extracts from discourses given by President Brigham Young, Heber C. Kimball, Jedediah M. Grant and President John Taylor, showing that the Priesthood is God's only acknowledged authority on the earth, and that it would one day rule the whole earth. That temporal things are not separate from spiritual things and that it is the right of the Priesthood to rule in both. One of the discourses referred to explains partly the duties and powers of Bishops courts and decisions of High Councils, and the prosecution argued that they usurped the functions of civil officers.

He was still quoting from those works when we went to press.

Experience of a Well-Known Temperance Work.

Mrs. M. Cator, widow of an eminent physician of Camden, New Jersey, is well known as an active worker and lecturer in the Temperance cause. A few years ago she was a sufferer from weak lungs, and in a very feeble condition. She had become a martyr to neuralgia. Her vitality was almost gone, and her voice was a mere whisper. While in this condition, she heard of Compound Oxygen, from the use of which she recovered her health, and is now conspicuous for her energetic public work in the great cause which she has so much at heart. To a reporter of the press who interviewed her recently, she gave an exceedingly interesting account of her experience with Compound Oxygen, from which we make an extract.

"On inhaling the oxygen she said, 'I felt a new and strange sensation. At once I had relief; not complete, of course, but none the less gratifying. With each day's inhalation I grew stronger and better. I had much to regain, for my lungs were seriously impaired, and my body was greatly emaciated. In three or four months I was a new woman. Now I have a good appetite, and I sleep well. I am very actively engaged in Temperance and Bible work, and I find no difficulty in addressing an audience of two or three thousand people.'"

A "Treatise on Compound Oxygen" will be sent free by Drs. Starkey & Pallen, to any one who will write to them for it.

Orders for the Compound Oxygen Home Treatment will be filled by H. E. Matthews, 606 Montgomery Street, San Francisco.

Scarlet fever has made sad havoc among the little ones of Cheyenne, Wyoming, recently.

A man in Pennsylvania does a thriving business peddling hot water, delivered in a tank wagon.

Fred Ader, confined in the Dawson County jail, cut his way out with a penknife a few nights ago.