

Q.—Yes, sir.
A.—I am willing to take the oath prescribed in the Edmunds-Tucker bill with reference to that oath?
Q.—I understand you to say that you believe it is the Divine law that a man may have more than one wife at the same time?
A.—Yes, sir.
Q.—Now, believing that to be the Divine law, are you willing to take an oath that you will not hereafter obey that law?
A.—What oath have you reference to?
Q.—An oath that you will not hereafter obey the law of God as you understand it, so far as it recognizes—
A.—Is that referring to the Edmunds-Tucker oath?
Q.—Yes, sir.
A.—In the Edmunds-Tucker law?
Q.—Yes, sir.
A.—I am willing to take it.
Q.—Just answer my question.
A.—Yes, I am willing to take that.
Q.—Are you willing to take an oath that you will not at any time hereafter obey the Divine law which you speak of?
A.—I am willing to take the oath—not an oath.
Q.—Are you willing to take the oath that I mention now?
A.—I ask you, have you reference to that oath in the Edmunds-Tucker bill?
Q.—The Edmunds-Tucker bill, as you call it, requires a juror to take an oath that he will not hereafter—
A.—Take the oath—
Q.—Take an oath?
A.—An oath?
Q.—An oath that you will not—
A.—That has reference to any oath?
Q.—Wait a moment.
The Court—Wait and hear the question.
Mr. Dickson—It requires the juror to take an oath that he will not at any time in the future take a plural wife or a polygamous wife—that he will not at any time in the future have more than one wife; now, I understand you to say that you believe that the Divine law recognize plural marriage—
A.—Certainly.
Q.—And enjoins the practice of plural marriage in some circumstances. Believing that to be the Divine law, are you willing now to take an oath that you will not hereafter obey that law?
A.—I am willing to take the oath prescribed—the oath.
The Court—Well, that is not the question. Answer the question.
Juror—Is there another oath than a person is required to take?
The Court—Answer the question.
Mr. Dickson—Are you willing to take an oath, believing that the Divine law—that polygamy, is right in the sight of God—
A.—Certainly.
Q.—Are you willing to swear that you will not hereafter obey that Divine law?
A.—Yes, sir.
Q.—If you were required, counseled or commanded by those in authority in your Church to preach or teach polygamy, would you obey such counsel or command?
A.—I would.
Q.—You would obey it?
A.—Yes, sir.
Q.—Are you then willing to take an oath that you will not, under any circumstances, in the future, teach or preach polygamy?
A.—Well, that is another matter.
Q.—Well, are you willing to take such an oath?
A.—I am not required to take such an oath, that I am aware of.
Q.—Are you willing to take such an oath?
A.—Yes, I am willing.
Q.—You are willing to take such an oath?
A.—Yes, sir.
Q.—How do you reconcile that answer with your answer a few moments ago that if you were counseled by those in authority in your Church to preach or teach polygamy, that you would obey the counsel?
A.—Yes, certainly I would.
Q.—And yet you are willing still to take an oath that you will not do it?
A.—I am willing to take the oath prescribed. Have you reference to any other oath?
Q.—Just answer my question, please. Are you willing—
A.—Will you have the kindness to answer mine as well?
The Court—Well, you answer the questions he puts to you?
A.—I have answered them.
Mr. Dickson—Are you willing to take an oath that you will not hereafter, under and circumstances, preach or teach polygamy or plural marriage?
A.—No, I am not willing to do that.
(Challenged and excused.)
J. F. Bradley passed.
JACOB HEUSSER.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one?
A.—Yes, sir.
Q.—Are you willing to take an oath that you will not at any time in the future obey that law?
A.—No, sir.
(Challenged and excused.)
DAVID COOK.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one?
A.—Yes, sir.
Q.—Are you willing to take an oath that you will not hereafter, under any circumstances, obey that law?
A.—No, sir.
(Challenged and excused.)
K. J. SWANER.
Q.—Do you believe it right, accord-

ing to the Divine law that a man may have more wives than one?
A.—That he may have?
Q.—Yes.
A.—Well, as far as the belief, I think a man ought to have all the wives he wants.
Q.—Well, I say do you believe it is right, according to the law of God, that a man may have more than one wife at the same time?
A.—Not that I—that is—I don't know—that—thought enough of it to really think one way or the other.
Q.—Are you a member of the Church of Jesus Christ of Latter-day Saints?
A.—Yes, sir.
Q.—In good standing in the Church?
A.—I presume so; I don't know, really, what it requires to be in good standing.
Q.—And partake of its sacraments?
A.—When I go to church I do.
Q.—Well, that means that when you go to church you go to church; I ask you if you attend its services?
A.—That is, I have done such a thing; yes.
Q.—How long since?
A.—Well, I haven't got the date, really, for that part of it.
Q.—About how long?
A.—I presume it would be a few years.
Q.—Have you not been to church for a few years?
A.—No, that is, partook of the Sacrament.
Q.—I am speaking now of attending services; how long since you have attended the services of the church?
A.—I don't know; it might be a couple of months.
Q.—How long since you have partaken of the Sacrament?
A.—I don't know; it may have been two or three years.
Q.—Do you mean to say that you don't know whether you are in fellowship with the Church or not?
A.—How is that?
Q.—Do you mean to say that you don't know whether you are in fellowship with the church or not?
A.—I mean to say, that I don't know, yes sir.
Q.—You don't know?
A.—Yes, sir.
Q.—Do you accept or reject any of the teachings of that church?
A.—Well, I accept a great many of them.
Q.—Do you reject any of them?
A.—I do.
Q.—Do you reject the doctrine of plural marriage as taught by the Church?
A.—I do, that is at the present time.
Q.—I am not speaking now with reference to the law of the land; do you reject it as a Divine revelation, or do you believe that it is spurious and false?
A.—Oh, I don't know; I never have taken any consideration in that part of it.
Q.—How old are you?
A.—I am a little over 31 years of age, or 30.
Q.—A native born citizen?
A.—Yes, sir.
Q.—You can read?
A.—Yes, sir.
Q.—You are a man who does read, I suppose?
A.—A little, yes.
Q.—You have read the alleged revelation?
A.—I think I have; it is a good many years ago.
Q.—You have heard it discussed?
A.—I never took—that is a part—a great part in discussing any question of religion, of any kind.
Q.—You have heard it discussed, I say?
A.—I don't know that I have.
Q.—Never heard it discussed by any one in your Church?
A.—I presume there may have been something of the kind said at different times, but I don't remember it; that is, at any one time.
Q.—Never heard it alluded to in the sermons or teachings of the priests?
A.—I don't know that I have particularly; I can't remember of any distinct time which I have—years ago possibly I may have heard something, but I don't remember it at present.
Q.—Then you are unable to say now—
A.—Yes, sir.
Q.—Being in fellowship with the Church, and partaking of its Sacrament—you are unable to say whether you believe that such a revelation was given at any time, or whether you believe that it is a false doctrine which the leaders of your Church are attempting to impose upon her members?
A.—Just repeat that question, please.
Q.—I understand you to say that you believe you are in fellowship with this church?
A.—Yes, sir.
Q.—You do know—
A.—That is, as I stated before, I wouldn't vouch that I am in full fellowship.
Q.—You believe you are?
A.—That would only be a question.
Q.—You know that the church claims that a revelation was received from the Almighty, by those in authority in the Church?
A.—I don't know that I ever went deep enough into the study to know really that much of it.
Q.—Do you mean to say that you don't know whether the Church claims to have received such a revelation or not?
A.—I know—I know there is such a thing, yes sir.
Q.—Don't you know your Church claims—
A.—Yes, sir.
Q.—Or those in authority claim to have received such a revelation?
A.—Yes, sir.

Q.—Now, are you unable to say whether or no you look upon that as a false and spurious doctrine which your leaders are attempting to impose upon that Church, or not?
A.—I don't look at it in that way.
Q.—You don't look upon it as a false doctrine?
A.—No, sir.
Q.—Then you accept the revelation—you believe such a revelation was given?
A.—Oh, I don't—I can't just tell—how can I?
Q.—A man can believe or disbelieve, of course?
A.—There may be such a thing, but then that doesn't help the other case.
Q.—Just answer my question; I am not asking for your positive knowledge, but your belief.
A.—Yes.
Q.—Do you believe that such a revelation was given to the Church, or do you believe that it is a false doctrine?
A.—Well, I would say that I would believe that such a revelation was given to the Church, in preference to—
Q.—Then if you believe that such a revelation was given to the Church, of course you believe it is of Divine origin?
A.—Yes, sir.
Q.—Believing that is of Divine origin, are you willing to swear that you will not at any time in the future obey it—the Divine law?
A.—That I will not obey it?
Q.—Yes.
A.—Oh, I don't think I would.
(Challenged and excused.)
CHARLES CRISMON.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one at the same time?
A.—I do under certain circumstances.
Q.—You believe that that is a law?
A.—I do.
Q.—Of Divine origin, emanating from the Almighty?
A.—Yes, sir.
Q.—Are you willing to swear that you will not hereafter, under any circumstances, obey that law?
A.—No, sir.
(Challenged and excused.)
THOMAS WILLIAMS.
Q.—Do you believe it right, according to the Divine law, that a man may have more than one wife at the same time?
A.—Yes, sir.
Q.—Are you willing to take an oath that you will not hereafter, under any circumstances, obey that law?
A.—I have taken the oath required, I believe, as I—
Q.—Just answer my question.
A.—Well, I wish to just state—
The Court—Well, answer the question. Put the question to him again.
Mr. Dickson—Are you willing to take an oath that you will not hereafter, under any circumstances, obey that law?
Mr. Sheeks—I submit to the Court, in behalf of the jurors, if the Court will permit me, that the law don't require them to take any such oath; it requires him to take an oath to obey the law here; if he shall leave the country, or the law should be repealed, he might obey the Divine law. The law here don't require him to swear that he never will obey that Divine law, but that he will obey the laws of the United States.
Mr. Dickson—There is no limitation in the language—that he will not do a certain thing.
The Court—Yes, I suppose we are hardly authorized to presume that the law will be repealed.
Mr. Sheeks—I don't think the Court understood me; I don't think that the oath is that he never will obey that Divine law, if he believes it to be a divine law. The oath is that he shall obey the law of the United States.
Mr. Dickson—No, that is not it.
The Court—Well, state the question again.
Juror—I will take the oath to obey that; I have taken the oath to obey that.
The Court—State the question again.
Mr. Dickson—He is required to swear that he will not hereafter enter into polygamy.
Mr. Richards—That is all right; but it is a very different thing for him to swear that he will not violate the provisions of those acts from saying that he will not obey the Divine law.
Mr. Dickson—It don't say that he shall swear that he will not violate the law until it is repealed. Your honor can see, and it is a matter of some public notoriety—it has been suggested publicly—that a man is justified in taking this oath who didn't at the very moment he took the oath intend to get another wife; and one of the jurors here answered that he hadn't any present intention, and it would be trifling with the law, and a plain evasion of it, to permit such a man to take an oath, if it appeared that he stood upon that technical ground, that he was willing to take it because he hadn't any present intention at the very moment the oath was administered, of taking another wife.
The Court—I don't think the Court could be justified in assuming that the law will be repealed.
Mr. Dickson—I will put the question to you again. Are you willing to take an oath that you will not hereafter, under any circumstances, while you reside in the Territory of Utah (I accept that amendment) that you will not, while you reside in any of the Territories of the United States, obey what you understand to be the Divine law?
Mr. Richards—If your honor please, I make an objection to the question in that form. This law might hereafter

be repealed; then the juror wouldn't be violating the law if he obeyed the Divine law. The law of the land doesn't say that a person must swear he never will obey the laws of God in this regard, but it requires him to swear that he will not violate the provisions of certain acts of Congress. Now, if those laws should be repealed to-morrow he would not thereafter be violating their provisions.
Q.—Believing that plural marriage is of Divine origin, a law revealed by the Almighty, are you willing to take an oath now that you will not at any time hereafter, while living in any of the territories of the United States, obey that divine law?
A.—No, sir; I would be willing—I have taken the oath required by the Edmunds law, and that is all that I would be willing to do; that I was—I have taken.
Q.—You are not willing to take the oath as I—
A.—Not as you give it.
(Challenged and excused.)
A. D. WOOLLEY.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one at the same time?
A.—No, sir.
Q.—Have you ever believed it right?
A.—No, sir, not since I came to manhood.
(Accepted.)
JOS. A. SILVER.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one at the same time?
A.—It depends on who he is—whether he is worthy of them.
Q.—You believe, if he is good enough, is it right?
A.—If he can look after them and take care of them, that is his own business.
Q.—And that is recognized by you as a Divine law, emanating from the Almighty?
A.—Yes, sir.
Q.—Are you willing to take an oath that you will not, hereafter, under any circumstances, while a resident of any of the territories of the United States, obey that Divine law?
A.—I don't know what I will do hereafter.
Q.—Are you willing to take an oath, I say, that you will not obey that Divine law?
A.—That I will not—
Q.—Obey that Divine law?
Mr. Richards—Now, if your honor please, I desire to read the oath which the juror is required to take (reads form of oath.) As I read and understood the oath the juror is only required to swear that he will obey the provisions of these laws, and that he will not, either directly or indirectly, counsel or advise any other person to violate their provisions in regard to the particular crimes named. It certainly seems to me that the law does not reach to the extent to which this question goes. It is not necessary to sustain our objection that the court should presume the law will be repealed, but it may be required to swear to that which the law imposes. I understand the rule of construction to be that statutes of this sort must be strictly construed and they must not be held to extend further than what their language clearly imports. It seems to me that this examination extends the requirements of the law far beyond what its language imports—it does more than require an oath to obey the law, and not to counsel or advise others to disobey it, which is all that the statutory oath provides.
Mr. Dickson—The oath certainly requires the juror to swear that he will not commit polygamy or unlawful cohabitation, adultery, or any of the offenses therein named. It is not put in the form that "I will hereafter obey all the laws of the United States until it is repealed." Mr. Richards—Would it be a crime if there was no law on the subject?
Mr. Dickson—No, but there is a law on the subject.
Mr. Richards—My objection goes to this extent—If the law should be repealed there would be no such law.
Mr. Dickson—That is an unwarranted assumption, that it will ever be repealed.
The Court—Put the question over.
Mr. Dickson—The question is, whether you are willing to take an oath that you will not hereafter, while a resident of any of the Territories of the United States, obey that Divine law?
A.—How am I to know what I will do hereafter?
Q.—Are you willing to take an oath that you will not do it?
A.—I decline to answer.
Mr. Dickson—I challenge him.
The Court—Well, I suppose the oath requires the juror to swear that he will obey the law prohibiting polygamy and unlawful cohabitation; now, the question is, if he is not prepared to say that he will not obey the law that commands him to commit polygamy, can he take the oath? Isn't the oath in effect requiring him to say that he will not in the future violate that law, and that he will not in the future obey a law of God which commands him to violate it? Of course, we are not confined to the mere bark here; we have a right to penetrate the substance of this oath, and if the juror cannot say that he will not obey a law that requires him to practice polygamy, a violation of this law, then he cannot take this oath, and the Court is not required to be a party to perjury by allowing him to take it.

Juror—Well, I will not take it.
Mr. Dickson—You will not take it?
A.—No, sir.
(Excused.)
JOHN W. ANDREW.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one at the same time?
A.—Yes, sir.
Q.—Are you willing to take an oath that you will not hereafter, while a resident of the territories, obey that law?
A.—No, sir.
(Challenged and excused.)
WILLIAM S. BRIGHTON.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one at the same time?
A.—Yes, sir.
Q.—Are you willing to take an oath now that you will not hereafter, while a resident of any of the Territories of the United States, obey that law?
A.—No, sir.
(Challenged and excused.)
ROBERT URE.
Q.—Do you believe it right, according to the Divine law, that a man may have more wives than one at the same time?
A.—Yes, sir, under certain circumstances.
Q.—Are you willing to take an oath now that you will not, hereafter, under any circumstances, while a resident of any of the Territories of the United States, obey that Divine law?
A.—It is my intention, sir, at the present, as much as it is yours, but to take an oath that I will not do wrong in the future is more than I can do.
Mr. Dickson—I challenge him.
The Court—I understand you then, you say you will not take an oath such as mentioned?
A.—Well, my objection is, your honor, my future life has never been told me, and I know not what may come in the future, I can tell my past life, and my present intentions.
Q.—The question is whether you are willing to say that you will take such an oath—
A.—I can take it under the condition that my intention is as pure to-day as yours is.
Mr. Dickson—That is not the question.
Juror—And I can take it; and those grounds don't go to my future life—it is too far off.
Q.—Are you willing to take an oath now that you will not hereafter—
A.—As far as I know now, sir, I will, honestly, as far as I know now.
Q.—Wait until I finish my question. Are you willing to take an oath now that you will not hereafter, under any circumstances, while a resident of any of the territories of the United States, obey that law?
A.—My intention at present, but, look how you bid me.
The Court—Answer the question.
Juror—You ask me to take an oath that I will never leave the Mormon Church—
Mr. Dickson—Will you take such an oath?
A.—I can take the oath on the grounds that my intention at the present is as pure as yours.
The Court—That is not the question.
Juror—I couldn't take it, Your Honor; I couldn't take it under those conditions: it is too far off to me.
A.—You can't take an oath, then, binding you in the future?
A.—Not my future life—not to bid my future life.
The Court—Well, you are excused.
Juror—All right, sir.
Alexander Rogers was accepted, as were also Emery Ward, Lucine Symons and Louis Strasburg.
P. H. Towey was not a citizen and was excused.
JUROR MCALLISTER
Asked—Mr. Dickson, may I be allowed to withdraw? I confess to a misunderstanding of your meaning in the questions you asked me, in listening to what you have asked the others. I desire to ask to withdraw my statement in regard to it.
Mr. Dickson—You don't desire to take the oath?
A.—I don't desire to take the oath under such circumstances.
(Excused.)
This closed the examination and but ten jurors who would subscribe to the test oath were secured. An open venire was issued for others.
LIVELY IN THE SAN JUAN AND ADJACENT COUNTRY.
A DRY TIME—NEW TOWN—PROPOSED RAILROAD.
F. A. Hammond writes from Bluff, San Juan County April 6th: Peace and health prevail throughout this State. A great drought extends throughout this section of country; no rain for six months. Stock have wintered well, but feed is fast drying up on the range, San Juan River is very low for this season of the year, and but little snow in the mountains. Business is quite lively in the Montezuma Valley, Colorado. About 60 miles east of this place, a new city called Cortez is rapidly being built there. Quite a number of our people are finding employment there. A company of capitalists leave that place next Saturday for Gallup, across the Navajo Reservation to purchase the right of way from the Indians, for a railway from Gallup, on the A. & P., to Cortez. Grading is to commence immediately.