

Court for Brigham Young; went to the latter's office and saw D. O. Calder to whom I told my business. He said I could not see the President, and said they would serve it for me, which I declined to do. I went back and returned to Brigham Young's office; we were stopped by a guard, Shaw, now dead. Maxwell told Shaw he was resisting. He said "The United States be d—d." I arrested Shaw. Cushing knocked Maxwell, who was a cripple, down. Shaw was sent to the penitentiary. We tried again with a posse of eight or ten. The gates were closed. D. H. Wells was there and offered to serve the subpoena. B. Y. Hampton and several police were there. Mr. Wells served the subpoena. I was once employed at Z. C. M. I.; was discharged because I would not sign a paper donating one-tenth of my earnings to the Church.

To LeGrand Young—I did not see the Stars and Stripes there (referring to the procession in honor of D. H. Wells). If it had been dragged there I would have seen it.

To Dickson—I heard it claimed that the flag was trailed, but I did not see it. The streets were crowded.

To the Court—I could not tell how many persons were there; do not there were four or five thousand. The procession was composed of "Mormon" people.

W. J. VAN HORN

testified—I am an attorney at law; reported the proceedings in the Tabernacle after the procession. The Tabernacle will seat nearly 10,000 persons, and it was crowded. Took a list of the banners that I noticed. One said, "We believe in polygamy," and others expressed discontent at Mr. Wells' imprisonment, and rejoiced at his release. The DESERET NEWS claimed that there were ten thousand persons in the procession.

Dickson read from a DESERET NEWS editorial of February 19, 1882, regarding the selection, by revelation, of George Teasdale and Heber J. Grant as Apostles, and Seymour B. Young as one of the first seven Presidents of the Seventies.

FERGUS FERGUSON

testified—I am deputy clerk of the Third District Court. In May, 1885, George Q. Cannon was under indictment for unlawful cohabitation; so were the late President John Taylor and Joseph F. Smith; the latter is still under indictment. Neither President Taylor nor Joseph F. were ever arrested. The first indictment against Orson P. Arnold was before May, 1885; the second indictment was found April 11, 1886.

Mr. Dickson read a letter purporting to be from the late President Taylor to census agent White. The letter is dated Jan. 6, 1881, and explains the duties of Bishops, and states that Bishops had jurisdiction in temporal matters of the church.

WILLIAM G. PHILLIPS

testified—I was city marshal of Salt Lake in 1885. I served my term out. Went on a mission afterwards, and returned a year ago. Am now sanitary inspector for the city; was employed about three months after I returned. My term of office expired in February, 1886.

Dickson read from C. S. Varian's scrap book a paragraph from a copy of the obituary notice of President John Taylor, published July 26th, 1885.

Dickson announced that this closed their case, and said that the government desired to be represented in the argument by its proper officer,

C. S. VARIAN.

After some discussion court adjourned till November 23, when

W. J. VAN HORN

was called, and gave a list of what he said were the mottoes on banners carried in the procession that followed D. H. Wells. I did not see the American flag there. Did not see one in the procession. At the meeting the speakers were F. D. Richards, D. H. Wells and John Taylor.

Dickson said that Arthur Wild wanted to change his testimony to say that when he said flags were in the procession, he did not mean American flags.

Van Horn said the speeches were commendatory of D. H. Wells for preferring to go to the penitentiary for contempt, rather than reveal the Endowment ceremonies.

Baskin said he had a judgment in a Bishop's court, between parties, for a sum of money.

LeGrand Young said that it was a doctrine of the "Mormon" Church that the members should settle their difficulties by the arbitration of Bishops' courts rather than go to law. There was no effort or intent to enforce judgment. Those who did not comply were sometimes disfellowshipped, and it might be in extreme cases excommunication.

DR. JAS. E. TALMAGE

was called by the defense. He testified—I am principal of the Latter-day Saints College in this city; was formerly member of the faculty of the Brigham Young Academy in Provo; acted in that capacity four years; attended school there five years; have studied at the Lehigh University, Pennsylvania, and the John Hopkins University, Baltimore; in the Latter-day Saints College we give instructions in theology, the same as other branches; our theological classes study the Bible and other Church works; the principles of the New Testament are taught there; the New Testament is a text book of daily use, the Book of Mormon and Doctrine and Covenants are also; sermons are not referred to. The Constitution of the United States is taught. We teach that the Constitution is inspired, and of all human documents approaches nearest to perfection; it is taught that it is the foundation of the government of the United States and must be revered. We teach celestial marriage, but not plural marriage. We teach that celestial marriage is a contract for both time and eternity, while the civil marriage binds people only in this life; we teach that marriage is a religious as well as a civil contract. We never say anything about polygamy. There may have been a question asked about it, but I recall no instance. The B. Y. Academy follows the same rule as does our college.

Both are sustained by voluntary donation from members of the Church. I have been a member of the Church eighteen years. We teach man's free agency as a part of our course. We teach that man's free agency is paramount—that it has not been interfered with by the Creator, and should not be by any power. We teach that man's future depends on his course in this life; that he might by the exercise of his own agency show his nature and preferences. We also teach that the Kingdom of God is to be an outgrowth of the Church of Christ; that it is not here, but that it will be established, and that we should pray for it. When it is established, Christ will be its King. We say that he will come as the Bible says, but the time no man knows, not even the angels in heaven. We have never taught anything contrary to the laws of the land. It is a part of our teachings that people should prepare themselves to be good citizens. The teachings in the B. Y. Academy and in our own college have been approved by the authorities of the Church—that is, the plan of instruction has.

To Dickson—We teach that celestial marriage is distinct from plural marriage; the meaning of plural marriage is expressed, and the meaning of celestial marriage is explained. We teach that celestial marriage may be entered into in the monogamic relation; that it is different from ordinary marriage in that it is available in eternity. We teach the pupils to obey all the laws of the United States. We mention no laws specially. We have not had any questions upon the laws relating to polygamy, that I can recall. We also teach obedience to the revelations of God as a religious duty. We teach that the Constitution guarantees religious freedom. We teach students to obey the laws. We also teach them that they have the privilege of obeying God in their religion. I believe in the revelation on plural marriage, and that if the Constitution had been conformed to there would have been no law against it. I teach the pupils what I believe, but not all that I believe. We also explain that the revelations do not require violation of law. I think the statutes against bigamy are constitutional. I don't think plural marriage is characterized by the features of bigamy, as a crime. I think Congress sought to suppress plural marriages and I think they overstepped the Constitution. In the school we teach the free agency of man; we also teach that it is proper to seek counsel from the best sources. We have not taught that it is wrong to rebel against the Priesthood. We have taught that members of the Church should obey the authority of the Priesthood, but they may disobey if they choose. I think that we should obey the instructions of the President of the Church in his official capacity in relation to the Church. The subject of obedience to the Priesthood is not discussed. I don't teach anything I do not believe, but I do not force on the pupils all that I do believe. There are many topics that are not re-