

paid. I don't doubt that men were sent out to protect the route, but none of them joined the contending armies, on either side. They stayed here and prayed that the government might be destroyed.

Le Grand Young said Mr. Varian's statement was unjust and incorrect. He makes a statement of what the government demands, and makes assertions that are erroneous. As to the \$100,000, that was settled in the expenses of Indian wars, and Congress so recognized it. I think Mr. Varian's demand comes with poor grace at this stage of the case.

Mr. Moyle asked that the record show that the District Attorney had not been present, and had not heard the evidence.

Mr. Varian said it could go as requested. He also wanted it shown that he was familiar with the history of the Territory, and had read the evidence as published.

The court then adjourned.

MR. PENROSE RELEASED.

Later in the evening Judge Anderson made an order that, the case being closed, Charles W. Penrose should be released from the penitentiary, where he had been committed for contempt in refusing to answer a question concerning his family relations. Word was accordingly sent out to the penitentiary, and Mr. Penrose was set at liberty.

NATURALIZATION OF "MORMONS."

The Federal Court room was filled November 30, by those assembled to hear the decision of Judge Anderson in the case involving the eligibility of "Mormons" for citizenship. The reading of the opinion occupied an hour, and at its conclusion the crowd, which was almost entirely anti-"Mormon," expressed their approval of the judge's decision by stamping their feet and clapping their hands. The opinion is as follows:

In the District Court for the Third Judicial District of the Territory of Utah.

In the matter of the application of John Moore, Fred W. Miller, Henry J. Owen, John Berg, Walter J. Edgar, Charles E. Clissold, Nils Anderson, Carl P. Larsen, Thomas M. Mumford, John Garbet and Arthur Townsend, to become citizens of the United States.

OPINION.

Anderson, J.

In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing, and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar upon the ground that they were members of the Mormon Church, and also because they had gone through the Endowment House of that Church, and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted. The admission of the other ap-

plicants was objected to solely on the ground that by their own statements they were members of the Mormon Church, although they had not gone through the Endowment House, and had not taken the oath usually administered there, nor in fact any oath incompatible with citizenship.

The claim is made by those who object to the admission to citizenship of these persons, that the Mormon Church is and always has been a treasonable organization in its teachings and in its practices, hostile to the government of the United States, disobedient to its laws, and seeking its overthrow, and that the oath administered to its members in the Endowment House binds them, under the penalty of death, to implicit obedience in all things, temporal as well as spiritual, to the Priesthood, and to avenge the death of the prophets Joseph and Hyrum Smith upon the government and people of the United States. The taking of further testimony at this time is for the purpose of determining whether or not these allegations are true.

The third subdivision of section 2165 of the Revised Statutes of the United States provides that in order to entitle an alien to be admitted as a citizen of the United States, it shall be made to appear to the satisfaction of the court admitting such alien that he has resided in the United States five years at least, and within the state or territory where such court is at the time held, one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. Those objecting to the right of these applicants to be admitted to citizenship, introduced eleven witnesses, who had been members of the Church of Jesus Christ of Latter-day Saints, commonly called the Mormon Church. Several of these witnesses had held the position of Bishop in the Church, and all had gone through the Endowment House and participated in its ceremonies. The testimony of these witnesses is to the effect that every member of the Church is expected to go through the Endowment House, and that nearly all do so; that marriages are usually solemnized there, and that those who are married elsewhere go through the Endowment ceremonies at as early a date thereafter as practicable, in order that the marital relation shall continue throughout eternity. That these ceremonies occupy the greater part of a day, and include the taking of an oath, obligation or covenant, by all who receive their endowments, that they will avenge the blood of the Prophets, Joseph and Hyrum Smith, upon the Government of the United States, and will enjoin this obligation upon their children unto the third and fourth generations; that they will obey the Priesthood in all things, and will never reveal the secrets of the Endowment House under the penalty of having their

throats cut from ear to ear, their bowels torn out, and their hearts cut out of their bodies. The right arm is anointed that it may be strong to avenge the blood of the prophets. An under garment, a sort of combination of shirt and drawers, called the endowment robe, is then put on, and is to be worn ever after. On this robe, near the throat, and over the heart, and in the region of the abdomen, are certain marks or designs intended to remind the wearer of the penalties that will be inflicted in case of a violation of the oath, obligation or covenant he or she has taken or made.

On behalf of the applicants, fourteen witnesses testified concerning the endowment ceremonies, but all of them declined to state what oaths are there taken, or what obligations or covenants are there entered into, or what penalties are attached to their violation; and these witnesses when asked for their reason for declining to answer, stated that they did so "on a point of honor," while several stated they had forgotten what was said about avenging the blood of the prophets. John H. Smith, one of the Twelve Apostles of the Church, testified that all that is said in the endowment ceremonies about avenging the blood of the prophets is said in a lecture, in which the 9th and 10th verses of the sixth chapter of Revelations is recited, as follows:

"And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God and for the testimony which they held. And they cried with a loud voice saying, How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth."

Other witnesses for the applicants testified that this is the only place in the ceremonies where avenging the blood of the prophets is mentioned.

John Clark, a witness for applicants, testified he took some obligations, made some promises, entered into some covenants in the Endowment House, and wore his endowment robes, but did not know the significance of the slit over the heart. E. L. T. Harrison, another of applicants' witnesses, testified he had a clear recollection that his right arm was washed, and something said about it being made strong to avenge the death of the Prophets, and that the names of Joseph and Hyrum Smith were not mentioned, but were understood to be among the number whose blood was to be avenged; and E. G. Woolley, a witness for the applicants, testified they were to pray to the Lord to avenge the blood of the Prophets. Every other witness for the applicants who was asked the question stated that Joseph and Hyrum Smith were understood to be included among the Prophets whose blood was to be avenged.

The witnesses for the applicants, while refusing to disclose the oath, promises and covenants of the endowment ceremonies, and the penalties attached thereto, testified generally that there was nothing in the ceremonies inconsistent with loyalty to the government of the United