U.S. 34849.063

TESTIMONY

OF

PRESIDENT JOSEPH F. SMITH

of the

Mormon Church

AND

SENATOR REED SMOOT

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U. S. Congress. Senate. Committee on privileges and elections.

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Testimony of Important Witnesses

AS GIVEN IN THE

PROCEEDINGS

BEFORE THE

Committee on Privileges and Elections

OF THE

UNITED STATES SENATE

IN THE MATTER OF

THE PROTEST AGAINST THE RIGHT OF HON. REED SMOOT, A SENATOR FROM THE STATE OF UTAH, TO HOLD HIS SEAT.

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TESTIMONY OF REED SMOOT

RESPONDENT

Mr. Worthington. Senator, when were you born.

Senator Smoot. January 10, 1862.

Mr. Worthington. Where?

Senator Smoot. In Salt Lake City.

Mr. Worthington. Have you lived in Utah ever since your birth?

Senator Smoot. I have.

Mr. Worthington. It has been your place of residence?

Senator Smoot. It has.

Mr. Worthington. Give us the names of your parents, please.

Senator Smoot. My father's name was Abraham O. Smoot. My mother's name was Anne K. Smoot.

Mr. Worthington. Both of your parents were Mormons, I believe?

Mr. Smoot. They were.

Mr. Worthington. And I believe that your mother was a plural wife of your father?

Senator Smoot. She was.

Mr. Worthington. Is your father living?

Senator Smoot. He is dead.

Mr. Worthington. About when did he die?

Senator Smoot. In 1895.

Mr. Worthington. Is your mother living?

Senator Smoot. She is also dead.

Mr. Worthington. And she died when?

Mr. Smoot. She died in 1896.

Mr. Worthington. Are you yourself a member of the Mormon church?

Senator Smoot. I am.

Mr. Worthington. And have you been since you attained years of discretion?

Senator Smoot. I have.

Mr. Worthington. Are you a married man?

Senator Smoot. I am.

Mr. Worthington. When were you married?

Senator Smoot. On September 17, 1884.

Mr. Worthington. And to whom?

Senator Smoot. Alpha M. Eldredge.

Mr. Worthington. Have you lived with her in the relation of husband and wife since that time?

Senator Smoot. I have.

Mr. Worthington. Have you children by her?

Senator Smoot. I have.

Mr. Worthington. How many?

Senator Smoot. I have six children by her—three girls and three boys.

Mr. Worthington. Have you at any other time married any other woman?

Senator Smoot. I have not.

Mr. Worthington. Have you at any other time cohabited with any other woman in the relation of husband and wife—

Senator Smoot. I have not.

Mr. Worthington. Or in any other way?

Senator Smoot. I have not.

Mr. Worthington. When you were married to your wife, were you married according to what is known here as the celestial ceremony?

Senator Smoot. I was. In the temple at Logan.

Mr. Worthington. Did you at that time pass through the ceremony which is called taking the endowments?

Senator Smoot. No, sir; I did not. I will state, however, that I took the endowments before, in the early spring of 1880. I was then 18 years old. My father was going to visit the Sandwich islands for his health, and he asked me to go with him. I, of course, was very pleased, indeed, to accept the invitation, and before going my father asked me if I would go to the endowment house and take my endowments. I told him I did not particularly care about it. He stated to me that it certainly would not hurt me if it did not do me any good, and that, as my father, he would like very much to have me take the endowments before I crossed the water or went away from the United States.

I lived in Salt Lake City from my birth until 1872, and then moved to Provo, and I have lived in Provo ever since. I have been in the mercantile business, in the woolen-mill business, in the banking business. I have been in the cattle business, and in the sheep business, and in the mining business. The only particular office that I ever held in the church was that of counselor to Edward Partridge, in the Utah stake of Zion, and I was appointed as such in April, 1895. He was president of Utah stake. I was his counselor for five years, and I was appointed one of the twelve apostles in April, 1900, on the day on which Joseph F. Smith's last child was born. I have held one civil office, a trustee of the Territorial insane asylum at Provo, appointed by Gov. West. That is the only special office I ever held or ever wanted to hold.

Mr. Worthington. Did you take any oath or obligation when you became an apostle? I did not.

Mr. Worthington. Do you recall the ceremony or parts of the ceremony through which you went when you took your endowments?

Senator Smoot. I could not remember it if I wanted to.

Mr. Worthington. Do you mean that you do not remember anything about it or that your recollection is vague?

Senator Smoot. I have not enough of the details to give the committee any information.

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As to Oath of Vengeance.

Mr. Worthington. Tell me whether or not at that time anything of this kind took place—that somebody said this which I am about to read, in substance, and that you assented to it: "That you and each of you do promise and vow that you will never cease to importune high heaven to avenge the blood of the prophets upon this Nation."

Senator Smoot. I did not, nor was there anything said about avenging the blood of the prophets or anything else on this Nation or on this Government. There was nothing said about avenging the blood of Joseph Smith, Jr., the prophet. And it seems very strange that such a thing should be spoken of, because the endowments have never changed, as I understand it; it has been so testified, and that Joseph Smith, Jr., himself was the founder of the endowments. It would be very strange, indeed, to have such an oath to avenge his death when he was alive.

Mr. Worthington. Now, let me ask you whether when you took your oath as a Senator of the United States you took it with any mental reservation?

Smoot. None whatever, and there was nothing in my past life, either in connection with the church or anything else, which, in the slightest degree, affects my loyalty to the country, as recognized by that oath.

Mr. Worthington. How did you come to be a candidate for the office of Senator, Mr. Smoot?

How He Became a Candidate.

Senator Smoot. I have been rather active in politics. I may say that before ever there was a division on party lines in the State of Utah I became interested in the principles of the two great national parties. I remember at the time of taking one of the leading Democratic papers and one of the leading Republican papers. It was about 1884, when I became manager of the Provo woolen mills. I thought, of course, at the time that I was a Democrat. My father came from Kentucky. He was a staunch Democrat, and of course, I thought I was a Democrat. He believed in protection, and of course, it had been taught to me all my life, and I believed in it. But after studying the papers very carefully, indeed, with all the interest that I could, my mind gradually drifted toward the principles of the Republican party. I think it was in 1888 that there were a few men in Provo, Republicans, and we organized a Republican party. That was before the division on party lines in our State. We used to meet quite often for the purpose of discussing the principles of the party, and I became deeply interested in them and in politics. I was prepared, or felt myself so, when the division on party lines came, to align myself with the Republican party, and I have been a Republican from that time on. Our county, Utah county, was strongly Democratic. In fact, it was one of the strongest Democratic counties in the State; and we, the Republicans of that county, worked very hard indeed, to change the condition of our county from a Democratic majority to a Republican majority. We sometimes were placed on the ticket, knowing full well that we could not be elected, but we had that fight to make, and we did make it; and I think in 1900 was the first year that we carried Utah county for the Republican party. I attended most of the conventions, both county and State, of my party. I gave my time and I gave my means for the advancement of that cause. I was an organizer of the southern forces, as they were called, in most of the campaigns, and I did it because I liked it. I enjoyed the work. I think that I have been loyal to it from beginning to end, and for aught I know will continue to be as long as the principles are as they are, and as I believe them to be, the best for this country.

Mr. Worthington. You say that you organized the southern forces. Just what do you mean by that?

Organize Southern Forces.

Senator Smoot. I mean that in the State Salt Lake is what may be called the central part of our State, and then there is the northern part of our State, and then there is the southern part of the State, and, of course, in the organizations certain interests for that section of our State always came up at the conventions, and we were generally together on any kind of a proposition as to who should be nominated.

Mr. Worthington. When did you yourself first consider the question of being a candidate for the position of Senator of the United States from Utah?

Senator Smoot. Oh, I was spoken to by my political friends back as far as 1898, and especially my home town friends, to run for Governor or for the Senate. I think they were mostly non-Mormons. I told them that I did not care about trying to run for an office until we could at least get our county into the proper column, and that is what we had been working for a long time, ever since the division on party lines, and that if the time came and it was proper I should like very much to go to the Senate of the United States. And Mr. Loose, Mr. DeMoisy, and Mr. Homer and the leading politicians of Provo, and some of Utah county, of course, understood my wishes in that regard, and we always worked to that end. That was in 1898. I was not an avowed candidate for Senator in 1900, Mr. Worthington. It was pretty close. We had had the silver craze out our way, and in 1896 there were very few Republicans left. I think there were only 13,000 Republican votes cast in the whole State, but of course, we kept the organization together. In 1898 we did not expect to win out in that election at all, on account of the fact that we knew there had not been enough regular Republicans come back to win the State; but they were coming very rapidly. In 1900 we expected that it would be a very close election, and there was no avowed candidate—that is, in the full sense of the word—during that campaign. But after the election there were a great many candidates. I think there were Mr. McCornick, Mr. Salisbury and Mr. Kearns, and my friends were pressing me, and I had it under consideration at that time. But I never gave them an assur-

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ance that I would run, and before the election of United States Senator in 1900 I published a statement that I would not be a candidate. I did not go off at the time of the silver defection. I stood by my colors in that campaign.

Asked Consent of Church.

Early in the year 1902 I concluded that if all things were satisfactory I would be a candidate for the Senate of the United States, and I think it was on May 14, 1902, that I made an announcement that I would be a candidate. I made it in a meeting. Before I made that announcement, of course, I realized that the rule which had been adopted by the church required me to ask the presidency of the church if they had any objections to my making that run, and if I was elected, whether I could have whatever time was necessary to fill my duties as a Senator of the United States. Or, in other words, I should require a leave of absence, and I wanted it understood that that leave of absence would be such that whatever requirement was made of me as a Senator they would have no objections whatever. That consent was given, I think, some time in the beginning of May. I could not tell the day, but I know that the announcement was made on the 14th of May, 1902. Immediately I had my political friends form an organization, and we went itno every precinct in our State, and we formed a regular organization of all of those precincts, and they worked from the primaries to the convention.

The Chairman. Senator, pardon me. You said consent was given. I did not understand you to say by whom.

Senator Smoot. The presidency. I asked the president of the church and his two counselors at the time. I went into the office. They were in the office there, at a table where they sit nearly every day, and I presented the proposition to them there. I did not at that time talk at all to brother apostles about that matter. We went to work, as I stated before, and the primaries were held, the county conventions were held, and our State convention was held. We saw wherever we could that candidates for the Legislature were nominated at those conventions who were favorable to me as Senator, and the organization was just as complete as I could make it. The work was done in that way. It was the organization of the Republican party.

Church in Politics.

Mr. Worthington. The campaign having opened, I should like to go back and ask you what, if anything, from the time you took part in politics, the church has ever done as a factor in any of the movements to which you were a party?

Senator Smoot. Not in the least.

Mr. Worthington. I will ask you whether, at any time, either in your own matter or in reference to other candidates for other offices, so far as you know, the church had anything to do about it, any more than the Presbyterian or the Methodist church in the State, excepting always what you have told us about asking for leave of absence under the rule?

Senator Smoot. No man or woman that lives can come and say that I ever asked them to vote the Republican ticket on account of my being an apostle or a Mormon or anything connected with the church. Whatever argument I have made, I have based upon the question of Republican principles and as a Republican.

Mr. Worthington. Have you yourself in what you have done in that regard from the beginning been dictated to in any wise by the church or any representative of the church?

Senator Smoot. Not in the least; I would not be.

Mr. Worthington. Perhaps that covers it, but I want to ask you the general question whether in the matter of your being a candidate for the office of Senator from Utah the church had anything to do with selecting you as a candidate or putting you forward?

Senator Smoot. No, sir, none whatever.

Mr. Worthington. I will ask you, while each person may have his own view about it, what your view is with respect to the rule published on page 168 of this record about asking for leave of absence; whether or not that in any wise amounted to an indorsement of your candidacy or made you a church candidate?

Senator Smoot. None whatever; nor do the people believe that it is an indorsement, nor do they understand that it is in any way.

Dictation by Church.

Mr. Worthington. Let me now in conclusion ask you the same question that I asked Dr. Talmage the other day. Suppose that some measure were pending before the Senate here upon which you are called upon to vote, and the church through its president or in some other way should direct you to vote in a certain way; what would you do?

Senator Smoot. I would vote just the way that I thought was best for the interests of this country without any dictation from the church or anybody representing it in the slightest degree guiding me in casting my vote, because it is not their business. As a matter of fact, neither the church nor anybody representing the church or purporting to represent the church has undertaken in any way to dictate or direct me in the performance of duties as a Senator. I would not submit for a moment to any dictation of that kind.

Mr. Worthington. You have spoken of your own case. Let me ask you whether, so far as your knowledge goes, in respect of others, there has been any attempt to use the influence of the church as a church in political matters in your State?

Senator Smoot. I never heard of it.

Smith and Polygamy.

Mr. Worthington. When you became an apostle, which was in April, 1900, I think you said, what was the state of your knowledge as to whether Joseph F. Smith was living in polygamous relations with several wives?

Senator Smoot. I knew Joseph Smith had more than one wife, but I did not know anything about his relations with them; that is, as to his living with more than one wife. I was surprised as to the

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number of children he had had born since the manifesto, but I was not surprised at all that he had those wives.

Mr. Worthington. Let me ask you also the general question as to the other apostles who it appears now were at that time living in polygamous relations—whether you had any more information as to them than you had as to Joseph F. Smith?

Senator Smoot. Francis M. Lyman; I never have been in his house in my life. John Henry Smith; I was in his home once, and that was the wife who lived across the road from the Temple. I took dinner there one day with him. George Teasdale; I was in his home once, I think in 1892. I stopped there as I was going to Sanpete. I never was in the home of John W. Taylor in my life. I never was in the home of Mathias F. Cowley in my life. I never was in the home of Mariner W. Merrill in my life. I have been in the home of Rudger Clawson once in my life. I was there to a dinner. I believe it is not claimed that Rudger Clawson is a polygamist, but I am speaking of all of them.

Mr. Worthington. Let me ask what you understood from general reputation was the situation in which those men and other members of your church who had entered into polygamy prior to the manifesto of 1890, were?

Would Tolerate Polygamy.

Senator Smoot. After the manifesto was issued the Territory was under the direct control of officers of the United States up until Statehood. It was a Territorial form of government, and the State was admitted in 1896, on January 4, I believe, and scarcely anything was done with men who were living with their wives during all that time. With their plural wives. And after Statehood, in the discussion that was had at the Constitutional convention, the remarks that were made there by leading men of our State led the people of the State, I think, to believe that as far as the living with their polygamous wives was concerned it would at least be tolerated by the people, thinking no doubt that that would be the best and the easiest and the quickest way to have the question solved. It would not apply to any one who would take a wife after the manifesto. I think that is a fair statement of the condition; and I saw the conditions as they existed there, and I accepted them, with others. So that, when I became an apostle in 1900 for ten years, the Government of the United States and the people of the State, both Mormon and non-Mormon, had accepted that as an existing situation. And I accepted the status as I found it.

Mr. Worthington. When you became an apostle, did you do anything to interfere with that, or do anything about it?

Senator Smoot. No; I did not. I never thought of it any more than any other citizen of our State would or did.

Meet in Separate Rooms.

Mr. Worthington. The apostles have a separate room where they meet when they meet as a body. In the Temple. The first presidency have a room where they meet when they meet officially. It does not join or communicate with the room where the apostles meet. It is in a separate part of the building. I have attended meetings of the apostles since I became an apostle and even since I have been a Senator. When I am home, if I am in Salt Lake, I attend those meetings.

Mr. Worthington. In reference to the charge here, in the first place, that the apostles are in a criminal conspiracy to further polygamy, I want to ask you whether at any meeting of the apostles at which you have been present the question of polygamy or polygamous cohabitation has been considered or discussed or referred to in any way?

Senator Smoot. No, sir; it has not. I have observed that when the apostles are called in they are called in simply as advisers, and that the president may do what he pleases in regerd to the matter under consideration, although all the apostles advise him another way. He has the ultimate decision. At no joint meeting of the presidency and the apostles has the matter of polygamy or polygamous cohabitation ever been raised, discussed or mentioned in any way when I was present. As to the charge that the fifteen or the twelve have been and are in a conspiracy to further polygamy or polygamous cohabitation in Utah, I say it is not true. Nor is there a particle of foundation for it, so far as concerns anything that has ever come under my observation.

Learned of Smith's Acts.

I learned by the testimony of Joseph F. Smith here last March that he was living with his five wives, but have no knowledge except what everybody else may have from his statement as to the manner in which he has lived with them after the birth of the last child. It appears that at the general conference of our people held in the Tabernacle on the 6th day of April last, after President Smith so testified here, he was sustained as president. I was not present at the conference which was held and before which he was sustained, as I was in Washington. The hearings of this committee ran after that time, and I was here and present. I was present at the general conference of our people which was held in the Tabernacle on the 6th day of October, 1904.

Mr. Worthington. Before I take up that subject I must ask you about another matter. What knowledge, if any, have you as to Apostle Taylor having taken a plural wife since the manifesto, except the evidence which has been given in this case?

Senator Smoot. That is all I know about it—what I have heard here. I never heard of it before I heard of it in this room.

No Knowledge About Cowley.

Mr. Worthington. What evidence have you as to whether Mathias Cowley has been guilty of that offense, except the evidence or the alleged evidence in this case?

Senator Smoot. None whatever; the same.

Mr. Worthington. What evidence have you, except as it appears in this case, or what knowledge or information, except as it appears in the evidence in this case, that any apostle or any member of the presidency since the manifesto has taken

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a plural wife or has married anybody else to a plural wife?

Senator Smoot. I have no evidence, only what I have heard since the beginning of this investigation. I was present at the meeting that was held of the apostles or of the fifteen last October prior to the nomination of the officers and their being sustained by the assembled conference. I was present at the meeting of the fifteen or the twelve.

Senator Smoot. I should like to state, however, that there were not fifteen present. Mr. Taylor was not there. Nor Mr. Cowley. Nor Mr. Grant. Nor Mr. Teasdale. Mr. Merrill was sick; he was not there.

The Chairman. What meeting was that?

Mr. Worthington. A meeting of the presidency and the apostles held just before the conference of October 6, 1904. Now, while those matters are perhaps in your church considered private, I think the committee has a right to know what took place at that meeting, so far as you are concerned, in reference to the charges that have been made here against Apostle Taylor and Apostle Cowley, for instance.

Talks About Penrose.

Senator Smoot. Maybe I had better tell you about Mr. Penrose, as that was the first business that came up. At that meeting he was proposed and at the conference he was sustained as an apostle to take the place of Mr. Woodruff, who had died after the April conference. At the meeting referred to I had no intimation whatever that there would be a nomination made that day, and I doubt very much whether there was one of the apostles who did. But at that meeting President Joseph F. Smith, whose right it was, nominated Charles W. Penrose as an apostle to fill the vacancy caused by the death of Abraham O. Woodruff, and in nominating him, or stating that it was his opinion that he was the proper person, he spoke of his labors and what he had done, and also of his fitness for the calling of an apostle and for the work that was more than likely to devolve upon the different members of the quorum; and he was sustained.

Mr. Worthington. This matter may be of some importance, and if you recall the details of those remarks I should like to have you state them. What did he say about the work that might devolve upon the members of the quorum of apostles?

No Objection to Penrose.

Senator Smoot. I have not thought of it since then, and I would not, perhaps, be able to give it in detail. But the substance, of course, was that a good many of the older apostles were unable to go out and do very much preaching; that George Teasdale was very poorly, indeed—liable to drop off at any time; and Apostle Merrill could not get out, nor had he been out to a conference, as I remember, for years; and that the last appointments that had been made to the apostleship, from Clawson down, were young men; and that he thought that Charles W. Penrose, a man who was capable of writing, a good speaker, one that could help along that line, would be a proper man for the place. I did not object at all to Mr. Penrose's nomination, and at the time I thought that he only had one wife. But I do not want the committee to understand that I want to hide behind that at all, because I do not want to. I take this position: I think it proper and right, where a man was married before the manifesto, or in other words, before there was any church law against it, that that man, when it comes to a church position, purely a church position, can accept any position in the church, for he did not violate any law of the church, and therefore is, or should be, qualified to fill the position in the church. I would qualify that by saying this, that I do not think that a man who was violating the law should hold a Government position, or an appointment from the Government; and I do not believe there is a single soul in our State who does. I know that we had a postmaster at Provo, Mr. John C. Graham, who was a polygamist, and he was removed on that account; and I think Mr. Taylor of Salem was, and I understand now there is not a Federal office in our State held by a polygamist, although I have not investigated to know. But I verily believe that to be true.

No Polyg Recommended.

Mr. Worthington. Of course, as a Senator you are frequently called upon to make recommendations as to Federal offices in your State, and to confer with the President and perhaps with your brother Senators in that regard. Let me know in what instance, if at all, you have, since you have been a Senator, recommended the appointment to office of any man who was a polygamist?

Mr. Smoot. I have made no such recommendation, nor do I ever intend to.

Mr. Worthington. Now, to go back to that conference of last October, you have not told us what, if anything, took place in reference to Apostles Taylor and Cowley.

Investigating Taylor and Cowley.

Senator Smoot. At that meeting the question came up of sustaining—I brought it up myself—John W. Taylor and Mathias F. Cowley as apostles in the church after listening to or hearing the testimony that was given before this committee. By the way, I ought to state that it was at the meeting before this that this question came up. It was some time before that, Mr. Worthington; a month or two before that. We held quarterly meetings there of the apostles and the presidency. I brought up the question whether they should be sustained at the coming conference, and spoke of their being sustained at the April conference. I asked President Smith if it was a proper thing to sustain those men, or to ask the people to sustain them, under the circumstances, and he, President Smith, stated to me that as a member of the church I must know that no man could be dropped without a hearing, and that it was a rule of the church that a man could not be dropped, excommunicated or disfellowshipped from the church without first having a chance to defend himself. I recognized that as a rule of the church, and it was on that

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only that I consented that he should be presented, and that I voted for him. But it was with the distinct understanding that there should be an investigation made; and I have every reason to believe that that investigation is under way, or has been for some time; and I believe also that they will have that hearing, and I believe that it will be probed to the bottom. That is my belief in the matter.

If Proven Guilty.

Mr. Worthington. Suppose, as a result of that investigation, or otherwise, it should turn out that either of those apostles has taken a plural wife since the manifesto, or has married somebody else to a plural wife since then, and the question comes up about their being sustained after that result is reached, may I ask what you would do about it?

Senator Smoot. If it is proven that they are guilty of violating that law of the church, I shall not sustain them.

Mr. Worthington. Let me ask you the general question. It has been perhaps covered by your testimony. I will ask you whether at any time or at any place you have advised or countenanced any man in living in polygamous cohabitation with a plural wife?

Senator Smoot. I have not.

Mr. Worthington. Senator, there is some evidence in this case in reference to a meeting at which President Smith made a speech, or delivered a discourse, and at which Bathsheba Smith was present, referred to on pages 191 to 193 of the record. Do you remember that meeting?

Meeting at Ogden.

Senator Smoot. I rather think that was the meeting at Ogden, was it not? I was there with Mrs. Smoot. It was a gathering of a few people in Weber county. I suppose you desire me simply to refer to the remarks of President Smith. I call to mind, now, his remarks, as I understood them, and as they impressed me at the time. He wished the people there to understand that the endowments were instituted by Joseph Smith, Jr., the founder of the church, instead of by Brigham Young, and also that polygamy itself was a revelation received by Joseph Smith, Jr., and that it had been practiced during his life. He also remarked that he did not wish it understood that he was advocating or teaching polygamy, but that this was given as a matter of history.

Mr. Worthington. The question which has been so much disputed, as to whether Joseph Smith, Jr., did promulgate polygamy, or whether it was done afterward and attempted to be put back on him?

Senator Smoot. That is as I took it.

Grant a Fugitive.

Mr. Worthington. There is something in the record here about Apostle Grant having been sent on a mission, and having gone away just about the time that a warrant was issued for his arrest for polygamous cohabitation. I wish you would tell us what you know about that, and what, if anything, you had to do in the matter.

How Missionaries Are Chosen.

Senator Smoot. Why, of course, the presidents of the missions are always selected by the presidency of the church. I do remember, though, that Heber J. Grant returned from Japan. He had opened a mission in Japan, and on his return to Utah—I think it was the first general conference in October when he attended the meeting—he spoke of his mission to Japan and the work that had been done there, and I think in the afternoon of that day, although I am not positive, the president of the church announced to the conference that Heber J. Grant was hardly satisfied with his mission in Japan. I rather think that the reason for it was that he could not learn the Japanese language; that he had never been on a mission in his life before, and that he felt like it would be a proper thing to call him to preside over the European mission. It was announced at that meeting, and I believe, although I am not really positive of this, that it was presented to the people and voted upon that he be president of that mission. That was in October. Heber Grant was in Salt Lake City from that time until he left, as I remember, in December; or at least I remember that I was here in Washington at the time he left, when the papers reported that there was a subpoena out for him. Congress opened in the beginning of December, and therefore I think it was in the beginning of December that he left.

The Chairman. Senator, will you mention the year? You said the conference was in October. October of what year?

Senator Smoot. I think it was a year ago last December, that would be 1903. He announced, I think, a couple of days before he left there, in a farewell address in the Tabernacle, before an audience, that he intended to leave in a couple of days for Europe. I will wish to add, still further, that all the time he was home—that is, Sundays—I think he spoke at the different quarterly conferences and reported his mission to Japan, and also stated that he had been called to preside over the European mission and that he intended to leave shortly for that mission.

Cluff and Brimhall.

Mr. Worthington. Now, there has been a good deal said here about one Benjamin Cluff, Jr., and a Mr. Brimhall, who succeeded him in a certain position in the Brigham Young academy at Provo. You were a trustee, I believe, of that institution?

Senator Smoot. I was, still am, but I cannot say positively how long. I have not looked it up. My father died in 1895, and I rather think it was shortly after his death, but I am not really sure how soon. It is a church school. I think there are eleven, but I am not really sure—eleven or twelve trustees. They are all members of the church. Mr. Cluff was president of the faculty.

Mr. Worthington. Well, he ceased to be a member and Mr. Brimhall took his place. I wish you would tell us in your own way what you know about that, and what you had to do with Cluff going away and Brimhall taking his place, especially as it may bear upon the allegation here that Cluff took a plural wife after the manifesto.

Cluff's Plural Marriage.

Senator Smoot. In 1900 Benjamin Cluff, with a number of other persons, left Provo for South America on an expedition. I think he was gone a little over two years. He returned in 1902. Shortly after his return, I do not just remember how soon, there was a report circulated—that is, quietly whispered about—that Cluff had married a plural wife while in Mexico. I remember Mr. Jesse Knight of Provo, one of our executive committee and one of the trustees asked me if I had heard it. I told him I had not, that he was the first one who had called my attention to it. I told him that I did not believe it was true, for I did not believe it was possible to be done without the sanction of the church in any way. Jesse Knight told me that he was going to investigate it and see if it were true. On several occasions we talked about it, and I remember that on one occasion he said he had asked Mr. Cluff if it was true, and Mr. Cluff laughingly remarked that there were lots of reports that were not true, and Jesse took it, and I also took it, from the remark, that he evaded the question. It was spoken of. I remember of speaking of it to Mr. Holbrook, another member of the committee, and also to Mr. Dusenberry, and it was discussed more or less. At the next meeting of the trustees the question came up, and was brought up, I think, by Jesse Knight. He made a motion that George Brimhall be the president of the faculty for the coming year. It was at a meeting when the faculty was made up for the year succeeding the one that the school was in session. I suppose it would be the latter part of the second semester. The question came up then for discussion, and Jesse Knight made the statement there that he understood Cluff had married another wife, and it was talked over. I know President Smith was there, and he said that such a thing could not be, with the sanction of the church, and that if Cluff had done it he had done something that he had no authority to do. We talked the matter over, and they were going to put George Brimhall in as president of the institution for the coming year. George Brimhall was then sick in California, and we expected him to be president of the institution. When he came back from California we found that he had taken a relapse, and that he could not do the work, and he had to go up to Canada. He went to Canada, regained his health there, and the next January, I think—I am not positive to the date, because as soon as he was well enough I was down here at Washington—he was put in as president of the institution and Cluff was dropped. I think that was about a year ago, as I remember. The delay in putting Brimhall in Cluff's place was owing solely to Brimhall's condition of health.

Mr. Worthington. Just one moment. The young woman to whom it is said Cluff had been married was Florence Reynolds? That has been testified to here.

Senator Smoot. Yes, I understood so. I do not think she ever was a teacher. I never met the lady in my life and from my own knowledge, of course, it would be impossible for me to say; but I learned, though, that she used to go to the school at Provo, and from the school she went to Mexico to teach in the kindergarten and before he went on this expedition. I should judge that whatever took place between them, in the way of forming the marriage relation or any other relation, or whatever took place, took place down there while they were both away.

Why Brimhall Was Named.

Mr. Worthington. Why was it that Mr. Brimhall was elected to succeed Cluff?

Senator Smoot. Mr. Brimhall was the most popular man and teacher we ever had at the institution. In other words, Mr. Brimhall has been, and I rather think is today, the idol of the young men. He is a very forceful speaker. He is a very convincing man in his speech, and he is an exceedingly bright teacher, and everybody, old and young, likes him. It was thought proper that Mr. Brimhall should be placed as the president of the faculty of that institution, for the good of the institution, and I do not think there was a dissenting voice in the board of trustees; and while I was not there, I wish to state this, that from my knowledge of Mr. Brimhall, knowing him as I do, knowing how popular he is, and for the good of the institution, as a trustee of that institution I certainly would have voted for Mr. Brimhall to be president of the faculty.

Mr. Worthington. Did you know at the time about his exact status in relation to his marital relations that he has testified to here?

Senator Smoot. Yes; I knew.

Mr. Worthington. Let me see if I recall it correctly. He had had a wife who, in 1883, went to a hospital and has been there ever since; and in 1885 he took a plural wife and has lived with her since, but never with his first wife.

Wife in Asylum.

Senator Smoot. Well, I believe that is the true statement of his condition. I doubt very much whether many people know that George H. Brimhall is a polygamist. I never heard him speak of it in my life, and I suppose the committee here noticed how very careful George Brimhall was in even having that brought out by the chairman. His wife has been in the asylum, as I know, ever since the opening of the asylum, and of course it is true that he lives with the wife he has now. His first wife has been in that condition for a great many years.

Mr. Worthington. Well, you knew about his situation, as to his marital relation, at the time he was discussed as a successor to Cluff?

Senator Smoot. Well, I would have done if it had been called to my attention. There would not be any doubt about that. I never thought about it. It would not have made any difference in my action. As a matter of fact, I never thought of it at all. It would not have made a particle of difference in my action if I had.

Mr. Worthington. I understand your position about that. It has been already shown, but I will ask you whether you read this letter of Apostle Lyman's dated May 5, 1904, addressed to you, asking you to particularly call attention to the then recent action of the conference on the question of future polygamous marriages?

Senator Smoot. I read it. I know Brig-

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ham Young, Jr., who was an apostle, and who is referred to in the testimony of Mrs. Kennedy here.

Mr. Worthington. I wish you would look at what purports to be his picture in the Biographical Encyclopaedia, volume 1, of Doctor Jensen, page 122, and tell me what you have to say as to that being a reasonably good likeness of the man.

Senator Smoot (after examining picture). Yes, that is a fairly good picture. I do not think anybody who had seen him, and especially anybody who had been married by him, would have any difficulty in recognizing him.

The Evans Bill.

Mr. Worthington. Do you remember the bill which was introduced into the Utah Legislature, and which is known as the Evans bill?

Senator Smoot. I remember such a bill. It was passed by the Legislature and vetoed by the Governor. Yes, I was in consultation with the Governor on two occasions, I think, when that was under consideration by him as the Executive, and I took the same position that Gov. Wells took on the bill, that I thought it was a very unwise measure and told him so. I did not have anything to do with that matter except to advise Gov. Wells that it was an unwise measure.

Religion Classes.

Mr. Worthington. Have you had anything to do with religion classes in your county of Utah?

Senator Smoot. Myself? No; I am not interested in them at all. We never had any religion classes in the schoolhouses at Provo.

Mr. Worthington. In your bailiwick they never were held in the schoolhouses?

Senator Smoot. They never were held there; but I wish to state, Mr. Chairman, that I have not the least doubt in the world that the religion classes have been held in schoolhouses after school hours, as was testified to here by the Superintendent of Public Instruction. There is no doubt in the world about it.

Mr. Worthington. I would like, at this point, Mr. Chairman, to put in evidence an order which has recently been made by the church on that subject. An order signed by the first presidency and addressed to presidents of stakes, bishops of wards, and superintendents of religion classes.

The Chairman. Let it go in.

[The order as printed in the Salt Lake papers of January 16 and 17, and signed by the church authorities was there entered of record.]

Smoot's View of Matter.

Senator Smoot. I would like to add, Mr. Chairman, to my answer that I have always thought it would be best for religious classes not to be held in the schoolhouses, no matter whether it was after the close of the day's exercises or not. I thought it was rather unwise. I am very glad indeed that that order has been issued. It meets with my hearty approval. Of course, I rather think it is due the committee to explain that in some of those outlying counties the people are rather poor and they have very few public buildings. In some cases, of course, it was brought about in that way. Yet I do not for a minute want it understood that I say that is the case in the schools all over our State. Of course, no student was compelled to attend those classes, and no teacher was compelled to teach them. It was left entirely with the student and with the teacher as to whether they would be, the former a scholar or the latter a teacher.

Mr. Worthington. Senator, the name of Mr. Borah is signed to your original answer in this case as one of your counsel, and some comment has been made here on the fact that his name has been signed as counsel and that he has never appeared. I wish you would explain that matter.

Explains Borah Matter.

Senator Smoot. Shortly after I left Washington, after I had made arrangements with Mr. Worthington here to represent me as counsel, I returned home with the idea of having local counsel as assistants. After I had canvassed the situation thoroughly at home I agreed if I could secure the services of Mr. Van Cott I would do so; and I also thought, from the protest that had been filed, that the question of politics in Idaho would cut some figure, as it has done, and that it would be proper for me to have somebody who lived in Idaho as an assistant counsel. I telephoned from Salt Lake to Boise City and asked Mr. Borah if he would assist me as counsel in this case. He replied that he would, and I fully expected that Mr. Borah would have been here. Before Mr. Van Cott left Salt Lake City he telephoned to him and arrangements were made to meet him at Granger, but Mr. Borah did not meet Mr. Van Cott, as he thought he would from his conversation over the 'phone, and Mr. Van Cott came to Washington. I received a letter from Mr. Borah that a case had arisen at home that would compel him to remain there for some little time, and for my counsel to go on. We had but four or five days—I do not remember which, but not to exceed that—to draw the answer after Mr. Van Cott came to Washington in consultation with Mr. Worthington, and we proceeded and had that answer drawn the best we could. Mr. Borah's name was signed as counsel, we, of course, thinking that he would come just as soon as he could. The case proceeded—

Evading Process.

Mr. Worthington. I do not care about going into the reasons why he has not, if there are any. It has appeared here that there has been some difficulty in getting service of process upon some of the persons for whom subpoenas were issued by this committee, and that some have been out of the country. I want to ask you whether you have, directly or indirectly, advised or assisted anybody in evading the service of such process?

Senator Smoot. I have not.

Mr. Worthington. Or whether you have done everything you could to have the persons whom this committee have expressed the wish to have here come here?

Senator Smoot. That would be my de-

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sire, and I have manifested that desire in every possible way that I could.

Specific Charges.

Mr. Worthington. Now, there are some specific charges standing here, to which, perhaps, I might call your attention in the same general way in which they are framed. I refer to the revised charges which were presented here by Mr. Tayler when there was a preliminary hearing before this committee. I pass over the first one, because I consider that it has been sufficiently answered. The second is this: "The first presidency and twelve apostles of whom Reed Smoot is one, are supreme in the exercise of this authority of the church and in the transmission of that authority to their successors." I will ask you whether, as a matter of fact, the president, while he is living and in power, is not the supreme authority, and whether, as you have testified, the apostles are not simply advisers?

Senator Smoot. That is all.

What Third Charge Is.

Mr. Worthington. The third charge is: "This body of men, of which you are one, has not abandoned belief in polygamy and polygamous cohabitation. On the contrary—" Now, this is the first subdivision of the charge—"as the ruling authorities of the church, promulgate in the most solemn manner the doctrine of polygamy without reservation." Have you in any way, since you became an apostle, promulgated or advised the promulgation of the practice of polygamy? The next charge is: "The president of the Mormon church and a majority of the twelve apostles now practice polygamy and polygamous cohabitation, and some of them have taken polygamous wives since the manifesto of 1890." Have you any knowledge on those subjects, except what has appeared in the evidence before this committee?

Senator Smoot. I have not.

Denies Statement.

Mr. Worthington. It is said (reading): "That these things have been done with the knowledge and countenance of Reed Smoot." What do you say to that?

Senator Smoot. That is not true.

Mr. Worthington. It is said next that: "Plural marriage ceremonies have been performed by apostles since the manifesto of 1890."

Senator Smoot. Not to my knowledge, not even by reputation. I never heard of one at all until I heard the testimony here about Brigham Young performing one in Mexico.

Mr. Worthington. With Mrs. Kennedy. It is said also that "many bishops and other high officials of the church have taken plural wives since that time." Have you heard in any way that any bishop of the church has taken a plural wife since the manifesto?

Senator Smoot. I have not.

Mr. Worthington. Or any other high official, except such as have been mentioned here in this testimony?

Senator Smoot. Except as mentioned in that testimony.

Pointed Question.

Mr. Worthington. It is next said that all of the first presidency and the twelve apostles encourage polygamy and polygamous cohabitation. That they countenance it. That they conceal it. That they connive at it. Do you?

Senator Smoot. I do not.

Mr. Worthington. It is next said that they "honor and reward by high office and distinguished preferment those who most persistently and defiantly violate the law of the land—" referring, I suppose, in what Brother Tayler calls his rhetoric, to these gentlemen who live in polygamous cohabitation. Now, let me ask you, in regard to that, have you ever upheld for office any man, in the church or out of it, because he was a polygamist or because he was living in polygamous cohabitation? Or have you ever advised that any man should be preferred or honored in any way because of his being a polygamist or because of his living in polygamous cohabitation?

Senator Smoot. I have not.

Refers to Evans Bill.

Mr. Worthington. The last charge is: "Though pledged by the compact of Statehood and bound by the law of their commonwealth—" And that is a little of the rhetoric about the law, as to which we need not ask you—"this supreme body, whose voice is law to its people, and whose members were individually directly responsible for good faith to the American people—" That is some rhetoric about which I will not ask you—"permitted, without protest or objection, their legislators to pass a law nullifying the statute against polygamous cohabitation." That refers to the Evans bill, I presume, and you have already answered that. I have asked you about your knowledge as to whether any member of the fifteen has entered into polygamy since the manifesto. Let me ask you what knowledge you have on that subject, as to any member of your church having entered into polygamous relations or having taken a plural wife since the manifesto.

that except the testimony mainly in the way of alleged reputation that is spread upon this record.

Case of Harmer.

Mr. Worthington. There has been something said about a man named Harmer, who was a bishop, I believe, in Springville. I do not care to go over that case again, but it has been intimated here that he was pardoned, and Mr. Van Cott is under the impression that some suggestion has been made that you signed the application for his pardon. In the first place, did you sign any application for his pardon?

Senator Smoot. I did not; but, on the contrary, I refused.

Mr. Worthington. As a matter of fact, was he pardoned?

Mr. Smoot. He was not pardoned.

Mr. Worthington. When did you first learn or what have you heard to that effect, that he was holding out as his wife the woman with whom he was charged with having committed adultery since he came out of the penitentiary?

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Senator Smoot. When he was here I heard him say it. That is all the information I have on the subject, I think, with what the other witnesses have stated.

Mr. Worthington. You may cross-examine, Mr. Tayler.

Cross-Examination by Tayler.

Mr. Tayler. Then, as I understand you, you do not believe that Abraham H. Cannon did take a plural wife after the manifesto?

Senator Smoot. Well, I am in doubt, Mr. Tayler, as to that. I know this, that when Lillian Hamlin came to Provo it was understood there that he married her before the manifesto. I think Mrs. Susie Gates told me.

Mr. Tayler. So that you have no doubt that he did marry her then?

Senator Smoot. Well, I think it was a marriage, that he thought it was a marriage. And all I know about it is what was in the testimony here.

Mr. Tayler. The testimony that was given here did satisfy you that he married her at some time?

Senator Smoot. I rather think that he thought that he married her at some time.

Mr. Tayler. That is, you rather think that he did marry her at some time?

Senator Smoot. I believe he did, although I am not sure.

Mr. Tayler. But from the testimony that you heard here—and it is that I am asking you to interpret for us here, to see what you think about such things—you are not ready to say that you think he was married to her about 1895?

Senator Smoot. It would be impossible, Mr. Tayler, for me to say that. I heard her brother testify.

Mr. Tayler. His testimony was not such as to induce you to believe that she was not the wife of Abraham Cannon before 1896?

Senator Smoot. I rather think that if I was going to judge I would say he married her near that time, 1896.

Mr. Tayler. Near 1896, yes. You have been a Mormon all your life?

Senator Smoot. Yes. Not a very active one, though, all my life, Mr. Tayler.

Cannon-Hamlin Marriage.

The Chairman. You say you think Mr. Cannon married in 1896?

Senator Smoot. From the testimony, now, that has been given here, I think he did Mr. Chairman. Yes, he was one of the apostles. I will state, however, Mr. Chairman—you know he died immediately; that is, before any rumor was ever known about Lillian Hamlin. He was dead before any rumor, as I understand it, ever came out that he had, or even anyone thought that he had married her.

Mr. Tayler. Then the rumor to which you orginally referred, about his possibly having married her before the manifesto, circulated after his death?

Senator Smoot. Yes.

Mr. Tayler. Six years after the manifesto?

Senator Smoot. Yes; it was about that.

Mr. Tayler. What kind a Mormon were you, Senator? I mean as to activity.

Senator Smoot. I held no special office in the church, as I said, Mr. Tayler, until 1895, and then, of course, it was only in our Utah stake, at Provo.

Mr. Tayler. You were, however, a firm believer in the faith?

Senator Smoot. I had faith in my mother, and I had faith in my father. I always had faith. My faith in Mormonism was stronger than any other faith I ever—. I say my faith in Mormonism up to that time was stronger than any faith I could have for any other religion.

Mr. Tayler. Well, the faith in your religion and the religion of your parents has not abated since you became an apostle, has it?

Senator Smoot. Oh, no; not at all. In fact, it has increased, Mr. Tayler. I have become older; I have seen a great many things; my experience is much wider, and it is through that that my faith has increased. And my convictions have deepened. No man ever had a better mother in the world than my mother was.

Interest in Public Affairs.

Mr. Tayler. When did you begin to take an interest in public affairs? I mean in your church and in the history of your State and your community?

Senator Smoot. Well, in my church, it was some time after I returned from a mission to England. I returned in the fall of 1891. I was gone ten months. I went over in December, I think, of 1890, and returned in October of 1891. As far as my business is concerned, of course, I have been in business there for a number of years. During the period from marriage down to this period of ten months, during which I was abroad on a mission, I of course was in daily contact with and had knowledge of what was going on in Utah, and familiar with the prosecutions of the Mormons, of those charged with polygamy and polygamous cohabitation, and knew of the sufferings they and their families endured, just as others did, who were not themselves personally participating in them?

Mr. Tayler. And was your interest in that subject, do you imagine, any less than the interest of other good Mormons?

Senator Smoot. I do not think so. I can not say that it would be, nor that it was.

Mr. Tayler. Well, you were not at all indifferent to what was going on, or were you measurably indifferent as compared with the most intelligent of your people?

Senator Smoot. Why, I knew what was going on, Mr. Tayler, of course. I could not say that I was profoundly interested in it.

Mr. Tayler. Do you remember when the Edmunds Act was passed?

Senator Smoot. Yes; was partially familiar with its general detail. I knew when the Edmunds-Tucker Act passed, five years later.

Mr. Tayler. Was your father ever prosecuted?

Senator Smoot. He was arrested, and stood trial and was acquitted. He did not leave the country at any time. Well, I knew there were a great many in the State who did from report. Of course, I did not know many people who had done it.

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Impression of Manifesto.

Mr. Tayler. You were, of course, familiar with the manifesto. Were you present when that was adopted?

Senator Smoot. No; I was not. I knew about it. I approved it. It made the impression on me that it was going to forever stop polygamous marriages.

Mr. Tayler. Did you realize that it brought the church to a very important, if not the most important, epoch in its history since it was founded?

Senator Smoot. Well, I could not say as to that.

Mr. Tayler. I am only getting at whether you maintained an attitude of comparative indifference or whether it sank deep down in your consciousness as a very important thing.

Senator Smoot. I thought it was a very important period in the history of our church.

Mr. Tayler. You did not understand that it in any way disparaged the revelation of polygamy?

Senator Smoot. No, I did not so understand it.

Mr. Taylor. Nor do your understand that the people now consider it as in any sense disparaging the doctrine of polygamy?

Senator Smoot. The practice of it—it certainly does.

Mr. Tayler. I am not speaking about its practice. I used the word "doctrine."

Senator Smoot. I believe the majority of the people say that that is the case.

Doctrine of Polygamy.

Mr. Tayler. You yourself have no doubt about the divinity of its origin. The doctrine of polygamy?

Senator Smoot. I think the doctrine and covenants—the revelation that was given to Joseph Smith——.

Mr. Tayler. That is, it came from God?

Senator Smoot. That he received it from the Lord.

Mr. Tayler. And that it was righteous to practice polygamy until the manifesto suspended it?

Senator Smoot. Well, I could not say as to that, Mr. Tayler. I had better give you my view as to that, and then you can see how I feel. As an abstract principle, approved by the Bible and permitted by the doctrine and covenants, I believe it; but as a practice against the law of my country, I do not.

Mr. Tayler. You do not? When did you reach that conviction?

Senator Smoot. All my life; ever since I have been a man.

Mr. Tayler. All your life. That is to say—you have always said that it was unlawful?

Refers to Reynolds Case.

Senator Smoot. I have always said since the final decision by the Supreme court that it was unlawful. There was a decision given in 1878 in the Reynolds case. Of course I was but a mere boy then; but I do know from what I have heard from the leaders of the church, and from men in general and members of the church, that they felt that the decision and the law were against bigamy. While the decision takes in the whole question of polygamy and bigamy, they felt that it was not fairly tried, and they thought they would have it tested in the Supreme court of the United States again. I think the final decision of that matter, which was perfectly satisfactory to all of the people, was in 1890. That is as I understand it, Mr. Tayler. I have read the opinion lately, of course.

Mr. Tayler. And to your intelligence, now, do you have any doubt about its destroying the principle that one man may take two wives because his religion says he may?

Senator Smoot. Speaking of the Reynolds case, my opinion would be that it was a decision that would prevent that.

Mr. Tayler. Then there has been, according to your view of it, no justifiable marriage since that time? I mean plural marriage?

Somewhat Evasive.

Senator Smoot. I would not want to go that far, Mr. Tayler. Technically, if the people had believed that to be a decision of the Supreme court against polygamy and final, that is true; but they did not. And it was for that they were fighting—for a religious conviction. And they thought they were doing right, and they took it to the Supreme court of the United States, and when it was finally decided there they accepted it.

Mr. Tayler. So that it was proper for a man who said that that decision was wrong, or did not reach the case of a plural wife, to continue to take plural wives?

Senator Smoot. Well, you must take into consideration, Mr. Tayler, this fact: that that was in 1878, and nothing was done at all, you know, for four years or so after that. That is, in the way of prosecutions.

Mr. Tayler. What remained to be done, Senator? The law was there.

Senator Smoot. The law was there, but I mean the enforcement of it.

Mr. Tayler. George Reynolds had been prosecuted.

Senator Smoot. Well, George Reynolds came and gave himself up, and furnished all the testimony. And he himself claimed that it was not presented in the right light, and that if it had been the decision would have been otherwise. I have heard him say so over and over again.

Court Did Decide It.

Mr. Tayler. Yes, exactly. But nevertheless the court did decide it in a certain way, and he did suffer the penalty.

Senator Smoot. There is not a doubt about it in the world.

Mr. Tayler. And the court has never indicated any other doctrine since, has it?

Senator Smoot. No; it has not.

Mr. Tayler. And that case was never reheard by the court, was it?

Senator Smoot. I do not think it was.

Mr. Tayler. So that they undertook to excuse themselves after 1878 until what time?

Senator Smoot. Until 1890. I think the decision was given then, as I remember it. That was in the Snow case, was it not?

Mr. Tayler. Do you not know that there were many decisions prior to that time

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which were absolutely, if anything more was needed, conclusive of the question?

Senator Smoot. No; I understand that all of the decisions between that time were upon questions that arose as to certain points in the rulings by Judges in our Territory, as it was then, and I do not remember that there was anything definite decided other than those special points.

Mr. Tayler. Do you remember the case of Murphy vs. Ramsey—when was that?

Senator Smoot. I do not call to mind that case, Mr. Tayler. In fact, I have not followed them closely at all.

Mr. Tayler. Do you not know, Senator, that the manifesto resulted from the agitation in Congress over the proposition that the elective franchise in Utah should be restricted to those who gave unqualified allegiance to the Government of the United States?

Senator Smoot. No; I do not understand that, Mr. Tayler.

Mr. Tayler. And that every fundamental case had long been decided before that?

His Understanding of Manifesto.

Senator Smoot. No; I do not understand it that way. My understanding is this: That the manifesto came after the passage of certain laws and the final decision thereon by the Supreme court, and not only that, I believe it came from pressure within the church as well.

Senator Beveridge. What do you mean by that—"within the church itself?" Do you mean there was a desire on the part of the people within the church to obey the laws interpreted in that decision?

Senator Smoot. Interpreted in that decision; and to obey all the laws, Senator.

Mr. Tayler. Without exception?

Senator Smoot. I think so. I think the Mormon people—

Mr. Tayler. And including the law respecting polygamous cohabitation?

Senator Smoot. At that time I really think that was the understanding.

Mr. Tayler. At that time that was the thought. That they were going to obey all the laws?

Senator Smoot. I think that was the thought, Mr. Tayler.

Mr. Tayler. You therefore gave the interpretation to the manifesto that the——

Senator Smoot. I wish to say this: If you were referring to the manifesto in regard to polygamous cohabitation, as to the manifesto mentioning polygamous cohabitation, I want you to correct my answer on that.

Mr. Worthington. No; it did not refer to that.

Mr. Tayler. But as growing out of the manifesto, the purpose was to obey all the laws, just as Wilford Woodruff said they would?

Senator Smoot. I never have been taught anything in my life but to obey the laws of my country and expect other people to do the same.

Mr. Tayler. Do you understand that Joseph Smith is obeying the law?

Don't Know About Smith.

Senator Smoot. I do not know. I heard his testimony here that he was living with his wives. I do not know that he is cohabiting with them. If he is, he is not living the laws and he did say that in the past he had broken the law of the land. But I rather think that is brought about in this way, that, as I stated here this morning, from the date, or shortly after the date, of the manifesto the cases that were then in court—at least many of them—were dismissed, and when the docket was clear there were very, very few prosecutions. The officers having in hand the prosecution of this class of cases were appointed by the Government, and I think that being the case, and on account of the discussion that came up at the constitutional convention (and the habit that has been growing there has instilled it in the hearts of the people there, or the minds of those that are in that condition), that the people would tolerate it, at least, and they were in a position where they did not know what to do.

The Chairman. Pardon me, Senator. I do not think you understand the question. I wish the reporter would read the question to the Senator, in fairness to him.

The reporter read as follows: "Do you understand that Joseph Smith is obeying the law?"

The Chairman. That is the question.

Senator Smoot. Do you mean today?

Mr. Tayler. I know nothing more about it than that he testified on that subject here.

Mr. Worthington. I think he did answer the question, Mr. Chairman.

Mr. Van Cott. I ask to have the answer read, if there is any discussion as to whether he answered it.

Senator Beveridge. The part of the answer that was not responsive to the question was the latter part. He went on to say that if such and such were true, then he was disobeying the law. Then he proceeded to say, "It comes about in this way;" and for the life of me I, for one, could not connect his explanation as to how it did come about. His explanation did not explain.

The Chairman. Repeat the question.

Senator Smoot. Mr. Chairman, just take that same question and leave the explanation off.

The Chairman. That is entirely satisfactory, only I thought perhaps you did not understand the question exactly; and I would like to have it answered.

The reporter again read the question, as follows: "Mr. Tayler. Do you understand that Joseph Smith is obeying the law?"

The Chairman. That is a simple question.

Mr. Van Cott. Yes; and it has been answered.

More Evasion.

Senator Smoot. I understand that Joseph F. Smith said that he had not obeyed the law in the past, but I can not say what he is doing now.

The Chairman. The question is, Do you understand he is disobeying the law?

Senator Smoot. No; I do not, Mr. Chairman.

Mr. Tayler. Of course I am not asking you for knowledge, but for your understanding.

Senator Smoot. And I say that, Mr. Tayler.

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Mr. Tayler. You do not understand anything about it?

Senator Smoot. I understand that he has broken the law. There is no doubt in my mind.

Mr. Tayler. Did you not understand that he did disobey the law; that he had, by plural wives, some ten or twelve or more children after the manifesto.

Senator Smoot. I heard it in his testimony.

Mr. Tayler. You heard him say that?

Senator Smoot. He testified to it.

Mr. Tayler. You heard his testimony throughout, did you?

Senator Smoot. Most of it. I was here.

Mr. Tayler. Did he not leave on your mind the impression that he proposed to continue to disobey the law, and did he not so frankly say in effect?

Senator Smoot. I rather think he said that he did not know but what he would continue to live with his wives. I do not know whether he intends to cohabit with them or not.

Senator Dillingham. Does not the evidence show what he said?

Senator Beveridge. There is no necessity for stating what the evidence shows. It is a matter of record.

The Chairman. There is no doubt about that. But, Senator, let me call this to your attention. The committee want to know about that. Mr. Smith himself testified before the committee, if you remember, that he had eleven children since the manifesto by his several wives.

Still a Quibbler.

Senator Smoot. I remember that, Mr. Chairman.

Mr. Worthington. But that he had not had one for four years.

The Chairman. That does not matter. It was since the manifesto.

Senator Smoot. I remember that.

The Chairman. Now, remembering that, what is your answer to that question?

Senator Smoot. Why, Mr. Chairman, I could not say that he has lived with those wives since——

The Chairman. But he has said himself he has, and has had children.

Senator Smoot. Oh, he has since the manifesto.

Senator Beveridge. Is not that a violation of the law?

Senator Smoot. It is a violation of the law.

The Chairman. I thought you did not want to put yourself in the position——

Senator Smoot. I did not know that was the direct question.

Mr. Worthington. I think you misunderstood him, Mr. Chairman. He said quite clearly that he was violating the law in cohabitating with those wives, but that he did not know whether he was violating the law now.

The Chairman. I understood the witness to say that he did not know whether Mr. Smith was cohabiting with them now, today, this minute.

Senator Smoot. I do not want to go into technicalities, Mr. Chairman.

Mr. Chairman. I knew you did not want to leave it that way. I wanted to have it made plain. Go ahead, Mr. Tayler.

Mr. Tayler. The question I have asked the Senator has answered, without disrespect to him at all, as I supposed he would answer it; that is, whether he understood that Joseph F. Smith was living today in violation of the law, and, notwithstanding what President Smith said at the hearing here last spring, he says he does not know anything about it or have any understanding about it. You know Apostle John Henry Smith, of course. You understand he is violating the law?

Smith Has Violated Law.

Senator Smoot. He has violated the law since the manifesto.

Mr. Tayler. And do you understand that he is now?

Senator Smoot. If I was going to express an opinion, I would say yes; but I would not like to do that.

Mr. Tayler. I will put it back eight or ten weeks, Senator, because I have not heard from Mr. Smith since he testified.

Senator Smoot. I think so, up to the time he testified here.

Mr. Tayler. Do you remember the ground—the reason— that he gave for violating the law?

Senator Smoot. As I remember it, it was that those wives were his; that he owed an obligation to them; that he would have felt that it was his duty to act as a husband to them; and that he would take his chances with the law in violating it.

Mr. Tayler. And did he not say that he took those obligations with the plural wife with the approval of God?

Senator Beveridge. Mr. Tayler, may I ask whether you are not examining the present witness as to what some other witness said here?

Mr. Worthington. That is just what he is doing.

Mr. Tayler. I am cross-examining the witness.

Mr. Worthington. I submit that all he has a right to ask this witness is what impression is on his mind from that testimony. We have the testimony here and can read it for ourselves, and although he may misunderstand it it does not affect the question of his position here.

The Chairman. Do you take exception

Worthington Objects.

to the statement of what it was?

Mr. Worthington. I object to his being asked about what the testimony is, as a useless consumption of time.

Senator Hopkins. I suppose that is preliminary to the other questions Mr. Tayler will put. First he wants to know whether this witness understands what the other witness said, and then, after he understands that, to put the question as to the interpretation that he puts upon it.

Mr. Tayler. Precisely. That is it exactly.

Mr. Chairman. I suppose it is the same idea as the Chair had in mind when he called the attention of the witness to the fact that Mr. Smith had testified he had eleven children by his five different wives since the manifesto, so that he could answer the question whether in his judgment he committed the crime.

Senator Knox. On Senator Hopkins' suggestion, the proper form of question would be "assuming that he testified so and so."

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Mr. Tayler. I think it would be very much better to have the impression that comes to the witness from a positive knowledge of what his ears did hear than a mere assumption that somebody might have said something, because this witness has had time to have impressions made upon him, and he heard his testimony. But if he misunderstood it or does not understand it as I understood it, then he is entitled to the benefit of that situation in which he finds himself. You heard John Henry Smith testify?

Senator Smoot. I was out some little, Mr. Tayler, but I think I heard him testify the greater part of the time.

Mr. Tayler. Now, what was it I was saying when I was interrupted? I want to continue that. The reported read as follows: "Mr. Tayler. And did he not say that he took those obligations with the plural wife with the approval of God?"

Memory Is Faulty.

Mr. Smoot. I can not just remember whether those were the words or not, Mr. Tayler.

Mr. Tayler. Do you understand that is the view that all good polygamist Mormons take of their relations to their plural wives today, that they take upon them the obligation of husband to a plural wife with the approval of God?

Senator Smoot. I should think that would be what they thought.

Mr. Tayler. And that John Henry Smith said that no law of the land could interfere with or dissolve that relation?

Senator Smoot. No; I do not remember him saying that.

Mr. Tayler. Do you not understand that that is the view that good polygamist Mormons take?

Senator Smoot. No; I do not understand that, Mr. Tayler.

Mr. Tayler. Let me call your attention, then, while that is being looked for, to another matter. Were you present at a conference of your people last June, when President Joseph F. Smith delivered an address? I do not know that it was a conference, but it was a service on Sunday.

Senator Smoot. I never was in my life in the Tabernacle to a service that I remember of, with the exception of one, outside of the general conferences, so I was not there in June.

Buckley's Testimony Cited.

Mr. Tayler. You recall, doubtless, the testimony, that of Dr. Buckley, in this case in which it was stated that Joseph F. Smith said to the assembled multitude that filled the Tabernacle, referring to the subject of his wives: "I dare not and cannot cast aside those to whom God, in his infinite wisdom, has joined me for time and for eternity. I dare not and will not cast aside the mothers of my children. If I did I should forfeit all the blessings that God will bestow upon those who are faithful to their trust. If I did I should be forever damned and be forever deprived of the companionship of God, my wives, my sons, my daughters, and all those most dear to me throughout eternity. I am not a coward nor a craven thing. I may be driven to the last extremity, but I would not shrink from exile, imprisonment, or any earthly hardship that might come to me in fulfilling my duty to God and man. When it comes, however, to throwing aside all hope of future happiness, all expectation of continued union with those I love, I will not make such a sacrifice. I dare not and cannot. I am not prepared to forfeit an eternal inheritance by yielding to the customs of the world. I cannot, I dare not, risk eternal damnation by putting away the responsibilities which God has placed upon me. But rather I will be true to my duty, true to my trust, true to my God, my wives and my children." Do you understand that that fairly represents the views of good Mormon polygamists?

Interpret the Evidence.

Senator Smoot. The wording of that, Mr. Tayler, I think, may be construed just as it is, that he will not abandon them, and I rather think myself that if he did abandon his families, throw them off, take no care of them at all, he would be condemned, not only by man, but he would be condemned of God.

Mr. Tayler. And your interpretation of this is that what he means to declare against is the physical, absolute desertion of these women?

Senator Smoot. From the language there, although I do not say that he even said that.

Mr. Tayler. Well, do you think, Senator, that he meant to intimate anything different than that he intended to continue the relation of husband to these several wives, just as he had been doing before?

Senator Smoot. I do not think I ought to put that construction on it, Mr. Tayler.

Mr. Tayler. That is to say, you think he meant, by stating what he would do, that he was going to do something less and something different from what he had been doing?

Senator Smoot. Well, I could not say that.

Mr. Tayler. Do you not understand, Senator, that he meant by this that he was going to be a husband to all these wives?

Senator Smoot. No; I do not understand that, even from that language.

Mr. Tayler. What do you understand to be the meaning of the expression, "I am not prepared to forfeit an eternal inheritance by yielding to the customs of the world?"

Senator Smoot. I do not know what he really meant by that, if he said it.

The Chairman. Assuming he said it, have you any opinion as to what he meant by it?

Senator Smoot. No; I could not say, Mr. Chairman, what was meant.

Practice of Polygamy.

Mr. Tayler. Do you remember this statement by John Henry Smith; it is on page 286, volume 2. I asked this question: "You propose to continue the practice that you then stated"—You understand what that practice is that he was referring to, do you not?

Senator Smoot. I think I do.

Mr. Tayler. That is, the living with a plural wife? A. Yes.

Mr. Tayler (reading): "Upon the the-

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ory that there is a higher obligation upon you than the obligation to obey the law? Mr. Smith. Yes; I must suffer the consequences, if my countrymen see fit to punish me."

Senator Smoot. I remember John Henry making that statement.

Mr. Tayler. You understand that is the view that is taken by good Mormon polygamists, do you not?

Senator Smoot. No; I understand that is the view taken by John Henry Smith.

Mr. Tayler. Do you understand it is the view taken by Mormon polygamists?

Senator Smoot. No; I do not, Mr. Tayler, generally. I know my own father, when the law was passed, obeyed the law absolutely. He did not desert his wives; that is, he provided for them.

Mr. Tayler. He provided for them; yes. Did you understand that John Henry Smith was asked this question as related to the matter as to whether he would provide for his wife?

Senator Smoot. I did not so understand it.

Escheat Cases.

Mr. Tayler. Now, Senator, that was a digression that happened to come in. We may get back to that again in another form. You remember the escheat case? That is, the litigation respecting the property of the Mormon church which the Government had taken possession of?

Senator Smoot. I remember the case.

Mr. Tayler. And the litigation and negotiations that preceded that, with a view of repossessing itself of that property?

Senator Smoot. I am not very conversant with that.

Mr. Tayler. I mean generally.

Senator Smoot. I know there was such a move.

Mr. Tayler. You know, as you remarked a little while ago, that a good many polygamist Mormons were in hiding at one place or another, and that their families were—

Senator Smoot. Scattered.

Mr. Tayler. Scattered and suffering, and that there was a strong appeal made to the Government?

Senator Smoot. There was.

Mr. Tayler. You get down now to a time when you were about 30 years old, about 1891 and 1892. You remember the petition for amnesty? You knew about it at the time, did you not?

Senator Smoot. Yes; I knew of it. I have read it.

Read Amnesty Plea.

Mr. Tayler. Did you understand that that plea for amnesty, addressed to the President of the United States, pledged the Mormon people to obedience to all of the laws?

Senator Smoot. I do not remember the specific terms, but I rather think that that is what was intended.

Mr. Tayler. You remember that President Harrison did give amnesty, and later that President Cleveland followed it up with another amnesty proclamation?

Senator Smoot. Yes; to those who obeyed the law.

Mr. Tayler. Do you remember any of the signers of the application or plea for amnesty?

Senator Smoot. I think the most of the twelve apostles and presidency at that time signed it.

Mr. Tayler. And a large number of the present membership of the twelve apostles signed that plea for amnesty?

Memory Again Fails.

Senator Smoot. From John W. Taylor on up, I should judge. I do not remember the junior apostle at that time.

Senator Beveridge. Well, as a matter of fact, do you remember or do you not?

Senator Smoot. Yes. Senator, he asked me, you know, whether a great many of the present—

Senator Beveridge. Yes; whether they signed this petition for amnesty.

Senator Smoot. No; he asked me if a great many of the present apostles did not sign it.

Mr. Worthington. He says, Senator, he thinks those from Taylor up did. That is, in the order of precedence.

Senator Beveridge. Your answer to that was "I should judge." It is a matter of memory.

Senator Smoot. Yes; that is all.

Mr. Tayler. To refresh your recollection, I want to ask a few questions about that; whether this, according to your recollection of the list, is correct. Wilford Woodruff, George Q. Cannon, Joseph F. Smith, Lorenzo Snow, Franklin D. Richards, Moses Thatcher, Francis M. Lyman, H. J. Grant, John Henry Smith, John W. Taylor, M. W. Merrill, Anthon H. Lund and Abraham H. Cannon—thirteen names. Now, Senator, is it not popular knowledge and do you not know as well as we can know such things, that almost all of the signers of that plea for amnesty continued to violate the law for the violation of which amnesty was prayed for?

Senator Smoot. I cannot say that, Mr. Tayler.

Mr. Tayler. Let us take them separately. George Q. Cannon?

Mr. Worthington. Wilford Woodruff is the first one.

Mr. Tayler. I understand Wilford Woodruff did not violate it.

Mr. Worthington. Oh, I thought you were asking him about them all.

Senator Smoot. Yes; I understand that Wilford Woodruff had not violated it; that he obeyed the law; that he was the head of the church.

Mr. Tayler. George Q. Cannon?

Who Violated Manifesto.

Senator Smoot. I understand he obeyed the law. I want to say, Mr. Tayler, that I do not know that.

Mr. Tayler. I understand. Joseph F. Smith?

Senator Smoot. That he did not.

Mr. Tayler. Lorenzo Snow?

Senator Smoot. I understand that he did obey the law.

Mr. Tayler. Franklin D. Richards?

Senator Smoot. I guess he only had one wife at that time.

Mr. Tayler. Moses Thatcher?

Senator Smoot. Well, it is reported that Moses Thatcher did not. I am not sure, though, as to that.

Mr. Tayler. Did you hear him testify that he was a polygamist?

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Mr. Worthington. That is not the question.

Mr. Tayler. I am asking for his information—what he knows.

Mr. Worthington. The question is not whether he was a polygamist, but whether he lived in polygamous cohabitation after this pledge.

Senator Smoot. It is understood he is a polygamist.

Mr. Tayler. Do you know whether he violated the law?

Senator Smoot. I do not, Mr. Tayler.

Mr. Tayler. Francis M. Lyman?

Senator Smoot. Yes; he violated the law.

Mr. Tayler. Heber J. Grant?

Senator Smoot. All I can say is from what I heard them testify here—that is, that they think he had. President Smith testified—

Mr. Tayler. Did not Heber J. Grant plead guilty to a violation of the law after that?

Senator Smoot. I rather think he did, come to think of it.

Mr. Tayler. John Henry Smith?

Senator Smoot. Yes; he testified so.

Mr. Tayler. John W. Taylor?

Senator Smoot. I think so.

Mr. Tayler. W. W. Merrill?

Senator Smoot. I think so.

Lived With Plural Wives.

Mr. Tayler. And Abraham H. Cannon?

Senator Smoot. He certainly did if he married Lillian Hamlin.

Mr. Tayler. Abraham H. Cannon lived with plural wives apart from the Lillian Hamlin episode, did he not?

Senator Smoot. Well, he had them; yes, after the manifesto.

Mr. Tayler. Now, you say you remember the terms upon which amnesty was granted?

Senator Smoot. That those who obeyed the law would receive the grant of amnesty.

Mr. Tayler. You recall that in the granting of amnesty that followed that plea some time, the President says: "It is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation—" And by this petition, signed by the officials of the church, the one to which we have just referred—"pledging the membership thereof to a faithful obedience to the laws against plural marriage and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws, which request a very large number of influential non-Mormons residing in the Territories have also strongly urged. * * * "Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage, who have, since November 1, 1890, abstained from such unlawful cohabitation." Do you understand the signers of that plea pledged their faith to the Government of the United States that they and their people, in so far as they could influence them, would obey the law against polygamous cohabitation?

Senator Smoot. From the amnesty as read I would take it that they did.

Mr. Tayler. Did you ever make any complaint to them or anybody else that they had not remained true to the promise thus made?

Why He Did Not Complain.

Senator Smoot. Mr. Tayler, the reason I have not done this is on account of the conditions as they existed. When I went into the quorum of apostles I found a condition there that was tolerated by the people of our State, and I did not think it would hasten matters nor bring them to any quicker conclusion by my setting myself up as a judge, or interfering.

Mr. Tayler. You knew about this, you say, at that time?

Senator Smoot. No; I did not say that.

Mr. Tayler. Or did you? It was a question.

Senator Smoot. No; I did not.

Mr. Tayler. You did not know about the application for amnesty?

Senator Smoot. Oh, yes; the application for amnesty, but I mean I did not know as to whether John Henry Smith was unlawfully cohabiting.

Mr. Tayler. It is unimportant what the state of your knowledge is as to what they were doing at that time.

Senator Smoot. It was understood, though, that it was practiced in the State of Utah.

John Henry Smith's Case.

Mr. Tayler. I want now to revert to what I would have called your attention to, but I could not find the place. Page 311—and I ask you if this represents the view of the good Mormon polygamist who is today in the status that John Henry Smith is in, or was in when he testified? I said: "Exactly. That is to say, your own case, you understand that the rule of the church is against polygamous cohabitation, do you? Mr. Smith. Yes, sir. Mr. Tayler. And the law of the land is against it? Mr. Smith. Yes, sir. Mr. Tayler. But you propose to continue to violate the law of the land and the rule of the church, as a purely personal matter with yourself, and to take such consequences as may be imposed upon you for it? Mr. Smith. Neither the law of the land nor of church can take away obligations and contracts and relieve me of them as made between me and my God."

Senator Smoot. I do not understand it. I know a great many men who are in polygamy who do not live with their wives, and that is what I understand John Henry to claim that he did.

Mr. Tayler. Now, those who do live with their wives do take that view, do they not, and must take that view?

Senator Smoot. No; I—.[Here followed a colloquy between counsel as to whether it was a proper question. When concluded the reporter again read the question.]

"Mr. Tayler. Now, do you think that those who do live with their wives do take that view, and must take that view?"

Senator Smoot. I can not say that, Mr. Tayler.

Mr. Tayler. Now, John Henry Smith went on. I said: "Precisely; and that is

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the interpretation that you and the apostles put upon those relations?" To which he replied: "So far as all those obligations coming up to the date of the manifesto, formed previously—" I said: "And formed previously?" And he said: "Yes, sir." Then I asked the question: "That the relation that you contracted, and others like you; prior to the manifesto, to your several wives, was a relation which you contracted with the approval of God?" He answed: "That is it." I said: "And that no law of the land can dissolve that?" "Mr. Smith. No, sir." "Mr. Tayler. Or interfere with that?" "Mr. Smith. No, sir."

Disagrees With John Henry.

Senator Smoot. I do not agree with John Henry Smith.

Mr. Tayler. Do you interpret that as a defiance of law?

Senator Smoot. No; I would not say that, Mr. Tayler. I agree with him that men who take their plural wives take them, as they believe, by the sanction of God, or did prior to the manifesto, as he states there, but I do not believe that the law of the land can not interfere. That is the difference between John Henry Smith and myself, if there is a difference on that point.

Mr. Tayler. Physically it can interfere with it, do you mean?

Senator Smoot. That is what I mean.

Mr. Tayler. Otherwise do you question his statement?

Senator Smoot. Well, the balance of it —I forget what it is. Just read it again, Mr. Tayler. I stated in the first place, you know, that I— Mr. Tayler (reading): "That no law of the land can dissolve that relation or interfere with it."

Senator Smoot. Well, no law of the land, of course, could dissolve it, but the law of the land could interfere with it.

Mr. Tayler. Because the law of the land is strong; that is the reason, is it not?

Senator Smoot. Why, certainly.

Mr. Tayler. Were you interested in public affairs by the time the Roberts case came along?

Senator Smoot. Oh, yes.

Mr. Tayler. You were in politics, then?

Senator Smoot. I was, to some extent.

Mr. Tayler. You became an apostle early in 1900, shortly after the Roberts case was disposed of?

Senator Smoot. A year and a half after, or something like that.

Mr. Tayler. The Roberts case was disposed of in January, 1900.

Senator Smoot. Well, it was right after it was disposed of, then. His election was in 1898, and then, of course, he would come here in 1899. That is about right, I suppose.

Interested in Roberts Case.

Mr. Tayler. You were naturaly interested in the Roberts case? You followed that situation?

Senator Smoot. Yes; I did. I want to say that as far as Mr. Roberts's election is concerned, he would not have been elected if I could have helped it. He was the Democratic candidate for Congress that year.

Mr. Tayler. You were not supporting the Democratic ticket, were you?

Senator Smot. No; I was not.

Mr. Tayler. You recall that in the debate in the Roberts case there were charges made against various prominent Mormons as being polygamists?

Senator Smoot. No; I do not recall that, Mr. Tayler. There may have been, though.

Mr. Tayler. Do you mean there may have been charges?

Senator Smoot. Yes; that is what I mean.

Mr. Tayler. Do you mean that you know you did not know it?

Mr. Smoot. That there were polygamists?

Mr. Tayler. That there were charges made against various prominent Mormons that they were polygamists and living in polgamy.

Senator Smoot. There may have been charges that they were polygamists.

Mr. Tayler. I know; but you do not catch the thought. Do you mean to say that you did not know that any such charges were made?

Charge Against Roberts.

Senator Smoot. I understand the charge was made against Brigham H. Roberts, and it may have been against others. I recollect that B. H. Roberts was charged with living with more than one woman, and I believed it.

Mr. Tayler. Do you recollect that charges were made against other prominent Mormons that they were living with plural wives?

Senator Smoot. No; I do not remember that that came in the discussion at all. I read the Deseret News occasionally.

Mr. Tayler. At that time were you reading the Tribune?

Senator Smoot. I have always done so. It made no impression upon me, though, Mr. Tayler; I can say that.

Mr. Tayler. That is, the charges of polygamous living made no impression upon you?

Senator Smoot. No; any more than the whole case. I did not follow it any more than simply, as a matter of fact, as to how it came out.

Mr. Tayler. You had no special interest in what developed there about the Mormon people or the Mormon church?

Senator Smoot. That was Mr. Roberts; it was not the Mormon church.

Mr. Tayler. But do you not know that the Mormon church was attacked there on the floor, and that the speech in which the attack was made was printed in Salt Lake City?

Senator Smoot. It may have been.

Mr. Tayler. And that the Deseret News attacked the maker of that speech with great vigor—said he was slandering the church and the State? Do you recall anything about that?

Did Not Read Landis's Speech.

Senator Smoot. Not definitely enough to say. I heard that Mr. Landis made a speech. The impression that was on my mind—I do not know that I ever read it—was that it was an attack upon B. H. Roberts's polygamous living.

Mr. Tayler. Now, it was in the spring of that year that you were elected an apostle?

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Senator Smoot. In April, 1900.

Mr. Tayler. And it was in that year also that you harbored an ambition to come to the United States Senate?

Senator Smoot. I was thinking of it then; yes. I had a talk with the presidency about it.

Mr. Tayler. They refused to permit you to be a candidate?

Senator Smoot. No; they did not. Oh, you mean in 1900?

Mr. Tayler. Yes.

Senator Smoot. No; I did not have any talk then about my candidacy. I never asked then to be a candidate. I was thinking of it, I said, in 1900.

Mr. Tayler. You were thinking of it, but you did not make any request of the first presidency?

Senator Smoot. I did not.

Mr. Tayler. The first presidency did not give their consent to any high church official being a candidate that year, did it?

Senator Smoot. No; I do not think it did, Mr. Tayler.

No Apostolic Candidate.

Mr. Tayler. Did you understand the first presidency favored the election of Senator Kearns?

Senator Smoot. No; I could not say that. I have heard that a part of the presidency did not favor his election, which part I could not say. I cannot say that any of them favored it, because I do not know.

Mr. Tayler. You never heard any talk about that?

Senator Smoot. Oh, I heard rumors about it.

Mr. Tayler. Did you hear that President Snow said that there would not be any apostle candidate for the Senatorship that year?

Senator Smoot. No; I did not hear that he said it.

Mr. Tayler. Did you hear that President Snow favored the election of Senator Kearns?

Senator Smoot. I heard rumors of it. I know nothing of it.

Chairman Seeks Information.

The Chairman. Senator, just let me ask you this. I will first ask the reporter to read the question. The reporter read as follows: "Mr. Tayler. Did you hear that President Snow favored the election of Senator Kearns?"

Senator Smoot. I have heard many people say it on the street, Mr. Chairman, but I never heard anybody say it who claimed that he heard President Snow say it.

The Chairman. All you were asked was for the rumor. I want you to answer the question. I am anxious that you should answer these questions, Senator.

Mr. Worthington. You are anxious that he should answer as to what the rumors were on the street, do I understand?

The Chairman. Not at all. The chair has intimated no such thing. Mr. Reporter, will you read the question again? The reporter read as follows: "Mr. Tayler. Did you hear that President Snow favored the election of Senator Kearns?" That is a simple question. Did you hear it?

Senator Smoot. I stated, Mr. Chairman, that I had heard it, but from nobody who claimed that President Snow had stated so.

The Chairman. You have not yet been asked from what source you heard it, or who said it. You were asked if you heard the rumor.

Senator Smoot. Yes.

Mr. Tayler. Was it not generally reported, Senator?

Senator Smoot. How generally I could not say.

Mr. Tayler. Let me put it this way: Did you not hear it in such a way as to satisfy you that the fact existed?

Senator Smoot. No; I could not say that much. I know that there was a rumor. I never was asked by President Snow to support Thomas Kearns.

Mr. Tayler. No, I was not intimating anything of that sort. I was referring, of course, only to President Snow and what he was generally understood to have—

Senator Smoot. President Snow never asked me, nor I do not know positively what President Snow's views were.

Mr. Tayler. You had no talk with him at all about the Senatorship in 1900?

Talked With Snow.

Senator Smoot. About the Senatorship? Oh, I had a talk with him just in the office one day. The talk was this: The question of whether—I told him that some of my friends were asking me if I would run for the Senate, and I said: "I do not know yet whether I will run or not." I was not a candidate before the conventions; and among other things that were said, we talktd over the different candidates, but he did not express himself as favorable or unfavorable to me or to the others. It was a talk over conditions. He did not advise me to be a candidate, nor urge me to be a candidate. We were in the office, and we talked over the situation.

Mr. Tayler. When did you make up your mind not to be a candidate; after that talk?

Senator Smoot. After that talk—well, well, yes, some time after that talk.

Mr. Tayler. In 1902 you went and saw President Smith?

Conferred With President Smith.

Senator Smoot. Yes; I saw President Smith with his counselors in the office there. This is the way the subject arose. I told President Smith that if I was going to be a candidate for the Senate of the United States I wanted to know early, because if I was going to do it I wanted to commence and form an organization, and by that organization select men who would be favorable to me in the Legislature; that I thought I ought to know early, and, as I said this morning, I asked if I could receive a leave of absence to do it, and they granted it.

Senator Overman. Suppose they had refused the consent; would you have run, Senator?

Senator Smoot. That would depend upon conditions, Senator.

The Chairman. Take the conditions as they existed at that time. As the conditions then were, if the president had re-

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fused to grant you leave to run, would you have run?

Senator Smoot. Well, I do not know. I would have consulted with my friends, and we would have talked the matter over. If I had decided to run, why I would have simply resigned from the apostleship, and if I had concluded not to resign I would not have run for the Senate.

Senator Overman. If you had run, would you have been out of harmony with the church?

Senator Smoot. Well, I would have broken that rule, and I do not think any man ought to believe in a rule and then break it.

Senator Overman. The question is, would you have been out of harmony with the church if you had, like Moses Thatcher was?

What Would Have Happened.

Senator Smoot. More than likely I would; just the same as if I was the manager of the woolen mills at the same time. I could not have left there and run for the Senate without some arrangement being made, and I did make arrangements.

Mr. Van Cott. Do you understand that the question means if you had resigned you would have been out of harmony?

Senator Smoot. Oh, no; not if I had resigned.

Mr. Tayler. You understand that your relation to the first presidency and the church is just the same as your relation to the woolen mill?

Senator Smoot. Well, one is a business concern and the other is a religious concern. You could hardly compare me as manager of the Provo woolen mills with me as adviser to the president of the church. I am president of the Provo woolen mills, elected by the stockholders. The stockholders meet every year. They can put me out if they want to, unless I owned the majority of the stock.

How Apostle Is Deposed.

Mr. Tayler. How can they put you out of the quorum of twelve?

Senator Smoot. By a majority of the twelve voting against me. That is, by being deposed upon charges being made against me.

Mr. Tayler. They would not do it without charges being made, would they?

Senator Smoot. Certainly they would not.

Mr. Tayler. Then the relation that you sustain in the one case is not like the other, is it?

Senator Smoot. I stated it was not. One is a business concern and the other religious.

Mr. Tayler. I am not referring to whether it is business or ecclesiastical. Did you get into the presidency of the woolen mill the same way you got into the quorum of the twelve?

Senator Smoot. I do not think so, Mr. Tayler.

Senator Overman. To whom would you have resigned, Senator? Would you have sent your resignation to the president of the church?

Senator Smoot. Oh, yes. He and the twelve apostles could have accepted it, certainly, without submission to the conference. I can resign from the church any minute that I want to.

Could Resign Apostleship.

The Chairman. You have that power now, to resign your position as an apostle?

Senator Smoot. I have.

Mr. Tayler. But the president is nominated—selected by the apostles, is he not?

Senator Smoot. Yes; because they are the controlling quorum, after the president of the church dies, and until he is selected.

Mr. Tayler. But the apostles themselves choose him?

Senator Smoot. Why, certainly.

Mr. Tayler. He has no power to depose an apostle?

Senator Smoot. While he is alive?

Mr. Tayler. Yes.

Senator Smoot. Oh, certainly he has.

Mr. Tayler. The president can put an apostle out?

Senator Smoot. If charges are filed.

Mr. Tayler. No; but can the president do it?

Senator Smoot. He would finally act upon it.

Mr. Tayler. What would the apostles have to do with it?

Senator Smoot. They would act as the quorum.

Mr. Tayler. But the president then could not put him out alone, could he?

Senator Smoot. He would have an appeal to the president, just the same as a member would from the high council to him.

Mr. Tayler. Then it has to start in the quorum, does it, to get him out?

Senator Smoot. If the charges are filed there; yes.

Mr. Tayler. Where else would the charge be filed?

Filing of Charges.

Senator Smoot. With the presidency of the stake in which he lives, just the same as they were filed in Moses Thatcher's case.

Mr. Tayler. Do you mean to say the president of the stake in which Moses Thatcher resided deposed him from the apostleship?

Senator Smoot. I say they brought the charges. Moses Thatcher was tried by the presidency of the Salt Lake stake and high council on charges that were preferred against him, and if there were charges preferred against me, it would be tried by the presidency, by the president of the Utah Stake of Zion and the high council of the Utah Stake of Zion.

Mr. Tayler. That would not depose you unless the apostles acted, would it?

Senator Smoot. Yes. Then the apostles would act on my case, and then if I did not agree with that I would appeal it to the presidency of the church. They could disfellowship me, just the same as the membership of a quorum; but they cannot take the apostleship away from me unless it is in the proper order, and that order is wherever there is a charge it goes to the presidency of the stake.

Presidency the Power.

Mr. Tayler. But is it not the apostles who take away from you your apostleship?

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Senator Smoot. No, sir.

Mr. Tayler. Who does take it away?

Senator Smoot. Why, the final judgment of that would be passed upon by the presidency of the church.

Mr. Tayler. But the local stake officials do not deprive you or depose you of your apostleship?

Senator Smoot. If the charges are proved, then they give judgment against me, and the presidency of the church then pass upon that judgment.

Mr. Tayler. I understand; but it does not depose you because the local court finds against you?

Senator Smoot. Yes; but it is always taken to the presidency.

Mr. Tayler. Moses Thatcher was tried?

Senator Smoot. He was, by the high council and presidency. As I understand it, the charges were sustained against him.

Mr. Tayler. What happened then? Did he not conform literally to the demand of the high council?

Senator Smoot. I think he did.

Mr. Tayler. Did he not make abject apologies?

Senator Smoot. I think he did.

Mr. Tayler. And so far as the high council was concerned, was not that the end of it?

Senator Smoot. That was the end of it, so far as—

Mr. Tayler. But, independent of that, did not the quorum of twelve depose him?

Senator Smoot. I think it was the presidency, Mr. Tayler.

Mr. Tayler. And the president after that?

Senator Smoot. The presidency, I think.

Mr. Tayler. You are sure that is all right, are you?

Senator Smoot. That is as I understand it.

Mr. Tayler. All I want is the fact.

Senator Smoot. That is what I want to give you. That is as I understand the rule.

Mr. Tayler. But as far as this trial before the high council was concerned, was not that all done and disposed of by the apology and recantation of Moses Thatcher?

Senator Smoot. Why, certainly.

Mr. Tayler. Did he not comply with the terms of their finding?

Senator Smoot. That is just exactly where it started, and he complied with their findings; and so far as the charge was concerned in the high council, that was ended, we will say. Now, as far as concerns his being deposed as an apostle, the apostles could disfellowship him, I suppose, the same as a seventy could be disfellowshipped from the seventies' quorum; but that does not take his priesthood away from him.

Thatcher Not Sustained.

Mr. Tayler. We are not talking about the priesthood. Is it not a fact that in April, 1896, Moses Thatcher was not upheld at the general conference of the people? That is to say, the president of the church or the quorum of apostles did not present his name?

Senator Smoot. The president of the church did not present his name in April, 1896.

Mr. Tayler. So that he was not upheld. Then if he was not sustained, he was not an apostle, was he?

Senator Smoot. Well, yes; he could have been an apostle and not be sustained.

Mr. Tayler. Then is it not a fact that in November following, at a council of the apostles, held in Salt Lake City, Moses Thatcher was dropped from the council of twelve apostles?

Senator Smoot. I think the presidency of the church may have had the twelve apostles as advisers at that meeting, and he may have been deposed at that meeting.

Mr. Tayler. Do you question this statement which I find in Andrew Jenson's church chronology?

Senator Smoot. I say my understanding of the mode of handling an apostle is different from that.

Mr. Tayler. And then, in that in August, 1897, after a long investigation before the high council of Salt Lake Stake of Zion, Moses Thatcher submitted to the decision of the council and thus retained his standing in the church?

Senator Smoot. That would be after the presidency had passed upon it, and he submitted there, and he would hold his standing in the church.

Mr. Tayler. Do you not understand now, Senator, that long before his head as an apostle had dropped into the basket and he was done for as an apostle?

Senator Smoot. Not by the apostles, but by the presidency of the church.

Mr. Tayler. Then this is not at all correct that I have read to you as occurring on the 19th of November, 1896, that he was, at a meeting of the council of the apostles, dropped from the council of the twelve?

Senator Smoot. That may be it, but I do not so understand it. No; I understand that is done by the presidency of the church, and the twelve apostles are there, the same as they are in the meeting—

Mr. Tayler. You agree that it occurred at that time?

Senator Smoot. I could not say that; more than likely it did.

Mr. Tayler. Do you dispute that it occurred at that time, whether by the twelve apostles or by the first presidency, or by both?

Logan Apostle Defended.

Senator Smoot. I think he was deposed.

Mr. Tayler. At that time?

Senator Smoot. That may be the time.

Mr. Tayler. His trial before the high council was not until after that?

Senator Smoot. I could not say as to that.

Mr. Tayler. So that his trial had not anything to do with his deposition as an apostle?

Senator Smoot. He could not be deposed as an apostle without some kind of a charge.

Mr. Tayler. I know; but you told us that he must be tried for his apostleship before the high council of his stake. Is that right, Senator?

Senator Smoot. I think that that is where it starts. That is as I understand it.

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Mr. Tayler. Then this record that I have read to you is not correct?

Senator Smoot. Not as I understand it.

Senator Overman. Was there any reason why you should get leave of absence rather than resign?

Senator Smoot. I did not think it necessary to resign, Senator. I did not think there was any reason why I should.

In Line of Succession.

Mr. Worthington. If you retain your place as an apostle, you will some day, in the ordinary course, become president of the church?

Senator Smoot. I do not know.

Mr. Worthington. You stand in the line of promotion?

Senator Overman. You stand in the line of succession?

Mr. Worthington. And the testimony here has been that they have always been regularly promoted up.

Senator Overman. That is the reason why I asked the question.

Questioned by Burrows.

Senator Smoot. I do not see any reason why I should resign. It does not interfere with my being a good citizen of the United States in any way, shape, or manner, nor with performing my duties to the best of my ability.

Senator Overman. I thought, perhaps, there was some reason why you wanted to hold on to the apostleship, rather than to resign.

Senator Smoot. No.

The Chairman. Where do you stand in the line of succession to the presidency?

Senator Smoot. Three apostles have been appointed since I was appointed.

The Chairman. Do you mean you are about the sixth or the fifth?

Senator Smoot. That would be the twelfth.

Senator Dubois. You are the ninth?

Senator Smoot. Oh, no, Senator. There is the presidency, and the two counselors take their place.

The Chairman. In order that the committee may understand the matter, I will ask you a question. Suppose, when you contemplated becoming a candidate for the Senate, the first presidency had refused their consent, and you had run for the office in the face of that refusal, what action, if any, would the church have taken?

Senator Smoot. I do not know that they would have taken any action.

The Chairman. What is your judgment about it, under the government of the church?

Senator Smoot. My opinion is that I would have been out of harmony and would have broken the rule that had been established.

The Chairman. What would that have resulted in?

Senator Smoot. Oh, I could not say.

The Chairman. What is your judgment about it if you had persisted in running in defiance of the church?

Senator Smoot. I would not like to express an opinion. There is no case like it in the record.

The Chairman. Do you think you would have been promoted in the church or deposed?

Senator Smoot. I do not think so, unless there had been some charge made against me. I do not thing either one—promoted or deposed.

The Chairman. Then you think no attention would have been paid to it?

Senator Smoot. There may have been. I could not say.

Would Have Had to Explain.

The Chairman. What is your judgment about it?

Senator Smoot. In my judgment I would have had to explain in some way.

The Chairman. And if it was not explained satisfactorily, then what?

Senator Smoot. Then perhaps they would have taken action against me. I perhaps would have been out of harmony.

The Chairman. What would that result in?

Senator Smoot. Oh, I could not say. What the judgment would be I cannot say.

Senator Overman. Can an apostle be out of harmony and still be an apostle?

Senator Smoot. Moses Thatcher was for years and years.

The Chairman. I will not press the Senator, although I would be glad if you could make it clear to the committee, that is all.

Mr. Tayler. Moses Thatcher was deposed. Has any other apostle been deposed in fifty years?

Senator Smoot. I cannot call to mind one now. I do not know of one within fifty years.

Mr. Van Cott. Let me suggest Carrington.

Senator Smoot. Oh, yes; Mr. Carrington was deposed. I should like to have the record show that I forgot about that.

Mr. Van Cott. What about Lyman?

Senator Smoot. Yes; that is right, the present apostle's father, for apostasy, in the seventies some time, I think. No, he had not left the church. He was deposed for preaching some doctrines contrary to the faith and belief of the church, I think.

Mr. Tayler. Do you think that that would be the custom of the church—to depose an apostle who was preaching against the faith and belief of the church?

Senator Smoot. I suppose it would, if it was to such an extent that they thought that he was wrong. I could not say.

Mr. Tayler. That he was not true to his beliefs?

Senator Smoot. And I want to say there may have been some other reasons. I do not know. I did not even remember the two names, not having my mind upon it.

Taking of Plural Wives.

Mr. Tayler. Now, Senator, you said that a report came to the ears of the apostles that one of them, or two of them—John W. Taylor and M. F. Cowley—had taken plural wives since the manifesto?

Mr. Van Cott. I beg pardon, he did not say that, did he?

Mr. Tayler. That the report had come to him.

Mr. Van Cott. I did not understand Mr. Smoot to say that as to Mr. Cowley.

Mr. Tayler. I thought he did.

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Senator Smoot. Not as to Mr. Cowley.

Mr. Tayler. Did you have any rumor or report respecting any except Taylor.

Senator Smoot. From the evidence here in regard to Taylor. Not as to Cowley.

Mr. Tayler. I did not intend to put in a name that had not been mentioned by you. When was it that you took up that subject?

Senator Smoot. I could not say the day, but it was perhaps a month or over before the October conference; somewhere near a month. I asked for an inquiry. I think the president of the church started it. Yes; I know that he started it.

Where Is Taylor?

Mr. Tayler. Where is Taylor?

Senator Smoot. Oh, I do not know, but I think he is in Canada.

Mr. Tayler. What do you mean, Senator, when you say you do not know? Do you mean you have never asked?

Senator Smoot. No. I have heard a report that he is in Canada and I have heard a report that he is in Mexico.

Mr. Tayler. You are an apostle, and is that the kind of information you generally have about the whereabouts of the members of the quorum of twelve?

Senator Smoot. That is the only report I ever got.

Mr. Tayler. And with these charges, you made no inquiry about it?

Senator Smoot. I inquired and asked that that be done.

Mr. Tayler. About where he was, I mean. Where did you ask about where he was?

Senator Smoot. The first time I asked I was told they thought he was in Canada. I asked at the meeting of the apostles.

Mr. Tayler. And the next time you asked, what did they say?

Senator Smoot. That was the time the question was brought up.

Mr. Tayler. I understand you to say that once you heard he was in Canada and that again you heard that he was in Mexico?

Senator Smoot. From other parties.

Mr. Tayler. You never inquired but once at an apostles' meeting?

Senator Smoot. Yes; and I think they said there that he was in Canada. Then I heard it reported that he was in Mexico.

Mr. Tayler. Did you attach any importance to that report?

Senator Smoot. Nothing at all.

Mr. Tayler. It was not worth considering in view of the official information you had.

Senator Smoot. I do not think so. I think he is in Canada.

Evades Answering.

Mr. Tayler. There is no doubt about it that the proper authority in Salt Lake knows right where John W. Taylor is?

Senator Smoot. I do not know as to that.

Mr. Tayler. They may not know the house or two he is in tonight, but they know as much about him as they know about the whereabouts of any apostle who is not in their visible presence?

Senator Smoot. I think John W. Taylor could leave without stating where he was going. But my belief is he is in Canada.

Mr. Tayler. Is there anybody in Salt Lake City who knows where he is?

Senator Smoot. Well, I do not know as to that.

Mr. Tayler. That is to say, do the authorities there remain in ignorance of the whereabouts of the apostles? Can it be that they are in doubt as to whether an apostle is in Canada, or South Africa, or Russia?

Senator Smoot. I think they ought to know where they are.

Mr. Tayler. You are an apostle. I ask you because you are an apostle, not because you are a Senator, or because you are an ordinary individual.

Senator Smoot. I will state this, that as far as my knowledge is concerned, I have never written a letter to him. I do not know where he is, any further than what was said there, that they thought he was in Canada.

Mr. Tayler. Did you feel very deeply this charge that he was said to have taken two plural wives?

Senator Smoot. I do not approve of it by any manner of means.

Mr. Tayler. Well, now, is that your answer to my question?

Senator Smoot. Well, I could not say how deeply.

Mr. Tayler. I did not ask you how deeply you felt, but if you felt it deeply.

Senator Smoot. I can say "yes."

Mr. Tayler. Both as to the time and the manner?

Senator Smoot. I do not think so, Mr. Tayler.

Should Inform Quorum.

The Chairman. Is it usual for the apostles to go where they please without direction of the church, and leave when they please?

Senator Smoot. I do not think it is usual, Mr. Chairman. I think the proper thing for an apostle to do would be, if he has not been excused, to let them know where he is.

The Chairman. Do you know whether this apostle is in Canada, having been excused?

Senator Smoot. I do not know about that.

The Chairman Or is he there on a mission?

Senator Smoot. I do not know that. I know he has a great many business interests there.

The Chairman. You do not know whether he is there on a mission or by permission of the church?

Senator Smoot. I do not think he has been called on a mission.

The Chairman. How long has he been there?

Senator Smoot. That I do not know.

The Chairman. Has he been there ten years or ten months?

Senator Smoot. He has been in Canada —that is, off and on—for a long time; a good many years.

The Chairman. What is the date of his absence?

Senator Smoot. I should judge it was a year, or since this inquiry started.

The Chairman. He has been there ever since this investigation started?

Senator Smoot. I think so.

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The Chairman. You do not know whether he is on a mission, but you think not?

Senator Smoot. I do not think he is.

No Report to Church.

The Chairman. Do the apostles make report to the church as to their work and the harvest they are gathering in the fields?

Senator Smoot. No; I do not.

The Chairman. That is not the practice of the apostles?

Senator Smoot. It is not the requirement.

Senator Overman. Do you know whether he has leave of absence or not?

Senator Smoot. I do not know that.

Senator Overman. If he was attending to his own business, would he not have to have leave of absence?

Senator Smoot. I think so, unless he did it of his own free will and accord. I think he ought to have one.

Senator Overman. Without leave of absence, can an apostle look after other matters than those of the church?

Senator Smoot. Oh, my, yes; I can go into any business I want to that would not take me away from Salt Lake City—or Utah. Well, I do not mean Salt Lake City—outside of Utah—

Senator Overman. He is in Canada.

Senator Smoot. I say, Senator, I do not know about him.

Senator Dubois. You can go into any business except politics; is that it?

Senator Smoot. No; I say there are businesses that take you away for months and months at a time. You would have to get consent to go into business in that way.

Mr. Tayler. Do you know what effort has been made to procure his statement?

Mr. Smoot. The details of it I do not know. I have asked if a movement had been made, and was told there had been.

Mr. Tayler. What movement?

Senator Smoot. That is, an investigation of John W. Taylor.

Mr. Tayler. And did you inquire how or where it was being conducted?

Senator Smoot. I knew that President F. M. Lyman was given that mission.

Mr. Tayler. Do you know whether any effort was made to have John W. Taylor come and report for himself?

Effort to Find Taylor.

Senator Smoot. I think there has been. I know there was, when President Smith left here and went home, a telegram sent; and how I know this telegram was sent is that it was sent back to Chicago to a Mr. Gibbs, and from Mr. Gibbs it went back to Mr. Gibbs of Salt Lake City, and then it was sent here to me. It was not delivered in Canada. And not only that, but I know it because from letters written from John W. Taylor, and I read them to the chairman of this committee—from him and Cowley. I know that the president of the church did that much.

Mr. Tayler. Where was Taylor's letter from?

Senator Smoot. I think it was from Canada, was it not, Mr. Chairman?

Mr. Tayler. Where was Cowley's letter from?

Senator Smoot. From some place in Iowa, was it not, Mr. Chairman? I think it was. I read it to you, and I think he was in Iowa somewhere.

Mr. Tayler. Did he say he would not come?

Senator Smoot. I would rather have the letters themselves produced. I do not want to put a construction upon them. But in substance they were, that they did not think this was a question of religion at all, and was a mere matter of investigating something that they had no concern in, and that they did not feel that it was proper to come. Now, I do not know that that is the substance of them, but I know of those letters, and I read them to the chairman, and perhaps I did wrong in doing so. They were sent to me, and I did not want anything concealed, and I read them to the chairman of this committee.

Mr. Tayler. That is the substance of what President Smith said in his letter, is it not?

Senator Smoot. Perhaps it is.

Mr. Tayler. Was not President Smith's letter based upon the letters to which you refer?

Senator Smoot. I forget about Mr. Smith's letter.

Mr. Worthington. We ought to have those letters, instead of having the witness' vague recollection of them.

Don't Know Contents of Letter.

The Chairman. You do not know what was in President Smith's letter?

Senator Smoot. No; I know there is a letter in the record. I believe it was written to you, Mr. Chairman, and I believe you had it printed in the record. That is as I understand it. I do not know the contents of the letter that he wrote to these apostles, but I would judge from the answer that he received that he had asked them to come.

The Chairman. I did not know but that you had seen that letter.

Senator Smoot. No, sir; I have not. In fact, I think it was a telegram, and not only a telegram but a letter. I believe President Smith telegraphed from Washington City when he was here. I think he telegraphed to Salt Lake City to Secretary George F. Gibbs—now, this is as I remember it, but I do not know that it is true—to locate, if possible, Cowley and Taylor.

The Chairman. Then the president did not know at that time where two of his apostles were?

Senator Smoot. I do not think he did. I think his testimony here shows that Mathias F. Cowley was taking a trip through the missions.

Adjournment was then taken for the day.

Corrected His Testimony.

Senator Smoot. Mr. Chairman, before proceeding I should like to make a correction in my testimony of yesterday in relation to the mode of procedure of the apostles' quorum in trying a member of the apostles. I stated that it was, as I understood it, in connection with the presidency of the church, but after looking it up more carefully I found that the quorum of the apostles has a right to try a member of that quorum without calling in the presidency or having them pres-

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ent, and that they are the only quorum in the church that have that right.

Mr. Worthington. Senator, you do not mean that no other quorum can depose an apostle, but that no other quorum can depose a member of that quorum, whatever it may be?

Senator Smoot. That is it. Again, to a question asked me by Mr. Tayler, as follows, "You had no talk with him—" referring to President Snow—"at all about the Senatorship in 1900? Senator Smoot. About the Senatorship? Oh, I had a talk with him just in the office one day." I wish to correct that, Mr. Chairman, by stating that I had talked with President Snow on more than one occasion. I said my mother died in 1896. She died in 1894. I thought she died the year after my father died, but it was the year before my father died.

Mr. Tayler. Speaking about the action of the quorum of twelve, the quorum of twelve must always be unanimous?

Senator Smoot. No; I do not understand so, Mr. Tayler.

Mr. Tayler. Is it not that they must all agree?

Senator Smoot. You mean for the deposing of a member?

Mr. Tayler. Oh, no; but with respect to any purpose they design to carry out. They all unite as fully as a jury would. Is not that the law of the church?

Senator Smoot. Any member of the quorum can vote just as he pleases.

Mr. Tayler. Of course he can vote as he pleases; but then, after that, he must unite with the rest of them to carry it out?

Senator Smoot. If a majority votes for any policy, he is supposed to at least not oppose it if he was not in harmony with it. No, he must not join with them.

Mr. Tayler. It is not that the law of the church, of the doctrine and covenants, and has it not been declared by the heads of your church?

Senator Smoot I do not think so.

Quorum Unanimous.

Mr. Tayler. I may later on call your attention to places where that is referred to. When was it that your attention was first called to the claim or charge or rumor that President Benjamin Cluff of Brigham Young university had married another and a plural wife since the manifesto?

Senator Smoot. In 1902, I think, was the first time I heard it, in the Provo Commercial and Savings bank, from Mr. Jesse Knight.

Mr. Tayler. You were then a trustee of the institution?

Senator Smoot. I was and I was a member of the executive committee.

Mr. Tayler. How many members were there of the executive committee?

Snator Smoot. I think there were five.

Mr. Tayler. And you were also at that time an apostle?

Senator Smoot. Yes; I was.

Mr. Tayler. What steps did you take to find out if that was true?

Senator Smoot. Mr. Knight told me that he was going to inquire about it, and that he did inquire of Mr. Cluff about it, and I do not know that I took any particular steps, Mr. Tayler, other than what was related here yesterday at the meeting.

Mr. Tayler. You said that Mr. Cluff gave a reply to Mr. Knight that you interpreted as being evasive?

Senator Smoot. I so considered it.

Mr. Tayler. Did you learn who was the reputed new wife?

Senator Smoot. I heard from Mr. Knight that it was the daughter of George Reynolds.

Mr. Tayler. Did you inquire of George Reynolds?

Senator Smoot. No; I did not.

Mr. Tayler. Of course you know George Reynolds?

Senator Smoot. I meet him once in a while, but not very often. I know him.

Mr. Tayler. His office is in the Temple?

Senator Smoot. No. It is in the building adjoining the office of the president of the church, one block east of the Temple block.

Mr. Tayler. I am referring, of course, to the place where the apostles and the first presidency are in the habit of meeting. So that, except as you have stated, the subject was not pursued any further?

Senator Smoot. As far as I know.

Mr. Tayler. I mean so far as you know.

Cluff's Plural Marriage.

The Chairman. Senator, may I ask a question? Did Knight make a report to you as to what he found to be the facts?

Senator Smoot. He told me, Mr. Chairman, that he had spoken to Mr. Cluff about it, and that Mr. Cluff gave what he considered an evasive answer, and that he thought there must be some truth in it.

The Chairman. Did you follow it up after that to ascertain?

Senator Smoot. I reported here that that was the beginning, I think, of the removal of Mr. Cluff, or the change of Mr. Cluff as president of the faculty of Brigham Young university.

The Chairman. Did you make further inquiry?

Senator Smoot. I said no; I did not.

Mr. Tayler. He remained president for a year or two after that?

Senator Smoot. A year, I think; a little over.

Mr. Tayler. Then he was succeeded by Brimhall?

Senator Smoot. George H. Brimhall.

Knight Spoke to Cluff.

Mr. Tayler. He also was a polygamist, living with his plural wife?

Senator Smoot. Yes. He had two wives, as I stated yesterday.

Mr. Tayler. He has now, has he not?

Senator Smoot. Yes. I do not think she is dead. I think she is still in the asylum.

Mr. Worthington. The first wife, you mean? A. Yes.

Mr. Tayler. You were not present at the meeting at which he was elected?

Senator Smoot. No; I was not.

Mr. Tayler. But if you had been there, I understood you to say, you would have voted for him?

Senator Smoot. I think I would.

Mr. Tayler. You considered him the best man there, not, of course, because he was a polygamist, but for other reasons, for the place?

Senator Smoot. I think he was the best man, qualified for the place.

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Brimhall a Polyg.

Mr. Tayler. Do you consider the head of Brigham Young university what you would call a church place?

Senator Smoot. I rather think it would be.

Mr. Tayler. And the rule which you laid down as controlling your conduct in such a case, for instance, as Apostle Penrose's election, would apply to the case of a man who was to be elected president of a church university?

Senator Smoot. I think the same rule might apply. Of course the conditions may be different.

A Church Place.

Mr. Tayler. I mean, other things being the same; that is to say, you would not vote for George Brimhall for a civil political position, but you would vote for him for president of the Brigham Young university?

Senator Smoot. If it was a Federal office, I would not vote for Mr. Brimhall. But if it were a local office there that he was running for, perhaps I would.

Mr. Tayler. What distinction would you make between a Federal and a State office?

Senator Smoot. I think that the conditions there, especially in some communities, are such that they would not object to him so much as they would if he were appointed or elected to a Federal office.

Mr. Tayler. So it is a question of local opinion that would control you in that matter?

Senator Smoot. Partially.

Mr. Tayler. And it is not a question of principle?

Senator Smoot. Well, not altogether. I would not like to say that I would vote against a man like George Brimhall. There are polygamists I would not vote for under any consideration.

Mr. Tayler. You will understand that I am not undertaking to get you to distinguish between the virtues of two different polygamists?

Senator Smoot. Yes.

Mr. Tayler. But I am only undertaking to apply the rule which you laid down as covering your conduct and opinion in the case of Apostle Penrose.

Senator Smoot. Generally speaking—

Mr. Tayler. Then you state that you would be more likely to apply the rule of noninterference on account of a man's polygamous living in a case where he was to be chosen for a State office or an office in the State than if it was a Federal position that was to be filled?

Senator Smoot. I think I could say that with truth, Mr. Tayler.

Mr. Tayler. Now, why?

Would Vote for Brimhall.

Senator Smoot. You asked me in relation to George Brimhall. I hardly think—. I told you before that there are a great many polygamists I would not vote for for such an office, but I would vote for a man like George H. Brimhall for a State office.

Mr. Tayler. Would you for a Federal office?

Senator Smoot. No; I would not.

Mr. Tayler. The law which George G. Brimhall is violating is not a Federal law at all, but a State law.

Senator Smoot. I am aware of it.

Mr. Tayler. So that it is not because of his violation of law that you would withhold from or give support to him? That has nothing to do with it?

Senator Smoot. I do not think that George Brimhall is holding out a wife there in a flaunting manner. I do not think very many people know that he has more than one.

Mr. Tayler. Is he not violating the law?

Senator Smoot. Technically, yes.

Mr. Tayler. Technically? Is he having children by his plural wife?

Senator Smoot. Yes; he is.

Mr. Tayler. And that is a technical violation of the law, according to your view of it?

Senator Smoot. Under the circumstances, yes.

The Chairman. What do you mean by technical violation?

Brimhall's Wife Insane.

Senator Smoot. I mean that George H. Brimhall has a wife, and she has been in the insane asylum for twenty some odd years, and I mean that before this investigation I suppose there was hardly a student in the institution who knew that he was a polygamist. I know that people live there, I suppose in the town itself, who did not know it. He has not taken any more wives since the manifesto, and he lived with his second wife before, and I do not think that when it comes right down to it he really intended to break any law of this country.

The Chairman. You say it is a technical violation of the law?

Senator Smoot. I think, Mr. Chairman, I could even say it is a violation of the spirit of the law.

The Chairman. Is it not only a violation of the spirit of the law, but of the letter of the law?

Senator Smoot. And the letter of the law.

The Chairman. To answer the question directly, it is violating the letter of the law.

Senator Smoot. It is, with those extenuating circumstances.

Not Extenuating Circumstances.

The Chairman. Do you think it is an extenuating circumstance, in a case where a man marries another woman and has children by her, that his legal wife is in the asylum?

Senator Smoot. No; I hardly think that in the first place.

The Chairman. Have you any doubt about it? Would you think it an extenuating circumstance to take advantage of the insanity of your lawful wife and marry another woman and have intercourse with her and raise children by her without securing a divorce from the other one?

Senator Smoot. At the time when he married the other wife there was no church law against it, and I suppose he took her thinking it was all right.

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The Chairman. Do you think that is an extenuating circumstance—because the legal wife is insane?

Senator Smoot. Mr. Senator, I do not know that I could put it as broad as that. Perhaps I could, though. It seems to me like it would be.

The Chairman. Do you think it would be an extenuating circumstance?

Senator Overman. At the time he took his second wife, was the first wife in the asylum.

Senator Smoot. Yes.

Mr. Worthington. She had been there for two years.

Mr. Van Cott. And a man could not get a divorce in Utah at that time on account of the insanity of his wife?

Senator Smoot. As I understood the law, he could not.

Mr. Tayler. How do you know his first wife was in an asylum when he married his second wife?

Senator Smoot. I was a member of the asylum board, not at that time, but after—

Senator Knox. I should like to ask a question. When you say it would be an extenuating circumstance, do you mean in all cases it would be an extenuating circumstance, or only in the case of a polygamist who had married before the manifesto?

Senator Smoot. Oh, before the manifesto.

Senator Knox. You confine your answer, then, to polygamists who had married before the manifesto?

Senator Smoot. Before the manifesto.

Senator Knox. I did not quite understand, as your answer was so general.

Senator Smoot. For a man to marry another wife under those circumstances today I would consider was polygamy, just the same as—

Senator Knox. That is all. I wanted to clear that up.

Mr. Tayler. Now, Senator, do you not know that in the Latter-day Saints—

Senator Smoot. I should like to answer the question that you asked me. I did not finish.

Mr. Worthington. The question as to how you know that the first wife was in the insane asylum when he married the second one?

Knew Woman Was Insane.

Senator Smoot. Yes. I heard it stated when I was at the asylum that she had been there, and I also remember of general talk that George Brimhall's wife was there; and not only that, but I have seen her many times in the asylum, and hers is one of the most pitiable cases of insanity that I ever knew in my life, and in conversation they told me she had been insane for many years.

Mr. Tayler. Did you ever hear that she bore him any children?

Senator Smoot. I think she bore him two.

Mr. Tayler. You know this Latter-day Saints' Biographical Encyclopaedia, prepared by Mr. Jensen.

Senator Smoot. I know of it.

Mr. Tayler. This is as correct as books of this kind ordinarily are, is it not?

Senator Smoot. I have not examined it. I could not say.

Mr. Tayler. I mean the book itself, generally?

Senator Smoot. I would not want to be bound by the book.

Mr. Tayler. Of course not. Does it have your biography in it?

Mr. Worthington. It says he became an apostle in 1898, and in that respect is just two years out of the way.

Senator Smoot. I think it does. If that is the one, it does not give the name of my mother right, nor does it give the date of my appointment as an apostle right.

Mr. Tayler. Otherwise is it right?

Senator Smoot. I think so, on the whole.

Mother of Six Children.

Mr. Tayler. Now, I notice in this book that the article on George H. Brimhall says: "When 22 years of age he was united in marriage for time and eternity to Alsina E. Wilkens, who became the mother of six children—" naming them.

Senator Smoot. They may have died. I do not know.

Mr. Tayler. I only asked if she had them?

Senator Smoot. I do not know.

Mr. Tayler. Then it goes on to say: "At 31 he received in marriage for time and eternity Flora Robinson." You are still of the opinion that the first wife went to the asylum before he married the second wife?

Senator Smoot. I so understood it.

Mr. Tayler. That is, at the age of 31 if that be the correct age when he married his second wife, he was the father of six children by his first wife?

Knew Brimhall Girls.

Senator Smoot. Of course I do not know. All I know is this: I know two girls of George H. Brimhall's first wife, and they are the only children I know by her. They live in Provo. They went to school.

Mr. Tayler. Did they live in his family?

Mr. Worthington. That book his been discredited by its own author, and the evidence here is that the church does not recognize it as correct. Mr. Jensen said he picked up his information wherever he could get it, and in a few cases he got it from the persons whose biography he was giving.

Mr. Tayler. You will admit that it seems to be advertised in this book that he had two wives?

Mr. Worthington. I have not looked at the book, and so far as I am concerned, if I was on the committee, I would not care what was stated in that book, unless there was evidence as to what the fact was, because it is simply hearsay of the worst kind.

Mr. Tayler. Mr. Worthington seems to be incredulous. Are you satisfied that the world is able to know that George Brimhall has two wives?

Senator Smoot. I think George Brimhall has two wives.

Mr. Worthington. From that book alone?

Mr. Tayler. Yes; from that book alone. Coupled with the fact of George Brimhall's testimony, is it not fair to assume that the book is right in that respect?

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Senator Smoot. I believe his testimony.

Mr. Worthington. Do you mean that, coupled with his testimony, the book is right generally?

Senator Smoot. I do not mean the whole book. I mean that he has two wives.

Senator Pettus. This talk between counsel——

Mr. Worthington. The words were put into the mouth of the witness that with the testimony of Brimhall here and that book, the statement in the book would be taken as true. Evidently the witness did not understand it, because Brimhall contradicted the statement in the book. He says his wife went to the insane asylum in 1883 and he married his second wife in 1885. The statement in the book is inconsistent with that testimony.

The Chairman. The witness has already answered. Is there anything else, Mr. Tayler?

Mr. Tayler. Senator, while you were an apostle, Joseph F. Smith was made president?

Voted for Joseph F. Smith.

Senator Smoot. He was. I voted for him. I think he was the unanimous choice of the apostles. They presented him to the conference of the church.

Mr. Tayler. How long did he act as president of the church before his appointment was sustained by the conference?

Senator Smoot. Not very long.

Mr. Tayler. Whatever the interval was, between that time and the regular meeting of the people semi-annually?

Senator Smoot. I think it was about one month only, as I remember it.

Senator Overman. Did you vote to sustain him at the October conference, after he had given his testimony here?

Senator Smoot. I did.

Mr. Tayler. And you have voted to sustain him ever since then?

Sustained Him Since.

Senator Smoot. Whenever I have been there, on the same ground that I stated yesterday.

Mr. Tayler. That there was no reason, according to your view, why a man should not be elevated to a church office, who was married before the manifesto to plural wives, and continued in that habit or relation?

Senator Smoot. I forget whether I said continued in their relation, but I suppose it would be the same.

Mr. Tayler. The laws governing the church organization and the religious principles for which the church stands have remained unchanged since the death of Joseph Smith, have they not, except in respect to the suspension of the polygamy revelation?

Senator Smoot. I think the great bulk of them have.

Mr. Tayler. Now, what has not?

Senator Smoot. I can not call to mind any right now, other than the question of polygamy.

Mr. Tayler. How could any rule or principle declared, for instance, in the Book of Doctrine and Covenants be revoked or rescinded or suspended otherwise than by acts of the church or by a new revelation?

Senator Smoot. It could only be suspended by the vote of the members of the church at a conference.

Mr. Tayler. Could it be suspended merely by a vote of them?

Senator Smoot. That is, you mean if it was presented to the people and they voted on it. I think if the people voted against an article of faith at a general conference, that would revoke it, or suspend it.

Can Receive Revelations.

Senator Overman. Senator Smoot, do you believe that the Church of Jesus Christ of Latter-day Saints has received and does receive revelations from God?

Senator Smoot. I believe they can receive revelations from God. I think that if God gave revelations in the early days, God certainly can give revelations today.

Senator Overman. And you believe he did in the early days?

Senator Smoot. I do.

Senator Overman. And that he will or can do it now?

Senator Smoot. He can do it now.

Senator Overman. To whom would those revelations come?

Senator Smoot. I think any good man could receive a revelation, but nobody but the president of the church could receive a revelation that would bind the church, nor would the church be bound by any revelation until it had been presented to the church and accepted and adopted by the conference.

Senator Overman. You believe, then, that if God should make a revelation to Joseph Smith, and that was submitted to the church in conference and accepted by the church, it would be the law of the church?

Senator Smoot. It would be a rule and law of the church.

Senator Overman. You think the laws of God are superior to the laws of man?

Senator Smoot. I think the laws of God, upon the conscience of man, are superior. I do, Mr. Senator.

Senator Overman. You think the laws of God, as revealed to Joseph Smith and accepted by the church, would be binding upon the members of the church superior to the laws of the land?

Obey Law Conditionally.

Senator Smoot. I think it would be binding upon Joseph Smith. And I think if a revelation were given to me, and I knew it was from God, that that law of God would be more binding upon me, possibly, than a law of the land, and I would have to do what God told me, if I was a Christian. But I want to say this, Mr. Senator. I would want to know, and to know positively, that it was a revelation from God. And then I would further state this, that if it conflicted with the law of my country in which I lived, I would go to some other country where it would not conflict.

Senator Overman. I was not speaking of a revelation to you. I was speaking of a revelation that comes to the president of the church, is submitted by the president to the conference, and accepted by the conference. Is that binding upon the members of the church generally, and is it superior to the law of the land?

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Senator Smoot. As a rule of the church, but not binding upon any member of the church who does not want to follow it. Free agency in our church is a heritage God has given, and not only in our church, but given to everybody. That God can not take that free agency away from me. If He could, He could not judge me when I died and went to the bar of justice, because——

Can Violate Command.

Senator Overman. Then if there was a commandment given by God to the church and accepted by the church, any member of the church has a right to violate that command?

Senator Smoot. They have.

Senator Beveridge. I direct your attention, Senator, to the last portion of Senator Overman's question prior to the last one, which was whether or not any revelation that might be given through any of the processes you mention could, under any circumstances, be superior to the law of the land? That is the question I should like to have you direct your answer to.

Senator Smoot. I will ask the reporter to read it. The reporter read as follows: "Senator Overman. I was not speaking of a revelation to you. I was speaking of a revelation that comes to the president of the church, is submittted by the president to the conference, and accepted by the conference. Is that binding upon the members of the church generally, and is it superior to the law of the land?"

Senator Beveridge. I should be glad to have you direct your answer to the last part of the question.

Senator Smoot. I do not believe it is superior to the law of the land.

Senator Overman. Then if you yourself got a revelation from heaven, I understand you would regard that as superior to the law of the land, and would have to submit to it or leave the country?

Would Obey Revelation.

Senator Smoot. That would be a revelation from God to me direct, and if I believed that it was from God I would consider it compulsory on me to obey it; and, as I stated, Senator, if I lived in this country I would move to some other country where I could obey that law.

Senator Overman. Do you believe those revelations are ever given by God to individuals?

Senator Smoot. Well, I have heard men so testify, but I could not say positively.

Senator Overman. What is your belief about it, Senator?

Senator Smoot. I believe that God could do such a thing.

Senator Overman. Do you believe He has done it and that He will do it again in time?

Senator Smoot. I rather think that God did it in former days, and I feel that He can do it now.

Senator Dubois. If the president of the church received a revelation from God and submitted it to the conference, and they sustained it, and you, for instance, did not see fit to obey it, how would that affect you as regards your relation to the church?

Senator Smoot. I hardly think it would affect me. I remember now an instance in our church of a revelation being received for the establishment of the United Order. I know that Brigham Young went from one end of the State to the other and preached the new order, and instructed the people to organize and follow out that revelation. He went from St. George to the north, and I know that it was never adhered to or followed out by the people, and is virtually a dead letter today.

Senator Dubois. Do you mean to have me infer from that that if the Lord gave a revelation to the president, which was submitted to the church and they sustained it, a member of the Mormon church could disregard that and maintain his fellowship and standing in the church?

Law of Tithing.

Senator Smoot. Oh, yes; I understand so. Take the law of tithing. It is a law of the church, and I know there are many, many people who belong to the church today who do not obey it, and they are in fellowship, Senator. We try to teach the principles as revealed, and we try to have men live lives of honor and uprightness and honesty, and that is our duty and that is required of us.

Senator Dubois. Let us be clear about this. Under those circumstances you could refuse to obey such revelation which had been sustained by the church?

Senator Smoot. I could.

Senator Dubois. And as an apostle you could go out among your people and take that position, and the people could refuse to obey it also and retain their standing?

Senator Smoot. I would not want to go as far as I infer your question would lead —that is, I would not want to say that a man could go from one end of the church to the other and make a special point of preaching against a certain doctrine of the church and be in full fellowship. I would not want you to understand, Senator, that I mean that, because I think that would be not only non-belief in it, but it would be open rebellion, and through that you would be out of harmony.

Senator Overman. I think you said yesterday that you went on a mission to London or to England. When was that?

Senator Smoot. I left this country on December 3, 1890.

Senator Overman. Were you an apostle then?

Senator Smoot. No; I was not.

Senator Overman. You were sent on a mission?

Senator Smoot. I was.

Senator Overman. For what purpose—to preach the gospel of the Mormon church?

Senator Smoot. Just the same as other missionaries are sent.

Senator Overman. Did you preach in England?

Senator Smoot. I preached some. I worked most of the time in the Liverpool office.

Senator Overman. Did you preach polygamy over there?

Senator Smoot. Oh, no.

Senator Foraker. Did you ever preach polygamy anywhere, Senator?

Senator Smoot. I never did in my life.

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Defending Polygamy.

The Chairman. When you were abroad on any mission, while not preaching the doctrine of polygamy, suppose the doctrine had been assailed. What would you have done?

Senator Smoot. I never had it assailed, Mr. Chairman, because most of my preaching was done on a Sabbath day, and I labored in the Liverpool office, and from the office I went to some parts of England, and just simply spoke for that day, and returned the next morning.

The Chairman. In your intercourse among the people, if the doctrine was assailed, would you agree with those who assailed it, or would you defend it?

Senator Smoot. I would just simply refer them to the Bible, and say if the Bible does not support it, then it cannot be supported.

The Chairman. The text-book you had with you was the book—the Doctrine and Covenants?

Senator Smoot. That is hardly a text-book used by the missionaries. They have that here.

The Chairman. You had that with you, I suppose?

Senator Smoot. It was there at the office.

Teaches Polygamy.

The Chairman. That teaches polygamy?

Senator Smoot. It teaches that polygamy is permissive.

Senator Beveridge. I merely want to continue a question which was put a moment ago, putting it in its simplest possible form. As between the law of the land and any revelation, which is binding upon the members of your church?

Senator Smoot. What would I do?

Senator Beveridge. No, sir. I did not ask what you would do. I ask you, as an officer of the church, to answer my question. As between a revelation and the law of the land, which is binding upon the members of the church?

Senator Smoot. The law of the land in which we live.

Senator Beveridge. Do I understand you to say that there is no law, rule, or ordinance of your church by which a revelation from above, even when confirmed by your people, is superior to the law of the land?

Senator Smoot. I do not think it could be, Senator.

Senator Beveridge. My mind was directed to that very point. It is rather important.

Senator Smoot. We have a revelation in the Doctrine and Covenants that it is mandatory upon all members of our church to honor and obey the law of the land.

Senator Beveridge. Suppose a revelation is received, as you described a moment ago it might be, and suppose, in addition to its having been received in that way, it is confirmed, or whatever term you use, by the people, and then that revelation, thus confirmed by the people, is in conflict with the law of the land; which is binding?

Senator Smoot. The law of the land.

Senator Beveridge. Then the revelation, even though received in that way, and even though confirmed by the membership of the church, would, if it conflicted with the law of the land, be a nullity?

Senator Smoot. As to members of the church; yes.

The Chairman. You say as to members of the church?

Senator Smoot. That is the only way it could be, Mr. Senator.

Applies to All.

The Chairman. Do you make any distinction? You say it would be a nullity as to members of the church. Do you mean to the officials and all?

Senator Smoot. To all.

The Chairman. Even when the person who receives the revelation and the church itself believe it to be from God direct?

Senator Smoot. Well, I think the person who received it—of course, each person would have to act upon his own judgment in the matter; but I think that that would be required of the people of the church by the revelations we have already received.

Senator Overman. I understand you to say, if I apprehend your answer correctly, that when a divine revelation is given to the president of the church, is submitted to the church conference, and is accepted by the conference, then, as a free agent, any member of the church has a right to disobey it?

Senator Smoot. They have, Senator.

Senator Overman. The manifesto is a revelation from God, which was submitted to the church and accepted by the church. Then any member of the church as a free agent has a right to disobey it?

Senator Smoot. They have. They have the free agency.

Senator Dubois. Senator Smoot, if you refused as an apostle to accept a revelation received by Joseph Smith and sustained by the church, could you retain your position as an apostle in the church?

Senator Smoot. If I did not understand that revelation, I think so.

Senator Dubois. My question is if you refused to accept it?

Senator Smoot. I rather think so; the same as a member of the church would in not living up to any of our principles that they may not live up to. I would be derelict.

Senator Dubois. Could you answer directly whether or not you would retain your position as an apostle of the church?

Senator Smoot. I could not answer that direct, yes or no, because I do not know what the church would do.

Would Be Derelict.

Senator Dubois. You would be out of harmony, would you not?

Senator Smoot. I say I would be derelict, I think.

Senator Dubois. You do not know what the consequences would be as regards your apostleship?

Senator Smoot. I could not say, Mr. Senator.

Senator Knox. Senator Smoot, let me ask you what I consider a question that should have followed Senator Beveridge's question. I understand you, then, that fundamentally and primarily it is a law of the Mormon church that you must obey the law of the land?

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Senator Smoot. That is correct.

Senator Knox. If there should be a revelation now that commanded you to disobey the law of the land, that revelation would be in conflict with one of the fundamental principles of your religion?

Senator Smoot. It would.

Senator Foraker. I understood you to say that rather than to undertake to obey such a revelation you would leave the country and go where the law of the land would permit obedience to the revelation?

Senator Smoot. Yes; if God had given it to me himself, then I would, because I would feel then that I was under direct obligation to my Maker to carry out what He revealed directly to me, and if I could not do it in this country I would go to some country where I could.

Revelation Above All.

Mr. Tayler. So that you would, of course, obey the revelation coming from God?

Senator Smoot. If I knew that God had spoken to me I would obey it.

Mr. Tayler. Suppose the revelation commanded of God was that you should do a certain thing and also stay in the country?

Senator Smoot. Well, I do not think the God I worship is such a God.

Mr. Tayler. That is your answer to the question?

Senator Foraker. You think that is hardly a fair suppositious case?

Senator Smoot. I do not think it is probable or possible.

Senator Overman. If you have a right to disobey the law of God given to the church, why would you not have a right as a free agent to disobey a revelation given to you as an individual?

Senator Smoot. I would have that, Senator. God could not take it away from me.

Senator Overman. Then you would not have to leave the country? You could disobey it?

Senator Smoot. I would not obey it. I say it is not necessary for me to obey it, even though God spoke to me.

Senator Overman. You would not be condemned by God, then, if you disobeyed it?

Senator Smoot. Certainly I would.

Senator Overman. Then, if you disobeyed a revelation given to the church and accepted by the church, you would also be subject to be condemned by God?

Senator Smoot. Whatever wrong there may be in it, I would have to answer for that wrong.

Mr. Tayler. You say that the law of the land would prevail, because that is a fundamental doctrine of the church?

Senator Smoot. I say so.

Mr. Tayler. Is that the reason?

Senator Smoot. I think you could infer that.

Polygamy Law a Revelation.

Mr. Tayler. Was the law commanding polygamy a revelation from God?

Senator Smoot. I understand so.

Mr. Tayler. It was just a church revelation—

Senator Smoot. Wait. Excuse me. I do not think there is any revelation commanding polygamy.

Mr. Tayler. I mean the plural-marriage revelation.

Senator Smoot. If you will say the celestial marriage, or the revelation including plurality of wives—

Mr. Tayler. No. I quote from the Doctrine and Covenants, which describes, as Doctor Talmage persisted in my remembering, a revelation on the eternity of the marriage covenants, including plurality of wives.

Senator Smoot. That is right—including plurality of wives. I want to get it right; that is all.

Direct From God.

Mr. Tayler. That came directly from God?

Senator Smoot. I understand so.

Mr. Tayler. When God commands, as you interpret it, it is equally a command whether it is to do one thing or another, is it?

Senator Smoot. I think so; but He did not command a man to go into polygamy or to practice it. It was permissive and not mandatory.

The Chairman. It is a command only on the man who receives the revelation?

Senator Smoot. I think if He commanded me, Mr. Chairman, to go into it, then it would be a command to me, and I would have to obey it; but otherwise I would not.

Senator Foraker. But you do not understand that He ever did make any such command?

Senator Smoot. Not on the church. He said it was permissive. I understand from the revelation that He did make a command on Joseph Smith, and he is the only one.

Mr. Tayler. The section to which you refer as to rulers, States, and governments, was not a revelation?

Senator Smoot. I think there is a revelation. If you will hand that book to me I will try to find it. There is a revelation there.

Mr. Tayler. There is a revelation which requires that you shall keep all constitutional laws?

Senator Smoot. There is another one there, Mr. Tayler. That is a revelation, and it is mandatory.

Came From Almighty.

Mr. Tayler. That came from God. Do you not think God could revoke that revelation?

Senator Smoot. Well, I rather think God could, but I do not think he would.

Senator Foraker. You think God is omnipotent?

Senator Smoot. I do.

The Chairman. Then why do you say you rather think he could? Have you not any positive opinion on that subject?

Senator Smoot. He could, Mr. Chairman, but I said that I do not think he would.

Mr. Tayler. Your people, or many of them, persisted in the violation of the law against polygamy up to 1890 on the claim that there was no law against it?

Senator Smoot. On the claim that they thought it was interfering with religious liberty.

Mr. Tayler. I am not going to touch this particular subject any more, and if

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any Senator has any particular question to ask about it, this would be an opportune time. To what order of the priesthood do you belong, Senator?

Senator Smoot. To the Melchisedec priesthood.

Mr. Tayler. That is the highest order?

Senator Smoot. There are two orders.

Smoot and the Priesthood.

the Aaronic and the Melchisedec. I hold the same priesthood that an elder holds, or that a seventy holds, or that a high priest holds—as high as anybody holds.

Senator Overman. Does your church believe in apostolic succession?

Senator Smoot. I would have to ask you to make that more specific?

Senator Overman. Christ held the order of the Melchisedec priesthood. Do you succeed him——

Senator Smoot. I understand that Christ held the Melchisedec priesthood.

Senator Overman. And these apostles succeed him in the same degree that he was of that order?

Senator Smoot. Not only the apostles, but anybody who holds the office of an elder, who is of the Melchisedec priesthood. The difference is simply in the calling of the priesthood.

Mr. Tayler. The fact that you are an apostle does not affect in one way or another the quality of your priesthood?

Senator Smoot. Not in the least.

Duties as an Apostle.

Mr. Tayler. What are your duties as an apostle?

Senator Smoot. My duties as apostle are to preach the gospel at no special place, only as directed by the presidency of the church. I have other duties, of course. Wherever sent by the presidency into a stake or anywhere, to go there, and, if sent by him, to attend to whatever matter there may be to attend to.

Mr. Tayler. Are you still at the head of the Provo woolen mill?

Senator Smoot. I am not now the manager. I used to be the manager—up to the time I was elected Senator—but I am still president of the Provo woolen mills.

Mr. Tayler. You continued to be manager after you became an apostle and until you became Senator?

Senator Smoot. I did. I was manager then.

Mr. Tayler. That was for about how long?

Senator Smoot. About three years. I am engaged in other business.

Business Interests.

Mr. Tayler. You stated the facts generally in your direct examination. I do not mean to ask you whether you have a business relation, as having investments, but what other business have you that takes your time and attention?

Senator Smoot. I am president of the Provo Commercial and Savings bank, and I am a director in a good many of the institutions in Salt Lake—the Deseret Savings bank, the Deseret National bank, and Clark, Eldredge & Co., and Zion's Co-operative Mercantile Institution.

Mr. Tayler. By the way, there was a question asked here the other day about the branches of the Zion's Co-operative Mercantile Institution. How many branches are there?

Senator Smoot. The Zion Co-operative Mercantile Institution has a wholesale branch at Provo, for the distribution of goods in the South. They have a wholesale and retail branch at Ogden, and they have a little retail store up at Idaho Falls, and no branch of any kind elsewhere.

Senator Dubois. Idaho Falls is in Idaho?

Senator Smoot. Yes, Idaho. But I rather think we will close that out just as soon as we get a chance. It is only a retail store.

As to the Hierarchy.

Mr. Tayler. Now, Senator, to what extent do you understand what you may call the hierarchy—whatever is composed in the ruling authorities of the church—have authority or jurisdiction over the affairs of the Mormon people?

Mr. Worthington. I suggest that you had better state what authorities you include in that description.

Mr. Tayler. Whatever the authorities are. I do not care who they are; whether one man or a thousand. I am only asking as to the hierarchy.

Senator Smoot. I do not know what you mean by that. I can tell you what the general authorities of the church are. The general authorities of the church are the presidency of the church, the quorum of the twelve apostles, the seven presidents of the seventies, the presiding bishopric and the presiding patriarch.

Mr. Tayler. Now you may answer the question which I asked you. We have had explained to us who the authorities are and how they act. Now, what authority or jurisdiction do they exercise over the people in respect to spiritual or temporal affairs?

Spiritual and Temporal Affairs.

Senator Smoot. In regard to spiritual affairs, they have the direct charge of all the organizations, spiritual organizations or church organizations, that there are in the church. As to temporal affairs, they have simply the control of whatever temporal matters are owned by the church within the church.

Mr. Tayler. The interests of the people of the church, in so far as those interests are related to the church, are the subject of their jurisdiction, are they not?

Senator Smoot. They have no interest whatever in the people's affairs.

Mr. Tayler. For instance, Senator, you heard the testimony here in the Birdsall case, did you not?

Senator Smoot. Yes, I heard that testimony.

The Birdsall Case.

Mr. Tayler. There one party brought complaint in a bishop's court against a woman, claiming that she had title to a piece of land that he ought to have title to.

Senator Smoot. By the way, in that case, I have understood, having received word, that Mr. Leavitt did not belong to the church at all. He is not a member of the church. I state this to show you how far wrong that very case has gone.

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Mr. Tayler. The case was there, Senator?

Senator Smoot. It was.

Mr. Tayler. Do you dispute that the case did occur?

Senator Smoot. I do not.

Mr. Tayler. So that they permit their courts to be used by Gentiles?

Senator Smoot. Not by any law of the church or rule of the church.

Mr. Tayler. Do you suppose that the bishop and his counselors who tried this case knew that Mr. Leavitt was not a member of the church?

Senator Smoot. I do not know that.

Mr. Tayler. Anyway, they entertained that case?

Senator Smoot. They entertained that case.

Mr. Tayler. And they did not ask Miss Birdsall whether she was willing or not?

Senator Smoot. I rather think they did.

Mr. Tayler. The record does not show it.

Senator Smoot. The record shows they asked him. But she made the appeal, and if she had not made the appeal she certainly would—I mean by making the appeal she certainly had given her consent.

Mr. Tayler. After the bishop's court, which had brought her in before it, had made an order that she must make a deed to Joseph Leavitt for this land, what would have happened if she had not appealed and had refused to make the deed?

Would Have Excommunicated Her.

Senator Smoot. I think they would have disfellowshipped her if she had not carried out the decision of the court.

Mr. Tayler. They would have excommunicated her?

Senator Smoot. Yes, I think so.

Mr. Tayler. I use the word "excommunicated" because we understand that word a little better than the other.

Senator Smoot. In order that there may not be any doubt in your mind as to why I hesitate in regard to excommunication or disfellowship, I will say this. If it had been a man holding the priesthood the bishop's court could not have excommunicated him. It would have had to go to the high council.

Mr. Tayler. You are an apostle of the church. I want to get at the theory upon which the church entertains such a case.

Senator Smoot. They do not entertain such cases, but——

Mr. Tayler. They entertained that case.

Senator Smoot. I was in the presidency of Utah stake for five years, and I know positively that the instructions we received were not to entertain any case where titles to land or titles to water or anything of that sort were concerned. I do not deny that they entertained this case.

Mr. Tayler. I say upon what theory do you say they did entertain it?

Senator Smoot. I think it was inadvertently done by the presidency of the church, the case coming there as it did, and they busy as they are. I rather think it was inadvertently done by them, because their letters are of such a character that they prove that they had taken just the opposite position. Now, I am not referring to the letter that was written in this case here. That may have been written, and no doubt was, by them; but I believe it was inadvertently done.

Mr. Tayler. Do you think the action of the bishop's court was inadvertently taken?

Senator Smoot. That I cannot say.

Advise Bishops' Court.

Mr. Tayler. Do you think that the action of the high council of the stake was inadvertently taken?

Senator Smoot. I know that the president of that stake had received a written letter from the presidency of the church telling him that these cases were not to be tried before this, as the letter so states here.

Mr. Tayler. You will remember that the woman in the case, the accused in the case, communicated with the first presidency.

Senator Smoot. I think she did.

Mr. Tayler. And you know that she got more than one letter from the first presidency on the subject, do you not?

Senator Smoot. I would not say that. I do not remember that.

Mr. Tayler. She got one letter signed by all three of them in their own handwriting?

Senator Smoot. If you suggest it, and say it is so, I would accept it.

Mr. Tayler. The language of that answer is not formal, is it? It is printed here in the record.

Senator Smoot. Yes; it is in the record.

Mr. Tayler. It is not formal language; it is explicit.

Senator Smoot. I could not say.

Mr. Tayler. It refers to the case, does it not?

Senator Smoot. I rather think it does.

Mr. Tayler. It shows that the writer of the letter knew what the case was to which reference was made?

Senator Smoot. I think so.

Mr. Worthington. Do you remember what is in the letter?

Senator Smoot. I do not.

Mr. Tayler. Do you recall, Senator, that in the letter from the first presidency reference was made to the fact that Miss Birdsall wanted either to appeal directly to the first presidency or go to law?

Senator Smoot. I do not remember it.

Mr. Tayler. And that the statement was that she should obey the order of the Lord?

Senator Smoot. I would not like to testify without knowing positively.

Interprets the Letter.

Mr. Tayler. I call your attention to the letter, printed on page 328 of the second volume. Do you recall that that letter written to her states that "this is in answer to yours of the 10th instant, in which you express a desire to appeal your case direct to us from the Bishop's court or go to law In answer we would say that in all such matters all members of the church are expected to follow the order of the church governing them, and that order provides that an appeal may be taken from the Bishop's court to the high council and from the high council to the first presidency. We advise you to follow the order provided of the Lord to govern in your case"

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Senator Smoot. I think the letter means this, that she had started the case in the Bishop's court, and after she had received the Bishop's decision and was dissatisfied she then wanted to appeal to them or go to law——.

Mr. Tayler. That she had started the case?

Senator Smoot. Well, the case was started, and she was a party to the case.

Mr. Tayler. Now, then, you recall that later on, April 10, 1903, the presidency of the church, Joseph F. Smith, John R. Winder and Anthon H. Lund, wrote to her, saying: "We have carefully read your communication of the 23rd ultimo, setting forth exceptions to the decision rendered by the high council of the Sevier stake in the case of Leavitt vs. Birdsall, and are perfectly satisfied that the points raised by you are not sufficient to justify you in refusing to recognize former rights to the land in question, and we therefore have affirmed the decision in the case and informed the stake presidency accordingly."

Senator Smoot. I say that I believe that was done inadvertently by the presidency of the church, because I know I have received instructions absolutely contrary to that, as a member of the presidency of the Utah stake, and we never tried a case of that kind.

Mr. Tayler. What kind of cases do they try?

Senator Smoot. Those that include any moral wrong-doing.

Tayler Reads Letter.

Mr. Tayler. I now have the letters. Here is a letter written November 7, 1895, in which they say: "The appeal case of James Poulsen vs. Christian A. Christensen, originally heard before the Bishop's court of the Basalt ward, and afterwards by the high council of the Bannock stake of Zion, has received our attention. There are many matters that can be rightfully considered by the church courts and decisions rendered thereon, but when matters relating to the boundary of lands and kindred subjects are in dispute we think it better that such differences should be settled by arbitration, or, if necessary to secure the rights of either party, by the duly constituted courts of the land. The case of Poulsen vs. Christensen appears to hinge on just such a question, for if it should be decidedly exactly where the boundary line between the lands of these brethren lay there would be no difficulty in reaching a conclusion with regard to the other questions involved." Do you understand that that was a denial of the propriety of trying a land case if the boundary was not in dispute?

Senator Smoot. I think so. It was a question of title to land.

Paris, Idaho, Case.

Mr. Tayler. Do you remember the reference that was made in these letters to the case at Paris, Ida.?

Senator Smoot. I do not remember the details.

Mr. Tayler. Do you not know that the case went on and that President Budge or the high council heard the case?

Senator Smoot. No; I understood that President Budge testified that he did not hear the case.

Mr. Tayler. I do not know that he testified on that particular phase of it at all.

Senator Smoot. That is the only one I remember.

Senator Dubois. He testified generally, to the best of my recollection, that they had orders not to try land cases.

Senator Smoot. He spoke of the case, and I think there was a specific case mentioned, and that the high council of that stake did not try it and would not.

Senator Bailey. Mr. Smoot, you are not a lawyer?

Senator Smoot. No, sir.

Senator Bailey. Then, of course, when you say that a question of boundary is a question of title to land, you speak in that opinion, as a layman. Of course, a question of boundary does involve title to the land between the disputed boundaries.

Senator Smoot. Yes.

Senator Bailey. But a lawyer does not understand a boundary case to be exactly a case involving title to land.

Smoot's Construction.

Senator Smoot. This is the way I construed it, at least: If the boundary line should be claimed by one party to be ten feet out of line and should be moved ten feet or a rod, or whatever the distance may be, further on the land of the other party, I of course took it that it was a question of land, or right and title to land.

Senator Bailey. It does of course involve title to the land between the disputed boundaries, but it is not what we understand to be a case involving title to lands.

Senator Smoot. A case of that kind, Senator, our church would not take up by the courts of the church and handle.

Senator Bailey. I was rather impressed by the wisdom of the church in avoiding boundary line disputes, because they create more bad feeling than all others.

Senator Smoot. We have a great many other disputes out there as to the title to water rights.

Religion Classes in Schools.

Mr. Tayler. You said something, Senator, about the religion classes in the public schools.

Senator Smoot. The public schoolhouses.

Mr. Tayler. Yes; the public schoolhouses; and you put in evidence yesterday a recent order issued by the church, saying that hereafter no religion classes should be held in the schoolhouses.

Senator Smoot. Yes.

Mr. Tayler. You know now, do you not, that several hundred such religion classes were being instructed in schoolhouses?

Senator Smoot. Conducted, do you mean?

Mr. Tayler. Well, conducted.

Senator Smoot. In schoolhouses? After school hours? I so testified yesterday.

Mr. Tayler. I do not know that you said how many. It was the number to which I was attaching importance.

Senator Smoot. I could not say.

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Mr. Tayler. Do you remember the testimony of the State Superintendent of Public Instruction?

Senator Smoot. I think he stated there were some three hundred, as I remember it.

Mr. Tayler. Do you have anything to do with the Sunday-school system of your church?

Senator Smoot. Nothing at all.

President Smith at Head.

Mr. Tayler. Who is at the head of it?

Senator Smoot. President Joseph F. Smith.

Mr. Tayler. Who is in immediate charge of that branch of your church work?

Senator Smoot. Lars Eggertsen.

Mr. Tayler. What position does Joseph M. Tanner hold in relation to it?

Senator Smoot. He is over the whole.

Mr. Tayler. Of course the president of the church is the head of it all?

Senator Smoot. Yes.

Mr. Tayler. Joseph M. Tanner is the general superintendent. He is a man who is said to be a polygamist?

Senator Smoot. Yes.

The Chairman. By whom is he chosen or appointed to that position?

Senator Smoot. By the president of the church.

The Chairman. When was his appointment made, if you know?

Senator Smoot. I would not want to testify. I should say within three or four years, something like that.

The Chairman. At the time the appointment was made, was he known to be a polygamist?

Senator Smoot. I think so.

Mr. Tayler. You know, Senator, that during the last school year, 1903-4, instructions were issued to the various teachers——.

Senator Smoot. I heard that testified to here.

Mr. Tayler. As to the subjects concerning which they should instruct the children?

Senator Smoot. I remember it being presented here to this committee.

Polygamists as Examples.

Mr. Tayler. And you recall that those teachers were directed to instruct the children, among other things, in the lives of all the prominent Mormons?

Senator Smoot. I think so.

Mr. Tayler. The living as well as those who had passed away?

Senator Smoot. Well, if you would suggest it, I would say so; yes.

Mr. Tayler. For instance, the life of—

Senator Smoot. I have no doubt of it.

Mr. Tayler. The life of President Joseph F. Smith; and of Elder B. H. Roberts; and of Superintendent Joseph M. Tanner; and of Elder Reed Smoot, of course, which would be a proper subject; of Mathias Cowley; of Mariner W. Merrill; of John W. Taylor; of Heber J. Grant; of George Teasdale; of John Henry Smith; of Francis M. Lyman?

Senator Smoot, as each one was named, answered, "He is living."

Mr. Tayler. And except yourself all of them are polygamists?

Senator Smoot. I did not follow it with that purpose in view, but I rather think they are.

Senator Smoot. Now, let me understand, Senator. Was the instruction given that biographies of these parties should form the text-books of the religion classes, or that the religion classes should be instructed in the lives of those men?

Senator Smoot. I do not think so. Of course, I have never had anything to do with the religion class work at all, but I take it that that is a part, perhaps, of the lesson—the lives of one of the men spoken of—but I do not think that they would in speaking of them speak of them as polygamists and teach that, or try to teach it to the students or to the classes there.

The Chairman. Mr. Tayler, how did that appear; in what connection?

Mr. Tayler. I can get at the fact more quickly in this way. Do you not recall—

Senator Smoot. I do not want anything but the facts.

Mr. Tayler. Do you not recall that the pamphlet was sent out by Anthan H. Lund, Rudger Clawson, and Joseph M. Tanner, general superintendency of the Sunday-school system or the religious instruction?

Senator Smoot. Oh! Is this the Sunday-school?

Mr. Tayler. General superintendency of religion class work. That is it.

Senator Smoot. Then Tanner would not be on that.

Tanner Superintendent.

Mr. Tayler. Tanner is one of the general superintendents?

Senator Smoot. Of religion class work?

Mr. Tayler. It seems that he signed this pamphlet.

Senator Smoot. He may be; I do not remember.

Mr. Tayler. He signed this pamphlet in which religion class outlines are given, with an introduction describing what is the scope of it, in which, among other things this appears: "Abundant material for the biographical sketches of the present and many of the past leaders of the church may be found in the little work entitled, 'Prophets and Patriarchs,' from the pen of Elder Mathias F. Cowley." And after general instruction as to how this work is to be conducted, there is the list of lessons with the subjects; as, for instance, in the primary grades, without going all over them, I read:

"Lesson XII.

"Third step. How children should be grateful for food and clothing.

"Fourth step. Sketch of Elder John W. Taylor's life.

"Lesson XIII.

"Third step. How children should be grateful to parents for giving birth to and rearing them.

"Fourth step. Sketch of Elder M. W. Merrill's life."

That is Apostle Merrill.

"Lesson XXXIII.

"Third step. Why children should not be vain.

"Fourth step. Sketch of Elder B. H. Roberts's life, including his writings.

"Lesson XXXIV.

"Third step. Why children should avoid giving way to anger.

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"Fourth step. Sketch of Superintendent Joseph M. Tanner's life." And so on.

Lessons Once a Week.

Senator Smoot. I take it that they are sketches in the course of the lessons of the day. Those lessons, I understand, were given one day a week.

Mr. Tayler. Mr. Smoot, on the subject of polygamy, at this point, do you know how long ago it was first preclaimed and testified that polygamy was dead?

Senator Smoot. No; I do not.

Mr. Tayler. Is it not nearly twenty years?

Senator Smoot. I could not say.

Mr. Tayler. Was it not claimed at one time that no marriages, and if so, only one or two, which were actually sporadic, had occurred after 1885?

Senator Smoot. I think it was later than that. As I remember that letter, it was from President Woodruff—

Mr. Tayler. I am not referring to the Woodruff letter, with which I am familiar.

Senator Smoot. That is the only one I can remember.

Mr. Tayler. Do you not know, as a matter of history, that that has been claimed.

Senator Smoot. Not for twenty years, because twenty years ago the people were being sent to the penitentiary every day for polygamy and unlawful cohabitation.

Mr. Tayler. Do you not know there were very, very few people prosecuted for polygamy?

Senator Smoot. Yes; there were very few cases; that is, I do not know how many. I could not say.

Adjournment was then taken until Monday.

Moses Thatcher Trial.

Mr. Tayler. Senator, I asked you a question or two on Saturday about the trial of Moses Thatcher. He was tried, you told us, before the high council of the stake in which he lived, which had jurisdiction over him.

Senator Smoot. I believe he was living in Salt Lake at the time.

Mr. Tayler. The chronology of it, just to refresh your recollection about it, is that the apostles did not present him to the conference in 1896, and they dropped him from his apostleship in November, 1896, and after that he was tried by the high council, on what charge?

Senator Smoot. For his fellowship or standing in the church, I think.

Mr. Tayler. He was charged with apostasy, was he not?

Senator Smoot. I have not read over the testimony. I do not know.

Mr. Tayler. Later on, in 1897, some findings were made. Now, was not that trial practically exclusively based upon his difference with the church on the subject of their interference in politics?

Senator Smoot. I would not want to say that it was, because I have not looked over the case. I know that that was one of the charges, and I believe the other day, in answer to a statement that you made, that he made an abject apology, I said "Yes." As I remember it now, he did not make an apology, but he stated that his idea of the rule, or the way he wanted it interpreted, had been met by the high council, or, in other words, they came to his conclusion as to what the rule meant.

Mr. Tayler. Was not his claim that the rule invaded the province of the citizen, and that when this high council, not one of whom was a member of the general authorities of the church, not one of whom had participated in the framing of this order, not one of whom was not his inferior, had interpreted it, under the law of the church, that was binding upon him regardless of his personal opinion about it?

Interprets Thatcher's Claim.

Senator Smoot. I will say that his claim was that that rule applied to everybody in the church, as I understand it, and that he said that that was invading the citizenship of the members of the church. But at the trial, when the interpretation of that rule was made, deciding that it applied only to the higher officers of the church, then did Moses Thatcher say that that was his contention, and that he was satisfied with it. I think that his testimony here so shows, while he was testifying before this committee, although I have not looked it up. It just came to my mind.

Mr. Tayler. Now, as a matter of fact, he was, while a candidate for the United States Senate, threatened by the high officials of the church, and by the church organ, with church influence to defeat him.

Senator Smoot. I do not know as to high officials in the church, but I know the Deseret News, in some of their articles, as I remember them, stated that Moses Thatcher's fight was anti-church, and that he based it upon that ground.

Mr. Tayler. And that the church would interfere to defeat him?

Senator Smoot. I do not remember that.

Mr. Tayler. Do you remember what the letter that Councilor Woolley wrote, which was printed by the Deseret News and introduced here in evidence by yourself, said about that?

Senator Smoot. I remember a Mr. Woolley from St. George writing a letter to his boys.

Mr. Tayler. And that was published in the pamphlet which contains the church's side of this controversy, was it not?

Senator Smoot. I remember so.

As Woolley Understood It.

Mr. Tayler. In which he said: "While there may be a difference of opinion as to the wisdom of the course being pursued by the Deseret News in threatening the supporters of Thatcher for the Senate with church power, still I would rather have an open fight at any time than to be stating one policy for the outside to hear and pursuing another in secret, so that I am willing to stand by the church in an open fight for any principle of right, and at no matter what cost." Do you understand that that stated the fact?

Senator Smoot. That stated it as Mr. Woolley understood it.

Mr. Tayler. Is not that the fact? Did he state the fact?

Senator Smoot. I could not say, Mr. Tayler.

Mr. Tayler. Now, respecting this matter of difficulty which Moses Thatcher

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had and for which he was tried, do you not know that this high council which tried him found that Moses Thatcher had "exhibited an apostate spirit and was un-Christianlike in his conduct" in several respects, and I want to refer briefly to two or three of them. In that he charged. —"the authorities of the church with bad faith in declaring, first, that they would not interfere in politics, and next, that they intended to and would so interfere." Is not that what they charged him with?

Senator Smoot. If that says so, I should judge so.

Mr. Tayler. You have undertaken to tell us what was the trouble. Was not that the trouble?

Senator Smoot. No; I have not undertaken to tell it.

Mr. Tayler. I thought you did here the other day. Do you not know what the trouble was?

Knew There Was Trouble.

Senator Smoot. I know there was trouble between Moses Thatcher and some of the quorum of the twelve a number of years before this.

Mr. Tayler. Now, I want to call attention to the actual thing for which he was tried. You have undertaken to leave the impression, honestly, of course—I am not criticising that—that the trouble for which Moses Thatcher was tried was old, and that it had but slight and trivial relation to this political manifesto that the church had issued and to his candidacy for the United States Senate.

Senator Smoot. I did not wish to convey that impression at all. I only made the statement I did in relation to there having been a feeling—and there had been difficulties for years before—between Moses Thatcher and some of the quorum of the twelve, and they were not in harmony in their business relations. I understood, and I so stated, I think, that this question of interference, as he claims, was a part of the complaint and a part of the trouble.

Mr. Tayler. Was he not charged with "an apostate spirit" and being "un-Christianlike in his conduct," because he said: "The spirit of the manifesto, as it appealed to me, was in violent antagonism to all I had believed and publicly proclaimed for many years, and I could not and so far have not been able to bring myself to a point where I believed I should yield my political judgment to any set of men, however praiseworthy their intentions."

Manifesto or Rule, Which?

Senator Smoot. I think where he says "manifesto" he means the rule of 1896.

Mr. Tayler. Yes; undoubtedly. We are talking about the political manifesto, not the manifesto of 1890.

Senator Smoot. And, as I stated, that was his contention—that that applied to all members of the church, and that is the reason why he felt it was not conducive to good membership.

Mr. Tayler (reading): "When the manifesto"—he continued, and he is charged with acting in an un-Christianlike way for saying this: "When the manifesto was presented to me it appeared to my mind as a command on all to recognize the right of the church authorities to control political concerns; it meant, so far as I was concerned, a recantation of the principles I had for years advocated—a receding from the ground I had occupied during the division movement, and, above all, it made me feel that I would be untrue to myself." And so on.

Senator Smoot. That would be true if the construction of the manifesto had been as he thought it was when he wrote that.

Mr. Tayler. And because he said this: "No legislator can keep his oath of office inviolate if he or she allows the officials of an ecclesiastical organization to control his actions within the province of the State."

Senator Smoot. I rather think he said that.

Mr. Tayler. Do you see any criticism properly to be urged against that statement?

Senator Smoot. I do not. If there was any church that tried to control the action of any legislator it would be wrong and most reprehensible.

His Understanding.

Mr. Tayler. Why do you understand that he was tried for saying that—"No legislator can keep his oath of office inviolate if he or she allows the officials of any ecclesastical organization to control his actions within the province of the State"—if there was no such effort being made or thought of?

Senator Smoot. I think he must have been making the statement that the church was doing that, and they claimed that they were not.

Mr. Tayler. And he is charged with un-Christianlike conduct and an apostate spirit for having said this: "Doubtless a great struggle is now inaugurated in Utah. A struggle for freedom, for liberty, for the integrity of free government, for the principles incorporated in American institutions. If the State is to be controlled by the dictation of the church its sovereignty is lost and its independence is a myth, an iridescent dream." And so on.

Senator Smoot. If it is a charge against him, it must have been based upon the fact that he had made a statement to that effect.

Mr. Tayler. At the close of the findings the high council which tried him, before their decision, say: "It was also very gratifying to hear Brother Thatcher acknowledge the apostles as the mouthpieces of the Lord." You understand that an apostle is a mouthpiece of the Lord?

Senator Smoot. Not unless he speaks by command from the Lord. I understand that the president of the church when speaking to the church is the mouthpiece of the Lord.

Mr. Tayler. Do you want to correct this statement of the high council?

Senator Smoot. Oh, I could not say as to that. I could not be—

Mr. Tayler. Is it correct that the apostles are the mouthpieces of the Lord?

Senator Smoot. I do not so understand it.

Mr. Tayler. Then this is not correct?

Mouthpiece of Lord.

Senator Smoot. I do not think the apostles are the mouthpieces of the Lord. I think the president of the church when speaking—

Mr. Tayler. They go on to say: "The apostles as the mouthpieces of the Lord, clothed with authority as prophets, seers, and revelators." That is right.

Senator Smoot. I think a man is a prophet when he speaks by the spirit of prophecy.

Mr. Tayler. Now, let us not get men and apostles mixed, Senator.

Senator Smoot. An apostle—

Mr. Tayler. You are an apostle?

Senator Smoot. I think an apostle can only be a prophet when he speaks with the spirit of prophecy.

Mr. Tayler. Very well. Then this would have been quite as accurate if it had said: "It is very gratifying to hear Brother Thatcher acknowledge that all good Mormons are the mouthpieces of the Lord, clothed with authority as prophets, seers, and revelators." Is that right?

Senator Smoot. They are not sustained as such. That would be the only difference.

Members of High Council.

Mr. Tayler. Do you know who formed this high council—the chiefs of it?

Senator Smoot. I know who the presidency of the stake were.

Mr. Tayler. Who were they?

Senator Smoot. Angus M. Cannon, Joseph E. Taylor and C. W. Penrose.

Mr. Tayler. Three of the most intelligent, ecclesiastically speaking, of all your church authorities?

Senator Smoot. Oh, I could not say that.

Mr. Tayler. In the decision we find that "The charges against Brother Moses Thatcher have been sustained, and that in order to retain his standing and fellowship in the Church of Jesus Christ of Latter-day Saints he publish a statement to the satisfaction and approval of the presidency of this stake of Zion fully covering the following points." Then follow a number of points, to one or two of which I wish to refer. First, although they are not numbered in the decision, but I will so designate them: "That in taking the position that the authorities of the church, by issuing the declarations of principles on April 6, 1896, acted in violation of pledges previously given and contrary to what they had published in the Deseret News and given to the Salt Lake Times, he was in error and in the dark."

Says Thatcher So Stated.

Senator Smoot. Moses Thatcher so stated, that he was mistaken in that matter, I understand.

Mr. Tayler. I will come to his language in a moment. "That he now sees there is no conflict between that declaration and their former utterances in reference to political affairs. That he was mistaken in conveying the idea that the church authorities desired and intended to unite church and State or to exercise undue influence in political affairs. That wherein the public has been led to believe through his utterances that the leaders of the church were forging chains to bind the members of the church, an impression was created which he did not intend and does not wish to prevail. That wherein he has placed the authorities of the church in a false position, however unintentionally, he has done them an injustice, and is ready to make such amends as lie in his power. That he acknowledges the first presidency and council of the apostles as God's servants, as prophets, seers, and revelators, and their authority as supreme in the church." Do you shy at the word "supreme?"

Don't Understand Question.

Senator Smoot. I do not know what you mean by "shying."

Mr. Tayler. I mean, do you feel, as Doctor Talmage did, as though something was going to happen if you permitted yourself to face that word squarely?

Senator Smoot. I can not tell how Doctor Talmage felt. I do not want to avoid a thing, or a question, or anything that may be asked me. I will answer to the best of my ability.

Mr. Tayler. Undoubtedly, Senator, but you heard Doctor Talmage when I introduced the word "supreme" here the other day respecting the first presidency, did you not?

Senator Smoot. I do not want—

Mr. Tayler. Did he not shy all around that word, claiming that I was digging a pit, or his counsel did, because I was trying to put the word "supreme" into his mouth?

Senator Smoot. I was out at the time when Doctor Talmage so testified.

Mr. Tayler. But that is right?

Senator Smoot. Not as I understand it. I do not understand that the presidency and the twelve apostles are supreme in all things. I understand that anything pertaining to the church presidency of the church is at the head of the church.

Mr. Tayler. That is what Moses Thatcher agreed to, anyhow?

Senator Smoot. That I cannot say, either.

Swallowed It All.

Mr. Tayler. Did not Moses Thatcher swallow this whole thing—bait, line, hook, everything—without a qualification or reservation? Did he not, Senator?

Senator Smoot. I think he accepted that.

Mr. Tayler. I will read what he said.

Mr. Smoot. That will be better.

Mr. Tayler (reading): "Brother Thatcher's Indorsement.—Without qualification or mental reservation I accept this decision in full. Moses Thatcher."

Senator Smoot. He accepted it, then.

Mr. Tayler. This is what Moses Thatcher also agreed to, according to these findings: "That he was in error in stating in his published letter to President Lorenzo Snow: 'During all these weary months, while friends and physicians believed I was on the verge of the grave, I was administered to only once by members of our quorum, although day after day engagements made for that purpose were, for reasons unknown to me, not kept.'" Then the finding: "In this connection he may state that one such engagement was not kept, but that this was not an intentional breach of promise."

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Do you recall that? "That in speeches and published letters he has used expressions which had been better unsaid, and that he regrets their utterance. That he knows of no higher allegiance or more solemn and binding obligations than those of a religious character between a man and his God. That in speaking of 'chains,' 'oppression,' 'curtailment of liberty,' 'malice,' 'anger,' 'spite,' and 'revenge,' he did not intend to reflect upon the authorities of the church in any way, and is grieved that his language has been so construed."

Senator Smoot. I think that was one of the charges that he was tried on, and now he says it is not true.

Mr. Tayler. Do you think that when he did make use in this connection of the words "chains," "oppression," "curtailment of liberty," "malice," "anger," "spite," and "revenge," he did not intend to reflect upon the authorities of the church in any way?

Mr. Worthington. I object to that question unless the witness shall be shown the connection in which Moses Thatcher is alleged to have used the language. How can anybody say whether Moses Thatcher intended to cast a reflection upon the church unless he is shown the connection in which Thatcher used the language? Moreover, I object, Mr. Chairman, to the witness being interrogated as to what he thinks Moses Thatcher meat by writings which are in evidence in this case.

First Presidency Supreme.

The Chairman. I should like to ask you a question in this connection, Senator. Is the first presidency supreme in all affairs relating to the church?

Senator Smoot. The first presidency is supreme in all affairs pertaining to the church.

The Chairman. In everything relating to the church?

Senator Smoot. Well, of course, when it comes to a question of a revelation that is to be binding upon the people, the president himself receives it, and it must be accepted by the people. He could not be supreme in that sense. But what I mean is that by being the head of the church—

The Chairman. He is supreme in the government. As head of the church he is the supreme head?

Senator Smoot. He is the highest authority in the church.

The Chairman. Am I to understand you to say that the apostles are not prophets?

Senator Smoot. I say they are sustained prophets. I qualified it in this way, by saying that I do not think a man is a prophet at any time unless he speaks by the spirit of prophecy, or, in other words, I do not believe that a man has always the spirit of prophecy upon him.

The Chairman. I think I can make myself clear. You think that the president of the church communicates directly with God; that he has direct revelations?

God Speaks Through President.

Senator Smoot. If God desired to speak to his people, it would be through the president of the church.

The Chairman. Does God speak through the apostles in the same way?

Senator Smoot. Oh, no; not in the same way.

Senator Overman. Then what do you understand to be the authorities and duties of the twelve apostles?

Senator Smoot. The apostles are advisers to the presidency of the church. They meet with them and counsel with them, and their duties are, of course, defined in the Doctrines and Covenants; they are those of directing the missionary work and as missionaries to the world.

Senator Overman. Only in missionary matters?

Authority of Apostles.

Senator Smoot. I was going to say, Mr. Senator, and further than that, if they are at home they are under the direction of the first presidency, to go into stakes and organize those stakes, providing they act by direction of the first presidency. But an apostle has no more authority in a stake of Zion or in a ward in which he lives than a lay member has, unless he has been sent there by the presidency to act in their stead.

Senator Overman. Does each one of them have separate and defined duties to perform?

Senator Smoot. No, they have not.

Senator Overman. They are only advisers of the first presidency?

Senator Smoot. The first presidency.

Mr. Tayler. And the seat of the authority that selects his successor?

Senator Smoot. When the president dies the only authority for the direction of the church rests with the twelve apostles.

Mr. Tayler. They act in the interim as the head of the church and nominate the man who is to succeed the dead president?

Senator Smoot. Yes, sir.

Mr. Tayler. Now, I also asked you the other day whether it was not necessary that the apostles should be unanimous, and you said you thought not.

Senator Smoot. I know they have not been.

Mr. Tayler. Of course, they are not unanimous at all stages, but I read from section 107 of the Doctrine and Covenants, verse 23: "The twelve traveling counselors are called to be the twelve apostles, or special witnesses of the name of Christ, in all the world, thus differing from the officers in the church in the duties of their calling."

Twelve Apostles Special Witnesses.

Senator Smoot. Let me have the volume, please (reading). "The twelve traveling counselors are called to be the twelve apostles, or special witnesses of the name of Christ, in all the world; thus differing from other officers in the church in the duties of their calling."

Mr. Tayler. Those are the twelve apostles?

Senator Smoot. Yes; those are the twelve apostles.

Mr. Tayler. I now read from the next verse, the 24th: "And they form a quorum equal in authority and power to the three presidents previously mentioned."

Senator Smoot. That is correct.

Mr. Tayler. That is, the first presidency?

Senator Smoot. Let me explain what that means before you go any further. That means that in case the presidency of the church is disorganized by the death of the president, or otherwise, the quorum

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of the twelve apostles are equal to the presidency and they become the leading authority of the church.

Mr. Tayler. I was not raising that question now.

Senator Smoot. That is what it means.

Mr. Tayler. That is not what I am after now. I want merely to identify those as the twelve apostles. Will you please read verse 27?

Senator Smoot (reading): "And every decision made by either of these quorums must be by the unanimous voice of the same; that is, every member of each quorum must be agreed to its decisions, in order to make their decisions of the same power or validity one with the other." Which means this, that if the presidency of the church is disorganized, the quorum of the twelve apostles are then in power or at the head of the church, and it takes the unanimous vote of that quorum on any question that may come up to equal a decision of the presidency of the church if they were at the head of the church.

Mr. Tayler. Now there is no presidency of the church, and there are only twelve apostles. Then you say the twelve apostles must be unanimous?

Explains Church Workings.

Senator Smoot. I want to go on further and state this: If the twelve apostles were all dead and the seven presidents of seventies took charge, it would be the same; or, in other words, whenever the presidency of the church is disorganized the quorum which has the authority to make rules binding upon the church, or to pass anything that would be binding on the people of the church, after presenting the same to the people, must be unanimous to be equal to the decision of the presidency of the church.

Mr. Tayler. Then during the time that the twelve apostles were at the head of the church they could not act at all unless they were unanimous?

Senator Smoot. I never asked that question, whether it was in that respect or not; whether they would have to be unanimous to elect a president or not; because that has never come to my attention. This is a section on priesthood, defining the duties and the callings of each of the quorums of the priesthood.

Senator Overman. If I understand you, then, Senator, you say that as to things political and temporal the twelve apostles have nothing to do, and never discuss such subjects. Am I to understand that?

Senator Smoot. They are asked many times about things temporal which pertain to the church only.

Senator Overman. Church institutions?

Opposed Erecting News Building.

Senator Smoot. Yes; that the church own. For instance, take the Deseret News building, which the church built on the corner of South Temple and Main streets. They built it for the purpose of a home for the Deseret News, and also an office building. That question was brought before the quorum of the twelve by the presidency of the church for advice. I stated then that I was opposed to that, and I gave as my reason why I was opposed to it, that I would much prefer the church to get out of debt rather than to go in debt to build a building that would not pay interest on the amount of money invested. You ask as to my own affairs. The church has no more to do with my personal affairs than you, Senator.

Senator Overman. Now, let the reporter read my question and see if you have answered it completely.

The reported read as follows: "Senator Overman. If I understand you, then, Senator, you say that as to things political and temporal the twelve apostles have nothing to do and never discuss such subjects. Am I to understand that?"

Senator Smoot. I stated that they discussed things temporal as far as the temporal things pertained to the church.

Politics Said to Be Eschewed.

Senator Overman. You do not discuss political matters at all.

Senator Smoot. We do not discuss political matters as a quorum of the twelve.

Senator Overman. That was included in the question, and I thought you would like to answer as to that. Those matters are never discussed?

Senator Smoot. They are never discussed in the quorum of the apostles.

Mr. Tayler. But you do discuss all matters in which the church has business or temporal interests?

Senator Smoot. Yes. If the church has temporal interests, whenever the presidency of the church ask our advice, we give it, and give it freely as we think best.

Mr. Tayler. The church owns not only the building, but owns the Deseret News, does it not?

Senator Smoot. Yes; they own the Deseret News.

Senator Dubois. How much did the building cost, Senator?

Senator Smoot. I do not know what it cost, but my opinion—

Senator Dubois. Are taxes paid on it?

Senator Smoot. Oh, yes.

Criticising Priesthood.

Mr. Tayler Now, to continue with the line I was pursuing, do you understand that it is forbidden in the church to criticise the priesthood—to complain of them?

Senator Smoot. I understand that it is not a proper thing to do that, at least until you go to them and let them know that you have a grievance against them.

Mr. Tayler. But you ought to go at it through some higher authority?

Senator Smoot. No; but you ought to go at it yourself right direct to the person against whom you have a grievance.

Mr. Tayler. The Juvenile Instructor is a church publication, is it not?

Senator Smoot. It is published by a company.

Mr. Tayler. Is it not a church affair?

Senator Smoot. No, the church does not own it. I will say this, however, that the publication is distributed to the church people—

Mr. Tayler. We find here in the record an article by George Q. Cannon, published in the Juvenile Instructor. "The Lord has not given to the members of the church the right to find fault with or condemn those who hold the priesthood." Do you agree to that?

Senator Smoot. I think that men speaking, and sometimes writing, make remarks which are their thought, and I do not

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think the people accept them, and I am sure it is not binding on them, and I think that anybody has the right to do what they want to, if they desire. But I do believe that, as a member of the church, where they have a grievance or where they feel that there is a fault it is proper for them to go to the party direct themselves and make it right.

The Chairman. Then what is the answer to the question, if the reporter will read it.

Cannot Find Fault.

The reporter read the question as follows: "Mr. Tayler. Yes. 'The Lord has not given to the members of the church the right to find fault with or condemn those who hold the priesthood.' Do you agree to that?"

Senator Smoot. I think the Lord has given a man the right to do that.

Mr. Tayler. Or this: "Neither is it the right of an elder or other officer to judge or censure or speak disrespectfully and condemnatory of his file leader or of the men who preside over him." Do you think that is correct?

Senator Smoot. I do not think he would be justified in doing it without following the rule adopted by the church, to meet with him and discuss it.

Mr. Tayler (reading): "Has any man in the church such a right?"— It continues: "Certainly not. If file leaders or presiding authorities do wrong God will deal with them in the way he has ordained." Is that your view of it?

Senator Smoot. I think not. And I also think every man has a perfect right to say what he pleases here. I think if any man, whether a file leader or any other kind of a man in the church, does a wrong to a soul on earth God will punish him for it.

Mr. Tayler (reading): "There need be no fear that the Lord will neglect to hold his servants who lead or preside to a strict accountability for their conduct. He has made ample provisions, so that every person who is accused of wrong, however high his position in the church may be, can be brought to trial before a proper tribunal. No necessity will ever arise, therefore, for men to take upon themselves in their individual capacity the right to judge and condemn the Lord's servants." Is that your view of it?

Senator Smoot. My view is as stated first there, that there is not a person in the church, I do not care who, from the president to the humblest one, as to whom there is not a way to handle him for any wrong he may do.

The Chairman. I did not understand the question. I suggest that it be read again.

Senator Foraker. Do not read it again; it is quite long.

Mr. Tayler. I will read the latter part of it, and I ask Mr. Smoot whether he believes that this is the view that should be taken of the priesthood: "No necessity will ever arise, therefore, for men to take upon themselves in their individual capacity the right to judge and condemn the Lord's servants."

Senator Smoot. If one of the Lord's servants should do a wrong to me I would condemn him, and I would bring him to trial just the same as I would the most humble man in the church, and there are rules in the church for doing it.

Mr. Tayler. But you would go to him, would you?

Senator Smoot. I would try first to settle it with him, the same as I would with any other man.

Mr. Tayler. But you would not condemn him otherwise than by going to him and stating that if he did not make it right you would bring him before the proper church authority?

Senator Smoot. Of course I would.

Mr. Tayler. Is that the only way you would do it?

Senator Smoot. No; I would condemn him, and if it was not made right, I would file my complaint.

Mr. Tayler. Would you make public condemnation of him?

Senator Smoot. If he did wrong against me.

Mr. Tayler. Without going to the man?

Senator Smoot. No; I would go to the man. According to the rules of the church, I would first go to him, and then—

Mr. Tayler. You must go to him?

Senator Smoot. Not to him or anyone else in the church, Mr. Tayler.

Mr. Tayler. I read from the Journal of Discourses, by Brigham Young, page 457, where, among other things, he said: "No man need judge me. You know nothing about it, whether I am sent or not; furthermore, it is none of your business, only to listen with open ears to what is taught you, and serve God with an undivided heart."

Senator Smoot. That would never do today. I do not think that Brigham Young ever said that under any inspiration of the Lord, if he did say it.

Mr. Tayler. You have no doubt of his saying it? It is published in the Journal of Discourses.

Senator Smoot. There are quite a number of things in the Journal of Discourses which are not accepted by the church.

Mr. Tayler. I understand that, but you believe it to have been said?

Spirit Moves Them.

Senator Smoot. As I said before, our people are called up from the audience to speak. Nobody knows when he is going to be called on. There is no special preparation for any sermon. A man gets up and speaks, and sometimes I think he says things that perhaps he would not say under calmer consideration. I know men sometimes speak under the spirit of inspiration, as it were. At other times it is a labored effort on their part, and they can hardly express themselves.

Mr. Tayler. Now, what do you think about the spirit that moved Joseph F. Smith, December 5, 1900, when he said this: "I believe that except we are one in those things which pertain to the building up of Zion we are not God's children. But I want to say to you that we are one. There is not that union amongst us that should exist. Sometimes when President Snow tells a brother what he would like him to do, he at once turns on his heel and says that comes in contact with his manhood and his independence, and he prefers to follow the bent of his own mind rather than to take such counsel?"

Senator Smoot. That man has a perfect right.

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Mr. Tayler. Who, Joseph Smith or the other man?

Senator Smoot. No; the man to complain. He has a perfect right to complain.

Mr. Tayler. Then Joseph Smith was not speaking the will of the church?

Senator Smoot. Oh, he was speaking thus: That is was the wish of the authorities of the church, and the church itself, more than likely, that there should be unity among the members of the church, and which I believe would be a very good thing, not only in the Mormon church, but in any other church upon the earth.

Mr. Tayler. And that a man ought not to turn on his heel, when President Snow speaks to him, and say that conflicts with his manhood and independence?

But Would He Do So?

Senator Smoot. I do not say that. If he felt like that, that is what he has a right to do.

Mr. Tayler. And he continued in this way: "The question in my mind is this: Who is to judge who is the good man and the wise man? If you leave me to judge, I say one man; if you leave Brother Brigham to judge, he may say another man; or, if you leave it to the people to judge, one says this is a wise man, and another says that is the wise man. The question with me is: Am I in a frame of mind that when I get the word from the Lord as to who is the right man, will I obey it, no matter if it does come contrary to my convictions or predilections?"

Senator Smoot. I think this is what he meant—that his judgment as to the good man may be one, mine may be another, just as he says there; but if the Lord should speak to him and tell him that it was such and such a man, then he would certainly obey the Lord.

The Chairman. That is the rule today, Senator?

Senator Smoot. If the Lord should tell me, Mr. Chairman, and I knew it was the Lord, I do not think I would disobey it.

The Chairman. You would obey the command under such conditions?

Senator Smoot. If God spoke to me.

Who Are Living Oracles.

Mr. Tayler. What are the living oracles?

Senator Smoot. As I understand, they are men who preach the Word—the living oracles are.

Mr. Tayler. The men who preach the Word?

Senator Smoot. Preach under the inspiration of the spirit of our Lord.

Mr. Tayler. They are only oracles when they speak with the inspiration of the Lord?

Senator Smoot. I think so.

Mr. Tayler. I see the statement here, on page 459, by Apostle Merrill, who spoke —"Of the great goodness of the Lord in granting living oracles and prophets to the Latter-day Saints and said that the prophecies of the present were to be preferred to the Bible or to the Book of Mormon."

Mr. Worthington. I object to Mr. Tayler assuming in this question that Mr. Merrill said that. All that the testimony shows is that The Daily Tribune published the statement that Mr. Merrill made that statement. There is no proof that he made it.

The Chairman. I suppose, Mr. Tayler, your point is to ascertain from the Senator whether he is in accord with that declaration or with such a declaration?

Mr. Tayler. I do not say that Merrill said it. I say he is reported to have said it.

Mr. Worthington. You said he said it. Let the reporter read it. The reporter read as follows:

Question Is Read.

"Mr. Tayler. I see the statement here, on page 459, by Apostle Merrill, who spoke—"

Mr. Tayler. Change that. I see, beginning on page 459 of the record, an extract from the Deseret Evening News of Monday, October 4, 1897, in which Apostle Merrill is reported to have said: "The value of the living oracles of God for the present guidance of the people was strongly emphasized. President Wilford Woodruff spoke briefly upon the comparative value of the living oracles and the written word of God."

Senator Smoot. As I understand that, I suppose that is what you want me to give you, is it not?

Mr. Tayler. Yes.

Senator Smoot. It means that men speaking today under the inspiration of the Lord, their counsel is just as good as the counsel of the ancient prophets when they spoke under the inspiration of the Lord.

Mr. Tayler. In the Journal of Discourses, volume 5, page 83, are some remarks by President Woodruff. You knew President Woodruff in his lifetime?

Senator Smoot. I did.

Mr. Tayler. He there said: "Now, whatever I might have obtained in the shape of learning by searching and study respecting the arts and sciences of men, whatever principles I may have imbibed during my scientific researches, yet if the prophet of God should tell me that a certain principle or theory which I might have learned was not true, I do not care what my ideas might have been, I should consider it my duty, at the suggestion of my file leader, to abandon that principle or theory. Suppose he were to say the principles by which you are governed are not right, that they were incorrect, what would be my duty? I answer that it would be my duty to lay those principles aside, and to take up those that might be laid down by the servants of God." Have you any doubt about his having said that?

Senator Smoot. I do not know that he said it. I could not say whether he did or not.

Mr. Tayler. The Journal of Discourses is published by the church?

Senator Smoot. My opinion is if it is in the Journal of Discourses, more than likely he said it.

Mr. Tayler. At least until 1890 the people of the church did live up to that principle, did they not?

Senator Smoot. I could not say that they did—as broad as that.

Mr. Tayler. That is, the latter part of it?

Senator Smoot. I never heard it preached in that way in my life.

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More About Endowment.

Mr. Tayler. Senator, you testified respecting the endowment ceremony. Did you ever go through it more than once?

Senator Smoot. But once.

Mr. Tayler. That was before you were married?

Senator Smoot. Before I was married.

Mr. Tayler. You did not take any endowments when you were married?

Senator Smoot. I did not.

Mr. Tayler. But you were married in the Temple?

Senator Smoot. I was.

Mr. Tayler. You say you have no recollection of the ceremony in detail?

Senator Smoot. I could not give it in detail.

Mr. Tayler. But I understand you to say positively that there was nothing at all in the ceremony about avenging the blood of the martyrs or prophets?

Senator Smoot. I said so.

Mr. Tayler. You heard the testimony of Mr. Dougall here, a witness who was put on the stand by you?

Senator Smoot. I did.

Mr. Tayler. You heard his statement that they were importuned to avenge the blood of the martyrs upon this generation?

Senator Smoot. I heard him say so.

Mr. Tayler. You say there is nothing at all like that in the ceremony?

Senator Smoot. I do not recall it, nor do I believe there is.

Mr. Tayler. I understood you to say a few moments ago that there was nothing in the ceremony anywhere like that. You said that positively—that there was nothing in the ceremony about avenging the blood of the martyrs or avenging the martyrs.

Senator Smoot. You never asked me that, Mr. Tayler.

Mr. Tayler. I ask it now. Is there anything in the ceremony about avenging the blood of the martyrs or the martyrs?

Senator Smoot. No; there is not.

Knew Dr. Richards.

Mr. Tayler. Do you know Dr. Heber John Richards?

Senator Smoot. I do.

Mr. Tayler. Who is he?

Senator Smoot. He is a doctor who lives in Provo now I think he has returned from Europe.

Mr. Tayler. What relation, if any, is he to Franklin S. Richards?

Senator Smoot. I do not know that.

Mr. Tayler. I did not know whether he was one of the Richards family which has been prominent in the history of Utah and the church. Is he?

Senator Smoot. Yes, his father was in the church.

Mr. Tayler. Is he a Mormon?

Mr. Worthington. Who; the father or Heber John?

Mr. Tayler. Heber John. He said his father was in the church.

Senator Smoot. I do not know whether he was ever cut off by the church or not, or whether he professes to be a member of the church.

Mr. Tayler. You do not know whether he ever was a member of the church?

Senator Smoot. I think he was.

Old Investigation Cited.

Mr. Tayler. You remember there was an investigation on the subject of the endowment and the covenants there, before Judge Anderson of the United States District court, some fifteen years ago?

Senator Smoot. I remember that at the time when there was a very bitter political fight there between the People's party and the Liberal party there was an investigation before Judge Anderson for the purpose of keeping as many of the Mormon people as possible from voting or registering, and they took that means of doing it.

Mr. Tayler. And they had a very extended examination on the subject of what the endowment ceremony was, at least so far as related to the oaths or covenants or obligations, as claimed?

Senator Smoot. As I remember it.

Mr. Tayler. If Dr. Heber John Richards, put on the stand by the applicants—that is to say, by those who claimed there was nothing improper in a good Mormon voting—when asked the question whether there was any covenant to avenge the blood of the prophets upon this Nation—

Worthington Objects.

Mr. Worthington. One moment. I object.

The Chairman. What is the question?

Mr. Worthington. Here is an attempt on the part of counsel to get into this record something alleged to have been testified to by a witness in a case which was pending in a court in Utah twelve or fifteen years ago. It is a matter that bears upon the question of what is the obligation which a member of the Mormon church takes when he goes through the endowment ceremonies.

The Chairman. What do you seek to show, Mr. Tayler?

Mr. Tayler. The witness has said that there is nothing in the ceremony about avenging the blood of the prophets. I am going to refresh his memory about it—that there was something of that sort in the ceremony.

Mr. Worthington. I do not object in the slightest degree to the witness being pressed on that question.

Mr. Tayler. It may be perfectly innocent and proper, and I think if I suggest to him what was testified to by a Mormon, at the instance of the Mormons, when they were undertaking to attack this claim that a good Mormon could not be a good citizen and an elector—that what the witness said was the foundation of the claim that there was a vow of vengeance—will refresh his recollection, and may furnish the explanation.

Worthington Warms Up.

Mr. Worthington. I have no objection to your asking the witness whether such and such things will not explain what took place, but I do object, under the guise of a question, to having incorporated into the record in this case what counsel is informed in some way was testified to on the subject by some other witness in a case that occurred twelve or fifteen years ago.

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The Chairman. I do not understand that you seek to show what the ceremony is by proving what somebody else said in some other case.

Mr. Tayler. I suggest that you let me finish the question—

Mr. Worthington. What we object to is putting into this record what it is alleged in the pamphlet which counsel apparently holds somebody else said on some other occasion.

Mr. Tayler. Let me get it in, and then it can go out if it is not proper. He said: "In the fore part of the ceremony, in the anointing, they anointed my right arm that it might be strong to avenge the blood of the prophets; but that was all that was said."

Mr. Worthington. I have stated my objection. I should like to have a ruling upon it.

Chair Seeks Information.

The Chairman. What is the objection?

Mr. Worthington. That counsel, in the guise of a question, is attempting to incorporate into this record what he alleges was testified to by somebody else in another proceeding, to which Mr. Smoot was not a party and had no chance to cross-examine the witness.

The Chairman. This is done, the chair understands, merely for the purpose of refreshing the recollection of the Senator.

Mr. Worthington. Let me ask the Senator a question. Were you present, Senator, at the trial?

Senator Smoot. No; I was not.

Mr. Worthington. You did not hear it?

Senator Smoot. No; I did not.

Mr. Worthington. Then we object to refreshing the witness's recollection by something that he never heard of until it was put to him here. Of course, if a man has testified on a former occasion, or written anything, or made a memorandum of the matter, the statement may be laid before him for the purpose of refreshing his recollection by showing that at that time he knew something which he has forgotten since. But I submit that that cannot be done by bringing before his mind something that it is alleged somebody else said on some other occasion when he was not present.

Mr. Tayler. You can refresh a man's recollection on cross-examination in any way you can. You can refresh your own witness's recollection in certain very narrowly-defined ways. But I think that this will refresh the Senator's recollection fairly.

Mr. Worthington. Then I think he should be asked whether his recollection can be refreshed by being informed that somebody else testified fifteen years ago, in another judicial proceeding, that something of the kind happened—a proceeding of which he never heard until now.

Direct Question Suggested.

The Chairman. Why not ask the Senator the direct question if any ceremony of that kind was performed?

Mr. Worthington. Yes; I have no objection to that.

Mr. Tayler. If the chairman thinks that that is the proper course—

The Chairman. It will serve to refresh his memory, possibly.

Mr. Tayler. Does the question I have asked, Senator, refresh your memory?

Senator Smoot. No, Mr. Tayler; it does not.

Mr. Tayler. Then you have no recollection of anything of the sort, said to have been testified to as having occurred in connection with anointing the arm during the early part of the ceremony?

Senator Smoot. No, sir; I do not.

Mr. Tayler. Did any such thing occur at that point?

Senator Smoot. Not as I remember.

Mr. Tayler. Is it a mere case of blankness of memory? Is that all you can say about this business?

Senator Smoot. I do not know, Mr. Tayler; I cannot call it to mind in any way.

The Chairman. Let me ask a question, because I am sure, Senator, you want to be understood. How long did it take to perform this ceremony?

Senator Smoot. My judgment would be from the beginning to the end about three or four hours.

The Chairman. Were others present?

Senator Smoot. Yes, thirty or forty, I should think; maybe not so many.

Refuses to Give Details.

The Chairman. Will you state that ceremony?

Senator Smoot. I could not do it.

The Chairman. State what you are able to recall?

Senator Smoot. I would very much prefer not to, Mr. Chairman.

The Chairman. Why not?

Senator Smoot. I have conscientious reasons for it. I made a vow, not an oath, with my God, not with any man, not with the president of the church or with a living soul; but I did make a vow that I would keep those endowment ceremonies sacred and not reveal them to anybody, and I have kept that all my life, and if I went out of the church tomorrow and remained out of the church until I was gray-headed I would never feel that it was my duty, nor would I divulge what little even I remember of them.

The Chairman. Is that the whole of your answer? You can, then, at this time recall some portions of the ceremony?

Senator Smoot. Very little of it.

The Chairman. I say you can recall some portion of it.

Senator Smoot. I could not recall it so as to be accurate, Mr. Chairman.

The Chairman. But I understand you to say that you decline to state that portion of it which you can recall?

Senator Smoot. With all due deference and respect to the committee, I would prefer not to.

The Chairman. That you entered into an obligation, I understand you to say, not an oath, but a promise, with the Lord, not to reveal these things?

Senator Smoot. I did.

Declines to State Penalty.

The Chairman. Was there any penalty attached in the obligation for its violation?

Senator Smoot. I prefer not to say anything further, Mr. Chairman.

The Chairman. Do you remember whether there was or not?

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Senator Smoot. I prefer not to say anything further.

The Chairman. Do you know why the oath of secrecy or the obligation of secrecy was imposed? What was there in the ceremony that makes secrecy a necessity?

Senator Smoot. It is a purely religious ordinance, and refers absolutely to man's hereafter, and it has nothing whatever to do with anything other than man to his God; and I suppose that it is an ordinance in our church, and the rule is that it be not revealed.

The Chairman. Were there any signs, passwords, or grips?

Senator Smoot. I prefer, Mr. Chairman, to say nothing about it.

The Chairman. I will not press it, of course. You decline to state any of the ceremony, and for the reasons you have stated?

Senator Smoot. And for the reasons I have stated.

The Chairman. Do you belong to any other organization in the church except the apostles?

Senator Smoot. That is all.

The Chairman. You are a member of the Melchizedek priesthood?

Senator Smoot. I took that many years before I was an apostle. I have stated, Mr. Chairman, that the Melchizedek priesthood is the same that an elder holds, and that priesthood was given to me when I was ordained an elder, and after that I was set apart as a seventy, when I went upon my mission. The apostle does not hold any more priesthood than the elder does—not one bit.

The Chairman. Is that a secret order?

Senator Smoot. Oh, no. Ordination is done in public meetings.

Question of Tithes.

Senator Overman. How much money is collected each year by the church in the way of tithes; what is the total sum?

Senator Smoot. I could not say. I do not know.

Senator Overman. Have you any idea?

Senator Smoot. I would not want to give a guess at it, and it would be a mere guess.

Senator Overman. Do you collect as much as a million dollars?

Senator Smoot. I have understood that some years it was about that and some years under.

Senator Overman. Say it is a million. How is it invested?

Senator Smoot. Of course, I know little about that. There is about $140,000 of it that goes to the educational institutions. I am only telling you just what I have heard indirectly. There is about $100,000 of it that goes for the feeding of the poor, other than what they collect as fast offerings in the wards. Then there is a great deal of it that goes for the payment of missionaries' fares returning home. They pay their own fare and expenses while upon a mission, but if they serve a mission two years, a faithful mission, and receive honorable release, their fare is paid home.

Senator Overman. What I wish to get at is this: Is any of it invested in industrial and commercial institutions?

Senator Smoot. The church has some of those, but the church is in debt, Mr. Senator. They issued bonds, you know, and I think they have outstanding bonds to the extent of about $1,000,000, with some $200,000 or something, as I remember it—

What Church Owns.

Senator Overman. Has the church stock in banks?

Senator Smoot. They have very little.

Senator Overman. In railroads.

Senator Smoot. I do not know of any that they have in railroads.

Senator Overman. In sugar refineries?

Senator Smoot. They have in sugar factories.

Senator Overman. This store is owned by the church?

Senator Smoot. Oh, no; not 7 per cent of it. Mr. Senator, of the Z. C. M. I. not 7 per cent is owned by the church. I think there is 40 per cent of the stock of the Z. C. M. I. owned by non-Mormons.

Senator Overman. How much? Forty per cent, did you say?

Senator Smoot. I think that is the last estimate I heard, or a little over that.

Senator Hopkins. Suppose, Senator, 60 or 75 per cent were owned by the church. Would it make any practical difference in the issues before us?

Senator Smoot. I own stock in it.

Mr. Worthington. That question was not addressed to the witness.

Senator Hopkins. I made the suggestion to my colleagues on the committee.

Senator Overman. To me?

Senator Hopkins. Yes.

Senator Overman. It might be very interesting as showing the power of the church and what it does in Utah, we think, outside of Mr. Smoot.

Senator Foraker. The committee has not gone beyond Smoot's relation to the matter?

Senator Overman. The investigation has gone very far into what the church is doing in Utah. I wanted it for my own information, in order that I might know what power the church has in the way of owning commercial industries, and as to the independence of the people.

Fling at Senators.

Senator Smoot. I assure you there are many Senators of the United States who own a great many times more money than the church does.

Senator Overman. I want to find out what influence the church has. In fact, I have a letter from out there, and I am inquiring for my own information.

Senator Smoot. I will answer any question.

Senator Overman. I have a letter from out there, suggesting outside of Mr. Smoot that the power of the church there, in commercial and industrial institutions, is such that a man outside of the church has no independence whatever. Now, I want to know whether that is the fact, for my own information, and not as affecting Senator Smoot.

Mormons in Business.

Senator Smoot. It is not true, Senator. I was just looking over, today, some of the leading institutions of Utah, and as my thought goes back now to the business concerns of our capital city, Salt Lake, it seems to me that the Mormon people

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there are fast going out of all kinds of business. You can take the wholesale grocery business. You can take the great retail grocery stores, and, outside of the Z. C. M. I., there is not one Mormon store that amounts to much. Take the banks. Outside of one or two banks, of the thirteen banks there, they are all Gentile; that is, the Gentiles control them. The largest bank there, Mr. McCornick's bank, and the second one, Wells-Fargo & Co., are Gentile institutions. Then, I suppose, comes the Deseret National bank, which is not in any manner a church institution. There are Mormons and Gentiles on the board of directors, and I am one of the directors of that bank. It is not a Mormon institution by any manner of means. Then take the wagon and machinery business. There is Studebaker's, with a mammoth concern; there is the Utah Implement company, a great big concern. It is true the Mormons have the control of the Co-operative Wagon and Machine company, but Banker McCornick is a director in that institution there, and a good many others, too.

Senator Overman. I want to know whether the church has a majority of the stock in these institutions so as to control them.

Senator Smoot. I do not believe they have one cent in the Deseret National bank, and I do not think the church has bank stock to the amount of $20,000; no, I do not think it is $15,000 in all the banks in the State of Utah.

Takes Back an Answer.

Senator Bailey. Senator Smoot, you made one answer that I think you would want to revise on reflection. In reply to a question by Senator Overman as to the extent that the church is interested in these industrial enterprises you said that it did not own as much money as many United States Senators have. That implies, I think, rather a reflection. The charge here, in its widest scope, is that the Mormon church controls the politics and industries of Utah. The ownership of the Mormon church in these various industries might be entirely pertinent to an inquiry of that kind. But there is no charge that any Senator is controlling either the politics or the industries or the religion of a State. I hardly think that was a very apt reply.

Senator Smoot. Mr. Chairman, I wish it distinctly understood that I had no intention whatever of casting a shadow of a doubt on a single Senator.

Senator Bailey. I am not one of the Senators who would take any offense at that, and I think some of them are a little richer than is necessary.

Senator Smoot. I shall ask then that that part of the answer be stricken out.

The Chairman. If there be no objection, that will be done.

Senator Overman. Inasmuch as my colleague has intervened, I will ask you this question: Have not these questions been asked other witnesses—I mean the same questions that I have been asking you?

Senator Smoot. I would be only too pleased to answer any questions you might possibly ask.

How President Can Be Deposed.

The Chairman. In your church economy is there any method by which the president can be deposed?

Senator Smoot. Yes; there is. If he commits any un-Christianlike act, or in any way, shape or form does anything that would unfit him for that place, he can be tried just the same as any member of the church.

The Chairman. And if found guilty?

Senator Smoot. And if found guilty, he can be removed from the church and from his presidency.

The Chairman. You heard the testimony here, I believe, of Joseph F. Smith, in which he testified that he was living in defiance of the law of the land?

Senator Smoot. I did.

The Chairman. Did you also hear him state that he was living contrary to the divine law?

Senator Smoot. I heard him testify, and make his qualifications.

President Defies Law.

The Chairman. That he is living in defiance of the divine command. Has the church proceeded against him for the violation of these laws?

Senator Smoot. They have not.

The Chairman. No steps have been taken to try him for the offense of polygamous cohabitation?

Senator Smoot. No, sir.

The Chairman. I understood you to say this morning that it is the province of the apostles to counsel and advise the president?

Senator Smoot. When asked by him.

The Chairman. Only when requested?

Senator Smoot. Yes.

The Chairman. You are not, then, at liberty to advise him unless requested?

Senator Smoot. I do not think he would object to it at all if I did.

The Chairman. Are you at liberty to advise him unless requested?

Senator Smoot. I do not think President Smith would object if I did. I do not know that I have any special right to do it, but I do not think he would object to it.

The Chairman. I think my question was very plain. You have the right to advise him, even if he does not request it?

Senator Smoot. That is a question which it is hard to answer yes or no, and I do not want to—

Heard President Testify.

The Chairman. After you heard President Smith testify here that he was living in violation of the laws of the State and of the law of God did you see him in the committee-room and elsewhere?

Senator Smoot. I did.

The Chairman. How long was he here?

Senator Smoot. Here in Washington, do you mean?

The Chairman. Yes. I am not particular about it—two or three days?

Senator Smoot. Two or three days.

The Chairman. You saw him frequently?

Senator Smoot. Not frequently. I saw him, though.

The Chairman. Did you make any protest to him about his manner of living?

Senator Smoot. I did not.

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The Chairman. You have visited Utah since? You have seen him at Salt Lake since?

Senator Smoot. I have.

Made No Protest.

The Chairman. Have you protested against his living in polygamous cohabitation? Have you in any way sought to bring him to trial?

Senator Smoot. I have not.

The Chairman. Do you intend to?

Senator Smoot. I do not.

The Chairman. Do you remember how many children he said had been born to him since 1890?

Senator Smoot. I think he said eleven.

The Chairman. And by all of his five wives?

Senator Smoot. That I am not positive of.

The Chairman. Now, with the full knowledge of these facts, testified to by him, you sustained him in October last?

Sustained Him, Nevertheless.

Senator Smoot. I did. If that is all you desire to ask, Mr. Chairman, I should like to say this: The manifesto as it was voted upon by the people had no reference to unlawful cohabitation. Two years after that there was an interpretation put upon it by President Woodruff, and it was his advice and counsel to the people to adhere to that interpretation, stating that he was going to do it, and he advised all of the other people to do it. The question of unlawful cohabitation has never been presented and sustained by the people and voted upon at a general conference, and I take it for granted that perhaps some of the members of the church have felt that it was not binding upon them for that reason. But, Mr. Chairman, there is another reason that I stated in my testimony the first day that has a great deal of bearing upon this subject and it is this: That after the manifesto was issued, from that time until Statehood, and from Statehood until this hearing, there was a disposition among all classes of people there to tolerate the old conditions, thinking that that was the best and the easiest and the quickest way to have that condition solved, and I believe today that it will be solved by the people of Utah just as quick as death will remove them.

The Chairman. You not only did not reprimand President Smith for his conduct, but you sustained him in October last in a public assembly?

Senator Smoot. When he was presented to be voted upon as president of the church I voted for him as such.

Not Displeasing to Smoot.

The Chairman. Have you indicated to him directly or indirectly that his conduct is displeasing to you?

Senator Smoot. I have not.

The Chairman. Have you resigned your position as an apostle? Have you severed your connection with the Mormon church?

Senator Smoot. I have not.

The Chairman. And you intend to retain your relationship and your apostolic position and sustain the president in his crimes?

Mr. Worthington. I object to that—that he intends to sustain the president in his crimes.

The Chairman. I will modify the question. I will ask the witness whether he intended to sustain Mr. Smith in the commission of this crime?

Senator Smoot. I do not sustain any man in the commission of crime.

Has Not Made Complaint.

The Chairman. You sustained him in living in polygamous cohabitation?

Senator Smoot. I have not said that.

The Chairman. Did you not sustain him in October last?

Senator Smoot. I sustained him as president of the church.

The Chairman. And you have made no protest to him personally?

Senator Smoot. It is not my place as an officer of the law nor within my place as a citizen of Provo. That is where I live. It is not my place to make any complaint to the officers of the law against President Joseph F. Smith.

The Chairman. Against the head of the church?

Senator Smoot. Against Joseph F. Smith or John Henry Smith; I do not care whether he is the head of the church or a man living there.

The Chairman. Then you think that your relation as an apostle does not impose upon you any duty to make complaint against the head of the church for any offense?

Senator Smoot. I do not think it would be my duty.

Legislative Statistics.

The Chairman. What was the composition of the Legislature which elected you. I mean as between the Mormons and the Gentiles?

Senator Smoot. I should say, roughly speaking, there was a third of the Republican part of the Legislature who were Gentiles and two-thirds Mormons.

The Chairman. How many members of the Legislature were there?

Senator Smoot. There were sixty-three in all, but they were not all Republicans.

The Chairman. I mean the total membership of your Legislature, in the House and Senate.

Senator Smoot. Sixty-three; eighteen in the Senate and forty-five in the House.

Senator Overman. Some of the Democrats were Mormons?

Senator Smoot. Oh, yes.

Senator Overman. And they did not vote for you?

Senator Smoot. Oh, not a Democrat.

Senator Overman. The Democratic Mormons voted for the Democratic caucus nominee?

Senator Smoot. Yes.

Mr. Worthington. Was their nominee a Gentile or a Mormon? It was Gov. Wells—

Senator Smoot. Oh, no; the Democratic nominee was Joseph L. Rawlins, to succeed himself. He was a non-Mormon.

Senator Overman. A Gentile, and the Democratic Mormons voted for him?

Senator Smoot. Every one of them.

John C. Graham's Case.

The Chairman. I understand you to say that a polygamous postmaster has been removed. At whose suggestion was it?

Senator Smoot. I could not say as to that.

The Chairman. What was his name?

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Senator Smoot. John C. Graham, of Provo.

The Chairman. When was he removed?

Senator Smoot. Four years and a half ago, maybe.

The Chairman. Do you know for what cause he was removed?

Senator Smoot. Because he was a polygamist.

The Chairman. Who asked his removal?

Senator Smoot. I cannot say. I do not know.

The Chairman. I suppose the records of the office will show.

Senator Bailey. Senator Smoot, do you know Mr. Eph Homer?

Senator Smoot. I know him.

Senator Bailey. Do you know where he resides?

Senator Smoot. He resides in Provo, Utah county, Utah.

That Homer Circular.

Senator Bailey. Do you know whether he holds any political position or not?

Senator Smoot. He is county chairman of the Republican party of Utah county.

Senator Bailey. Is Utah county also the county in which you reside?

Senator Smoot. It is.

Senator Bailey. And Mr. Homer is chairman of the Republican committee for your home county?

Senator Smoot. For my home county.

Senator Bailey. Have you ever seen a political circular issued and circulated through that county a day or two before the last election signed by Mr. Eph Homer?

Senator Smoot. I heard that he sent out one, Mr. Senator, but I knew nothing of it when it was printed, and I did not know of it until I returned from Salt Lake. It was a day or two, I think, before the election.

Senator Bailey. Have you seen a copy of that circular since the election?

Senator Smoot. I believe I had my attention called to it.

Bailey's Pointed Question.

Senator Bailey. Is it not a fact that this chairman of a county committee, a political organization, issued a circular attack upon a candidate for Congress from Utah based upon that candidate's testimony before this committee?

Senator Smoot. I was very sorry to learn it, but I understood that he did.

Senator Bailey. You regard that as wholly improper, do you not?

Senator Smoot. Wholly improper, and if I had had anything to do with it I certainly would not have advised it or allowed it if I could have helped it.

Senator Bailey. I assume that you would rebuke such a method as that?

Senator Smoot. Certainly.

Senator Bailey. During the canvass of your State did you yourself carry with you a copy of the testimony which had been taken in this proceeding?

Senator Smoot. I did not.

Senator Bailey. You never exhibited that testimony to anybody for the purpose of prejudicing any voter against any candidate who had given testimony before this committee?

Smoot Used Testimony.

Senator Smoot. The only person I ever showed the testimony to, or the book to, was Wells McBride, I think, of Provo, and he asked me a question. I think it was based upon a statement that had been made by Mr. Roberts, although I am not sure as to that, in a speech at Lehi; something that was said about Mr. Powers, and he wanted to know what that testimony was, and I showed him just exactly what was in the testimony.

Senator Bailey. Who was Mr. Powers?

Senator Smoot. Mr. Powers was running for Congress.

Senator Bailey. He was a nominee for Congress. He was also a witness who had testified before this committee?

Senator Smoot. He was.

Senator Bailey. You only pointed out the testimony of this witness, a candidate, when you were specially interrogated about it?

Senator Smoot. When they asked me. Some question came up, and he said: "Have you the testimony to show?" and I showed him that testimony, as I told you.

Senator Bailey. And you showed it to only one man?

Senator Smoot. All that I can call to mind now.

Senator Bailey. And showed it to him at his request?

Senator Smoot. Yes; he asked me if I could. We were out in front of the bank there, talking; and he asked me if a certain statement was true, and I told him that it was in the testimony and he could come in, and I showed him the testimony.

Senator Bailey. You would not regard it as a proper thing to use the testimony of a witness, delivered before this committee under the committee's subpoena, as an argument against him, while the committee was still pursuing its investigation, would you?

Senator Smoot. I would not.

Could Resign Apostolate.

The Chairman. Senator, I want to ask one or two questions, that I may be more thoroughly informed. Are you at liberty to resign your apostolate?

Senator Smoot. I am, at any time.

The Chairman. You are not under any restraint from any authority by which you are not, at any time? You can at any time resign?

Senator Smoot. At any time.

The Chairman. And is there anything in the rules or practice of your church which would debar you from severing your connection with the organization, with the church itself?

Senator Smoot. None whatever.

The Chairman. You speak of the time when you took the endowments. I am not clear whether you stated if you were present at other times.

Senator Smoot. I never have been, Mr. Chairman.

The Chairman. And you have not officiated in any way in conferring the endowments at any time?

Senator Smoot. I never officiated in any way.

The Chairman. I think you said to the committee that you were surprised when you heard the president of the church

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testify as he testified before this committee.

Senator Smoot. As to the number of children that he had?

The Chairman. Yes. You were surprised?

Senator Smoot. I was surprised as to the number of children that he had since the manifesto.

Surprised at President's Testimony.

The Chairman. Then you were, of course, surprised to learn that he was living in polygamous cohabitation?

Senator Smoot. Well, I did not know that he was, and I had no reason to believe that he was.

The Chairman. Of course. Then you were surprised when he testified that he had had eleven children since the manifesto?

Senator Smoot. Yes, sir.

The Chairman. And that surprise still continues, I suppose?

Senator Smoot. No, sir; I know it now; or I think I know it, from what he testified to.

The Chairman. You regard him, I suppose, a truthful man?

Senator Smoot. I do.

The Chairman. Did you make known your surprise to him?

Senator Smoot. I did not.

The Chairman. Neither then nor at any time since, have you?

Senator Smoot. Neither then nor at any time since.

The Chairman. Do you know a man by the name of A. L. Morris, who at one time was of the firm of Morris & West, in Salt Lake City?

Senator Smoot. I cannot place him, Mr. Chairman.

The Chairman. Maybe I can refresh your recollection. Did you at any time know of a firm by the name of Morris & West, stock brokers?

Senator Smoot. I do not call it to mind.

The Chairman. Senator, have you at any time lived in Salt Lake City?

Senator Smoot. I was born in Salt Lake City in 1862, and lived there until I was 10 years old.

The Chairman. Have you since you were married?

Senator Smoot. I have not.

The Chairman. Have you had any residence there for any length of time?

Senator Smoot. I have not. I have stopped there with my wife's mother over night on a number of occasions.

The Chairman. Oh, yes. And where did she live at that time?

Senator Smoot. 216 East First South street.

About Penrose's Election.

The Chairman. I wanted to inquire about it. I think you said before the October conference there was a meeting of the officials of the church. Did I understand you correctly—that the president and apostles had a meeting and that there was some discussion about some matters?

Senator Smoot. Why, we had meetings right along, Mr. Chairman. I cannot call to mind what you have reference to.

The Chairman. I had reference to your testimony in chief in which you said there was a meeting of the president and the apostles a few days before the conference.

Senator Smoot. At the time Mr. Penrose was nominated?

The Chairman. Possibly.

Senator Smoot. Yes; I remember it.

The Chairman. What I want to inquire about, is whether at that time you made known to Mr. Smith and those present your surprise to learn that the president was living in polygamous cohabitation?

Senator Smoot. I did not.

The Chairman. You did not say anything to him about it? Was anything said about it by anyone?

Senator Smoot. Not that I remember.

The Chairman. Mr. Penrose was proposed, as I understood you to say, at that meeting, by the president of the church, to fill the vacancy in the apostolate?

Senator Smoot. Yes.

The Chairman. Was Mr. Penrose a polygamist at that time?

Polygamy No Bar to Smoot.

Senator Smoot. He was a polygamist. He had been married before the manifesto. But of course, as I said, you know, Senator, at the time I did not know it. But it would have made no difference to me, as I said before.

The Chairman. That is as I understand; but at the time you did not know he was a polygamist?

Senator Smoot. I knew he had been a polygamist, and I knew that one of his wives died. I never knew anything about his family, and I thought he had had two wives and, one dying, he only had the one; but it proved that he had, before the manifesto, three wives instead of two.

The Chairman. Do you know what his general reputation was at that time in that regard?

Senator Smoot. I never heard it mentioned.

The Chairman. It never came to your knowledge what his reputation was in that particular?

Senator Smoot. I never heard it mentioned, Mr. Chairman.

Position Plainly Stated.

The Chairman. I understand you to say you would have voted for him had you known him to be a polygamist?

Senator Smoot. Under the circumstances, that he was married before the manifesto

The Chairman. Then the fact, if it were true, that he was living in polygamous cohabitation would have made no difference with your vote?

Senator Smoot. Well, I knew nothing as to that, of course.

The Chairman. Suppose it be true that he was, and you had known he was, living in polygamous cohabitation since the manifesto; you would still have supported him?

Senator Smoot. In a church position; this was a church position.

The Chairman. So that would not have deterred you from voting for him?

Senator Smoot. I hardly think so.

Investigating Cowley.

The Chairman. I understood you to say, in your direct examination, I believe, but I want to be clear about it, that there is

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some investigating being conducted now in regard to Mr. Cowley?

Senator Smoot. I have understood so.

The Chairman. Do you know by whom that investigation is being conducted?

Senator Smoot. As I understood it, it was to be investigated by President Lyman. I am not, of course, positive of that, but that is as I understand it.

The Chairman. Do you know whether the investigation has been entered upon?

Senator Smoot. Well, Mr. Chairman, I say that, as I understand it, it has.

The Chairman. And have you any knowledge about it, as a matter of fact?

Senator Smoot. Only from what I have heard people say.

The Chairman. Have you made any inquiry to ascertain whether Mr. Cowley is now being investigated and what steps are being taken?

Senator Smoot. Not since I left home.

Not Preaching Against Polygamy.

The Chairman. I understand you, Senator, to state that you do not teach polygamy?

Senator Smoot. I do not.

The Chairman. Or advise it? You teach and preach sometimes?

Senator Smoot. I do.

The Chairman. Do you preach against polygamy?

Senator Smoot. I never have in a public gathering of people.

The Chairman. Why do you not?

Senator Smoot. Well, Mr. Chairman, I do not know why I should, or why I should not. It is not a tenet now of the faith and—that is, what I mean to say, it has been suspended, and I think it would not be proper for me to bring it up, because it is not preached, for or against.

The Chairman—So, while it is literally true that you do not teach or preach polygamy, you have not taught or preached against it?

Senator Smoot. No; I have not in a general—

The Chairman. So, while it is literally true that you do not teach or preach polygamy, you have not taught or preached against it?

Polygamous Cohabitation Not Denounced.

The Chairman. Senator, in your teaching and preaching have you at any time denounced polygamous cohabitation? And do I understand you to say you do not reprobate that practice and preach against it publicly?

Senator Smoot. I have not.

The Chairman. There is some uncertainty about the manifesto, as to its meaning, I believe; that is, whether it prohibits polygamous cohabitation or simply the taking of plural wives.

Senator Smoot. Well, the wording of the manifesto prohibts plural marriages.

The Chairman. There is some doubt among the authorities as to the point whether it prohibits polygamous cohabitation?

Senator Smoot. I can not speak for the authorities. I have heard it spoken of among the people.

The Chairman. The people then have doubt about that?

Senator Smoot. Some of them, I think.

The Chairman. To whom was this so-called revelation made?

Senator Smoot. To Wilford Woodruff, as I understand it.

The Chairman. Do you know how he interpreted it?

Senator Smoot. He interpreted it that it mean unlawful cohabitation as well as polygamous marriages.

The Chairman. And at the time he received this revelation he was president of the church?

Senator Smoot. He was.

Woodruff Kept His Word.

The Chairman. Is it your understanding that he abstained from polygamous cohabitation after that?

Senator Smoot. It has been so stated by the people there.

The Chairman. Well, is that your understanding?

Senator Smoot. I understand it so.

The Chairman. He was the president of the church at the time this revelation was made to him, I suppose?

Senator Smoot. That is as I stated.

The Chairman. I will ask you this: Was Mr. Woodruff, at the time this revelation was received, reputed to be a polygamist?

Senator Smoot. I think he was.

The Chairman. These revelations from God—take, for instance, the manifesto—are they made to the head of the church usually?

Senator Smoot. I think the manifesto was an inspiration from the Lord to Wilford Woodruff, the head of the church.

The Chairman. Are these revelations made as the result of an invocation or an appeal from the mortal to be advised in relation to a certain course of conduct, or do they come as a surprise?

Senator Smoot. I understand that this inspiration as to the manifesto came to President Woodruff by his pleading to the Lord for light. That is what his statement says, I think.

The Chairman. Do you know whether the president of the church has appealed to the Lord for another manifesto to interpret that, so that there would be no doubt about it?

Senator Smoot. I do not.

The Chairman. The Lord might be appealed to, I suppose, to clear that question up, could he not, Senator, from a proper source?

Senator Smoot. Oh, I guess anybody could appeal to the Lord.

The Chairman. No such appeal has been made that you know of. I think that is all.

His Vow to God.

Mr. Tayler. Senator, you said that you declined to reveal what occurred in the endowment proceedings because you had taken an obligation or made a vow or given a promise to God not to do so?

Senator Smoot. I did.

Mr. Tayler. How do you know that you made it to God?

Senator Smoot. Because that is the impression I had at the time, that I made that vow with my heavenly Father.

Mr. Tayler. I am not dealing with this in anuy even suggestive sacrilegious way, Senator, but I want to get the process, mental or moral, by which this thing oc-

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curred. You do not understand, do you, that God revealed himself to you at the time that you took this obligation?

Senator Smoot. No; I do not.

Mr. Tayler. You do not know that God required that obligation, do you?

Senator Smoot. I do not.

Mr. Tayler. Or that He called for it in any way, either upon you or anybody else?

Senator Smoot. He may have by instituting the endowment through His prophet, Joseph Smith, Jr.

Mr. Tayler. When did God institute these endowments, Senator?

Senator Smoot. I understood it was through his prophet, Joseph Smith, Jr.

Law of the Church.

Mr. Tayler. But have we not got all the law of the church bound up in the covers of these books?

Senator Smoot. As to the doctrine, perhaps so.

Mr. Tayler. Then, are there other revelations, not promulgated?

Senator Smoot. Not that I know of, Mr. Tayler.

Mr. Tayler. Well, what do you say about this endowment ceremony? Do you understand that that proceeded from God?

Senator Smoot. I have heard it so taught.

Mr. Tayler. Has it been approved by the church in conference?

Senator Smoot. That I cannot say.

Mr. Tayler. Do you understand that it ever was?

Senator Smoot. Well, they were started in the early days of the church. I do not know, Mr. Tayler.

Mr. Tayler. Is it not younr understanding, Senator, that the obligation of secrecy, by whatever name you describe it, is a mere voluntary offer made by the person who takes it?

Senator Smoot. I did not so understand it. I understood, as I stated, that it was an obligation that I made to my Heavenly Father to keep the endowment secret.

As to Obligation.

Mr. Tayler. Exactly. Now, what I want to be certain about, Senator, is whether or how the duty was laid upon anybody to make any such obligation to God.

Senator Smoot. I think the person takes the obligation upon himself.

Mr. Tayler. Yes; exactly. But whether God demanded that or not is quite important.

Senator Smoot. He never demanded it of me.

Mr. Tayler. He had not demanded it of you. If the endowment ceremony proceeded from God, did it proceed from a direct revelation from Him or because one of his mouthpieces ordered that method?

Senator Smoot. I can not say whether it was a direct revelation or not.

Mr. Tayler. So that when you say you made that obligation with God it is, after all, only that it was in your mind that you were promising God you would not reveal it?

Senator Smoot. It was in my mind and I believed that that was proper to do, and I promised.

Mr. Tayler. Why did you believe God would be unwilling that you should reveal that?

Senator Smoot. I thought that was an entirely religious ordinance, and I thought that was the mode and the rule and the law of the church and accepted it as such.

Mr. Tayler. Did you fear persecution if it should be known?

Senator Smoot. Oh, no; not at all.

Mr. Tayler. Then what reason would there be for secrecy in a religious vow of worship to Almighty God if there was no fear of persecution?

Senator Smoot. It is an ordinance that deals entirely with things spiritual and hereafter, and I do not know that it would be necessary to reveal it, nor wise, nor prudent.

Would Not Reveal It.

Mr. Tayler. What harm could result from revealing the method of religion in times when people were not persecuted for their beliefs?

Senator Smoot. I do not think there would be any special harm, Mr. Tayler, in revealing it, but I think it is an ordinance of the church, as I have stated, that they believe should be kept sacred and secret.

Mr. Tayler. So that, having taken the obligation with God, you would not reveal it, would you?

Senator Smoot. I do not feel like it would be proper for me to do so.

Mr. Tayler. Well, would you reveal it?

Senator Smoot. No; I do not think I would.

Mr. Tayler. Nothing could induce you to reveal that which, under the obligation you made to God, you said you would not reveal? Is that right?

Senator Smoot. Not anything that I could think of now.

Mr. Tayler. That is what I meant, of course. That is all.

Interpreting Manifesto.

The Chairman. Senator, I wish to know if you agree, as to the meaning of this manifesto, with the president of your church, who testified in 1891, when the question of church property was involved, at a hearing before Judge C. F. Loofbourow? Page 22, Joseph Smith's testimony. "Q. Do you understand that the manifesto applies to cohabitation of men and women in plural marriage where it had already existed? A. I cannot say whether it does or not. Q. It does not in terms say so, does it? A. No; I think, however, the effect of it is so. I don't see how the effect of it can be otherwise." Do you agree with the president of the church in that interpretation of it?

Senator Smoot. I remember the president of the church making that interpretation of it, but I do not agree that every member of the church could be bound by that until it was presented to them as the manifesto was, and accepted by them. I believe that was his interpretation.

The Chairman. Then you do not agree with him in that interpretation?

Senator Smoot. I cannot tell what his interpretation may be.

The Chairman. He has stated what his interpretation is: "The effect of it is so. I don't see how the effect of it can be otherwise."

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Senator Smoot. That was his interpretation.

The Chairman. Do you agree with his interpretation?

Senator Smoot. No; my interpretation is that it could not be binding upon the people until it was presented the same as the manifesto.

The Chairman. Is it a question of being presented by the terms of the manifesto itself?

Senator Smoot. The manifesto itself, Mr. Chairman, does not state that it includes polygamous cohabitation.

Dissents From President.

The Chairman. Then you do not agree with Mr. Smith in his interpretation?

Senator Smoot. Why, I cannot do so.

The Chairman. I simply wanted to know of the Senator whether he agreed with that interpretation, and I understand he does not. Mr. Woodruff, who received the manifesto, testified as follows: "Q. Did you intend to confine this declaration (the manifesto) solely to the forming of new relations by entering new marriages? A. I don't know that I understand the question. Q. Did you intend to confine your declaration and advice to the church solely to the forming of new marriages, without reference to those that were existing—plural marriages? A. The intention of the proclamation was to obey the law myself—all the laws of the land—on that subject, and expecting the church would do the same."

Senator Smoot. I remember that.

The Chairman. Do you agree with that?

Senator Smoot. I agree with that as his interpretation.

The Chairman. Yes; is it yours?

Senator Smoot. Not from the wording of the manifesto.

The Chairman. Well, either in the wording or the spirit, is that your interpretation?

Senator Smoot. I do not know as to the spirit, I am sure, what he thought.

The Chairman. What do you think?

Senator Smoot. I cannot say. All I can say is this, judging from the rule of the church.

The Chairman. Then, independent of that, you have no construction to put upon this manifesto?

Senator Smoot. Any further than just what the manifesto says itself.

How He Regarded Revelation.

The Chairman. From that you do not think it prohibits polygamous cohabitation, do you?

Senator Smoot. It did not in the manifesto.

The Chairman. What is that?

Senator Smoot. The manifesto did not.

The Chairman. And you so regard it today?

Senator Smoot. Taking the manifesto itself, I regard it that way.

Mr. Tayler. I think inquiry was made of you, Senator, about the filling of vacancies in the apostles?

Senator Smoot. In the apostles' quorum?

Mr. Tayler. In the quorum of twelve, yes. And how did you say that vacancy was filled?

Senator Smoot. Merely by the nomination by the president of some member for that quorum and voted upon by the quorum.

Power of Apostles.

Mr. Tayler. Is it not a fact that apostles can fill that vacancy instead of the president?

Senator Smoot. There never have been since I have been there.

Mr. Tayler. I did not ask that. I am speaking about the power.

Senator Smoot. Well, I do not so understand it.

Mr. Tayler. Do you recall President Smith testifying with reference to this very thing, "They have the power if they choose to do it, but I do not think they would do it?"

Senator Smoot. Well, I have no knowledge as to whether they could or whether they could not. This I can testify to, that they have not done it while I have been there.

Mr. Tayler. They never have. The president makes the nomination and the remaining apostles confirm, approve, or disapprove?

Senator Smoot. Yes, sir.

Mr. Tayler. But you are not prepared to say that the president is in error, or are you prepared to say he is right in saying that the remaining apostles themselves can fill a vacancy in their quorum?

Senator Smoot. I do not think they can, because the practice has been different from that since I have been in the quorum.

Mr. Tayler. Then you mean to say you think the president is mistaken when he says that?

Senator Smoot. Well, for all I know he is. I would not want to say he was not, because all I know is that the practice is contrary to that.

Mr. Tayler. This was the question of Senator Bailey, after one or two other sentences I do not need to read: "It is a question of power. If the apostles chose to do so could they elect a man over the protest of the president?" To which he replied: "I presume they could; but I do not think they would. But they have the power?" asked Senator Bailey, and Mr. Smith answered: "They have the power if they chose to do it; but I do not think they would do it."

Senator Smoot. I do not know how it could be done, unless a solid vote of the quorum would be equal to the vote of the presidency, and then there would be no election.

State Law on Polygamous Cohabitation.

The Chairman. I am sorry, Senator, to trouble you, but I wanted to ask another question. Is there any law in the State of Utah prohibiting polygamous cohabitation?

Senator Smoot. There is.

The Chairman. Then the president of your church is violating the law of the State?

Senator Smoot. He has so testified here.

The Chairman. And whether he is violating the divine law or not, under this manifesto, you have not made up your mind?

Senator Smoot. He stated that he was, himself, under his interpretation.

The Chairman. I am asking about your own interpretation. You are not clear about that?

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Senator Smoot. No; I am not clear about that.

The Chairman. That is what I understood. That is all.

Mr. Worthington. Senator, in reply to a question by Mr. Tayler, after he had quoted what John Henry Smith says, you said, adopting his language, that you believed in obeying the law because it is strong. Did you mean just that—that you believed in obeying the law simply because you had to and could not help yourself?

Senator Smoot. No; of course I obey the law because I think it is right.

Mr. Worthington. I knew you did not mean that.

Senator Smoot. I perhaps answered quickly, as I do in some of my answers, without consideration.

Mr. Worthington. You do not always see the little shades of meaning that Brother Tayler uses. In reference to this instrument that has been called the political manifesto, have you any knowledge, by reputation or otherwise, that anybody has ever asked consent to run for any office and been refused since that rule was adopted?

Senator Smoot. I do not know of anyone.

Mr. Worthington. You were asked something by Senator Dubois. I have forgotten what the question was, but it was, as I understood it, an intimation that this rule would not apply to any official of the church who asked for leave, unless it was to go into politics. Did you so understand it?

Senator Smoot. No; I understand that it applies to those officials to whom it should apply, no matter whether it is politics or business or anything that would take them away from their labors. No matter what it is.

Mr. Worthington. Now, on this question of the authority of the church, do you not know it is true that on this very matter of polygamy members of the church have publicly and openly announced that they did not believe in the principle of polygamy?

Senator Smoot. Yes; I know there have been members of the church who do it.

Mr. Worthington. Did you hear President Smith testify that they had said that to him?

Senator Smoot. I did.

Mr. Worthington. Did you ever hear of anybody being disciplined or interfered with for that promulgation?

Senator Smoot. I never have.

Mr. Worthington. I think you testified that when the missionaries are out in the performance of their duties they have the Doctrine and Covenants with them.

Senator Smoot. Yes; I testified so.

Mr. Worthington. Do they not also have all the standard books of the church that they are supposed to have?

Carry Church Books.

Senator Smoot. They have them all.

Mr. Worthington. They have the Bible, the King James translation, the Doctrine and Covenants, the Book of Mormon, and the Pearl of Great Price?

Senator Smoot. They do.

Mr. Worthington. The Book of Mormon contains a paragraph which prohibits polygamy, I believe?

Senator Smoot. I so construe it.

Mr. Worthington. And the Bible has certain passages which relate to a man having more than one wife?

Senator Smoot. Yes, sir.

Mr. Worthington. They have them all?

Senator Smoot. They have them all.

Mr. Worthington. Now, in the ordinary performance of the work of a missionary in your church, does he hand the Doctrine and Covenants to people with whom he is talking, so that they have the book?

Senator Smoot. They do not.

Mr. Worthington. And it is so with the other books, is it?

Senator Smoot. Unless they ask to purchase them, or something like that.

Mr. Worthington. You do not take this volume of the Doctrine and Covenants, which contains general information about celestial marriage and polygamy, and distribute that around among the people whom you want to convert, do you?

Senator Smoot. I do not think they do.

Mr. Worthington. I want to give you a chance, if you have made an error, to correct it, with reference to Joseph M. Tanner. I think you said that under President Smith he is the principal in command of the Sunday-schools of the church. Is that true?

Tanner Assistant Superintendent.

Senator Smoot. Mr. Tayler asked me what position he held, as I remember, and I said he was general superintendent of Sunday-schools, but I was mistaken in that. He is the second assistant general superintendent of Sunday-schools.

Mr. Worthington. In reference to this printed pamphlet that has been put in the record here, of instructions which have been given to teachers in the schools of the church, let me ask you whether you have been present when any of the teachers have been lecturing to the children on the subjects, or any of them, contained in that pamphlet?

Senator Smoot. Are you speaking of the religion classes?

Mr. Worthington. Yes.

Senator Smoot. No; I never was present.

Worthington Asks Question.

Mr. Worthington. Mr. Tayler read a few from the list of the persons whose biographical sketches are to be given to the children. I will take them up in their order, and ask you about them. The first one is President Smith. He happens to be the head of the church, does he?

Senator Smoot. Yes.

Mr. Worthington. The next one is John R. Winder. He is first counselor, is he not, to the president?

Senator Smoot. He is the first counselor to the president.

Mr. Worthington. The next is Anthon H. Lund. He is the second counselor to the president?

Senator Smoot. He is the second counselor to the president.

Mr. Worthington. The next is Francis M. Lyman, who is the president of the quorum of apostles? The next is John Henry Smith. He is the senior apostle, next to Lyman, is he not? The next in order is George Teasdale? And so of Grant and Taylor, Merrill and Cowley? The next is Abraham O. Woodruff, who

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has died since the pamphlet was issued, and whose place was filled by Mr. Penrose? The next is Rudger Clawson? Then yourself? Then Hyrum M. Smith, who was a witness here?

Senator Smoot. Yes.

Mr. Worthington. So that this book, instead of picking out the polygamists, takes the head officers of the church in the order of their official positions?

Senator Smoot. I should think so from that.

Mr. Worthington. The next is Patriarch John Smith?

Senator Smoot. Yes.

Mr. Worthington. We have all heard of John. He is the next in order in the general officers of the church. Then it takes up those who had been presidents of the church. It takes up George Q. Cannon, Brigham Young and Lorenzo Snow. Who is Karl G. Maeser, who is mentioned next?

Senator Smoot. He used to be the head of the church schools.

Mr. Worthington. Is he a polygamist or not?

Senator Smoot. He was a polygamist.

Mr. Worthington. Is he living now?

Senator Smoot. No; he is dead.

The Chairman. Who is the next?

Mr. Worthington. The next is Elder Franklin D. Richards, Elder George Goddard, Elder George Reynolds, Elder Joseph M. Tanner, Mrs. Zina D. Young—is that a woman's name?

Senator Smoot. Yes.

Mr. Worthington. She was not a polygamist, I suppose?

Senator Smoot. I do not know.

Mr. Tayler. Ask if she was a polygamous wife.

Mr. Van Cott. She was.

Mr. Tayler. That is all we could expect her to be.

More of Moses Thatcher.

Mr. Worthington. Now, as to this matter of the Moses Thatcher case, Mr. Tayler called your attention to some extracts from that record. I will ask your attention to one or two which he overlooked. I will ask you whether or not, in accepting the decision of the high council, parts of which decision Mr. Tayler read, he did not accompany it with this statement: "In accepting it as defined by the council I need violate none of the engagements heretofore entered into under the requirements of party pledges respecting the political independence of the citizen who remains untrammeled as contemplated in the guarantees of the State Constitution." Did he not accept it with that qualification or statement of how he understood it?

Senator Smoot. I think so.

Mr. Worthington. And then did not the high council accept his acceptance in these words: "We hereby accept the foregoing letter from Moses Thatcher and his indorsement of the decision of the high council * * * as a satisfactory compliance with that decision?"

Senator Smoot. If you suggest it is that, of course, it is so.

Mr. Worthington. So that the upshot of it was that Moses Thatcher maintained and the high council agreed that the rule did not in any degree interfere with the political independence of any member of the Mormon church?

Senator Smoot. I think I said so, Mr. Worthington.

What Would Happen.

Mr. Worthington. I knew you said so, but I wanted the record to show that you were right. On the question of the word "supreme," as to which Mr. Tayler referred to Dr. Talmage going around, let me ask you, in order that I may see if I entirely understand what you intend, what would happen in this case? The manifesto, you say, was submitted to the people as it was written, and it does not, as you say, refer to polygamous cohabitation, but to new plural marriages. Suppose President Woodruff afterwards did not interpret it as you said, but, as was read by my friend, or as the passage from which he read shows, he undertook to expand it so as to forbid polygamous cohabitation with wives who were wives at the time of the manifesto. Let me suppose that you had been a polygamist, and had insisted, in accordance with your interpretation of the manifesto, on living in polygamous cohabitation. What could he have done? What is his power over you in that regard? You were violating the manifesto according to his view, and not violating it according to your own. Is there anything he could have done except to have charges preferred against you before your bishop?

Senator Smoot. He could have preferred charges against me to my bishop.

Mr. Worthington. He could not have excommunicated you or disfellowshipped you?

Senator Smoot. Not until I had a hearing.

Mr. Worthington. He would have had to make charges before your bishops' court?

Senator Smoot. Yes.

Could Have Appealed.

Mr. Worthington. Suppose the bishop had taken his view and excommunicated you. What then?

Senator Smoot. I could have appealed to the high council.

Mr. Worthington. Suppose the high council had confirmed the excommunication. Then what could you have done?

Senator Smoot. I suppose I would have appealed to the president.

Mr. Worthington. Suppose the president had confirmed it. Then what could you do?

Senator Smoot. I could have appealed then to the assembled priesthoods of the church.

Mr. Worthington. In the end it is the people of the church, and not the presidency, that is supreme in that respect?

Senator Smoot. Yes; in that respect.

Mr. Worthington. Is not that so as to any matter which is brought formally before the presidency, upon which they are to adjudicate, in respect to any right of a member of your church? Does not the member have the right of appeal to the assembled quorums of the priesthood?

Senator Smoot. I understand so.

Mr. Worthington. In reference to the apostles being termed prophets: Have you, since you have been an apostle, undertaken to prophesy yourself?

Senator Smoot. No; I have not.

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Mr. Worthington. A discourse of Brigham Young's has been referred to, at page 457, which was delivered by him in 1852. I believe at that time he was not only the president of your church, but Governor of the Territory of Utah?

Senator Smoot. What year was that?

Mr. Worthington. 1852.

Senator Smoot. Yes; Gov. Young. He was Governor of the Territory at that time.

Mr. Worthington. By appointment of the President and by the advice and—

Senator Dubois. Confirmation of the Senate.

Mr. Worthington. By the advice and consent of the Senate of the United States. I was going to use another word and was trying to get the right word.

Senator Dubois. By and with the advice and consent.

Senator Smoot. He was appointed by and with the advice and consent of the Senate.

Mr. Worthington. In 1852, while he was Governor of the Territory and also president of the church, he formally and openly promulgated this rule as to polygamy. That is an historical fact that I think we all agree to.

Senator Smoot. That is as it has been testified to here.

Mr. Worthington. He continued to remain Governor of the Territory for the rest of his term, did he not—four years?

Senator Smoot. I think he did.

Mr. Worthington. At the expiration of his term, was he not—by the President of the United States—reappointed to that office in 1855 by President Pierce?

Senator Smoot. President Pierce appointed him, I think, in 1855.

Mr. Worthington. So that after he had promulgated the revelation of polygamy, and while, as we all know, he was a polygamist, living in polygamy, he was appointed Governor of that Territory by the President of the United States?

Senator Smoot. I believe that is the history.

Mr. Worthington. And served for several years afterwards. You used an expression here which perhaps could not be misunderstood; but in order to avoid the possibility of it I will ask you about it. You said there was a disposition in the State to tolerate old conditions. Did you mean by that to tolerate the old conditions of people taking plural wives?

Senator Smoot. Oh, cohabitation. No; not of plural marriage.

Mr. Worthington. You referred only to polygamous cohabitation, and not to polygamy?

Senator Smoot. That is all.

Leaves of Absence.

The Chairman. You speak about the leave of absence. Who grants that leave?

Senator Smoot. The presidency alone.

The Chairman. Do you know whether Mr. Cowley had leave of absence?

Senator Smoot. I stated, I think Saturday, that I did not know, Mr. Chairman.

The Chairman. You do not know, and you do not know what mission he is now on—what field he is now working in?

Senator Smoot. No; I do not know.

The Chairman. He is where?

Senator Smoot. That I cannot say.

The Chairman. To your best knowledge?

Senator Smoot. The last information I had, and I do not know that that was authentic, was that he was in Mexico.

The Chairman. Yes, in Mexico. Do you know whether he is working there in the interests of the church?

Senator Smoot. I do not know what he is doing.

The Chairman. Do you know what any of these apostles, your associates, are doing, who are now out of the country—who have left the country since this investigation was commenced?

Senator Smoot. I do not.

The Chairman. You do not know what they are doing. Have they all had leave to go?

Senator Smoot. I do not know a thing about it.

The Chairman. How many presidents of the church have there been?

All Presidents Polygamists.

Senator Smoot. Six, I think. Joseph Smith, Jr., Brigham Young, John Taylor, Wilford Woodruff, Lorenzo Snow and Joseph F. Smith.

The Chairman. How many of these were polygamists when they were president of the church, or reputed to be?

Senator Smoot. Well, it was reputed—all of them I believe, Mr. Chairman, were reputed to be.

The Chairman. You say the apostles working in the field, gathering the harvest, take with them the Bible and the Book of Covenants, and so on and so forth?

Senator Smoot. I said the missionaries took the standard works of the church.

The Chairman. Do the missionaries take the manifesto of 1890?

Senator Smoot. I understand they do.

The Chairman. Do you know whether they do or not?

Senator Smoot. I have been told so.

The Chairman. It is not published in your books, any of them?

Senator Smoot. I do not think so; not as yet. Only in the Articles of Faith. It is spoken of there, and I think it is in there; but I am not sure.

The Chairman. These books you say are not given to the searchers for truth in the various fields?

Senator Smoot. I understand not.

The Chairman. But they can buy them if they want them?

Senator Smoot. I think so.

Mr. Worthington. Permit me to ask one question, Mr. Chairman. Is not the manifesto published in a pamphlet by itself?

Senator Smoot. It is.

No Action Against Polygamists.

The Chairman. Has the church, as a church, to your knowledge, ever taken any action against members of your church practicing polygamous cohabitation?

Senator Smoot. I think I answered that this morning, Mr. Chairman, that they had not, to my knowledge.

The Chairman. I did not know that I had asked you.

Senator McComas. Senator Smoot, you say you obtained leave of absence from the Mormon church—

Senator Smoot. From the presidency of the Mormon church.

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Senator McComas. From the presidency of the church, when you came to attend the first session of the Senate?

Senator Smoot. I obtained it, Mr. Senator, before I even announced my candidacy for the Senate.

Senator McComas. But in order to know if I am right, did you also obtain the assent of the presidency of the church when you came to attend the first session of the Senate?

Senator Smoot. No; I told him when I first spoke to him that if I succeeded in my canvass and was elected Senator, my first duty would be here and whatever time it required of me to attend to that duty, that I should expect it as long as I held the position.

Senator McComas. So you have asked no other consent to go to the Senate of the United States from the presidency of the Mormon church?

Senator Smoot. Not since that date. I can leave any day I want, when it is a duty that calls me as a Senator.

Senator McComas. And that occurred when you were a candidate for the Senate—when you were on your canvass?

Senator Smoot. Yes; before I announced—before my canvass; yes.

Senator McComas. You have had no communication on that subject since with the presidency?

Senator Smoot. I have not.

Senator McComas. Nor deemed it necessary to have it?

Senator Smoot. It will not be.

Senator McComas. I wanted to understand how that was.

Senator Smoot. I had that distinct understanding with them to start with.

Senator McComas. That is all, Mr. Chairman.

Apostles and Mission Work.

Mr. Tayler. I understand you to say the apostles have charge of the mission work?

Senator Smoot. That is their special duty; they and the seven presidents of seventies.

Mr. Tayler. When an apostle goes out he goes out on mission work, does he?

Senator Smoot. When he is sent by the presidency.

Mr. Tayler. If he is away, out of the country, in Mexico, Europe, the Sandwich Islands, or Canada, is he not out on mission work of some sort?

Senator Smoot. Of course, I do not know, Mr. Tayler. I could not say as to that.

Mr. Tayler. Suppose he was?

Senator Smoot. If he was on missionary work, I should think he would be sent by the president of the church.

Mr. Tayler. Do not the apostles know about those things, if they are in charge of the mission work?

Senator Smoot. No; the apostles need not know whether the president sends any one of their membership out. The presidency can do that any time they want.

Church Can Recall.

Mr. Tayler. You think the same authority that can send out can recall?

Senator Smoot. If it is on church work, yes.

Mr. Tayler. They could not recall him unless he made affidavit that it was for church work, do you mean?

Senator Smoot. I do not think that, Mr. Tayler. What I mean is this: If it was a purely church calling, or if he was sent by a church call, the presidency could ask him to come back any time.

Mr. Tayler. Do you not think if the president of the church sent word to Heber Grant that he was wanted in this country it would be his duty to come?

Senator Smoot. I think he would.

Mr. Tayler. Without asking any questions?

Senator Smoot. He is there on a special mission of church work, and specially called for it, and I think he would come.

Taylor in Canada.

Mr. Tayler. If word were sent by the president to Apostle John W. Taylor that he was wanted in this country, do you think he would come?

Senator Smoot. Well, John W. Taylor, as I understand it, lives in Canada. That is his home. He has his business interests there, and I do not know whether he would or not, Mr. Tayler.

Mr. Tayler. You say that is his home?

Senator Smoot. I think it is.

Mr. Tayler. Has he no home in Utah?

Senator Smoot. He used to have a home, but all of his interests are up in Canada now.

Mr. Tayler. You mean his private personal interests?

Senator Smoot. Yes; his investments, and so on.

Mr. Tayler. Do you think he asks permission to go to Canada, or is he sent there?

Senator Smoot. Well, I do not know whether he asks permission to go there and make those investments or not. That was long before I was an apostle.

Mr. Tayler. The political manifesto, so-called, is supposed to refer to other things than politics, is it not?

Senator Smoot. Yes; it is.

Mr. Tayler. The same thing that would cause a man to lose his time, prevent him from attending to ecclesiastical duties, would require his obtaining consent, would it not?

Senator Smoot. They would.

Mr. Tayler. So that before Apostle John W. Taylor could take on any business enterprise that would take any of his time, he would have to get the consent of the church?

Senator Smoot. Either that or be out of harmony.

Argument Favoring Polygamy.

Mr. Tayler. Now, when your missionaries go out into the world do they not use this little book, entitled "Ready References. A compilation of Scriptural texts, arranged in subjective order, with numerous annotations from eminent writers; designed especially for the use of missionaries and Scripture students. Salt Lake City Utah: The Deseret News Publishing Company, Printers and Publishers, 1892?"

Senator Smoot. I think they used it quite freely, but since the Articles of Faith have been published I think they use the latter a good deal more than they do Ready References.

Mr. Tayler. That was used, was it not, long after the manifesto, and printed long after the manifesto?

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Senator Smoot. I do not know as to that, Mr. Tayler.

Mr. Tayler. Does not that little book contain an argument in favor of polygamy?

Senator Smoot. I think it has quotations from and references to the Bible, where it claims that polygamy is upheld by the Bible.

Mr. Tayler. Yes; for instance, "Plurality of wives sanctioned by the law?"

Senator Smoot. Yes.

Mr. Tayler. "Polygamous son blessed by the Lord"; "Polygamy right in the sight of God," and so on? There is a good deal besides Scriptural quotations, is there not, on the same subject?

Senator Smoot. I do not remember just what there is, but I think there is.

Mr. Tayler. Is there not quite a long argument, beginning on page 222, showing the historical—

Senator Smoot. I do not think that is used, Mr. Tayler.

Mr. Tayler. The historical facts about polygamy and its propriety and a large number of writers cited, covering some five printed pages of this volume?

Senator Smoot. I say I know that the book contains a great many references to the subject, but I do not believe it is used very much now as a ready reference among our missionaries.

Unanimity of Apostles.

Mr. Tayler. There was another thing to which I called your attention this morning and I could not find the reference I was then seeking in respect to the unanimity of the apostles. You testified this morning concerning the provision in the Doctrine and Covenants on that subject. Now, I want to call your attention to the remarks of John Henry Smith in connection with Moses Thatcher, on pages 255 and 256 of this record, where he says: "The presidency of the church"—and I want to ask you if this is in accordance with your view of the actual conduct of business in the first presidency and the quorum of twelve, "the presidency of the church and the council of the apostles, in their deliberations upon all questions that affect the well-being and interest of the cause, are as candid and frank in their consultations and expression of views as any body of men could possibly be." Is that right?

Senator Smoot. I have so experienced that. They say just what they want to say.

Mr. Tayler (reading): "But when a conclusion has been reached as to the course that should be pursued, it is expected that every man will give in his adherence to the course marked out, and with unfaltering voice and fixed determination, so that those counsels may prevail, so far as may be possible, among the whole people." That is right, is it not?

Senator Smoot. I do not think he has to go out and work for it, but I do not think he ought to oppose it after a majority of the council have agreed about it. For instance, Mr. Tayler, we have had questions come up, as I said, like that in regard to the Deseret News building. I remember another one that came up with regard to the location of the Latter-day Saints' university, at the head of Main street. I did not think it was a good location. My idea of that was to get out farther, where they could have plenty of land and have a school established there, and I opposed it just as long as I could.

Mr. Tayler. I understand that. Nevertheless, the proposition is correct, is it, that "it is expected that every man will give in his adherence to the course marked out, and with unfaltering voice and fixed determination?"

Senator Smoot. No; I think that is magnified.

Mr. Tayler (reading): "This feeling and sentiment has been expressed in telling language by President Woodruff and by President Lorenzo Snow, and I believe that every one of the council of the apostles, with the first presidency, would make a similar expression of views upon this matter were they to speak upon this subject."

Senator Smoot. That was John Henry's view, I take it.

Mr. Tayler. That is all.

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TESTIMONY OF JOSEPH F. SMITH

Joseph F. Smith, having duly affirmed, testified as follows:

Mr. Tayler. Where do you live, Mr. Smith?

Mr. Smith. I live in Salt Lake City.

Mr. Tayler. How long have you lived there?

Mr. Smith. Since 1848.

Mr. Tayler. I believe you were born of parents who were members of the Mormon church?

Mr. Smith. Yes, sir.

Mr. Tayler. So that all you life you have been in that church?

Mr. Smith. Yes, sir.

Mr. Tayler. What official position do you now hold in the church?

Mr. Smith. I am now the president of the church.

Mr. Tayler. Is there any other description of your title than mere president?

Mr. Smith. No, sir; not that I know of.

Mr. Tayler. Are you prophet, seer and revelator?

Mr. Smith. I am so sustained and upheld by my people.

Mr. Tayler. Do you get that title by reason of being president or by reason of having been an apostle?

Mr. Smith. By reason of being president.

Mr. Tayler. Are not all the apostles also prophets, seers and revelators?

Mr. Smith. They are sustained as such at our conferences.

Mr. Tayler. They all have that title now, have they not?

Mr. Smith. Well, they are so sustained at the conferences.

Mr. Tayler. I want to know if they do not have that title now.

Mr. Smith. I suppose if they are sustained they must have that title.

Mr. Tayler. Are they sustained as such now?

Mr. Smith. I have said so twice, sir.

Who Predecessors Were.

Mr. Tayler. Who were your predecessors in office as president of the church?

Mr. Smith. My immediate predecessor was Lorenzo Snow.

Mr. Tayler. And his predecessor?

Mr. Smith. Wilford Woodruff.

Mr. Tayler. And his?

Mr. Smith. John Taylor.

Mr. Tayler. Yes; go on back through the line.

Mr. Smith. Brigham Young.

Mr. Tayler. Yes.

Mr. Smith. And Joseph Smith.

Mr. Tayler. You are possessed of the same powers that they were possessed of?

Mr. Smith. Yes, I am supposed to be possessed of the same authority that they were.

Mr. Tayler. You believe yourself to be, do you not?

Mr. Smith.—I think I do believe so.

Mr. Tayler. I do not know that there is any significance in your use of the word "think," Mr. Smith, but one hardly thinks that he has a belief. He either knows or does not know that he has a belief.

Mr. Smith. I think I do.

Mr. Tayler. According to the doctrine of your church, you have become the successor of your several predecessors as the head of the church?

Mr. Smith. Yes, sir.

Mr. Tayler. And are supposed to be endowed with all the powers that they were possessed of?

Mr. Smith. That is my understanding.

His Business Enterprises.

Mr. Tayler. What is your business?

Mr. Smith. My principal business is that of president of the church.

Mr. Tayler. In what other business are you engaged?

Mr. Smith. I am engaged in numerous other businesses.

Mr. Tayler. What?

Mr. Smith. I am president of Zion's Co-Operative Mercantile Institution.

Mr. Tayler. What kind of an institution is that?

Mr. Smith. A mercantile institution.

Mr. Tayler. Has it a capital stock?

Mr. Smith. It has.

Mr. Tayler. How large?

Mr. Smith. I think it is a little over a million.

Mr. Tayler. Without having time to go into it, is that corporation, through its directorate, controlled by officers of the church?

Mr. Smith. No, sir; it is controlled by directors.

Mr. Tayler. Yes. I am not speaking of any churchly control of it, but I mean are the directors or a majority of them officers also in the church, just as you are an official and a director?

Mr. Smith. I hardly think a majority of them are officials of the church.

In Other Corporations.

Mr. Tayler. Of what other corporations are you an officer?

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Mr. Smith. I am president of the State Bank of Utah, another institution.
Mr. Tayler. What else?
Mr. Smith. Zion Savings Bank and Trust company.
Mr. Tayler. What else?
Mr. Smith. I am president of the Utah Sugar company.
Mr. Tayler. What else?
Mr. Smith. I am president of the Consolidated Wagon and Machine company.
Mr. Tayler. What else?
Mr. Smith. There are several other small institutions with which I am associated.
Mr. Tayler. Are you associated with the Utah Light and Power company?
Mr. Smith. I am.
Mr. Tayler. In what capacity?
Mr. Smith. I am a director and president of the company.
Mr. Tayler. A director and the president?
Mr. Smith. Yes, sir.
Mr. Tayler. Had you that in mind when you classified the others as small concerns?
Mr. Smith. No, sir; I had not that in mind.
Mr. Tayler. That is a large concern?
Mr. Smith. That is a large concern.
Mr. Tayler. Are you an officer of the Salt Lake & Los Angeles Railroad company?
Mr. Smith. I am.
Mr. Tayler. What?
Mr. Smith. President and director.
Mr. Tayler. That is a large concern?
Mr. Smith. No, sir; it is a very small concern.
Mr. Tayler. Of what else are you president?
Mr. Smith. I am president of the Saltair Beach company.
Mr. Tayler. The Saltair Beach company?
Mr. Smith. Yes, sir.

Interested in Light Company.

Mr. Tayler. What else, if you can recall?
Mr. Smith. I do not recall just now.
Mr. Tayler. What relation do you sustain to the Consolidated Light and Power company?
Mr. Smith. That is the same institution that you have mentioned, sir—the Consolidated Light and Power company. That is now consolidated. It is the Utah Light and Railroad company now.
Mr. Tayler. The Utah Light and Railroad company?
Mr. Smith. The Utah Light and Power company is the same thing—
Mr. Tayler. They have consolidated into the Light and Power company?
Mr. Smith. No, sir; the Consolidated Light and Railway company.
Mr. Tayler. The Consolidated Light and Railway company?
Mr. Smith. Yes, sir.
Mr. Tayler. Do those corporations furnish the electric light and urban traction in the city of Salt Lake?
Mr. Smith. Yes, sir.
Mr. Tayler. Altogether?
Mr. Smith. I believe they do.
Mr. Tayler. What relation do you sustain to the Idaho Sugar company?
Mr. Smith. I am a director of that company and also the president of it.
Mr. Tayler. Of the Inland Crystal Salt company?
Mr. Smith. Also the same position there.

In Theatrical Business.

Mr. Tayler. The Salt Lake Dramatic association?
Mr. Smith. I am president of that and also a director.
Mr. Tayler. Are you president of any other corporation there?
Mr. Smith. I do not know. Perhaps you can tell me. I do not remember any more just now.
Mr. Tayler. It would seem that the number has grown so large that it would be an undue tax upon your memory to charge you with naming them all.
Mr. Smith. It is rather sudden and unexpected to me. I perhaps might have prepared myself for it.
Mr. Tayler. What relation do you sustain to the Salt Lake Knitting company? Did I ask you about it?
Mr. Smith. No, sir; you did not.
Mr. Tayler. The Salt Lake Knitting company?
Mr. Smith. I am president of it, and also a director.
Mr. Tayeir. What relation do you sustain to the Utah National bank?
Mr. Smith. None, whatever.
Mr. Tayler. You are not a director?
Mr. Smith. No, sir.
Mr. Tayler. The State Bank of Utah? You have already testified respecting it?
Mr. Smith. Yes, sir.

Engaged in Mining.

Mr. Tayler. Are you an official of any mining companies?
Mr. Smith. Yes, sir.
Mr. Tayler. What?
Mr. Smith. I am the vice-president of the Bullion, Beck and Champion Mining company.
Mr. Tayler. Any others?
Mr. Smith. No; I think not; not now. I have been in times past, but not now.
Mr. Tayler. What relation, if any, do you sustain to any newspaper or publishing house or company?
Mr. Smith. I am the editor of the Young Men's Mutual Improvement Association, a periodical; the Improvement Era, and also the Juvenile Instructor.
Mr. Tayler. The Deseret News?
Mr. Smith. No, sir.
Mr. Tayler. You have no business relation with that?
Mr. Smith. No, sir.
Mr. Tayler. Now, what other business connections have you, Mr. Smith?
Mr. Smith. Really, I think I should have to go over the list again to see if I have omitted any.
Mr. Tayler. You do not recall any others?
Mr. Smith. I do not recall any others at present.

As to the Co-op.

Mr. Tayler. With respect to the Zion's Co-operative Mercantile Institution, respecting which I inquired of you a moment ago, let me ask you if I correctly read the names of the directors of that

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concern? Joseph F. Smith, H. J. Grant, J. R. Winder, H. Dinwoodey, P. T. Farnsworth, William H. McIntyre, Reed Smoot and T. G. Webber. They are all directors, are they?

Mr. Smith. Yes, sir; they are all directors.

Mr. Worthington. What is the name of that concern?

Mr. Tayler. Zion's Co-operative Mercantile Institution. There are quite a number of those whose names I have read who are apostles of the church?

Mr. Smith. Yes, sir; there are a few of them; quite a number of them.

Mr. Tayler. Grant, Winder, yourself, John Henry Smith, F. M. Lyman, Anthon H. Lund and Reed Smoot are all either members of the first presidency or of the quorum of the twelve apostles?

Mr. Smith. That is right; that is correct.

Who Started Church.

Mr. Tayler. I want to ask you a few questions, because it will enable us to get along more rapidly, and because you can speak concisely upon the subject, and we will understand where we are so much the better. I do not want to limit you, except that we do not want to take a great deal of time about it. You will understand, therefore, the purpose of the questions as I put them, as separated from the independent character of the question itself. I do not want to put words into your mouth respecting it. As I understand, the Mormon church was started by Joseph Smith, Jr.?

Mr. Smith. Yes, sir.

Mr. Tayler. Was he a relative of yours?

Mr. Smith. He was my uncle.

Mr. Tayler. And it was he who found, or through him that the plates were found, upon which were recorded what was afterward translated and published in the form of the Book of Mormon?

Mr. Smith. Yes, sir.

Mr. Tayler. Now, that occurred about seventy-five years ago, did it not?

Mr. Smith. Yes, sir; or a little more.

Mr. Tayler. Later Joseph Smith, from time to time, received revelations?

Mr. Smith. Yes, sir.

Mr. Tayler. And he himself died in 1844?

Mr. Smith. Yes, sir.

Mr. Tayler. To his power and authority in the church Brigham Young, as you have stated, succeeded?

Mr. Smith. Yes, sir; that is right.

Standard Authorities.

Mr. Tayler. What are the standards of authority in the Mormon church?

Mr. Smith. Do you mean the books?

Mr. Tayler. Yes; the written standards.

Mr. Smith. The Bible, the Book of Mormon, the Doctrine and Covenants, and the Pearl of Great Price.

Mr. Worthington. What is the last one?

Mr. Smith. The Pearl of Great Price.

The Chairman. Will you repeat that last answer?

Mr. Smith. I am asked what are the standard works of the church?

The Chairman. Yes.

Mr. Smith. I answered: The Bible, King James's translation; the Book of Mormon, the Book of Doctrine and Covenants and the Pearl of Great Price.

Mr. Tayler. Those are all of the written books which are authoritative and controlling upon the body of the church, are they?

Mr. Smith. They are the only books which I know of that have been accepted by the church in general assembly as the standard works of the church.

Mr. Tayler. Are they all considered of equal authority?

Mr. Smith. I presume they are.

Book of Mormon.

Mr. Tayler. The Book of Mormon came into existence in the manner you have already described?

Mr. Smith. Which you have already described.

Mr. Tayler. Well, I did not mean to be unfair about it. I mean it came through Joseph Smith?

Mr. Smith. I think you stated it very correctly, sir.

Mr. Tayler. The Doctrine and Covenants—the book so entitled—is made up chiefly of revelations made through Joseph Smith, Jr., or expositions, or declarations, or prophecies made by him, and perhaps one or two revelations there printed made through Brigham Young?

Mr. Smith. One, I think.

Origin Pearl of Great Price.

Mr. Tayler. So much for the origin of those. What is the origin of the Pearl of Great Price?

Mr. Smith. That also contains revelations through Joseph Smith.

Mr. Tayler. And anybody else?

Mr. Smith. No, sir; not that I know of, except that some of it is a translation of ancient manuscript by Joseph Smith.

Mr. Tayler. I see.

Mr. Smith. Joseph Smth is really the author.

Mr. Tayler. Then it is believed by the people of the Mormon church to have the same divine authority that the other three have?

Mr. Smith. Yes, sir.

Mr. Tayler. That the other three documents are supposed to have also?

Mr. Smith. Yes, sir; that is correct.

Mr. Tayler. Now, these various publications containing the inspired word have been, by authority of the church, from time to time construed and discussed, have they not?

Mr. Smith. I do not know, sir, that I understand the nature of your question. They are accepted.

Mr. Tayler. They are accepted?

Mr. Smith. By the church.

Mr. Tayler. By the church?

Mr. Smith. Yes, sir.

Mr. Tayler. Do you mean by that that the exposition of it has been accepted by the church?

Mr. Smith. What exposition?

Mr. Tayler. Any.

Mr. Smith. I do not know of any expositions that you may refer to.

Talmage's Articles of Faith.

Mr. Tayler. Take this work by Dr. James E. Talmage.

Mr. Smith. That is an exposition of the articles of our faith.

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Mr. Tayler. Exactly. Issued by what authority?

Mr. Smith. It is issued by James E. Talmage as the author of it.

Mr. Tayler. Yes. And is he alone responsible for the expression of opinion and the construction of the various laws and ordinances of the Mormon church?

Mr. Smith. Oh, no.

Mr. Tayler. I do not think you understand my question.

Mr. Smith. I do not think I do understand it.

Mr. Tayler. I will ask the stenographer to read it.

The reporter read as follows:

And is he alone responsible for the expression of opinion and the construction of the various laws and ordinances of the Mormon church?

Mr. Tayler. As given in that book?

Mr. Smith. I think he is.

Mr. Tayler. I only desire, Mr. Smith, to authenticate, as far as it rightfully may be done, this book and its construction and exposition of the doctrines of the Mormon church. I find in the preface to this book, which was published by the Deseret News in 1901, the following opening sentence:

The lectures are now published by the church, and with them goes the hope of the author that they may prove of service.

Is that correct?

Mr. Smith. That is correct.

Mr. Tayler. And further on:

The author's thanks are due and are heartily rendered to the members of the committee appointed by the first presidency, whose painstaking and efficient examination of the manuscript prior to the delivery of the lectures has inspired some approach to confidence in the prospective value of the book among members of the church. The committee here referred to consisted of Elders Francis M. Lyman, Abraham H. Cannon and Anthon H. Lund of the quorum of the twelve apostles.

And so on, naming others.

The lectures herewith presented have been prepared in accordance with the request and appointment of the first presidency of the church.

And so on.

Church Bought Copyright.

Mr. Smith.The church bought the copyright of the book from Mr. Talmage.

Mr. Tayler. And caused its publication?

Mr. Smith. The Deseret News published it, and the Deseret News, of course, is selling the book.

The Chairman. What is that?

Mr. Smith. It is selling the book—disposing of the book. It is really the property, so far as the expense of publishing is concerned, of the Deseret News. The profits do not go to the church. They go to the Deseret News company, or the Deseret News publishers.

Mr. Tayler. The lectures were delivered by the instruction of the first presidency?

Mr. Smith. No, sir; not by the instruction; by the permission and acquiescence of the first presidency.

Mr. Tayler. Then—

Mr. Smith. Let me say this: By the solicitation of some friends Dr. Talmage consented to deliver a series of lectures on the articles of faith of the church, and before doing so he consulted with the presidency of the church and received their permission and sanction to do it. Those are the facts in the case.

Organ of the Church.

Mr. Tayler. Is the Deseret News the organ of the church?

Mr. Smith. Well, I suppose it is in some sense the organ of the church. It is not opposed to the church, at least.

Mr. Tayler. It is not opposed to it?

Mr. Smith. Yes, sir.

Mr. Tayler. It has for years published, has it not, at the head of its columns, that it is the organ of the church, or the official organ of the church?

Mr. Smith. Not that I know of.

Mr. Tayler. Not that you know of?

Mr. Smith. No, sir. It has been called that. It is styled that.

Mr. Tayler. It is styled that, but you do not recall ever having seen, at the head of any page or on any page, in a conspicuous place in the Deseret News, the statement that it was the organ of the church, or the official organ of the church?

Mr. Smith. I do not recall that I ever saw it.

Mr. Tayler. You read that paper regularly, do you?

Mr. Smith. As much as I have time to read it.

Mr. Tayler. I can appreciate now the significance of that answer. How long have you been reading the Deseret Evening News?

Mr. Smith. I think it was started in 1851 or 1852; somewhere along there. I believe it was established along in the early '50s, and I have read it more or less ever since.

Mr. Tayler. Do you know who owns it?

Mr. Smith. How is that?

Mr. Tayler. Do you know who owns it?

Mr. Smith. I know who owns the building that it is in.

Who Owns News.

Mr. Tayler. Who owns the building in which it is published?

Mr. Smith. The church.

Mr. Tayler. The church?

Mr. Smith. Yes, sir.

Mr. Tayler. Tell us what you know about the owners of that newspaper.

Mr. Smith. It has been for a number of years past owned by a company—an incorporated company.

Mr. Tayler. What is the name of the company?

Mr. Smith. The Deseret News Publishing company.

Mr. Tayler. Do you know who its officers are?

Mr. Smith. Now, it is not owned by that company.

Mr. Tayler. Oh, it is not?

Mr. Smith. No; it is not.

Mr. Tayler. What do you know—

Mr. Smith. But I say for years it was owned by a company of that kind.

Mr. Tayler. What do you know about its present ownership?

Mr. Smith. I presume that the present ownership is in the church.

Mr. Tayler. You suppose the present owner is the church?

Mr. Smith. Yes, sir; the church.

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Mr. Tayler. Mr. Smith, we have referred to the work of Doctor Talmage and its origin. Was Orson Pratt—

Chair Asks Question.

The Chairman. Mr. Tayler, before you go to that subject, it was impossible to hear what Mr. Smith said in relation to the ownership of the Deseret News.

Mr. Carlisle. He says the church owns it now.

The Chairman. Was that your answer?

Mr. Beveridge. The paper and the building both.

Mr. Worthington. His exact answer was, "I presume the church owns it.

The Chairman. I wanted to get the answer. Is that your answer, Mr. Smith?

Mr. Smith. Yes, sir.

The Chairman. That you presume—

Mr. Smith. It is the present owner of the Deseret News.

Mr. Tayler. I do not want to have any misconstruction put upon your use of the word "presume." Do you use the word "presume" because you do not know that it is so owned?

Mr. Smith. I really do not know so that I could tell you positively.

Mr. Tayler. Who would know?

Mr. Smith. I presume I could find out.

Mr. Tayler. Could you find out before you leave Washington?

Mr. Smith. Perhaps so.

Mr. Tayler. Perhaps so?

Mr. Smith. Yes.

Mr. Tayler. Is there anybody in Washington who knows?

Mr. Smith. I do not know of anybody, unless my counsel can tell you.

Pratt and Roberts.

Mr. Tayler. Was Orson Pratt an authoritative writer in the church?

Mr. Smith. He was in some things, and in some things he was not.

Mr. Tayler. Is Brigham H. Roberts an authoritative writer in the church?

Mr. Smith. Well—

Mr. Tayler. Of course, I understand that no man who writes of his own motion, however truly he may write, thereby becomes authority.

Mr. Smith. No.

Mr. Tayler. But has he been constituted, in any work that he has written, authority?

Mr. Smith. No, sir; not that I know of.

Mr. Tayler. Has he written anything which is in terms sanctioned by the church as declaring its doctrine and policy?

Mr. Smith. I have never heard any of B. H. Roberts's writings called in question by the church.

Mr. Tayler. I would not want to intimate that that answer is not candid, Mr. Smith, but I put the question in another form: Whether or not some of his writings have not been, in terms, approved by the Mormon hierarchy, if I may use that expression?

Mr. Smith. I do not think so.

Roberts History Mormonism.

Mr. Tayler. Do you recall a book entitled "Mormonism: Its Origin and History," by B. H. Roberts?

Mr. Smith. I do. That is his own work.

Mr. Tayler. That is his own work?

Mr. Smith. Yes, sir.

Mr. Tayler. By whom was it published?

Mr. Smith. I think by the Deseret News, but I am not sure.

Mr. Tayler. Was it not published by the church?

Mr. Smith. No, sir; not that I know of.

Mr. Tayler. Was it copyrighted by Joseph F. Smith?

Mr. Smith. I think likely it was, because we bought his copyright from him.

Mr. Tayler. Was it not copyrighted by Joseph F. Smith for the Church of Jesus Christ of Latter-day Saints?

Mr. Smith. My recollection is the church bought the copyright of Roberts.

Mr. Tayler. And published the book?

Mr. Smith. The Deseret News published the book.

Mr. Tayler. Did the church publish it? The Deseret News may have printed it; but did not the church publish it?

Mr. Smith. Well, perhaps it did. I am not posted.

Mr. Tayler. Let me read you the title page of this book.

Mr. Smith. All right.

Published by Church.

Mr. Tayler. I will read it:

Mormonism. The relation of the church to Christian sects. Origin and history of Mormonism. Doctrines of the church. Church organization. Present status. By B. H. Roberts. Published by the church. Deseret News print. Salt Lake City.

On the other side of this sheet:

Copyrighted by Joseph F. Smith, for the Church of Jesus Christ of Latter-day Saints.

Both of those inscriptions which I have read correctly recite the facts?

Mr. Smith. So far as I am aware they do.

Mr. Tayler. And, Mr. Smith, the opening sentence of this little work is as follows:

This brochure is issued under authority of the Church of Jesus Christ of Latter-day Saints.

Is that correct?

Mr. Smith. I think it is. If it says so, it is correct.

Mr. Tayler. The next sentence is:

It is therefore an authoritative utterance upon the subject of which it treats—the relation of the church to Christian sects; its origin; its history; its doctrines; its organization; its present status.

That is true, is it not?

Mr. Smith. Yes, sir; I think likely it is.

Don't Know the Date.

Mr. Tayler. Then this work is to be distinguished, is it not, as respects its authority, from all other works that have been written by other persons unless they were such as were written under inspiration or other revelation?

Mr. Smith. Yes, sir.

Mr. Tayler. Do you know when this work was published?

Mr. Smith. I do not.

Mr. Tayler. Well, about how long ago?

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Mr. Smith. I could not tell you.

Mr. Tayler. I notice on page 65 the following:

The Church of Jesus Christ of Latter-day Saints was organized on the 6th day of April, 1830, with six members. In six months it had increased its membership to about seventy. It now (1902) has a membership in the organized stakes of Zion of several hundred thousand and more than fifty thousand in the various missions.

You have no disposition to dispute the date of that?

Mr. Smith. Not at all. I am not posted in regard to the date of it; that is all.

Senator Hoar. I did not hear the last phrase.

Mr. Smith. I am not posted in regard to the date of the work.

How Church Is Organized.

Mr. Tayler. Mr. Smith, your church organization is composed, as I understand, of the first presidency, consisting of yourself and two councilors, three in all; that is, three in the first presidency, and next to that the twelve apostles.

Mr. Smith. Yes, sir.

Mr. Tayler. And from that on down the line are the various officials in the framework of your church organization?

Mr. Smith. Quite correct.

Mr. Tayler. Are you able to state with any degree of approximate accuracy the number of officials in your church organization?

Mr. Smith. No, sir.

The Chairman. Mr. Tayler, I did not quite understand whether Mr. Smith stated that the twelve apostles were in addition to the first presidency,

Senator Beveridge. He said, "Quite correct."

Mr. Worthington He said they were next in order.

Mr. Smith. They are the next in order to the first presidency.

Questioned by Committee.

Senator Hoar. Are the three officials whom you named apostles also, or are they in addition?

Mr. Smith. The three officials are three presiding high priests over the church.

Senator Hoar. They are not called apostles?

Mr. Smith. No, sir.

The Chairman. The twelve apostles are in addition to the first presidency?

Senator Dubois. They are not necessarily apostles?

Mr. Smith. They are not necessarily apostles.

Senator Dubois. They may or may not be apostles?

Mr. Smith. They may or may not be apostles.

Mr. Tayler. Are the three constituting the first presidency in fact apostles?

Mr. Smith. No, sir.

Mr. Tayler. You yourself testified that you—

Mr. Smith. Have been.

Mr. Tayler. When did you become an apostle?

Mr. Smith. I think it was in 1867, as near as I can remember.

Mr. Tayler. You continued to be an apostle until you became president?

Mr. Smith. No, sir; I continued to be an apostle until I became the second councilor to John Taylor, president of the church.

Mr. Tayler. And from that did you go to the presidency?

Succeeds President Snow.

Mr Smith. No, sir; I succeeded in the same position to President Woodruff and also in the same position to President Snow and after the death of President Snow I succeeded to the presidency.

Mr. Tayler. Let me understand you. You became a councilor—

Mr. Smith. To President Taylor.

Mr. Tayler. President Taylor?

Mr. Smith. Yes, sir.

Mr. Tayler. Then what did you become?

Mr. Smith The same.

Mr. Tayler. You remained a councilor to the several succeeding presidents?

Mr. Smith. Yes, sir.

Mr. Tayler. Until you became first president?

Mr. Smith. I do not think the word "remained" is correct. I was chosen.

Mr. Tayler. Chosen?

Mr. Smith. By each succeeding president as councilor.

Senator Dubois? Is it not a fact that the president appoints his two councilors?

Mr. Smith. That is correct.

Mr. Tayler. He said that at the close of the sentence.

Senator Dubois. I beg pardon.

Mr. Tayler. He said that he was chosen; that the word "remained" which I had used was inaccurate and that he was chosen by each succeeding president as councilor.

Mr. Smith. Correct.

Mr. Tayler. Perhaps it is proper for me at this point to state, as it incidentally arises as we go along, that I did not intend to pursue the inquiry into the organization, the mere organization of the church, as a machine, any further. If any members of the committee feel that they desire further information upon that point I think this would be a proper time to ask for it. I was going on now to the question as to the power and authority of the president and the apostles.

Beveridge Wants Books.

Senator Beveridge. You have asked a great many preliminary questions concerning those books as authority of the church. I assume by that that you expect to make some point on the contents of the books.

Mr. Tayler. Yes, sir; exactly.

Senator Beveridge. If that is true—I make this by way of suggestion, Mr. Chairman—I think enough of those books ought to be supplied so that we could all have them at hand and intelligently follow you, Mr. Tayler.

Mr. Tayler. I think they can be obtained.

Senator Beveridge. You spent a great deal of time fixing the authority of the books.

Mr. Tayler. All I intended to do was to read a few extracts from the books and, of course, to offer the books in evidence after the testimony has been introduced

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respecting them. We have here one or two copies, for instance, of Dr. Talmage's work, and I presume the other side have some copies of it. It is referred to in the answer of Mr. Smoot.

Senator Beveridge. Let us get enough copies.

Mr. Worthington. I would suggest that before the direct examination of this witness is closed the parts of these books which counsel intend to rely upon or to use shall be read, or introduced into the record in some way, so that counsel for Senator Smoot can determine whether they care to make any cross-examination about it, and if so, to what extent.

Mr. Tayler. I intend to do so. I want to have appear in the body of the examination of this witness as largely as possible, without taking up too much time, the substance of all our testimony respecting the things that he testifies concerning.

How Apostles Are Chosen.

Senator McComas. I should like to ask one question. You say that the councilors are appointed by the president of the church. How are the apostles selected?

Mr. Smith. In the first place they were chosen by revelation. The council of the apostles have had a voice ever since in the selection of their successors.

Senator McComas. Had a voice?

Mr. Smith. Yes, sir.

Senator McComas. Have they had the election of their successors to perpetuate the body of apostles since the first revelation?

Mr. Smith. I do not know that I understand your question.

Senator McComas. You say the first apostles were selected in accordance with revelations.

Mr. Smith. Yes, sir.

Senator McComas. Revelations to whom?

Mr. Smith. To Joseph Smith.

Senator McComas. And the twelve apostles were then first named?

Mr. Smith. Yes, sir.

Senator McComas. When vacancies occurred thereafter, by what body were the vacancies in the twelve apostles filled?

Mr. Smith. Perhaps I may say in this way: Chosen by the body, the twelve themselves, by and with the consent and approval of the first presidency.

Senator Hoar. Was there a revelation in regard to each of them?

Mr. Smith. No, sir; not in regard to each of them. Do you mean in the beginning?

Senator Hoar. I understand you to say that the original twelve apostles were selected by revelation?

Mr. Smith. Yes, sir.

Senator Hoar. Through Joseph Smith?

Mr. Smith. Yes, sir; that is right.

Senator Hoar. Is there any revelation in regard to the subsequent ones?

Mr. Smith. No, sir; it has been the choice of the body.

Senator McComas. Then the apostles are perpetuated in succession by their own act and the approval of the first presidency?

Mr. Smith. That is right.

Mr. Tayler. Mr. Smith, will you state—

Could Prevent Election.

Senator Bailey. Mr. Tayler, before you proceed I should like to ask the witness a question.

Mr. Tayler. Certainly.

Senator Bailey. Could the first president prevent a selection which had been made by the apostles to fill a vacancy in their number?

Mr. Smith. I think the twelve would be very reluctant to insist upon the election of a man to whom the president was opposed.

Senator Bailey. I would understand that as a matter looking to harmonious relations between the first president and the apostles. But it is not a question of that. It is a question of power. If the apostles chose to do so, could they elect a man over the protest of the president?

Mr. Smith. I presume they could; but I do not think they would.

Senator Bailey. But they have the power?

Mr. Smith. They have the power if they chose to do it; but I do not think they would do it.

Senator Bailey. Who selects the first president?

Mr. Smith. The first presidency was chosen in the same way. They are elected—

Senator Bailey. I believe the presidency consists of the president and two councilors.

Mr. Smith. That is right.

Who Chooses President.

Senator Bailey. I do not refer to the councilors. You have already said that the president chooses or designates them. Who chooses or elects the president? For instance, who elected you to your present position?

Mr. Smith. I was nominated by the twelve apostles and submitted to the whole church and sustained by the whole church.

Mr. Worthington. Explain what you mean by the word "sustained" in that technical sense.

Mr. Smith. That is, voted upon.

Senator Bailey. I understand that. As a matter of fact, the apostles nominate the president and the church elects him. Do I understand that to be the case?

Mr. Smith. Well, yes, sir; that has been the case. And then, again, the senior apostle, through custom of the church since the death of Joseph Smith, has been recognized on the death of the president as the legitimate successor to the president.

Senator Bailey. It is a question of succession rather than of election?

Mr. Smith. Yes, sir.

Senator Bailey. Has that the force of law?

Mr. Smith. Still, he is elected, just the same.

Senator Bailey. Has that the force of law or has it merely the persuasion of custom?

Mr. Smith. Merely a custom. There is no law in relation to it. It does not of necessity follow that the senior apostle would be or should be chosen as the president of the church.

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Senator Bailey. And if they did not elect him it would do no violence to the church or the organization?

Mr. Smith. No, sir; not in the least.

Senator McComas. You say the church elects the president?

Mr. Smith. Yes, sir.

Senator McComas. At that election there is but one nomination for the election?

Mr. Smith. There is only one. There has been only one. There never has been more than one that I know of.

Senator Dubois. The name of the president is presented to the conference, and they are asked if they desire to sustain the selection to hold up their hands. I believe that is the custom?

Mr. Smith. Yes, sir.

Senator Dubois. That is all there is of it.

In Accord With Presidency.

Mr. Chairman. I wish to ask if, within your knowledge, a vacancy in the list of the twelve apostles has ever been filled in opposition to the wishes of the first presidency?

Mr. Smith. I do not think such a case has ever occurred.

Mr. Taylor. Has anyone of the first presidents after Joseph Smith been appointed to his place in consequence of revelation?

Mr. Smith. I was not present on the selection or choice of President Young to succeed Joseph Smith, but I have been led to understand by the history of the church that it was by the spirit of revelation that he was chosen to be president of the church.

Mr. Tayler. Now, was any successor of his in like manner chosen?

Mr. Smith. We believe that there is inspiration in all those things.

Mr. Tayler. And you believe therefore that all of the first presidents from Joseph Smith down have been chosen through inspiration or revelation?

Mr. Smith. Yes, sir.

Mr. Tayler. That there has been actual divine interposition in that choice?

Mr. Smith. Yes, sir; I believe that.

Mr. Tayler. Affecting that particular circumstance as such?

Mr. Smith. Yes, sir.

Mr. Tayler. The church teaches that, does it not?

Mr. Smith. That is held as a principle by the church.

Mr. Tayler. By the church?

Mr. Smith. Yes, sir.

Chosen by Revelation.

Mr. Tayler. Mr. Smith, we have somewhat touched upon the next point which I wished to cover in the later questions and answers. Joseph Smith was chosen head of the church by revelation, as you have stated?

Mr. Smith. Yes, sir.

Mr. Tayler. Will you state briefly with what powers and authority Joseph Smith and all of the first presidents succeeding him are endowed?

Mr. Smith. My understanding is that they are endowed with the authority of the holy priesthood.

The Chairman. The authority of what?

Mr. Smith. The holy priesthood, which gives them authority to preach the gospel and administer in all the ordinances of the gospel by authority from God, the gospel being a gospel of repentance of sin, faith in God and in Jesus Christ, his son, and in the Holy Ghost, and baptism by immersion for the remission of sins, by one holding authority from God to baptize and the gift of the Holy Ghost by the laying on of hands. This is the authority that is exercised and held by the president of the church, as we believe.

Mr. Tayler. "As we believe." You have stated that as your understanding. That is the church doctrine and belief?

Mr. Smith. Yes, sir; that is the church doctrine.

Senator Hoar. I do not quite understand one kind of phrase which recently appears in Mr. Smith's answers. He says "I presume," "My understanding is," "I believe," "Not that I know of," "So far as I am aware," "I think likely." Now, I wish to understand if in regard to these matters of faith as to which you have been asked you mean to express yourself doubtfully, as an ordinary man might, or whether they are things which you yourself know to be true by divine revelation.

Speaks With Certainty.

Mr. Smith. If you please, when I speak in reference to defined principles and doctrines of the church I speak from my heart, without any uncertainty on my part.

Senator Hoar. As of knowledge?

Mr. Smith. But when I speak of things that I may be at fault about in memory, that I may not be thoroughly posted about, I may be excused, perhaps, if I use the words "I presume," etc. But on principles of the doctrines of the church I think—now I say I think—I do think I can speak positively.

Senator Hoar. You know?

Mr. Smith. I know as well as any man can know; at least as well as I can know. I do not wish—

Senator Hoar. For instance, on being asked whether one of the presidents, perhaps the second president, was appointed by a divine revelation, you replied that you were not present, but you thought so. Is that one of the things of which you have an ordinary, human knowledge, or is it a thing of which you have an inspired knowledge—that the president of the body was chosen by revelation?

Mr. Smith. To me it is a matter of certainty. I believe it with all my heart.

Says Knowledge Is Inspired.

Senator Hoar. I do not wish to interfere in the examination, but this has been said so often that I desire to understand whether Mr. Smith's form of language meant to imply doubt. I do not mean doubt in the Mormon sense, for there are a great many things that we all feel confident of in our religious faith, whatsoever it is, or in our political faith, or any other faiths. But I want to understand if, in regard to what you have told us or are about to tell us is the religious faith of your church, you mean to express doubt in the sense that you may possibly be

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mistaken and that other men are likely to be as right as you are, or if you mean to have us understand that you know from divine inspiration? I understand you now that in all matters in regard to the faith of your church you, its president, speak from an inspired knowledge?

Mr. Smith. I believe—yes, sir; I do.

Mr. Tayler. With reference to your power as president of the church, let me ask you if you believe that it is stated as it is in verse 4, section 68, of the Doctrine and Covenants? Let me paraphrase it to apply to you.

Mr. Worthington. What page is that?

Mr. Tayler. Page 248.

That whatsoever you shall speak when moved upon by the Holy Ghost shall be scripture, shall be the will of the Lord, shall be the mind of the Lord, shall be the word of the Lord, shall be the voice of the Lord, and the power of God unto salvation.

Application of Doctrine.

Mr. Smith. Yes, sir; I believe that doctrine, and it does not apply only to me, but it applies to every elder in the church with equal force.

Mr. Tayler. With equal force?

Mr. Smith. Yes, sir.

Mr. Tayler. That applies only when moved upon by the Holy Ghost?

Mr. Smith. That is correct.

Mr. Tayler. Do you understand that that is intended to cover the case of inspiration or revelation?

Mr. Smith. Yes, sir.

Mr. Tayler. Is every elder of the church, according to the belief and practice of your organization, likely to receive revelations directly from God?

Mr. Smith. When he is inspired by the Holy Ghost, yes.

Mr. Tayler. I am coming to the subject of revelation in a moment. But does anybody, except the head of the church, have what you call revelations binding upon the church?

Mr. Smith. Yes, sir; everybody is entitled to revelations.

When Revelations Are Binding.

Mr. Tayler. Has any person, except a first president of the church, ever received a revelation which was proclaimed and became binding upon the church?

Mr. Smith. No, sir.

Mr. Tayler. No?

Mr. Smith. No, sir. The revelations for the government and guidance of the church come only through the head. But every elder of the church and every member of the church is entitled to the spirit of revelation.

Mr. Tayler—I suppose—

Senator Overman. Do you mean entitled from God or through the presidency?

Mr. Smith. From God.

Senator Overman. To receive it direct from God?

Mr. Smith. From God.

Senator Overman. Has any revelation ever been received from God to the members or elders of the church except through the president?

Mr. Smith. Yes, sir. Let me say that we hold that every member of the church receives a witness of the spirit of God of the truth of the doctrine that he embraces and he receives it because of the testimony of the spirit to him, which is the spirit of revelation

Smoot Can Receive Revelation.

Mr. Tayler. Then any elder in the church may receive a revelation?

Mr. Smith. For his own guidance.

Mr. Tayler. For his own guidance?

Mr. Smith. For his own guidance.

Mr. Tayler. Then Mr. Smoot may do so?

Mr. Smith. For his own guidance.

Mr. Tayler. For his own guidance?

Mr. Smith. Yes, sir.

Mr. Tayler. He may then come into direct contact with God in the form of a revelation to him for his own guidance?

Mr. Smith. Yes, sir.

The Chairman. What was the answer to the question?

Mr. Smith. Yes, sir; the same as any other member of the church.

Mr. Tayler. I do not know that there is any significance in your use of the word "member" now and the word "elder" then. Are all members of the church elders?

Mr. Smith. Pretty nearly all. All the male members are—nearly all of them; I would not say all of them were.

Mr. Tayler. You have already touched upon the subject of revelation, and if you have anything further to say about it I think this would be as good a time as any, as to the method in which a revelation is received and its binding or authoritative force upon the people.

Conference Sustains.

Mr. Smith. I will say this, Mr. Chairman, that no revelation given through the head of the church ever becomes binding and authoritative upon the members of the church until it has been presented to the church and accepted by them.

Mr. Worthington. What do you mean by being presented to the church?

Mr. Smith. Presented in conference.

Mr. Tayler. Do you mean by that that the church in conference may say to you, Joseph F. Smith, the first president of the church, "We deny that God has told you to tell us this?"

Mr. Smith. They can say that if they choose.

Mr. Tayler. They can say it?

Mr. Smith. Yes, sir; they can. And it is not binding upon them as members of the church until they accept it.

Mr. Tayler. Until they accept it?

Mr. Smith. Yes, sir.

Mr. Tayler. Were the revelations to Joseph Smith, Jr., all submitted to the people?

Mr. Smith. Yes, sir.

Majority Settles Case.

Senator Overman. Does it require a majority to accept, or must it be the unanimous voice?

Mr. Smith. A majority. Of course, only those who accept would be considered as in good standing in the church.

Mr. Tayler. Exactly. Has any revelation made by God to the first president of the church and presented by him to the church ever been rejected?

Mr. Smith. I do not know that it has; not that I know of.

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Senator Hoar. That answer presents precisely the question I put to you a little while ago. "Not that I know of," you replied. Do you know, as the head of the church, what revelations to your predecessors are binding upon the church?

Mr. Smith. I know, as I have stated, that only those revelations which are submitted to the church and accepted by the church are binding upon them. That I know.

Senator Hoar. Then the counsel asked you if any revelation of the head of the church had been rejected.

Mr. Smith. Not that I know of. I do not know of any that have been rejected.

Senator Hoar. Do you mean to reply doubtfully upon that question, whether some of the revelations are binding and some are not?

Mr. Smith. There may have been; I do not know of any.

Senator Hoar. Then that is not a matter in which you have an inspired knowledge?

Mr, Smith. No, sir.

No Revelation Rejected.

The Chairman. But you do not know of any instance where the revelation so imparted to the church has been rejected?

Mr. Smith. No, sir; not by the whole church. I know of instances in which large numbers of members of the church have rejected the revelation, but not the body of the church.

Senator Overman. What became of those people who rejected it?

Mr. Smith. Sir?

Senator Overman. What became of the people who rejected the divine revelation; were they unchurched?

Mr. Smith. They unchurched themselves.

Senator Overman. Oh, yes. They were outside the pale of the church then?

Mr. Smith. Yes, sir.

Unchurched by Not Believing.

The Chairman. They unchurched themselves by not believing?

Mr. Smith. By not accepting.

Mr. Tayler. Then if you had a revelation and presented it to your people, all who did not accept it would thereby be unchurched?

Mr. Smith. Not necessarily.

Mr. Tayler. Not necessarily?

Mr. Smith. No, sir.

Mr. Tayler. I should like to have you distinguish between this answer and the one you just gave.

Mr. Smith. Our people are given the largest possible latitude for their convictions, and if a man rejects a message that I may give to him but is still moral and believes in the main principles of the gospel and desires to continue in his membership in the church, he is permitted to remain and he is not unchurched. It is only those who on rejecting a revelation rebel against the church, and withdraw from the church at their own volition.

Senator Hoar. Mr. Smith, the revelations given through you and your predecessors have always been from God?

Mr. Smith. I believe so.

Senator Hoar. Very well. As I understand, those persons who you say reject one of your revelations but still believe in the main principles of the church are at liberty to remain in the church. Do I understand you to say that any revelation coming from God to you is not one of the main principles of the church? Does not the person who rejects it reject the direct authority of God?

Mr. Smith. Yes, sir; no doubt he does.

Senator Hoar. And still he remains a member of the church?

Mr. Smith. Yes, sir.

Senator Hoar. In good standing if a moral man?

Mr. Smith. Yes, sir.

Senator Hoar. Although disobeying the direct commandment of God?

Mr. Smith. Would you permit me to say a few words?

Senator Hoar. Certainly. We shall be glad to hear you.

But Are They Free?

Mr. Smith. I should like to say to the honorable gentlemen that the members of the Mormon church are among the freest and most independent people of all the Christian denominations. They are not all united on every principle. Every man is entitled to his own opinion and his own views and his own conceptions of right and wrong so long as they do not come in conflict with the standard principles of the church. If a man assumes to deny God and to become an infidel we withdraw fellowship from him. If a man commits adultery we withdraw fellowship from him. If men steal or lie or bear false witness against their neighbors or violate the cardinal principles of the gospel, we withdraw our fellowship. The church withdraws its fellowship from that man and he ceases to be a member of the church. But so long as a man or a woman is honest and virtuous and believes in God and has a little faith in the church organization, so long we nurture and aid that person to continue faithfully as a member of the church, though he may not believe all that is revealed.

I should like to say this to you, in point, that a revelation on plural marriage is contained in that book. It has been ascertained by actual count that not more than perhaps 3 or 4 per cent of the membership of the Church of Jesus Christ of Latter-day Saints ever entered into that principle. All the rest of the members of the church abstained from that principle and did not enter into it, and many thousands of them never received it or believed it; but they were not cut off from the church. They were not disfellowshipped and they are still members of the church; that is what I wish to say.

Senator Dubois. Did I understand you to say that many thousands of them never believed in the doctrine of plural marriage?

Mr. Smith. Yes, sir—

Senator Dubois. You misunderstand me. I do not undertake to say that they practiced it. I accept your statement on that point. But do you mean to say that any member of the Mormon church in the past or at the present time says openly that he does not believe in the principle of plural marriages?

Mr. Smith. I know that there are hundreds, of my own knowledge, who say they never did believe in it and never did

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receive it, and they are members of the church in good fellowship. Only the other day I heard a man, prominent among us, a man of wealth, too, say that he had received all the principles of Mormonism except plural marriage, and that he never had received it and could not see it. I myself heard him say it within the last ten days.

Revelation Foundation Stone.

Senator Hoar. Is the doctrine of the inspiration of the head of the church and revelations given to one of the fundamental or non-fundamental doctrines of Mormonism?

Mr. Smith. The principle of revelation is a fundamental principle to the church.

Senator Hoar. I speak of the revelations given to the head of the church. Is that a fundamental doctrine of Mormonism?

Mr. Smith. Yes, sir.

Senator Hoar. Does or does not a person who does not believe that a revelation given through the head of the church comes from God reject a fundamental principle of Mormonism?

Mr. Smith. He does; always if the revelation is a divine revelation from God.

Senator Hoar. It always is, is it not? It comes through the head of the church.

Mr. Smith. When it is divine, it always is; when it is divine, most decidedly.

The Chairman. I do not quite understand that—"when it is divine." You have revelations, have you not?

Mr. Smith. I have never pretended to, nor do I profess to have received revelations. I never said I had a revelation except so far as God has shown to me that so-called Mormonism is God's divine truth; that is all.

The Chairman. You say that was shown to you by God?

Mr. Smith. By inspiration.

The Chairman. How by inspiration; does it come in the shape of a vision?

Mr. Smith. "The things of God knoweth no man but the spirit of God"; and I can not tell you any more than that I received that knowledge and that testimony by the spirit of God.

Mr. Tayler. You do not mean that you reached it by any process of reasoning or by any other method by which you reach other conclusions in your mind, do you?

Mr. Smith. Well, I have reached principles; that is, I have been confirmed in my acceptance and knowledge of principles that have been revealed to me, shown to me, on which I was ignorant before, by reason and facts.

Mr. Tayler. I do not know that I understand your answer. Mr. Stenographer, will you please read it.

What Counsel Was Seeking.

Senator Bailey. Before we proceed any further, I assume that all these questions connected with the religious faith of the Mormon church are to be shown subsequently to have some relation to civil affairs. Unless that is true I myself object to going into the religious opinions of these people. I do not think Congress has anything to do with that unless their religion connects itself in some way with their civil or political affairs. Now, if that is true, if it is proposed to establish that later on, then of course it is entirely pertinent.

Senator Hoar. I suppose you will make your statement with this qualification or explanation, that unless what we might think merely civil or political they deem religious matters.

Senator Bailey. Then, of course, it would be a matter addressing itself to us with great force.

The Chairman. The chair supposed that this was preliminary.

Mr. Tayler. Undoubtedly.

Senator Bailey. I have assumed that it was and have said nothing up to this time. But so far as concerns what they believe, it does not concern me unless it relates to their conduct in civil and political affairs.

Mr. Tayler. Undoubtedly, that is correct. Mr. Smith, in what different ways did Joseph Smith, Jr., receive revelations?

Mr. Smith. I do not know, sir; I was not there.

Has Faith in Prophet.

Mr. Taylor. Do you place any faith at all in the account of Joseph Smith, Jr., as to how he received those revelations?

Mr. Smith. Yes, sir; I do.

Mr. Tayler. How does he say he got them?

Mr. Smith. He does not say.

Mr. Tayler. He does not?

Mr. Smith. Only by the spirit of God.

Mr. Tayler. Only by the spirit of God?

Mr. Smith. Yes, sir.

Mr. Tayler. Did Joseph Smith ever say that God or an angel appeared to him in fact?

Mr. Smith. He did.

Mr. Tayler. That is what I asked you a moment ago.

Mr. Smith. He did.

Mr. Tayler. Did Joseph Smith contend that always there was a visible appearance of the Almighty or of an angel?

Mr. Smith. No, sir; he did not.

Mr. Tayler. How otherwise did he claim to receive revelations?

Mr. Smith. By the spirit of the Lord.

Mr. Tayler. And in that way, such revelations as you have received, you have had them?

Mr. Smith. Yes, sir.

Mr. Tayler. The revelations concerning plural marriages was received by Joseph Smith?

Mr. Smith. Yes, sir; it was.

Mr. Tayler. And was published by him, was it not—

Mr. Smith. Yes, sir.

Mr. Tayler. To some members of the church?

Mr. Smith. It was.

The Chairman. Mr. Tayler, if you will pardon me, it is now about time for the committee to take a recess, and we will do so before you enter upon that branch of the examination.

Mr. Tayler. It is a good time so far as the examination is concerned.

The Chairman. The committee will now take a recess until 2 o'clock p. m.

Thereupon (at 11 o'clock and 45 minutes a. m.) the committee took a recess until 2 o'clock p. m.

Revelations Submitted Conference.

The committee reassembled at the expiration of the recess.

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The Chairman. You may resume the witness chair, Mr. Smith.

Senator Hoar. Mr. Chairman, before Mr. Smith's examination proceeds I would like to understand as we go along one statement which he made this morning. I understood you to say, Mr. Smith, that the revelations which came to the president of the church, before they were established as a part of the faith of the church, were accepted or submitted to the vote of the entire church.

Mr. Smith. Yes, sir.

Senator Hoar. And that if it should happen, as I understood you to state, that a majority rejected such a revelation, although this never had happened and was not likely in your judgment to happen, in that case it would not become a part of the established faith?

Mr. Smith. Yes, sir.

Senator Hoar. In counting that majority, are the votes of women counted, or only the votes of men?

Mr. Smith. Women and men.

Senator Hoar. Both?

Mr. Smith. Yes, sir.

The Chairman. Mr. Tayler, you may proceed.

As to Plural Marriage.

Mr. Tayler. You were speaking just before the recess, Mr. Smith, about the revelation respecting plural marriages. This revelation, which was given to Joseph Smith in 1843, was publicly promulgated by Brigham Young in 1852?

Mr. Smith. Yes, sir.

Mr. Tayler. The Mormon people were then in Utah; that is, their headquarters was in Utah?

Mr. Smith. Yes, sir.

Mr. Tayler. And most of the Mormon people were there at that time, I assume?

Mr. Smith. No, I do not think so; though they may have been. I could not tell you as to that.

Mr. Tayler. When did the practice of taking plural wives begin, as a matter of fact?

Mr. Smith. There were a few who received the doctrine under the direct teaching of Joseph Smith and entered into it at that time, before his death.

Mr. Tayler. And for the few years which elapsed between his reception of the revelation and the departure of the people of that church for Utah the practice was carried on to some extent, was it not?

Mr. Smith. To a limited extent; yes, sir.

Mr. Tayler. To a limited extent?

Mr. Smith. To a very limited extent.

The Chairman. What was the answer?

Mr. Smith. To a limited extent.

Mr. Tayler. From the time you reached Utah until 1862 I believe it has always been claimed, and I suspect the fact to be, that there was no local law controlling the subject of the marriage relation?

Mr. Smith. None that I know of.

Mr. Tayler. In 1862 was passed the first law making bigamy, or the taking of more than one wife, an offense.

Mr. Smith. Yes, sir.

Mormon View of Law.

Mr. Tayler. I believe it was always contended, or for many years contended, by the people and leaders of the Mormon church that that law was unconstitutional, as being an infringement upon the right of people to worship God according to the dictates of their own consciences.

Mr. Smith. Our people took the ground that it was an unconstitutional law.

Mr. Tayler. And do you remember when the Supreme court of the United States declared that law constitutional?

Mr. Smith. No; I could not tell you exactly the date. I think it was somewhere in 1889.

Mr. Tayler. In 1878, was it not?

Mr. Smith. Was it in 1878? I could not tell you, sir, from memory.

Mr. Tayler. It was declared constitutional in the Reynolds case, was it not?

Mr. Smith. No, sir; I think it was appealed. That is to say, the Reynolds case was decided, I believe, by the Supreme court of the United States.

Mr. Tayler. Yes.

Mr. Smith. But that the question of the law was not decided until a later date, is my understanding of it.

Mr. Tayler. You do not think, then, that the—

Mr. Worthington. Mr. Chairman, why should we take up time in discussing when a decision of the Supreme court of the United States was rendered? That decision was rendered in 1878 and did hold the law to be constitutional. What is the use of taking up time with it?

Mr. Tayler It enables us to get along very much more easily—and I am doing it in the interest of speed—if we understand these historical facts. I am glad we get it from the mouth of counsel, anyhow. Did the church accept that decision of the Supreme court as controlling their conduct?

Mr. Smith It is so on record.

Mr. Tayler. Did it?

Mr. Smith. I think it did, sir.

Mr. Tayler. That is to say, no plural marriages were solemnized in the church after October, 1878?

Mr. Smith. No; I can not say as to that.

Mr. Tayler. Well, if the church solemnized marriages after that time it did not accept that decision as conclusive upon it, did it?

Mr. Smith. I am not aware that the church practiced polygamy, or plural marriages, at least, after the manifesto.

Mr. Tayler. Yes, I know; but that was a long, long time after that. I am speaking now of 1878, when the Supreme court decided the law to be constitutional.

Mr. Smith. I will say this, Mr. Chairman, that I do not know of any marriages occurring after that decision.

Senator Beveridge. Mr. Tayler, will you permit me to ask you to what point these questions are addressed—what issue they are to sustain? This deals with something that occurred twenty years ago, apparently. I do not know what issues have been decided upon here, but I assume them to be whether Mr. Smoot is a polygamist, on the one hand, or whether he has taken an oath inconsistent with his duty as a Senator of the United States, or belongs to an organization—

Hopkins Stands by Tayler.

Senator Hopkins. I do not think counsel ought to be required to disclose what his purpose is, if he can state to the chair that the testimony is for the purpose of

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sustaining his position here. It frequently happens that a lawyer, in the examination of a witness, takes a course to develop a certain fact that may not, to those uninitiated, appear to be directly in point, but when it is developed it discloses the reasonableness of the entire examination.

Senator Beveridge. It may be, Mr. Chairman; but as far as I, as a member of the committee, am concerned, I listened very attentively to the testimony, and I have the desire and the right to know just exactly to what issue these questions are addressed, because, very frankly, I do not see the pertinence of this question.

Mr. Tayler. Mr. Chairman, I can readily understand that the Senator can not see the pertinence of it, in view of his interpretation of the purpose of this inquiry, for I have stated here more than once that I was not undertaking, and should not undertake, so far as I was concerned, to offer proof respecting the polygamy of Reed Smoot, nor have I ever intimated that I was going to prove that he took any oath. I do not know anything about that; but the grounds upon which I did place this inquiry are grounds for the establishment of which exactly the line of testimony which I am now pursuing is necessary. Surely the status of Reed Smoot—because it is a personal question, in the last analysis, as respects his right to be a Senator of the United States—under a claim that he holds supreme allegiance to the sovereignty of this Government, is largely to be determined by precisely what it is, as exhibited by the law of the church of which he is an orthodox member, he declares he must stand for, and which the church, through its history, as exhibited by its acts, stands for. We cannot understand whether Mr. Smoot's statement is to be taken as really expressive of his state of mind or as indicating a knowledge upon his part of what his real obligation is to this church, until we have really examined, not on the surface, but in the depths, precisely what the church and its leaders stand for; and if Mr. Smoot wants to wholly differentiate himself from his church and his people and the doctrine and life and living of those people, then that is for him to determine; but I do assert, and that is the heart of this thing, that he must do that or else declare himself subject to this church of which he is a member.

Senator Beveridge. I understand you to state, then, that the history of the church discloses what its real spirit and purpose is?

Mr. Tayler. Undoubtedly.

Senator Beveridge. I have no objection to these questions whatever, but I was necessarily absent this morning part of the time and did not catch the pertinence or drift of them except by the statement you have made.

Worthington Takes a Hand.

Mr. Worthington. This examination, Mr. Chairman, is directed to things as to which the facts are admitted in the pleadings in this case, and I submit it is simply a waste of time. He is asking this witness about the decisions of the Supreme court of the United States, which we lawyers practically know by heart, and which every member of the committee knows by heart. The Supreme court of the United States did, in 1878, hold the law constitutional that a man's religious belief would not be a defense in a criminal action against him for having two wives. There was a series of decisions, all of which are set forth in the printed papers here, the last of which was in 1889, and it was delivered in 1890; and in September, 1890, the manifesto referred to, which was what purported to be a revelation from God to the Mormon people, was adopted by them in conference assembled, and polygamy was renounced; and afterwards, in 1894, the State was admitted into the Union upon the condition that thereafter polygamy should not be practiced.

It does seem to me that we are taking up time here about matters which can have no pertinency, and that we ought to come down at least to things that happened after the State was admitted to the Union. I have made no objection. I have felt as the Senator who asked these questions did, that nearly everything asked here is irrelevant, and that very many of the questions which have been asked are questions that ought never to be asked of any man in any tribunal in this country. I am not his counsel, however, and he does not refer to Reed Smoot; but if I were on the stand and asked as to communications I had had from the Almighty and what I believed of them, or thought of them, I should take the judgment of the court of last resort before I should answer it. I submit he ought not to be asked what his private beliefs and convictions are, as was suggested here by another Senator who is not here today, because some intimation was given that that might have an effect upon his business.

Reed Smoot is not charged with polygamy. Nobody has ever appeared to sustain that charge. If it is charged he has encouraged polygamy, or encouraged unlawful cohabitation in others, I submit that is the thing to which we should come.

The Chairman. I understand the Senator from Indiana withdraws his objection?

Senator Beveridge. I made no objection, Mr. Chairman.

The Chairman. Or rather, no objection was made.

Senator Beveridge. No objection was made. I asked a statement of the point to which these questions were addressed, so that I could intelligently understand them.

The Chairman. Proceed, Mr. Tayler, as rapidly as possible.

Senator Foraker. Let the stenographer read the last answer.

The stenographer read as follows:

Mr. Smith. I will say this, Mr. Chairman, that I do not know of any marriages occurring after that decision.

Senator Foraker. You mean plural marriages, I suppose?

Mr. Smith. Yes, sir; that is what we mean, plural marriages.

Fixing a Date.

Mr. Tayler. Mr. Smith, in order that I may understand that last answer of yours, I will ask you this: We have fixed

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the date of this decision as the fall of 1878; am I correct in my understanding of your statement that, so far as you are aware, no polygamous marriage has been performed with the sanction of the church since the fall of 1878?

Mr. Smith. No, sir; I do not wish to be understood that way. I said after—

Mr. Tayler. What is the fact?

Mr. Smith. What I wish to be understood as saying is that I know of no marriages occurring after the final decision of the Supreme court of the United States on that question, and it was accepted by our people as the decision of the Supreme court of the United States.

Mr. Tayler. Then you do know of marriages occurring after the decision of 1878 in the Reynolds case?

Mr. Smith. I think likely I do.

The Chairman. You mean, Mr. Tayler, plural marriages?

Mr. Tayler. Of course I refer to plural marriages.

Mr. Smith. Yes, sir.

Senator Foraker. What is the date of the final decision, 1889?

Mr. Worthington. The final decision was in 1890.

Senator Foraker. January, 1890?

Mr. Worthington. No; I have the exact date here. It was May 19, 1890.

Mr. Tayler. I want to interpolate here, in regard to final decision. Of course there was lots of litigation, but the word "final" has no significance at all. In 1878 the Supreme Court of the United States declared the law—

Mr. Smith. The law of 1862.

Mr. Tayler. Which made plural marriages unlawful constitutional in every respect.

Senator Foraker. I understand; but the witness said he knew of no plural marriages subsequent to the final decision and the acceptance of it by his church.

Mr. Smith. That is right.

Senator Foraker. I only wanted to know the date of the acceptance. Did that follow immediately after this decision of May 19, 1890?

Mr. Smith. Soon after.

Senator Foraker. Is that the date you refer to?

Mr. Smith. The September following. That is the date I refer to.

Senator Foraker. Pardon me for interrupting, Mr. Tayler; I was not here during the first few minutes of the examination and did not hear the questions.

Woodruff Manifesto.

Mr. Tayler. In 1890 what has been called the manifesto of President Wilford Woodruff was issued. Is that right?

Mr. Smith. I think it is right, sir. I could not say positively from memory.

Mr. Tayler. That manifesto, I believe, is printed in this protest, or in the answer, is it not?

Mr. Worthington. What purports to be a copy of it begins at page 17.

Senator Foraker. The date of that is given here as September 26, 1890.

Mr. Tayler. Yes; I was looking at the language of that manifesto, so far as it affected this question of polygamy. I find in that manifesto these words:

> We are not teaching polygamy or plural marriage, nor permitting any person to enter its practice. * * *
>
> Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced Constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

You recall the issue of that manifesto?

Mr. Smith. Yes, sir.

Mr. Tayler. And that was taken as implying what?

Mr. Smith. As implying that plural marriages would stop in the church.

Is Vague Answer.

Senator Hoar. That is rather a vague question. You say, "That was taken." Taken by whom?

Mr. Smith. By the church.

Mr. Tayler. By the people of your church and by your church. What was the answer?

Mr. Smith. I have given the answer.

Mr. Tayler. In the prayer for amnesty of December, 1891, which is found on page 18, you and others signed that application for amnesty, did you not?

Mr. Smith. Yes, sir; we did.

Mr. Tayler. I merely want to call your attention to the language of this injunction respecting polygamy. I read—

The Chairman. Where do you read from?

Mr. Tayler. I read from about the seventh paragraph, on page 18, of the application or prayer for amnesty:

> According to our creed, the head of the church receives from time to time revelations for the religious guidance of his people. In September, 1890, the present head of the church in anguish and prayer cried to God for help for his flock and received permission to advise the members of the Church of Jesus Christ of Latter-day Saints that the law commanding polygamy was henceforth suspended.

The orthodox members of the Mormon church had accepted the revelation of Joseph Smith respecting plural marriages as laying down a cardinal and fundamental doctrine of the church, had they not?

Mr. Smith. Yes, sir.

Senator Dubois. Not Joseph Smith?

Mr. Tayler. I mean Joseph Smith, Jr.

Mr. Smith. That is right.

Mr. Tayler. And as is often stated in these papers, plural marriages in consequence of that had been entered into?

Mr. Smith. Yes, sir.

Intent of Manifesto.

Mr. Tayler. This manifesto was intended to reach through all the world wherever the Mormon church operated, was it not?

Mr. Smith. It is so stated.

Mr. Tayler. It is so stated?

Mr. Smith. Yes, sir.

Mr. Tayler. Well, where?

Mr. Smith. In the investigation that followed.

Mr. Tayler. Then the fact is—

Mr. Smith. Before the master in chancery, I suppose.

Mr. Worthington. Let him finish his answer, Mr. Tayler.

Mr. Tayler. It is not an answer to say that it is stated somewhere, unless it is stated in some document.

Mr. Smith. It is stated in a document.

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Mr. Tayler. Is that the fact?

Mr. Smith. Let me hear your question.

Mr. Tayler. That the suspension of the law commanding polygamy operated everywhere upon the Mormon people, whether within the United States or without?

Mr. Smith. That is our understanding, that it did.

Mr. Tayler. Did this manifesto and the plea for amnesty affect also the continuance of cohabitation between those who had been previously married?

Mr. Smith. It was so declared in the examination before the master in chancery.

Mr. Tayler. I am asking you.

Mr. Smith. Well, sir; I will have to refresh my memory by the written word. You have the written word there and that states the fact as it existed.

Mr. Tayler. I want to ask you for your answer to that question.

Mr. Smith. What is the question?

Stenographer Reads Question.

Mr. Tayler. The stenographer will read it.

The stenographer read as follows:

Did this manifesto and the plea for amnesty affect also the continuance of cohabitation between those who had been previously married?

Mr. Smith. It was so understood.

Mr. Tayler. And did you so understand it?

Mr. Smith. I understood it so; yes, sir.

Mr. Tayler. The revelation which Wilford Woodruff received, in consequence of which the command to take plural wives was suspended, did not, as you understand it, change the divine view of plural marriages, did it?

Mr. Smith. It did not change our belief at all.

Mr. Tayler. It did not change your belief at all?

Mr. Smith. Not at all, sir.

Mr. Tayler. You continued to believe that plural marriages were right?

Mr. Smith. We do. I do, at least. I do not answer for anybody else. I continue to believe as I did before.

Mr. Tayler. You stated what were the standard inspired works of the church, and we find in the book of doctrine and covenants the revelation made to Joseph Smith in 1843 respecting plural marriages. Where do we find the revelation suspending the operation of that command?

Mr. Smith. Printed in our public works.

Mr. Tayler. Printed in your public works?

Mr. Smith. Printed in pamphlet form. You have a pamphlet of it right there.

Manifesto Not Printed in Books.

Mr. Tayler. It is not printed in your work of Doctrine and Covenants?

Mr. Smith. No, sir; nor a great many other revelations, either.

Mr. Tayler. Nor a great many other revelations?

Mr. Smith. Yes, sir.

Mr. Tayler. How many revelations do you suppose—

Mr. Smith. I could not tell you how many.

Mr. Tayler. But a great many?

Mr. Smith. A great many.

Mr. Tayler. Why have they not been printed in the Book of Doctrine and Covenants?

Mr. Smith. Because it has not been deemed necessary to publish or print them.

Mr. Tayler. Are they matters that have been proclaimed to the people at large?

Mr. Smith. No, sir; not in every instance.

Mr. Tayler. Why not?

Mr. Smith. Well, I don't know why not. It was simply because they have not been.

Mr. Tayler. Is it because they are not of general interest, or that all of the people need to know of?

Mr. Smith. A great many of these revelations are local.

Mr. Tayler. Local?

Mr. Smith. In their nature. They apply to local matters.

Mr. Tayler. Yes, exactly.

Mr. Smith. And these, in many instances, are not incorporated in the general revelations, and in the Book of Doctrine and Covenants.

President Explains.

Mr. Tayler. For instance, what do you mean by local?

Mr. Smith. Matters that pertain to local interests of the church.

Mr. Tayler. Of course the law or revelation suspending polygamy is a matter that does affect everybody in the church.

Mr. Smith. Yes.

Mr. Tayler. And you have sought to inform them all, but not by means of putting it within the covers of one of your inspired books?

Mr. Smith. Yes.

Mr. Tayler. The various revelations that are published in the Book of Doctrine and Covenants covered twenty-five or thirty years, did they not?

Mr. Smith. Yes, sir.

Mr. Tayler. And as new revelations were given they were added to the body of the revelations previously received?

Mr. Smith. From time to time they were, but not all.

Mr. Tayler. No; but I mean those that are published in that book?

Mr. Smith. Yes, sir.

Mr. Tayler. You have, I suppose, published a great many editions of the Book of Doctrine and Covenants?

Mr. Smith. Yes, sir.

Mr. Tayler. And as recently as 1903 you have put out an edition of that book?

Mr. Smith. Well, I can not say that from memory.

Mr. Tayler. No; but within the last year, or two, or three?

Mr. Smith. Yes; I think, likely, it is so.

No Qualifications.

Mr. Tayler. As the head of the church, have you given any instruction to put within that book of Doctrine and Covenants any expression that the revelation of Joseph Smith has been qualified?

Mr. Smith. No, sir.

Mr. Tayler. The revelation of Joseph Smith respecting plural marriages remains in the book?

Mr. Smith. Yes, sir.

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Mr. Tayler. And in the last editions just as it did when first promulgated?

Mr. Smith. Yes, sir.

Mr. Tayler. And it remains now without expurgation or note or anything to show that it is not now a valid law?

Mr. Smith. In the book?

Mr. Tayler. In the book; exactly.

Mr. Smith. Yes, sir.

Mr. Tayler. And in connection with the publication of the revelation itself.

Mr. Smith. But the fact is publicly and universally known by the people.

The Chairman. There is one thing I do not understand that I want to ask about. This manifesto suspending polygamy, I understand, was a revelation and a direction to the church?

Mr. Smith. I understand it, Mr. Chairman, just as it is stated there by President Woodruff himself. President Woodruff makes his own statement. I can not add to nor take anything from that statement.

The Chairman. Do you understand that it was a revelation the same as other revelations?

Mr. Smith. I understand personally that President Woodruff was inspired to put forth that manifesto.

The Chairman. And in that sense it was a revelation?

Mr. Smith. Well, it was a revelation to me.

The Chairman. Yes.

Mr. Smith. Most emphatically.

The Chairman. Yes; and upon which you rely. There is another revelation directing plural marriages, I believe, previous to that?

Mr. Smith. Yes.

Believes in Plural Marriages.

The Chairman. And I understand you to say now that you believe in the former revelation directing plural marriages in spite of this later revelation for a discontinuance?

Mr. Smith. That is simply a matter of belief on my part. I can not help my belief.

The Chairman. Yes; you adhere to the original revelation and discard the latter one.

Mr. Smith. I adhere to both. I adhere to the first in my belief. I believe that the principle is as correct a principle today as it was then.

The Chairman. What principle?

Mr. Smith. The principle of plural marriage. If I had not believed it, Mr. Chairman, I never would have married more than one wife.

The Chairman. That is all.

Senator Hoar. I understand that this second revelation is not a revelation discontinuing polygamy, but that it is a revelation that the law commanding it is suspended.

Mr. Smith. Is stopped.

Senator Hoar. That is the same thing.

Mr. Smith. The same thing.

Senator Hoar. The word "suspended," I think, is used.

Mr. Smith. It is used subsequently to the document itself.

Senator Hoar. So that I understand, if I get it right, that your attitude is that while it was originally a divine command to practice it, and so of course it must be a thing innocent and lawful and proper in itself in the nature of things, yet that the obligation to do it as a divine ordinance is now discontinued, and therefore, there being no divine command to do it, your people submit themselves to the civil law in that particular. Is that your idea?

Mr. Smith. That is correct, Senator.

Figures About Polygamy.

Senator Foraker. I understood you to say this morning that at all times prior to any of these decisions and prior to this manifesto there was only a small per cent of the membership of the church that did in fact practice polygamy.

Mr. Smith. Not to exceed 3 per cent, Senator.

Senator Foraker. And that they were not required, and the revelation was not construed to be a requirement that every member of the Mormon church should practice plural marriage?

Mr. Smith. No, sir; it was in the nature of permission rather than mandatory.

Senator Hopkins. That is the way it was originally, as you understand it?

Mr. Smith. Yes, sir; that is the original revelation.

Signed Amnesty Plea.

Mr. Tayler. You have stated, as I recall it, that you were one of those who signed the plea for amnesty in 1891.

Mr. Smith. That is correct.

Mr. Tayler. With you were all of the leading officers of the church—that is to say, the first presidency and the twelve apostles—who were in the country or available to sign that plea. Is that correct?

Mr. Smith. Is the question that all who were available signed it?

Mr. Tayler. Yes.

Mr. Smith. Yes, sir; I believe so. I think their names are there.

Mr. Worthington. Are you referring to the plea of 1891, Mr. Tayler?

Mr. Tayler. Yes; the plea of 1891. They are not attached to the copy I have before me; that is why I asked the question.

Mr. Van Cott. It is on page 18, just above the quotation.

Mr. Tayler. I think there was one who did not sign it, because he was absent.

Senator Smoot. He signed it afterward, Mr. Tayler.

Mr. Tayler. That plea for amnesty, besides pledging the abandonment of the practice of taking plural wives also pledged the signers of that petition and all others over whom they could exercise any control to an obedience of all the laws respecting the marriage relation?

Mr. Smith. Yes, sir.

Knew Abraham H. Cannon.

Mr. Tayler. Did you know, in his lifetime, Abram H. or Abram M. Cannon?

Mr. Smith. Abraham H. Cannon—I knew him well.

Mr. Tayler. What official position did he occupy?

Mr. Smith. He was one of the twelve.

Mr. Tayler. Was he a polygamist?

Mr. Smith. I believe he was. I do not know much about his family relations.

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Mr. Tayler. You do not know whether he had more than one wife or not?

Mr. Smith. I could not say that I know that he had, but I believe that he had.

Mr. Worthington. At what time are you speaking of?

Mr. Tayler. During his lifetime, of course.

Mr. Worthington. That would be highly probable. The question is whether it was before or after the manifesto.

Senator Foraker. When did he die?

Mr. Tayler. He died in 1896, I believe. Did you know any of his wives?

Mr. Smith. I have known some of them by sight.

Mr. Tayler. Did you know Marian Scoles Cannon?

Mr. Smith. No, sir.

Knew Lillian Hamilton.

Mr. Tayler. I mean Lillian Hamlin. Did you know her?

Mr. Smith. I know her by sight; yes.

Mr. Tayler. Do you know her now?

Mr. Smith. Yes; I know her now.

Mr. Tayler. Was she his wife?

Mr. Smith. That is my understanding, that she was his wife.

Mr. Tayler. Do you know when he married her?

Mr. Smith. No, sir; I do not.

Mr. Tayler. Did you marry them?

Mr. Smith. No, sir; I did not.

Mr. Tayler. How long did you know her?

Mr. Smith. My first acquaintance with her was in June. The first time I ever saw her was in June, 1896, I believe, as near as I can recall.

Mr. Tayler. What year, Mr. Smith?

Mr. Smith. In 1896. Some time in June, 1896.

Mr. Tayler. Where was she living then?

Mr. Smith. I am not aware of where she was living. I think her home was in Salt Lake City.

Mr. Tayler. Is that where she was when you became acquainted with her?

Mr. Smith. That is where I first saw her, in Salt Lake City.

Mr. Tayler. Did you see her after that?

Mr. Smith. Yes, sir.

Mr. Tayler. Where?

Mr. Smith. I have seen her a number of times since, in Provo, in Salt Lake City, and elsewhere.

Saw Her in California.

Mr. Tayler. You did not see her in California about that time?

Mr. Smith. I did, most distinctly.

Mr. Tayler. Where?

Mr. Smith. In Los Angeles.

Mr. Tayler. With whom was she there?

Mr. Smith. She was with Abraham Cannon.

Mr. Tayler. Was she married to him then?

Mr. Smith. That is my understanding, sir.

Mr. Tayler. Was she married to him when you saw her shortly before that?

Mr. Smith. That is my belief. That is, I do not know anything about it, but that is my belief, that she was his wife.

Mr. Tayler. Your belief is that she was then his wife, when? When you first saw her and knew her?

He Accompanied Cannon.

Mr. Smith. When I first saw her. The first time I ever saw her, if the chairman will permit me to tell the facts, was some time in June—I do not remember the date —1896. I was at that time president of the Sterling Mining and Milling company. At that time I was not the president of so many institutions as I am now. Abraham Cannon was the manager of those mines. We had a gentleman employed by the name of Gillespie as foreman of the mines for a number of months, but we were losing money and matters did not move satisfactorily, and Mr. Gillespie made a proposition to Mr. Cannon to lease the mines and mills. There were two ten-stamp mills established at the mines. I was asked by the board of directors to accompany Abraham H. Cannon to Los Angeles, where we met Mr. Gillespie and entered into a contract with him to lease the mines to him, and there, as the president of the company, I had to sign a number of notes and to sign a contract, he being the manager. I accompanied Abraham H. Cannon and his wife on that trip, and had one of my wives with me on that trip.

Had Known Cannon for Years.

Mr. Tayler. How intimately had you known Abraham H. Cannon before this? For years you had known him well, had you?

Mr. Smith. I had known him a great many years.

Mr. Tayler. When did you first learn that Lillian Hamlin was his wife?

Mr. Smith. The first that I suspected anything of the kind was on that trip, because I never knew the lady before.

Mr. Tayler. Now, if Lillian Hamlin, within a year or two years prior to June, 1896, was an unmarried woman, how could she be married to Abraham H. Cannon or Abraham M. Cannon?

Mr. Van Cott. Mr. Chairman, we object to the assumption that Mr. Tayler makes in that question. I think it is improper that he should make any assumption in putting the question. I ask to have the question read.

Mr. Smith. I can say that I do not know anything about it.

Mr. Van Cott. If he knows nothing about it, I expect that does away with the objection.

Tayler's Pointed Questions.

Mr. Tayler. Do you know that Lillian Hamlin was not his wife in 1892?

Mr. Smith. I do not know anything about it, sir. I did not know the lady, and never heard of her at all until that trip.

Mr. Tayler. Did you know that she was engaged to be married to Abraham H. Cannon's brother?

Mr. Smith. No, sir; I did not know that.

Mr. Tayler. Do you know George Teasdale?

Mr. Smith. Yes, sir; I know George Teasdale.

Mr. Tayler. How long have you known him?

Mr. Smith. I have known him ever since 1863.

Mr. Tayler. He is one of the apostles?

Mr. Smith. Yes, sir.

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Mr. Tayler. How long has he been one of them?

Mr. Smith. That I could not tell you from memory.

Mr. Tayler. Well, about how long?

Mr. Smith. I should think over twenty years.

Mr. Tayler. How often do the first presidency and the apostles meet?

Mr. Smith. We generally meet once a week.

Mr. Tayler. Was he a polygamist?

Van Cott Objects.

Mr. Van Cott. Mr. Chairman, we object to this question for the reason that it is entirely immaterial and irrelevant in the inquiry affecting Mr. Smoot's right to be a Senator, as to any offense that may have been committed by any other person. Of course this objection was one that was mooted at the time of the preliminary matter. Our position was stated by us, and as I remember at that time Mr. Tayler stated his position. There are several Senators around the table at this time who were not present at that time, and in making the objection I wish to refer just briefly to the matter, so as to bring the history up to this time.

The chairman at that time stated that he would like our views on certain matters. One of them that was mooted and discussed at some little length was whether it was material to inquire into anything except what affected Reed Smoot. Reed Smoot is claiming his seat as United States Senator. If he has committed any offense, as polygamy, if he has taken any oath that is inconsistent with good fellowship, of course that can be inquired into; but it was claimed by counsel for the protestants at that time that they would go into offenses that they alleged had been committed by other persons than Reed Smoot, and the question is whether that is material. It was discussed at that time before some of the Senators present, but not decided. It being announced afterward, as I understood, that that matter would be decided and passed upon when we came to the introduction of testimony.

Salt Laker Warms Up.

At that time I made the statement, and I repeat it, that if this were in a court of justice, to introduce testimony tending to show that A, B and C were guilty of an offense for the purcose of convicting Reed Smoot would not be thought of nor offered by any attorney, and would not be received by any court, because it would be opposed to our fundamental sense of justice to introduce any such testimony or consider any such testimony in a court. As Senator Hopkins said at that time, this is not a court; but I know there are many eminent lawyers here, who are Senators, at this table and on this committee listening to the testimony. From my standpoint, I see no more distinction as to its being in opposition to fundamental justice to introduce testimony as to Teasdale, as to A. H. Cannon, and as to A, B and C for the purpose of affecting Reed Smoot than it would be in a court of justice.

Suppose that the testimony should be introduced and the committee should receive it, that A, B and C have violated the law of the marriage relation. When it is received, are you going to deny Reed Smoot a seat in the United States Senate on that proof? If you are, then you might as well stop here, because the answer admits that some people who were polygamists before the manifesto have kept up their relations; that is, the relation of living with more than one wife, so that it is unnecessary to go on if that is all that is required. If, on the other hand, that class of testimony is not going to deny Mr. Smoot a seat in the Senate, then it is immaterial and irrelevant and should not be received here.

Says Protest Is Academic.

The Senators will observe that when they pick up this protest and read through all these charges, there is not, from cover to cover, one charge in it except academic questions. There is not one charge in it that the voters in Utah were not free to vote as they pleased. There is the academic question whether theoretically the church might not have controlled some of those votes; but there is no charge that the church did control them or did attempt to control them.

So, in the same way, when you look through those charges, there is not one charge nor one hint nor one insinuation that the election of Reed Smoot to the Senate of the United States was not the result of the free expression of voters. If that is true, it seems to me utterly illogical to say that this class of testimony can go in unless the committee is going to say that on that Reed Smoot is going to be charged with and convicted of something that A, B and C have done.

Hoar Supposes a Case.

Senator Hoar. Suppose this were the charge. I do not wish to be understood now, by putting a question, to mean that a particular answer to it ought to be made. I do it in order to bring a matter to your attention. Suppose that Mr. Smoot belonged to an association of counterfeiters. I will not say Mr. Smoot particularly, but suppose some other member of the Senate were charged with belonging to an association of counterfeiters and it were proved that he was one of a body of twelve men, frequently meeting, certain to be very intimate with each other from the nature of their relation, all of whom except himself had formerly believed that counterfeiting was not only lawful, but, under certain circumstances under which they stood, was duty, and it was sought to be proved that all these persons whose opinion, way of life, and practice he was likely to know continued in the practice of counterfeiting down to the present time; would or would not that be one step in proof that he himself thought counterfeiting lawful, and, connected with other testimony which might be introduced hereafter, that he practiced it?

That last suggestion, however, would not be applicable to this case, because he distinctly disclaims that he is a counterfeiter himself; but the point is that it is claimed, as I understand, that he belongs to an association which still

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practically, though covertly, inculcates and permits counterfeiting in people at large. Without intimating the least opinion that this fact is true, is it not a view of the case which authorizes the pursuit of this branch of inquiry as to these other men?

Mr. Van Cott. If I understand the question of Senator Hoar correctly, the question of practice is eliminated?

Senator Hoar. Yes.

At this point the committee took a recess for ten minutes.

After Recess.

The committee reassembled at the expiration of the recess.

The Chairman. Mr. Van Cott, in your statement just made, I think I either misunderstood you, or the statement is not exactly accurate. You say

> The chairman at that time stated that he would like our views on certain matters. One of them that was mooted and discussed at some little length was whether it was material to inquire into anything except what affected Reed Smoot.

The chair did not make that statement, but simply said

> The chair will say to counsel representing the protestants and the respondent that before entering upon any inquiry into the subject-matter involved into this controversy it was deemed expedient by the committee to request the protestants, by their attorneys, to appear and advise the committee in a general way of the testimony intended to be submitted in support of the protest, or any part thereof, and the legal contentions connected therewith.
>
> It was also deemed advisable that the junior Senator from Utah (Mr. Smoot), by himself or his attorney, should, if he so desired, advise the committee what part of the contention of the protestants' counsel it was proposed to controvert. Such a course, it was believed, would have a tendency to define the issues and mark the scope of the inquiry.

The chair was not aware that he invited attention to any particular subject, but stated in a general way that the counsel might outline the bounds of the testimony.

Hoar's Understanding.

Senator Hoar. I understood, Mr. Chairman, that the conclusion reached by the committee was, stated briefly, that there were two issues stated by the protestants and the respondent. One was whether or not Reed Smoot had practiced polygamy, and that, I understand, has been abandoned. Therefore there is only the other one, which was whether or not, as an official of the Mormon church, he took an oath or an obligation that was superior, in his estimation and in its requirements upon him, to the oath or obligation which he must take to qualify as a Senator. Those I understood to be the two issues, of which only the one is remaining.

Senator Dubois. Mr. Chairman, I want to bear my testimony as to what occurred. Both of those contentions were set aside entirely. It was not contended that they should be attempted to be proven by the attorneys representing the protestants. Those two questions being entirely eliminated, the counsel for the protestants announced what he would attempt to prove, which is set forth in the proceedings of the committee, and on that the hearing was ordered. It was not ordered at all either upon the charge that Mr. Smoot was a polygamist or that he had taken an oath incompatible with his oath as a Senator.

What the Issue Is.

Senator Beveridge. Then, just what is the issue?

Senator Dubois. If the Senators had been at the meetings they would have known, but not having been at the meetings——

Senator Foraker. I want to say that I was called out of the city and I was not present, and I was not present at the meeting at which counsel made the statement to which the Senator from Idaho refers.

Senator Dubois. The statement of the Senator from Idaho will not be made by any Senator who was at the meetings.

Senator Foraker. I say I was not at the meeting. I understood that the committee reached the conclusion I have stated at the meeting when I was present. I did not know that the issue was afterward changed. If it has been changed, I would like somebody to state it.

Senator Beveridge. So should I.

Mr. Tayler. Let me clear this away, Mr. Chairman.

Senator Foraker. I never knew until Mr. Tayler stated it a while ago that he had abandoned the idea of proving that Mr. Smoot had taken an obligation that interfered with the obligation of his oath.

Mr. Tayler. I cannot abandon that which I never occupied or possessed.

Senator Dubois. He never alleged it.

Senator Foraker. Bear with me a minute. There will be plenty of time to reply. The charges of the protestants alleged it.

Senator Dubois. I beg your pardon. The charges of the protestants did not allege it.

Senator Foraker. I so understood it.

Senator Beveridge. That was the charge of a gentleman named Leilich.

Senator Dubois. That was a plural marriage.

Senator Beveridge. No; as to Mr. Smoot being a polygamist.

Senator Foraker. I say that charge was made by some one. I understand that Mr. Tayler never professed to press that charge.

One of the Issues.

Mr. Tayler. Nor the protestants.

Senator Hoar. Mr. Tayler, may I read, before you proceed, one sentence of your offer of proof, made the other day? It was admitted that Mr. Smoot is one of the twelve apostles. This statement is on page 14:

> All of the first presidency and the twelve apostles encourage, countenance, conceal and connive at polygamy and polygamous cohabitation, and honor and reward by high office and distinguished preferment those who most persistently and defiantly violate the law of the land.

That, while it is perhaps rather superlative phrase, is the substance of what was left of Mr. Tayler's offer of proof. That is the way I understood it.

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Senator Beveridge. Is that correct, Mr. Tayler?

Senator Foraker. I was not present when Mr. Tayler made the offer, but I was present when we made the issues. The information I want is what is the issue? I can then better understand the testimony as it is offered.

Senator Beveridge. May I ask if the sentence read by the Senator from Massachusetts is the issue on which you now stand?

Mr. Tayler. It is one of the issues.

Senator Beveridge. Is that the issue to which your questions and the testimony adduced this morning was directed?

Mr. Tayler. Yes.

Senator Beveridge. If that was the issue to which the testimony adduced this morning was directed, I am very glad I asked the question I did ask in the midst of it, because I cannot see how any of the testimony adduced this morning goes to the issue stated in that sentence—"encourage, countenance, conceal and connive at polygamy and polygamous cohabitation, and honor and reward by high office," etc. How the conduct of a man by the name of Cannon twenty or thirty years ago can affect that issue now, I cannot see.

Mr. Tayler. If I may have the attention of the committee for a moment——

Senator Beveridge. I do not wish to be understood as objecting to the issue you make. I only want to understand it. I understand it is proposed to prove that his relations to people who do violate the law are of such a character, so far as this is concerned, that he ought to be debarred.

The Chairman. I will make this suggestion, Mr. Tayler, that as Mr. Van Cott was stopped in the midst of his statement, he shall conclude the statement of his objection and then you will have the opportunity to reply to it.

Mr. Tayler. Very well. I only rose, of course, because the request was made for a statement as to what the issue was, and I can make a statement of that from the record in a moment.

The Chairman. We will hear you further on your objection, Mr. Van Cott.

Van Cott's Objections.

Mr. Van Cott. I will ask Senator Hoar to pardon me for not answering his question at this time, so that I may answer the chairman's question and statement first.

The chairman has stated that I made a certain statement about coming here to ascertain the issues. It is true, as the chairman says, that the particular remarks that I attributed to him are not in print, but the chairman will remember that Senator Smoot, Mr. Worthington, myself and other gentlemen came here repeatedly when the committee was not in session for the purpose of getting a hearing and understanding about these issues. It was at those times that the statement was made that I have referred to. It does not seem to me of much moment either way, but that is when the statement was made.

Now, coming to Senator Hoar's question, the Senator has put a question that I can answer neither yes nor no. I have to analyze it; but as it goes to the heart of the objection that I made and the argument I had in mind it will be exactly appropriate to what I wish to say on the subject.

I asked Senator Hoar just before the short recess was taken a few minutes ago whether he eliminated practice in his question in regard to counterfeiting, and I understood him to say yes, but I think he must have misunderstood me.

Senator Hoar. I thought you asked me whether the charge that Mr. Smoot was guilty of the practice of polygamy was eliminated from this hearing. I thought you were speaking of that and I said yes.

Salt Laker's Understanding.

Mr. Van Cott. I understand. It seems to me that the Senator was eliminating nearly everything in the question if he eliminated practice.

As I understand the question, I have to add one element to Senator Hoar's question. That is the element of religious belief, because that is the thing we have before us. There is a band of men or women who believe in counterfeiting. It is an extreme case, but they believe in counterfeiting. They believe it as a religious belief. They believe it as a religious duty, but they perform no act outside of their mere abstract belief. The first question is, is that material; and I have to segregate the question and put it into two parts. I say no, it is absolutely immaterial, according to my judgment, and I will state why.

In the first place, a body of men can believe that the burning of witches or the burning of the unorthodox is right. They can believe it all they please and the State never interferes with them. It has no right to interfere with them. It protects their belief. It does not make any difference what they believe. It does not make any difference how fallacious their belief is. Their belief, as an abstract belief, is protected, and no court and no law under the Constitution has the right to interfere with it.

Let us just see a moment. Senator Hoar very pertinently put the question to Mr. Smith on the witness stand, because it comes in as an appropriate illustration, as to whether, when the first revelation was given as to plural marriage as a matter of belief, he believed it. He said yes. He was asked whether he believed that by the manifesto the practice was stopped. He answered yes. I understood Senator Burrows to put the question as though it were inconsistent. I say no, they are not inconsistent; that a man has a right to believe that, or to believe that counterfeiting is right, and his belief is protected. It is the act, it is the practice, that you have the right to reach.

Case of Reynolds Cited.

Now, to make myself clear, the case of Reynolds vs. The United States, involving this question of polygamy, went to the Supreme Court of the United States, and the decision was rendered by Chief Justice Waite. In the course of that decision he took up this question of religion and discussed the Virginia act that was before the people in Virginia that it was proposed to pass, and which Thomas Jefferson and others opposed. It is on that that the Chief Justice is speaking. I read from 98 United States, 163, to prove what I say in

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regard to this question of belief, that no matter how bad it is, no matter how fallacious it is, no matter how dangerous its tendencies are, as to the belief, the people are protected.

This brought out a determined opposition. Among others, Mr. Madison prepared a "Memorial and remonstrance," which was widely circulated and signed, and in which he demonstrated "that religion, or the duty we owe the Creator," was not within the cognizance of civil government. (Semple's Virginia Baptists, Appendix.) At the next session the proposed bill was not only defeated, but another "for establishing religious freedom," drafted by Mr. Jefferson, was passed. (1 Jeff. Works, 45; 2 Howison, Hist. of Va., 298.) In the preamble of this act (12 Hening's Stat., 84) religious freedom is defined; and after a recital "that to suffer the civil magistrate to include his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy which at once destroys all religious liberty." * * *

Senator Beveridge. Do you understand that anybody is contending here that this committee or anybody else has a right to inquire into the belief of anybody?

Mr. Worthington. We have been doing that all the morning.

Mr. Van Cott. We have been doing it all the morning, but if Senator Beveridge will excuse me, I will proceed with the end quotation. It goes on:

It is declared "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order." In these two sentences is found the true distinction between what properly belongs to the church and what to the state.

So, answering Senator Hoar and putting in that element of religious belief, if this band of counterfeiters believe it is proper for them to counterfeit money——

Hoar's Question Not Understood.

Senator Hoar. I do not think you quite understand my question, if I may be permitted to state it without anticipating the final decision at all, if we come to any final decision in this case. I do not believe—I can only speak for myself—that any member of the committee will be found questioning the general statement that you make. Certainly I do not believe I ever shall. I have made a public statement on that question quite recently in regard to anarchy. That is, I suppose we have no right to deal, in determining Mr. Smoot's case, with any article of religious faith of his, and I suppose further—now, I speak only for myself—that I have no right to impute to him what I think may be the logical deduction from his beliefs, but which he himself does not accept. He is not obliged to be judged by my logic as to what is the result of his creed.

That is the great source of all religious persecutions and tyranny in this world. But, on the other hand, suppose he believes that it is a religious duty, or at any rate a right, whether a duty or not, to disobey a law of the land and belong to an association organized for the purpose of persuading other people to disobey that law of the land, to persuade other people that it is not a religious duty to do it, or at any rate, their right to do it. Suppose at the outbreak of the civil war in some Northern State an association had been formed who believed that it was their own right and duty to join the ranks of the confederates. There are a great many men who believed that the confederacy was entirely right, as far as it was concerned in the doctrine of secession; but suppose that they believed it was their right and duty to join the ranks of the confederacy and they formed an association to urge their fellow-citizens to join the ranks of the confederacy. Now, that is the question—an association formed for the purpose of instigating unlawful action in other people.

Offer of Proof.

I understand that Mr. Tayler, in these four lines which I have read just now, makes, among other things, this offer of proof, that there is an association or body of men known as the presidency and the twelve apostles of this church who are organized, among other things, for that very purpose, to inculcate polygamy and to persuade other people to practice it, and he proposes to show it by showing that Mr. Smoot is so connected and intimate with them that he must know their purposes and practice and that their practice is itself a violation of the law, and, whether Mr. Smoot violates it or not, all these other men do; that he must know it and that, having joined their association, he must have joined it for the purpose of helping them promote that doctrine.

I do not mean in the least to imply a suggestion that that thing either has been proved or that there is any step yet taken toward proving it, but that is the theory on which it has occurred to me this line of inquiry might be supported, and it seems to me, speaking only for one, with great deference to my associates on the committee, that we had better go along a little while and hear Mr. Tayler, and we can see whether practically he is doing anything to establish that proposition. So far the evidence has not gone a great way, if it has gone at all, toward establishing that proposition; but Mr. Tayler has been interrupted by members of the committee, or by me at any rate, as I wanted him to understand my proposition.

Mr. Van Cott. Senator Hoar, as I had nearly finished my statement, probably my answer had better be completed, and then it can be determined.

Senator Hoar. Very well.

Mr. Van Cott. I think I apprehend Senator Hoar's question correctly, although I had not finished my entire answer to it. I was just coming to the question that Senator Hoar last discussed, this question of practice. Taking the illustration of these men actually counterfeiting money, and of their encouraging, aiding and abetting others to counterfeit money, where it comes to acts themselves, of course that is not protected as a matter of belief. We all know that, and that is outside of this case.

That brings us right down to the concrete question suggested by Senator Hoar and by his question. What is it that Mr. Tayler is asking? He is asking in regard to the polygamous relations of George Teasdale. The question is, what bearing has that on Senator Smoot? Bear this in mind, that in this protest the protest-

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ants in print charge this, speaking of Reed Smoot:

We accuse him of no offense cognizable by law.

There is the statement, on page 25. If they charge Reed Smoot with no offense cognizable by law, they do not charge him with the overt act of encouraging some person to commit a crime.

Now, answering the further question that I thought Senator Beveridge had in mind, and that Senator Hoar has suggested—that is, suppose you are going to prove that Reed Smoot has encouraged people to disobey this law against going into polygamy. We have not objected to that kind of proof. They have not asked that question. They are simply asking now what George Teasdale has done. There is not a whisper nor a sign that they are inquiring or making any effort to show that Reed Smoot ever encouraged that to be done; and that is the point to which the objection goes.

Two Protests Filed.

Mr. Tayler. Mr. Chairman, the committee will notice, upon an examination of the two protests, and there were two filed against the continuation of Mr. Smoot in his seat in the Senate, that one of them is signed by J. L. Leilich, and the other is signed by some nineteen different gentlemen in the State of Utah. Mr. Leilich has not been here, and has not been represented by counsel. I represent the other protestants, nineteen in number, who signed the protest which any one who reads it will discover is a carefully prepared document, intended to set out a certain legal cause of action, if that word or expression is proper in this connection. In that main protest, signed by these nineteen people, there is not a word about Senator Smoot being a polygamist. There is not a word about his having taken any oath; and nobody appears before the committee making any claim upon those two propositions. But the answer which Mr. Smoot filed selects and emphasizes and makes conspicuous these two charges in the Leilich case, as if they were all the charges made, and proceeds then to demur to the allegations of the main petition and remonstrance, which is the only one which is here now for consideration.

When I appeared before the committee to outline the case we proposed to make, I produced, as it were, the claims made by the protestants whom I represented, to some extent recasting the charges, but in no material sense changing them, and I then distinctly disavowed any relation with the charge of polygamy by Mr. Smoot and made no reference at all to any oath that it was said had been taken under the Leilich charge. So I have pursued the line of inquiry all the time that is set out in the several heads which were distinctly made in the opening remarks before this committee.

I think the whole paragraph ought to be considered in that connection; that is to say, not only the last section which Senator Hoar read, but this, on page 44, paragraph b:

The president of the Mormon church and a majority of the twelve apostles now practice polygamy and polygamous cohabitation, and some of them have taken polygamous wives since the manifesto of 1890. These things have been done with the knowledge and countenance of Reed Smoot. Plural marriage ceremonies have been performed by apostles since the manifesto of 1890, and many bishops and high officials of the church have taken plural wives since that time.

Then follows the last sentence, which has been read. It all covers that.

No Mystery About It.

Now, there is no need of mystery about it. Whatever individual Senator's views may be as to their duty or as to the conclusions to be drawn if certain testimony is to be given, that charge means just this, that the president of the church, notwithstanding his and his associates' promise to abandon polygamy and polygamous cohabitation; notwithstanding the fact that the law of the land declares against it; notwithstanding the fact that they declare by words that it is a violation of the law of the church to unlawfully cohabit, the president of the Mormon church, the daily associate and superior of Reed Smoot, has been constantly living in polygamous cohabitation with at least five wives; and the same thing is true of a large majority of Reed Smoot's weekly associates, to put it no stronger, on this body, organized upon the basis, among other things, as a fundamental proposition believed in today by the president of the church as a divine order temporarily suspended, that plural marriage was right.

Now, it may be that a just interpretation of all the facts which we shall endeavor to prove and lay before this committee may induce the committee and the Senate to believe that Mr. Smoot ought not to be held to any responsibility on account of the acts of those in association with him in the kind of a church which has the kind of revelation and the kind of authority which the head of the church has declared himself to possess. It may be, I say, that no interpretation can properly be made that will affect the right of Reed Smoot to his seat in the Senate; but that is what we propose to prove, and the illustration that Mr. Van Cott used about witchcraft, or belief in witchcraft, is most apt and appropriate here. Just substitute the words "witchcraft and its practices" for the words "polygamy and polygamous cohabitation," and where would Mr. Smoot be?

What Will Be Proven.

Senator Beveridge. Do you propose to prove, in connection with what you have just said in connection with the practice of these other apostles, that the presidency and the apostles constitute a propaganda of polygamy?

Mr. Tayler. Undoubtedly.

Senator Beveridge. At the present time?

Mr. Tayler. Undoubtedly they do.

Senator Beveridge. That is quite pertinent and proper, if it is true. That gets to an issue.

Mr. Tayler. How can the ruling order of a church, the large majority of it, proclaim their belief in polygamy as divine, which has been merely temporarily suspended in its practice, they say, by law, and who themselves are in daily practice of that habit and not constitute a propaganda?

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Senator Beveridge. My question is whether, in connection with what you have just stated, you propose to prove that the high priests of this body of men, the apostles, constitute a present propaganda of polygamy?

Mr. Tayler. Undoubtedly.

Worthington Surprised.

Mr. Worthington. Mr. Chairman, we made no objection to any question that was asked until this one, not because we conceded that the evidence which was introduced here was pertinent to the issues, or, whether pertinent or not, could in any wise reflect upon Reed Smoot to his seat in the Senate. Although we are lawyers, practicing daily in the courts, we know that it is impossible to proceed by having objections made to testimony as it comes along and ruled upon at the time, as would be done in a court of justice; and we have made no objection until we come to a point which we think is fundamental and important, and upon which we ought to have the ruling of the committee before we go any further. That being had, we shall, of course, submit and proceed with the case upon such adjudication as the committee may make as to what are the issues it is to determine here and what is competent evidence upon those issues.

I have been very much surprised to hear my brother, Mr. Tayler, announce this morning that he never charged and never represented, as I understand him, anybody who did charge that Reed Smoot had taken an oath which is inconsistent with his obligation as a Senator. He does represent the nineteen protestants who filed the first protest, and I find, by looking at the conclusion of that protest, on page 25, this, which he now vouches for as one charge that is to be made here, as I understand:

> We submit that, however formal and regular may be Apostle Smoot's credentials or his qualifications by way of citizenship; whatever his protestations of patriotism and loyalty, it is clear that the obligations of any official oath to which he may subscribe are, and of necessity must be, as threads of tow compared with the covenants which bind his intellect, his will and his affections, and which hold him forever in accord with and subject to the will of a defined and law-breaking apostolate.

Mr. Tayler. Barring the rhetoric, that is a fact.

Mr. Worthington. I do not know what, barring the rhetoric, that means if it does not mean that Reed Smoot came to the Senate under some obligation which is inconsistent with the oath which he had to take as a Senator, and that the previous obligation binds him now and not the oath which he took as a Senator.

Position of Protestants.

Mr. Tayler. We stand there now; but, of course, an obligation may occur without formal words which bind him to something which is in terms unlawful and unpatriotic.

Mr. Worthington. Very well. When we came before the committee in the first instance there was a revised set of charges made by the counsel representing these same protestants. Those charges are found on pages 42, 43 and 44. I will not take time to read them; but that charge is not repeated in any form whatever, and is abandoned. Now counsel, I understand, are revising their revision. He now informs us he does insist on his original charge.

Mr. Tayler. We never abandoned that. That is an inference from all of it. The obligation that he, as a member of this hierarchy, must be under, whether he ever took a formal oath or not, constitutes that relation and brings about that result. We do not abandon a word of the charge made in this paper.

Mr. Worthington. Then you do charge that he was under an obligation when he took the oath as Senator which was inconsistent with his oath as Senator?

Mr. Tayler. I say his obligation as a member of that hierarchy was, as this article says, supreme.

Senator Foraker. I understood, as one member of the committee, that that was the essence of the whole charge, aside from the charge of plural marriage.

Worthington Explains.

Mr. Worthington. When we filed our answer to the first set of charges by the nineteen protestants and the other individual protestant, we set forth that our judgment of the situation was that in all this rhetoric there were the two charges which could in any wise constitutionally affect the right of Senator Smoot to retain his seat: One, the charge that he was a polygamist, which was made by Leilich and was not made by the nineteen, and this other, that he was bound by some oath or obligation which is inconsistent with the oath required by the Constitution, and which we understood to be made by both protests; but Senator Smoot, while he said that, went on and asked the committee to decide that nothing else was pertinent. He went on and answered fully as to the other charges. So when these revised charges were made we answered them in the same way, so far as they made any charge which we considered to be pertinent.

The only thing that is before the committee today is this charge which is contained on page 44, which is simply in substance this: That Reed Smoot is not a polygamist, but he has encouraged others to be polygamists—to take plural wives and to live in cohabitation; that he has encouraged others to do it. That, now, is modified into this statement, as suggested by the Senator from Massachusetts and as practically adopted by the counsel for the respondent, that the first presidency and the apostolate of the Mormon church, composed of fifteen people, are a body which is organized for the purpose—let me quote the language of the Senator, "to inculcate polygamy and to encourage others to practice it."

Let me say, in the first place, it has not yet been shown to the committee when Reed Smoot became an apostle. As a matter of fact, he became an apostle in the year 1900, and we have testimony here about the plural marriage of a man who died in 1896. I do most respectfully submit that the fact that a man was a polygamist and died in 1896 is not pertinent to a charge that in 1900 Reed Smoot joined

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a conspiracy to perpetuate polygamy thereafter.

I say further that if it be shown here, if the counsel can show it to the committee and to the Senate, that Reed Smoot did belong to this organization and that it was an organization to inculcate polygamy and encourage others to practice it, and that is the situation today, he ought to be put out of the Senate, and nobody would deny it, because he would be engaged then in a criminal conspiracy to violate the law of the State and the ordinance of agreement under which Utah was admitted into the Union. It would not be necessary, Mr. Chairman and Senators, to go one step further and to show that anybody had as a matter of fact ever acted under that advice and had taken plural wives, because if he sat around a table with the others, as you gentlemen sit around this table, and entered into the conspiracy that they would endeavor to have the law violated and have people enter into polygamy, the evidence is complete, and it is a very serious charge.

I say, therefore, that the evidence before the committee should be directed to the proof as to that conspiracy, to show that they are a band of conspirators; and not, I respectfully submit, that some of the members of the organization to which he belonged committed the crime to which it is said they were organized to inculcate and encourage.

Let me suggest a matter myself which I take it is a little different from these other illustrations. Suppose Reed Smoot was a member of the vestry of an Episcopal church in this city composed of twelve persons, and it was charged against him that he belonged to that vestry and it was organized for the purpose of encouraging and inculcating the theory and practice of adultery and improper sexual relations generally. When he was brought to bar would it be evidence, in the first place, to show that some member of that vestry had been in the habit of committing that offense, or that two or three of them had been? I submit not, Mr. Chairman.

Hoar Questions Worthington.

Senator Hoar. No. But if they all believed it was a religious duty to do it, and that had been proclaimed as one of the tenets of their church, and the question was whether that religious belief and duty to do it had been abandoned, would you hold it to be immaterial that all the other eleven of the twelve members you speak of continued to do it?

Mr. Worthington. In the first place, there is no offer by anybody to prove that all the other members did.

Senator Hoar. But I understand there is an offer to prove a very considerable number did.

Mr. Worthington. It is said a majority of them. The cousel has not yet stated how many.

Mr. Tayler. We do not propose to limit ourselves to the size of the majority.

Senator Pettus. I will ask counsel this question: Supposing all he has said to be correct, can you not prove the most solemn facts in the courts by mere circumstances?

Mr. Worthington. Assuredly; and so may a conspiracy be proved.

Senator Foraker. In a charge of conspiracy, however, the rule is you must show conspiracy.

Mr. Worthington. That is exactly what I was going to suggest. This is practically a charge of conspiracy, that these fifteen men entered into a conspiracy to encourage the practice of polygamy. The evidence that has gone in so far is that they believed in the theory and practice of polygamy up to a certain date, and after that date, which was in 1890, they not only expressly but really modified their belief and their practice.

Evidence Competent.

Senator Hoar. Is not this evidence competent on the question whether they really modified their belief and their practice? That is the point.

Mr. Worthington. I think not. I think it is not competent to show by the overt act of one of the alleged conspirators that the conspiracy existed. We have just finished in our court a long trial for conspiracy, and I think nobody in that case controverted the ruling which was made and which is uniformly made in our court —I know not what it may be in other jurisdiction—that where parties are on trial for conspiracy you must prove the conspiracy first, and then you must prove the overt act by some of the conspirators, and they are all bound by it if done in pursuance of the conspiracy. But here is evidence which, if it establishes anything, establishes that there was no conspiracy, and they are offering evidence of the overt act. I submit the committee should hold that the counsel should offer evidence which they claim tends to show conspiracy, and when they have offered that, then the committee can decide whether it makes out a case and whether it is necessary to proceed any further.

The question is asked whether a certain Mr. Teasdale was a polygamist. Let us see where this will lead. Mr. Teasdale, it turns out, was an apostle. It is stated in the first answer that was filed here that at the time of the manifesto there was some two or three thousand polygamists in Utah; that the number had dwindled down until at the time the answer was filed there were about five hundred. Would it be competent to prove, these men being scattered all over the State of Utah, that down in the southwest corner of Utah some one was having plural marriages and up in the northeast corner of the State some other man was having plural marriages, and go on, as counsel chose, to select all the five hundred people?

If you had proved there were 500 people and every one of them had a dozen wives, you would not have advanced the case one step, because the question would come back: Did these people who met around this board, and who are called the first presidency and the apostles, organize for the purpose of encouraging and pursuing that thing? Are they encouraging the 500 who are living with the wives they married before the manifesto or are they representing the hundreds of thousands of people who are living in monogamy, as civilized people generally do?

It does seem to me this is an important and vital point, and the committee ought to give it careful consideration and de-

cide before we go on to this boundless sea to which counsel are taking us, and as to which, if they should succeed in proving there were 500 polygamists and 2500 plural wives, it would not, as to Reed Smoot, advance the cause a particle, and would not even call upon us to reply.

The Chairman. I suggest to the committee that we have an executive session, as there are some matters to be considered, and that the committee ask all persons except members of the committee to leave the room.

The committee will adjourn at the expiration of the executive session until tomorrow morning at half-past 10.

At 4 o'clock and 5 minutes p. m. the committee went into executive session.

Decision of Committee.

The committee met at 10:30 o'clock a. m.

Present: Senators Burrows (chairman), Hoar Foraker, Beveridge, Dillingham, Hopkins, Pettus, Dubois and Overman; also Senator Smoot; also Robert W. Tayler, counsel for the protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent; and Franklin S. Richards, counsel for Joseph F. Smith and other witnesses.

The Chairman. At the time of the adjournment of the committee yesterday, objection had been made by counsel for the respondent to a certain question put by counsel for the protestants, as follows:

"Mr. Tayler. Do you know George Teasdale?

"Mr. Smith. Yes, sir; I know George Teasdale.

"Mr. Tayler. How long have you known him?

"Mr. Smith. I have known him ever since 1863.

"Mr. Tayler. He is one of the apostles?

"Mr. Smith. Yes, sir.

"Mr. Tayler. How long has he been one of them?

"Mr. Smith. That I could not tell from memory.

"Mr. Tayler. Well, about how long?

"Mr. Smith. I should think over twenty years.

"Mr. Tayler. How often do the first presidency and the apostles meet?

"Mr. Smith. We generally meet once a week.

"Mr. Tayler. Was he a polygamist?

To which latter question counsel for the respondent objected. In order that counsel may understand the limit of this investigation as nearly as possible, the committee will permit counsel for the protestants, as bearing upon this charge in the protest, namely:

"This body of officials"—

Meaning the first presidency and the twelve apostles—

"Of whom Senator-elect Smoot is one, also practise and connive at and encourage the practice of polygamy and polygamous cohabitation."

As bearing upon that charge, the committee will permit counsel to inquire into the teachings and practice of the president and the twelve apostles in this regard since the 26th day of September, 1890, the date of the Woodruff manifesto. Mr. Tayler, are you ready to proceed?

Mr. Tayler. We are.

Beveridge Breaks In.

Senator Beveridge. Mr. Chairman, I wish to say a word. I think it important, as a matter of justice to the committee, that we should see just where we are at this juncture. I think it is pretty generally understood by the country, and it was understood even by three or four members of this committee up to yesterday, that objection was made to Mr. Smoot being a United States Senator on the ground that he is a polygamist. Now we find, not that that charge is withdrawn, but that the attorney for the protestants declares he never made it. So as to the popular notion that Mr. Smoot is being tried as a polygamist, not only is that not asserted, but, so far as this investigation is now concerned, it is conceded by protestants that his life in that particular is as correct as that of any one else.

Second. That he was charged with having taken an oath inconsistent with his oath as a Senator of the United States. I understand Mr. Tayler to say, also, that not only is that charge not withdrawn, but that it never was made so far as his clients are concerned. Therefore, at this juncture we find that Mr. Smoot is not being tried as a polygamist, for it is conceded that that condition does not exist, and that his life is correct, and, on the other hand, it is not charged and we are not trying him upon the ground that he has taken an oath inconsistent with his oath as a Senator of the United States. Hence, the issue to which this is reduced, and upon which we are proceeding and shall proceed from now on, and upon which, so far as the protestants are concerned, Mr. Smoot is being tried, as it were, is the one stated by the chairman, in substance, that he is a member of a conspiracy.

I think it is fair to make this statement, because I think it is pretty generally understood in the popular mind that we are proceeding here to try—I use the word "try" in a broad sense—Mr. Smoot for being a polygamist and for having taken an oath inconsistent with his oath as a which is true.

Dubois Dissents.

Senator Dubois. Mr. Chairman, I desire to enter my dissent. There was no member of this committee, unless it may have been the Senator from Indiana—

Senator Beveridge. The Senator from Ohio.

Senator Dubois. And possibly the Senator from Ohio.

Senator Beveridge. And the Senator from Vermont.

Senator Dubois. No; I do not include the Senator from Vermont, who thought that we were trying Mr. Smoot upon the charge of his being a polygamist, or of his having taken an oath as an apostle which was incompatible with his oath as a Senator. That charge was not preferred by the committee of nineteen from Salt Lake City, Utah. That charge was preferred by an individual named Leilich, and was repudiated instantly by telegram from the protestants—the nineteen—and no one ever appeared here, and it was stated in the first meeting, in answer to a direct question, that no one was present to press those charges.

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The committee understood, if I at all rightly interpret the committee, and I have had the pleasure of being present at every meeting, that the respondent was being tried upon the charges preferred by the committee of nineteen, which struck at the polygamous practices of this hierarchy, and the control, the absolute control, which this hierarchy exercises in temporal and political affairs.

Scope of Investigation.

For the first time in fifty years this committee understood, if I understand the committee rightly, that the relations of this organization to the United States were to be investigated at this meeting. There was no disposition upon the part of any one represented here in person, or by counsel, to try Mr. Smoot on the charge that he was a polygamist, or that he had taken an oath as an apostle which was incompatible with the oath he has taken as United States Senator, while constantly the attorneys on the other side, and people not representing the protestants, have been trying to force the protestants to issues which they themselves have never raised.

Senator Beveridge. Then we agree. Those two issues are eliminated, and those are not the things upon which we are trying him.

Senator Dubois. Those are not the things upon which we are trying him, and it was not within the mind of the committee that we were.

Senator Pettus. Mr. Chairman, I protest against this debate.

The Chairman. We will proceed with the case.

Mr. Tayler. Mr. Smith will you take the stand?

President Smith Resumes.

Joseph F. Smith, having previously affirmed, was examined, and testified as follows:

Mr. Tayler. Before proceeding with the line of questioning respecting Apostle George Teasdale, Mr. Smith, I desire to recur for a moment to the subject of Abraham H. Cannon. At the time of his death he was an apostle?

Mr. Smith. Yes, sir.

Mr. Tayler. How long had he been an apostle, or about how long?

Mr. Smith. I do not know.

Mr. Tayler. Had he been for some time; some years?

Mr. Smith. Yes, some years.

Cannon a Polygamist.

Mr. Tayler. At the time of his death he was a polygamist, you stated, I believe.

Mr. Smith. That is my understanding, sir.

Mr. Tayler. You knew several of his wives?

Mr. Smith. Well, I can not say I knew them, except that I have seen them.

Mr. Tayler. You have seen them?

Mr. Smith. Yes, sir; and they were reputed to be his wives.

Mr. Tayler. And they were reputed to be his wives?

Mr. Smith. I do not know anything about it.

Mr. Tayler. Prior to June, 1896, you had never heard of Lillian Hamlin being his wife?

Mr. Smith. No, sir.

Mr. Tayler. Nor had you known her prior to that time?

Mr. Smith. No, sir.

Mr. Tayler. Did you see them at Los Angeles?

Mr. Smith. Yes, sir.

Mr. Tayler. Were you out in a boat from there?

Mr. Smith. Yes, sir.

The Chairman. I did not understand the date.

Mr. Tayler. June, 1896.

The Chairman. 1896?

Mr. Tayler. Yes.

The Chairman. Proceed.

Mr. Tayler. Where did you go with them in a boat?

Mr. Smith. We went to Catalina island.

Mr. Tayler. Did you go from there anyhere out in the water?

Mr. Smith. No, sir.

Mr. Tayler. Your journey through the water was merely from the mainland to Catalina island?

Mr. Smith. That is correct.

Heard He Married Them.

Mr. Tayler. Was there any talk, or did anything occur while you were aboard that boat, respecting the marriage relations of Abraham H. Cannon—

Mr. Smith. No, sir.

Mr. Tayler. And his wife?

Mr. Smith. No, sir.

Mr. Tayler. No reference was made to the subject at all?

Mr. Smith. Not to me.

Mr. Tayler. Not to you?

Mr. Smith. No, sir.

Mr. Tayler. To whom was any reference made?

Mr. Smith. I do not know.

Mr. Tayler. Nothing was said in your presence or to your knowledge about that subject?

Mr. Smith. No, sir. The first I heard of it was years afterward through the public prints.

Mr. Tayler. Through the public prints?

Mr. Smith. Yes, sir.

Mr. Tayler. That is, that you had married them aboard that vessel?

Mr. Smith. That is what I heard in the public prints.

Mr. Tayler. That is what you heard.

Mr. Smith. Yes, sir.

Mr. Tayler. Did you have any talk on that journey of after you left Salt Lake—after you first heard or learned that Lillian Hamlin was the wife of Abraham Cannon—as to when they were married?

Mr. Smith. No, sir.

Mr. Tayler. Did you have any talk with either of them?

Mr. Smith. Not in the least.

Mr. Tayler. Not in the least?

Mr. Smith. Not in the least, sir; and no one ever mentioned to me that they were married. I simply judged they were married because they were living together as husband and wife.

Mr. Tayler. Exactly.

Mr. Smith. That is all I know about it.

Mr. Tayler. And your knowledge of any status which may have existed be-

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tween them was not due to anything they told you?

Mr. Smith. No, sir; not at all.

Denies That He Officiated.

Senator Foraker. Before he gets away from that subject, is there any objection to stating what he read in the newspapers—the story to which you have referred?

Mr. Tayler. I did put that in. I asked him if he had married them aboard the steamer.

Senator Foraker. That is what you saw in the newspaper?

Mr. Smith. That is what I read in the newspaper.

Senator Foraker. And there was no truth in that?

Mr. Smith. No, sir.

Mr. Tayler. Was it a regular passenger steamer that you went over on?

Mr. Smith. Yes, sir; a regular passenger excursion steamer.

Mr. Tayler. Did you take any other trip down there with them?

Mr. Smith. No, sir.

Mr. Tayler. Did you say anything by way of criticism to Abraham Cannon?

Mr. Smith. No, sir.

Mr. Tayler. For going about with this wife?

Mr. Smith. No, sir; I did not.

Mr. Tayler. Is the law of the church, as well as the law of the land, against the taking of plural wives?

Mr. Smith. Yes, sir; I will say—

Mr. Tayler. Is that the law?

Mr. Smith. I would substitute the word "rule" of the church.

Mr. Tayler. Rule?

Mr. Smith. Instead of law, as you put it.

Mr. Tayler. Very well. Then to take a plural wife would be a violation of a rule of the church?

Mr. Smith. It would.

Mr. Tayler. Would it be such a violation of the rule of the church as would induce the church authorities to take it up like the violation of any other rule would do?

Mr. Smith. It would.

Mr. Tayler. Is the cohabitation with one who is claimed to be a plural wife a violation of the law or rule of the church, as well as of the law of the land?

Mr. Smith. If the committee will permit me, I could not answer the question yes or no.

Mr. Tayler. You can not answer it yes or no?

Mr. Smith. No, sir. I should like to explain that matter.

Mr. Tayler. I surely have no objection myself to your doing so.

Mr. Smith. Mr. Chairman, may I be permitted?

The Chairman. Certainly; but be as brief as you can. You have a right to make your own answer.

Status of Polygamists.

Mr. Smith. In regard to the status of polygamists at the time of the manifesto, it was understood for some time, according to the investigation before the master in chancery, that they would abstain from associations with their families, and I think as a rule—of course I am not familiar with it and could not say from my own knowledge—that was observed. But at the time, at the passage of the enabling act for the admission of the Territory as a State, the only provision that was made binding for the admission of the State was that plural marriages should cease, and there was nothing said in the enabling act prohibiting the cohabitation of a man with his wives at that time.

Senator Hoar. I do not want to interrupt you, but you mean, I suppose, with wives previously married?

Mr. Smith. That is what I mean. It was understood that plural marriages had ceased. It has been the continuous and conscientious practice and rule of the church ever since the manifesto to observe that manifesto with regard to plural marriages; and from that time till today there has never been, to my knowledge, a plural marriage performed in accordance with the understanding, instruction, connivance, counsel, or permission of the presiding authorities of the church, or of the church, in any shape or form; and I know whereof I speak, gentlemen, in relation to that matter.

Mr. Tayler. That is all of your answer?

Mr. Smith. What was your question?

The Cairman. Now let the reporter repeat the question.

Mr. Smith. Excuse me; I think I have the thread: Was it contrary to the rule of the church? It was.

Mr. Worthington. What was?

Mr. Smith. That is, the association of a man, having married more than one wife previous to the manifesto, abstaining from association with them.

The Chairman. I do not think you understand the question. Let the reporter read it.

The reporter read as follows:

"Mr. Tayler. Is the cohabitation with one who is claimed to be a plural wife a violation of the law or rule of the church, as well as of the law of the land?"

Mr. Smith. That was the case, and is the case, even today.

Mr. Tayler. What was the case; what you are about to say?

Smith Defies the Law.

Mr. Smith. That it is contrary to the rule of the church and contrary as well to the law of the land for a man to cohabit with his wives.

But I was placed in this position. I had a plural family, if you please; that is, my first wife was married to me over thirty-eight years ago, my last wife was married to me over twenty years ago, and with these wives I had children, and I simply took my chances, preferring to meet the consequences of the law rather than to abandon my children and their mothers; and I have cohabited with my wives—not openly, that is, not in a manner that I thought would be offensive to my neighbors—but I have acknowledged them; I have visited them. They have borne me children since 1890, and I have done it, knowing the responsibility and knowing that I was amenable to the law.

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Willing to Submit to Penalty.

Since the admission of the State there has been a sentiment existing and prevalent in Utah that these old marriages would be in a measure condoned. They were not looked upon as offensive, as really violative of law; they were, in other words, regarded as an existing fact, and if they saw any wrong in it they simply winked at it. In other words, Mr. Chairman, the people of Utah, as a rule, as well as the people of this Nation, are broad-minded and liberal-minded people, and they have rather condoned than otherwise, I presume, my offense against the law. I have never been disturbed. Nobody has ever called me in question, that I know of, and if I had, I was there to answer to the charges or any charge that might have been made against me, and I would have been willing to submit to the penalty of the law, whatever it might have been.

Mr. Tayler. So that obedience to the law is perfectly satisfied, according to your view of it, if one is ready to pay the penalty for its violation?

Mr. Smith. Not at all. I should like to draw a distinction between unlawful cohabitation and polygamy. There is a law prohibiting polygamy, plural marriages.

Senator Hoar. You mean now a law of the State of Utah?

Distinction Between Laws.

Mr. Smith. I mean the law of the State, and I mean that this is in the Constitution of our State. It is required by the enabling act. That law, gentlemen, has been complied with by the church; that law has been kept by the church; and there never has been a plural marriage by the consent or sanction or knowledge or approval of the church since the manifesto.

The law of unlawful cohabitation is another law entirely, and relates to the cohabitation of a man with more than one wife. That is the law which I have presumed to face in preference to disgracing myself and degrading my family by turning them off and ceasing to acknowledge them and to administer to their wants—not the law in relation to plural marriage. That I have not broken. Neither has any man broken it by the sanction or approval of the church.

Mr. Tayler. You say that there is a State law forbidding unlawful cohabitation?

Mr. Smith. That is my understanding.

Mr. Tayler. And ever since that law was passed you have been violating it?

Mr. Smith. I think likely I have been practicing the same thing even before the law was passed.

Mr. Tayler. Yes.

Mr. Smith. Long years before it was passed.

Held Plurals as His Wives.

Mr. Tayler. You have not in any respect changed your relations to these wives since the manifesto or since the passage of this law of the State of Utah. I am not meaning to be unfair in the question, but only to understand you. What I mean is, you have been holding your several wives out as wives, not offensively, as you say. You have furnished them homes. You have given them your society. You have taken care of the children that they bore you, and you have caused them to bear you new children—all of them.

Mr. Smith. That is correct, sir.

Mr. Tayler. That is correct?

Mr. Smith. Yes, sir.

Mr. Tayler. Now, since that was a violation of the law, why have you done it?

Mr. Smith. For the reason I have stated. I preferred to face the penalties of the law to abandoning my family.

Mr. Tayler. Do you consider it an abandonment of your family to maintain relations with your wives except that of occupying their beds?

Mr. Smith. I do not wish to be impertinent, but I should like the gentleman to ask any woman, who is a wife, that question.

Mr. Tayler. Unfortunately or fortunately, that is not the status of this examination at this point.

Mr. Smith. All the same, it is my sentiment.

Senator Foraker. I do not see how investigation along that line is going to give us any light. What we want are facts. The witness has testified to the fact. This is all a matter of argument and discussion—the effect of it, or what his opinion is about it. It is our opinion we are concerned about.

The Chairman. Mr. Tayler, confine yourself to the question of fact.

Mr. Tayler. Will the Chair permit a word?

The Chairman. Certainly.

Tayler States Case.

Mr. Tayler. I do not know whether the inference to be drawn from the state of facts is sufficiently clear, or whether it would be proper to pursue it further. But I take it that it is to the last degree important to understand what lies at the foundation of the acknowledged and professed defiant violation of the written law of the land, coupled with a mere expression of willingness to accept the consequences of that violation. This is all. That was contended for by Joseph F. Smith prior to 1890, and by the long line of saints that preceded him.

Mr. Smith. I beg your pardon.

Mr. Worthington. Just a moment, Mr. Smith.

Mr. Tayler. And therefore it strikes me that an explanation from this man who is the spiritual head of the church, the immediate superior of Senator Smoot, the man who receives divine revelations respecting the duty and conduct of the whole body of the church, as to why he thus defiantly violates the law, is pertinent and important.

Senator Beveridge. But he gave his explanation.

Mr. Tayler. If that is all of his explanation, of course I can not complain, but I do not think it is.

Senator Foraker. This is the only point of the objection. The witness stated the fact that he is cohabiting still with plural wives notwithstanding the law, and told us why. Now, it seems to me, we should not enter into a discussion as to whether or not that is good morals, or whether or not that is faithful allegiance to the law.

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That is something which the committee will determine.

Senator Dubois. May I ask a question?

Senator Hoar. May I make a motion, Mr. Chairman?

The Chairman. Certainly.

Senator Hoar. It is that this inquiry be not allowed at present, and that if it shall appear to the committee hereafter that there is doubt about the truthfulness of Mr. Smith's statement, which he has already made, as to the discontinuance of the actual practice of new plural marriages, the counsel be permitted to renew his application to put the question at a later time. I suggest, therefore, that the question be not allowed now and that the committee will take it up under a changed condition of things hereafter.

What Was Understood.

Senator Dubois. I should like to be permitted to ask the witness one question, which I think will not provoke any controversy. Was it not understood and stated by the Judges and those in authority, and was it not understood by all living in that country—Utah and Idaho and Wyoming, etc., where these practices existed—that it was the duty of polygamists to continue to provide for and support their polygamist wives and children after the manifesto was issued?

Mr. Smith. That was generally understood.

Senator Dubois. We all—I, for one, at least—understood that it was their duty to provide for and take care of their wives and children in a material way.

The Chairman. Mr. Tayler, proceed.

Senator Beveridge. What becomes of the motion of the Senator from Massachusetts?

Senator Foraker. It was more in the nature of a suggestion in the Senator's mind that counsel be not allowed to ask the question now, because of the present state of evidence, and that if, because of a change in the state of the evidence, the committee should deem the question pertinent, the counsel could recall the witness.

Senator Hoar. I suggested it in order to save time.

The Chairman. Mr. Tayler, suppose you withdraw the question.

Mr. Tayler. I withdraw the question for the time being.

Mr. Worthington. Mr. Chairman, I should like to say, in reference to the question asked by counsel as to what the witness might do with his wives without violating the law, that in the case of Cannon vs. the United States and in the case of Snow vs. the United States, which came before the Supreme court, the Cannon case in 1885, the court decided—

Senator Hoar. My suggestion was made with a view of stopping this discussion.

The Chairman—We will never get through if it is to continue. Mr. Tayler, will you proceed with the examination of this witness?

Mr. Tayler. Mr. Smith, how many children have been born to your several wives since the manifesto of 1890?

Worthington Objects.

Mr. Worthington. I object to that. He professes that he has been living with them. What difference does it make whether it is one child or three?

Mr. Tayler. Of course, it will be important as showing how continuous, how notorious, how offensive, has been his conduct in this respect.

Senator Foraker. The committee must necessarily infer from what the witness stated that this cohabitation has been continuous and uninterrupted.

Senator Beveridge. He so stated.

Mr. Tayler. Precisely; but not how well advertised, how offensive, how instructive it has been to his people; how compelling.

Senator Beveridge. I understood the witness to say that he had children born to him since that time.

Mr. Tayler. Precisely.

Senator Beveridge. That has already been stated.

Mr. Tayler. But it makes a great difference whether it is two or twenty-two.

The Chairman. Mr. Smith, I wish to ask you a question preliminarily. I understood you, in response to a question of counsel, to state that you married your first wife at such a time, and the second wife at such a time, both before 1890?

Mr. Smith. Yes, sir.

The Chairman. The last wife, I mean. Were there any intermediate marriages?

Mr. Smith. Yes, sir.

The Chairman. How many?

Mr. Smith. There were three besides the first and the last.

The Chairman. Then you have five wives?

Mr. Smith. I have.

The Chairman. Mr. Tayler, what is your question?

Mr. Tayler. My question is, How many children have been born to him by these wives since 1890?

The Chairman. The chair thinks that question is competent.

Eleven Children Since Manifesto.

Mr. Smith. I have had eleven children born since 1890.

Mr. Tayler. Those are all the children that have been born to you since 1890?

Mr. Smith. Yes, sir; those are all.

Mr. Tayler. Were those children by all of your wives; that is, did all of your wives bear children?

Mr. Smith. All of my wives bore children.

Mr. Tayler. Since 1890?

Mr. Smith. That is correct.

The Chairman. I understand, since 1890.

Mr. Smith. Since 1890. I said that I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children.

The Chairman. Mr. Taylor, proceed.

Mr. Tayler. None of them has born more than two children to you?

Mr. Smith. Not that I recollect now. I could not tell you without I referred to the dates.

The Chairman. I do not think that is material.

Mr. Tayler. That was not intended for information so much as it was for my guidance with respect to another question which I do not care to ask.

Senator Foraker. It is very evident that there must have been two children by four of the wives, and three by one, which would make eleven.

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Mr. Tayler. That is very true. You of course understand that I might have difficulty in locating the mother of some of the children, as Mr. Smith himself is not quite sure—

Mr. Smith. You will not have any difficulty so far as I am concerned.

Mr. Tayler. I have no doubt if you could recall the particular situation, but you said you were not sure but that one might have borne you three children.

Mr. Smith. I rather think she has.

Mr. Tayler. You rather think?

Mr. Smith. Yes. I could tell you a little later by referring. I can not say that I remember the dates of births of my children—all of them.

Took Plural to Fair.

Mr. Tayler. This answer to my question justifies the difficulty I stated to Senator Foraker I was in at this juncture. You attended some of the opening exercises of the World's fair at St. Louis?

Mr. Smith. I did, by invitation of the chairman.

Mr. Tayler. By the invitation of the chairman?

Mr. Smith. Yes, sir.

Mr. Tayler. Were you accompanied there by one of your wives?

Mr. Smith. I was.

Mr. Tayler. By which one of them?

Mr. Smith. By Edna.

Mr. Tayler. A plural wife?

Mr. Smith. Yes, sir; a plural wife.

Mr. Tayler. Was Senator Smoot with you?

Mr. Smith. No, sir.

Mr. Tayler. He was not at St. Louis with you at any time?

Mr. Smith. He was at St. Louis, but not with me.

Mr. Tayler. He was present in the company of yourself and your wife, was he not?

Mr. Smith. No, sir; he was in another car entirely.

Mr. Tayler. Was he at St. Louis in company with you and your wife?

Mr. Smith. I met him there several times at the hotel.

Mr. Tayler. At any other place?

Mr. Smith. Only at the hotel, that I now remember.

Mr. Tayler. Was your wife in your company at the time?

Mr. Smith. Yes, sir.

Mr. Tayler. He knew she was your wife, did he not?

Mr. Smith. I think he did. I can not say what he knew.

Photograph Was Taken.

Mr. Tayler. There was a photograph taken of the group?

Mr. Smith. Yes, sir.

Mr. Tayler. Where the Utah building was to be?

Mr. Smith. Yes, sir; that is correct.

Mr. Tayler. And you and your wife, Edna Smith, were there?

Mr. Smith. Yes, sir.

Mr. Tayler. And Senator Smoot was with you?

Mr. Smith. And a great many others.

Mr. Tayler. A great many others?

Mr. Smith. The Governor of the State of Utah.

Mr. Tayler. The Governor of the State of Utah and a number of others.

Senator Pettus. I should like to ask a question.

The Chairman. Mr. Tayler, please wait a moment. Senator Pettus wants to ask a question.

Senator Pettus. I should like to ask Mr. Smith, if he pleases, to state, in a general way, where these various wives live, in what place, and the general way of living?

Where Wives Live.

Mr. Smith. I will state, Mr. Chairman, in answer to the question, that each of my families has a home of its own. They live near to each other, not very far from each other, in their own homes.

Senator Hoar. In the same city?

Mr. Smith. In Salt Lake City.

My custom has been to live with my first wife in her home, and I have lived with her exclusively ever since that time, and I am living with her still, but I have, as I said before, visited my other families and provided for them and their children, for their schooling, etc.

Plural at Reception.

Mr. Tayler. You were present at a reception given to the President of the United States in Salt Lake?

Mr. Smith. I was.

Mr. Tayler. Did you have one of your wives there?

Mr. Smith. I did.

Mr. Tayler. Was it the same wife that you had in St. Louis?

Mr. Smith. No, sir; it was not.

Mr. Tayler. Did you in 1895 take the test oath required by those who voted at the election?

The Chairman. Before you come to that, I wish to ask a question for my information.

Mr. Tayler. Very well.

The Chairman. Was Senator Smoot present at the reception which you attended with your wife?

Mr. Smith. I am not very clear, but I think he was, Mr. Chairman.

The Chairman. That is all.

Senator Hoar. I presume it would be conceded by the counsel for the respondent that Senator Smoot knew—it might save some time in various questions—of this attitude of Mr. Smith which he has stated. It must have been a matter of general public knowledge, of course.

Mr. Smith. Yes, sir. May I be permitted—

Senator Hoar. No; I was asking the counsel. I suppose the general knowledge by Mr. Smoot of this opinion and attitude of Mr. Smith will probably be conceded by you?

Mr. Van Cott. I think not.

Senator Hoar. Very well.

Mr. Van Cott. We would rather put Senator Smoot on the stand and let him state the fact as to what he does know. Mr. Tayler, was it brought out where this reception in Salt Lake was held?

Mr. Tayler. At Senator Kearns's, I believe?

Mr. Smith. Yes, sir; at Senator Kearns's residence.

Wrangle Among Lawyers.

The Chairman. Let the stenographer read the question.

The reporter read as follows:

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"Did you, in 1895, take the test oath required for those who voted at the election?"

Mr. Van Cott. Mr. Chairman, I suggest that if Mr. Tayler has any such oath he should, following the custom, show it to Mr. Smith—

Mr. Worthington. I do not understand that there was any such test oath.

Mr. Van Cott. Instead of asking him that kind of a question—

The Chairman. Mr. Tayler, have you the oath?

Mr. Tayler. I have somewhere a copy of it. There is a law on the subject, and I want to know if this witness voted and if, as a condition precedent to that voting, he took the oath which the law required. I submit that would make it competent without reference to the oath itself. If he did not take it, of course, then it is unimportant.

Mr. Van Cott. I simply asked for information. If you have it, it is only fair to show it.

Mr. Tayler. That is true.

Mr. Richards. In behalf of Mr. Smith, and as his counsel, I say it is only fair that he should be confronted with the oath that it is suggested he took, and we ask that he be not required to answer the question until the oath is presented.

Mr. Tayler. Do you mean the original oath that Mr. Smith may have subscribed?

Mr. Richards. No; not the original oath which he subscribed, but a copy of the oath that you say he took, if you claim that he took any such oath.

No Claim About It.

Mr. Tayler. I have not made any claim about it. I am asking this witness if he took the oath that the law required.

Senator Foraker. It would be in order to point out the requirements of the law.

Mr. Tayler. I presume it would, but I believed it was a simple matter, and I was asking him about the fact.

Senator Foraker. There was no objection to that until it was objected to, and then there is objection.

Mr. Tayler. I am asking him if he took an oath at that time.

The Chairman. You said the test oath.

Mr. Tayler. The oath required. The law, as I understand, required an oath to be taken before—

The Chairman. You may ask him the question whether he took an oath at that time.

Mr. Van Cott. That is the question to which we object.

Senator Beveridge. Suppose he took an oath, and suppose when he took the oath he perjured himself. That would establish the fact that he was a perjurer, but what would that have to do with establishing the conspiracy which it is alleged existed?

Mr. Tayler. I do not know what it might have to do—

Senator Beveridge. It would simply prove that he was a very bad man.

Mr. Tayler. It would have a great deal to do with the general outlines of this case.

Senator Beveridge. That is what I am asking.

The Chairman. I have it somewhere. I will withdraw the question for the time being.

Mr. Worthington. I made the objection because I am told there is no such test oath.

Mr. Tayler. Surely, then, there can be no objection to asking the question.

The Chairman. As soon as you have a copy of the oath you will be in condition to present it to the witness and ask him if he took it.

Senator Overman. Did Senator Smoot ever advise you to desist from polygamous cohabitation with your plural wives?

Mr. Smith. Not that I know of. I do not think that Mr. Smoot has ever attempted to interfere with my family relations. I do not know that he knows anything about them, except what I have told you here today.

Senator Overman. Did he ever discuss the matter with you in any way?

Has Five Wives in Utah.

Mr. Smith. Never to my knowledge. I should like to repeat, in connection with this question, that it is a well-known fact throughout all Utah, and I have never sought to disguise that fact in the least, or to disclaim it, that I have five wives in Utah. My friends all know that—Gentiles and Jews and Mormons. They all knew that I had five wives.

Mr. Tayler. I do not doubt it at all.

Mr. Smith. Whether they knew that I was living with them or not I cannot say. I did not inform them of that. I did not acknowledge it to them, because they never asked me nor interrogated me on that point at all.

The Chairman. Mr. Tayler, proceed.

Senator Overman. Are the apostles your advisers?

Mr. Smith. Mr. Senator, I receive advice and counsel from any and every good man.

Senator Overman. Do they have any special authority?

Mr. Smith. No more than any other member of the church, except as a body or a council of the church.

Senator Overman. Did any of the apostles ever advise you or ask you to desist from this conduct?

Mr. Smith. No, sir.

The Chairman. Mr. Smith, just one question. Do you know whether Mr. Smoot has visited at your house or houses?

Mr. Smith. I do not believe he ever did. I have no recollection whatever that he was ever in my house.

The Chairman. Or any one of your residences?

Mr. Smith. Or any one of them. I will modify that if you will allow me, please.

The Chairman. Certainly.

Mr. Smith. I will say that I met Mr. Smoot in my present residence, my official residence, if you please, some two or three times, I think. He dropped in to talk with me about something, some private matters, in my present residence.

Mr. Worthington. Where you live with your first wife?

Mr. Smith. Yes, sir; where I live with my first wife.

The Chairman. Proceed, Mr. Tayler.

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Is Teasdale a Polygamist?

Mr. Tayler. Now, referring to George Teasdale, is he a polygamist?

Mr. Van Cott. Just a moment. I object to the question unless you mean now, Mr. Tayler.

Mr. Tayler. The word "is" has a present tense, of course.

Mr. Van Cott. If it is confined to the present I have no objection to make.

Mr. Smith. He is not now a polygamist.

Mr. Tayler. Has he been within recent years?

Mr. Worthington. I object, unless it is confined to the date of the manifesto.

Mr. Tayler. Since 1890?

Mr. Smith. I do not know.

The Chairman. What was the question?

Mr. Smith. I have been twice in all my life in the residence of George Teasdale, and but twice. He lives at Nephi, a hundred and some odd miles south of Salt Lake City, and I do not visit at his home. I am not familiar with his family relations, and never have been. All I know is that Mr. Teasdale is a member of the council of the twelve, and we meet together, not with his family, but as an individual and as a member of the council. I do not know anything about his polygamous status or the status of his family.

Mr. Tayler. Until two or three years ago he was reputed to be a polygamist, was he not?

Could Only Give Opinion.

Mr. Smith. I can only give you my opinion of it.

Mr. Tayler. What is that?

Mr. Smith. My opinion—

Mr. Van Cott. Just a moment. I do not believe it is a proper subject-matter to give an opinion on. Suppose he should give an opinion that he either was or was not a polygamist without knowing anything about it. It would not give the committee any light.

The Chairman. Ask him what he knows.

Mr. Tayler. It is proper to show what his repute was. That is one of the questions here—how far knowledge of that sort has been carried home to Senator Smoot.

Mr. Van Cott. You can ask Senator Smoot, I submit.

Mr. Tayler. I know; but we have to make this proof otherwise. I do not understand what the ruling of the chair was.

The Chairman. Let the stenographer read the question.

The report read as follows:

"Mr. Tayler. Until two or three years ago he was reputed to be a polygamist, was he not?

More Splitting of Hairs.

"Mr. Smith. I can only give my opinion of it.

"Mr. Tayler. What is that?

"Mr. Smith. My opinion—"

The Chairman. Give your opinion. Answer the question.

Senator Foraker. That was followed by a question calling upon him for his opinion.

Mr. Tayler. Of course, he used the word "opinion" there. I do not think the witness by the use of the word "opinion" varies the legal status of my question.

Senator Foraker. I do not want to split hairs about it. I want to call attention to the question last put to the witness, which was one calling for an opinion.

Mr. Worthington. The usual question is whether the witness knows what the reputation of the person concerned is, and then if he does, to ask him what it was.

Mr. Smith. Until a number of years ago—I could not tell you how long ago, but it is a long time ago—I supposed that Mr. Teasdale had two wives. That is all I know about it. I never saw them. I never met with the ladies in my life that I know of. Mr. Teasdale lived for a number of years in England, and for a number of years he had charge of our colonies in Mexico, and during the time of his incumbency of the Mexican mission I did not visit him and did not know his status at all.

The Chairman. Go on, Mr. Tayler.

Taylor an Apostle.

Mr. Tayler. Who is John W. Taylor?

Mr. Smith. With what reference do you ask the question? Who is he? What do you mean?

Mr. Tayler. Is he one of the apostles?

Mr. Smith. Yes, sir.

Mr. Tayler. Has he been an apostle for many years?

Mr. Smith. Yes; for many years; a number of years.

Mr. Tayler. He seems to be the fifth in order on the list. Would that indicate the chronological order of his elevation as an apostle—the order in which the names are generally given?

Mr. Smith. No, sir; I think not.

Mr. Tayler. Is he a polygamist?

Mr. Smith. Well, now; he is reputed, I think, to be a polygamist.

Mr. Tayler. He is reputed to be a polygamist?

Reputed a Polygamist.

Mr. Smith. Yes, sir. I could not say to you that he was. Of my own knowledge I could not say that he is a polygamist.

Mr. Tayler. Have you the slightest doubt of it?

Mr. Smith. I have not very much doubt of it.

Mr. Tayler. Where is he now?

Mr. Smith. I do not know, sir.

Mr. Tayler. I do not mean what, at this particular instant, his location is, but I mean officially he is away somewhere.

Mr. Smith. The last I heard of him he was sent as a commissioner to investigate a certain tract of land which was offered for sale to our people by the Great Northern Railroad company, and that is some weeks ago. Since then I have not heard of him and I do not know where he is.

Mr. Tayler. When you say "offered for sale to our people," what do you mean by "our people?"

Mr. Smith. Our colonists.

Mr. Tayler. When land is to be purchased, one of the apostles goes to see about it, does he?

Mr. Smith. He does when he is sent. In this case he was sent by me.

Mr. Tayler. By you?

Mr. Smith. Yes, sir; at the request of the railroad authorities.

Mr. Tayler. The purpose being, having purchased the land, if you should do so, to plant a colony there. Is that right?

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Mr. Smith. No, sir.
Mr. Tayler. Well, what?
Mr. Smith. The purpose was to investigate as to whether it was eligible for a colony or not, and it was extremely problematical, even if it was, that we should attempt to place a colony there.
Mr. Tayler. Where is his home?
Mr. Smith. In Salt Lake City.
Mr. Tayler. Have you been at his house?
Mr. Smith. Once.
Let me state, Mr. Chairman, that I have never been in the home in which he now lives but once in my life. He has lived there, I suppose, some four or five years.
Senator Dubois. Mr. Chairman, may I ask the witness a question?

Would Know Polygamists.

The Chairman. Certainly.
Senator Dubois. Could an apostle be a polygamist without your knowledge?
Mr. Smith. I hardly think he could.
Senator Dubois. Then what is the use of saying "I think"; "I do not know?"
Mr. Smith. Because I never saw a woman married to him in my life.
Senator Dubois. Could an apostle be a polygamist without your knowledge? Can they go out and enter into polygamy without your knowledge?
Mr. Smith. No, sir; not that I know of. I say "not that I know of."
Senator Dubois. Then an apostle could not be a polygamist unless you knew it?
Mr. Smith. Unless he violated the rule of the church without my knowledge, and I do not think he would do that.
Mr. Tayler. Apostle M. W. Merrill is one of your—
Mr. Smith. One of our twelve.

Merrill a Polygamist.

Mr. Tayler. One of your twelve. Is he a polygamist?
Mr. Smith. He has that reputation.
Mr. Tayler. How many wives is he reputed to have?
Mr. Smith. I do not know.
Mr. Tayler. Do you mean you have never heard?
Mr. Smith. I have never heard.
Mr. Tayler. He has a large number?
Mr. Smith. I do not know.
Mr. Tayler. Do you mean that you have no idea?
Mr. Smith. Not in the least—any more than you have, and perhaps not as good.
Mr. Tayler. Only that he is a polygamist?
Mr. Smith. That is all.
The Chairman. Where does he reside, Mr. Smith?
Mr. Smith. Mr. Merrill resides in Richmond, Cache county, in the northern part of the State of Utah.
Mr. Worthington. How far from Salt Lake City?
Mr. Smith. In the neighborhood of a hundred miles I should judge, on an offhand guess. I do not know the exact distance, but it is nearly a hundred miles from Salt Lake City.

Grant a Polygamist.

Mr. Tayler. Heber J. Grant is one of the twelve apostles?
Mr. Smith. Yes, sir.
Mr. Tayler. Is he a polygamist?
Mr. Smith. He so acknowledged, I believe, a few weeks ago.
Mr. Tayler. He so acknowledged?
Mr. Smith. I believe so. It was so reported in the public prints.
Mr. Tayler. Is that all you know about it?
Mr. Smith. Well, I know that I have seen two ladies who are reputed to be his wives.
Mr. Tayler. You have stated that an apostle could not be a polygamist without your knowledge.
Mr. Smith. I have not denied that he was a polygamist.
Mr. Tayler. No.
Mr. Smith. Not in the least.
Mr. Worthington. The witness said an apostle could not be a polygamist without his knowledge, unless he violated the rule of the church.

Grant in Europe.

Mr. Tayler. Where is Heber J. Grant now?
Mr. Smith. He is in Europe.
Mr. Tayler. For the church?
Mr. Smith. Yes, sir.
Mr. Tayler. Do you call his mission an important and honorable one?
Mr. Smith. Yes, sir.
Mr. Tayler. Do you know which of his wives, if either, went with him?
Mr. Smith. I am not posted.
Mr. Tayler. You are not posted?
Mr. Smith. No, sir.
The Chairman. You do not know, then?
Mr. Smith. Sir?
The Chairman. You do not know which one of his wives went with him?
Mr. Smith. I could not say that I know positively, but I believe that it is his second wife.
Mr. Tayler. That is, you mean his second living wife?
Mr. Smith. That is what I mean.
The Chairman. Do you know how many wives he has?
Mr. Smith. Who?
The Chairman. Grant.
Mr. Smith. Mr. Grant?
The Chairman. Yes.
Mr. Smith. I think he had at one time three, but his first wife, then living, died.
The Chairman. How many has he now?
Mr. Smith. Only two that I know of.
The Chairman. Only two?
Mr. Smith. Only two. Pardon me for saying "that I know of," Mr. Chairman. I am like all other men; I only know what I know.
The Chairman. Oh, the committee understand.

John Henry Smith a Polygamist.

Mr. Tayler. John Henry Smith is an apostle?
Mr. Smith. Yes, sir.
Mr. Tayler. Is he a polygamist?
Mr. Smith. He has two wives. I am pretty well acquainted with his folks. He is a kinsman of mine.
The Chairman. Is he one of the apostles?
Mr. Smith. Yes, sir.
Mr. Tayler. You, as head of the church, never undertook to apply any more rigid rule of conduct to him than you applied to yourself?

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Mr. Smith. I certainly could not condemn him when I was in the same practice.

Mr. Tayler. I suppose not.

The Chairman. Where does he reside, Mr. Smith?

Mr. Smith. He resides in Salt Lake City.

The Chairman. With his two wives?

Mr. Smith. Yes, sir.

Mr. Tayler. Do you know whether he has had children by these wives since the manifesto?

Mr. Smith. I could not tell you about that. I do not know anything about it.

Mr. Tayler. You do not know anything about whether he has had children since—

Mr. Smith. No, sir.

Mr. Worthington. You said he lived in Salt Lake City. You do not mean in the same household with his wives?

Mr. Smith. Oh, no; they each have their home.

Mr. Tayler. Do you recall that when he was a member of the Constitutional convention a child was born to him by a plural wife?

Mr. Smith. No, sir; I do not know anything about it.

Mr. Tayler. You do not remember about it?

Mr. Smith. No, sir; I do not know anything about it.

Cowley a Polygamist.

Mr. Tayler. M. F. Cowley is one of the apostles?

Mr. Smith. Yes, sir.

Mr. Tayler. Is he a polygamist?

Mr. Smith. He is reputed to have two wives.

Mr. Tayler. Where does he live?

Mr. Smith. He lives in Salt Lake City.

Mr. Tayler. Where is he now?

Mr. Smith. I do not know, sir.

Mr. Tayler. I mean in a general way.

Mr. Smith. In a general way, the last I heard of him he was making a tour of the northern missions of the church in Idaho and Montana and Oregon; that he started out some weeks ago on that line. I do not know where he is today.

Mr. Tayler. What information have you as to his children, born to a plural wife since the manifesto?

Mr. Smith. I have no knowledge of his family at all. I never was in his house.

Mr. Tayler. Have you any information respecting it?

Mr. Smith. No, sir.

Mr. Tayler. What?

Mr. Smith. No, sir.

Mr. Tayler. None at all?

Mr. Smith. No, sir.

Clawson Was Polygamist.

Mr. Tayler. Rudger Clawson is an apostle?

Mr. Smith. Yes, sir.

Mr. Tayler. Is he a polygamist?

Mr. Smith. No, sir.

Mr. Tayler. How do you know?

Mr. Smith. Because he was at one time, but his wife left him, and he has but one wife.

Mr. Tayler. When was that?

Mr. Smith. When did his first wife leave him?

Mr. Tayler. Yes.

Mr. Smith. I could not tell you as to the date. I think it was some time in the eighties.

Mr. Tayler. You mean that he has not had two wives since the manifesto?

Mr. Smith. No, sir; he has not.

Mr. Tayler. You are positive of that?

Mr. Smith. I am quite positive of it. I am quite intimate with him.

Mr. Tayler. Is your information to the effect that men are not polygamists so much more definite than that they are polygamists—

Mr. Smith. No, sir.

Mr. Tayler. That you can use language of such positiveness in the one case and not in the other?

Mr. Smith. I happen, sir, to be very well acquainted with Rudger Clawson. At one time he was the second councilor to President Snow with myself. He lives a neighbor to me, and we sit in the same office together from day to day, and I am very intimate with Rudger Clawson and with his family.

Mr. Tayler. F. M. Lyman is an apostle?

Mr. Smith. Yes, sir.

Mr. Tayler. What position does he hold respecting the apostles?

Mr. Smith. He is the president of the twelve.

Mr. Tayler. The president?

Mr. Smith. Yes, sir.

Mr. Tayler. And is, according to the experience of the church, in the line of succession to you?

Mr. Smith. That is the understanding.

Mr. Tayler. That is the understanding?

Senator Overman. What is his name?

Mr. Worthington. Lyman.

Mr. Smith. F. M. Lyman.

Mr. Tayler. Is he a polygamist?

Mr. Smith. Mr. Chairman, as Mr. Lyman is here, would it not be proper for him to answer the question himself?

Lyman Has Two Wives.

The Chairman. If you know you had better answer it.

Mr. Smith. I know only by reputation. He is reputed to have two wives.

Senator Beveridge. Mr. Smith, I should like to ask you a question, with the permission of the chairman.

The Chairman. Certainly.

Senator Beveridge. Have any of these men about whom Mr. Tayler has asked you married plural wives since the manifesto?

Mr. Smith. No, sir; not one of them.

Senator Beveridge. Then the wives that you refer to were wives married before the manifesto?

Mr. Smith. Before the manifesto for years.

Senator Pettus. They were married before?

Senator Beveridge. I was asking whether any have taken wives since.

Mr. Smith. Let me say to you, Mr. Senator—I have said it, but I repeat it—there has not any man, with the consent or knowledge or approval of the church, ever married a plural wife since the manifesto.

The Chairman. Proceed, Mr. Tayler.

Mr. Tayler. Now, Mr. Smith, do you remember a few years ago the death of the wife of George Teasdale?

Mr. Smith. I have some recollection of being at a funeral.

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Mr. Tayler. Was that the funeral of Marion Scoles?

Mr. Smith. I believe it was, although I was not acquainted with the lady.

Mr. Tayelr. George Teasdale was an apostle?

Mr. Smith. Yes, sir.

Mr. Tayler. You are the head of the church?

Mr. Smith. I am now, but at that time I was not.

Pointed Question by Tayler.

Mr. Tayler. No. I am making your knowledge now the predicate for this question, which I want to ask you in good faith. If Marion Scoles never heard of George Teasdale or saw him, and lived in another country prior to 1893, how could she have become his wife if he had another wife living at that time?

Mr. Van Cott. Just a moment, Mr. Smith. Mr. Chairman, I object to the question. The witness is asked a hypothetical question on something that is entirely immaterial and irrelevant. If Mr. Smith knows any facts, ask him about the facts, but do not ask him a question of this kind. I should like to have the stenographer read the question. It is entirely immaterial to ask him to give his opinion in a matter of this kind.

The Chairman. The question asked him was how a certain person could become this party's wife—I suppose the counsel means under the practice of the church; how that could be done.

Mr. Tayler. Yes.

The Chairman. When she was in another country.

Mr. Van Cott. I should like to have the question read, just to show that it is a supposition instead of asking for a fact.

Senator Hoar. In the first place, the witness has stated his belief about this gentleman; then he stated that no person, with the knowledge of the authorities of the church, with their consent or approval, has contracted a plural marriage since the manifesto. Now, it seems to me fair, as testing the accuracy of Mr. Smith's understanding, to call his attention to this condition and ask him how it could have been brought about.

The Chairman. Answer the question, Mr. Smith.

Mr. Van Cott. May we have the question read?

The Chairman. Let the stenographer read the question.

The reporter read as follows:

"If Marion Scoles never heard of George Teasdale, or saw him, and lived in another country, prior to 1893, how could she have become his wife, if he had another wife living at that time?"

Does Not Know Her.

Mr. Smith. I do not know anything about the lady. I do not know whether she lived in another country or not. I do not know anything about his marrying her—when or where or in what way.

Senator Hoar. The question, as I understand it, is whether there is any way known to the witness by which a person not in this country prior to 1893 could have been married to the party inquired of before the manifesto. That is the substance of the question.

Mr. Smith. I do not know of any way by which it could have been done. May I state this, Mr. Chairman?

Mr. Chairman. That answers the question, but if you wish to proceed you may do so.

Mr. Smith. That answers the question. I wish to clear up one point, so far as my understanding goes.

The Chairman. All right.

Mr. Smith. That is, at the time, whenever it may have been, as I have heard Mr. Teasdale say, when he married Marion Scoles he did not undertsand that he had any wife living at all.

Senator Hoar. Mr. Chairman, are you going to adjourn about 12 o'clock?

The Chairman. A few minutes before.

Senator Hoar. I should like leave to put a question now, if nobody objects, on an entirely different branch of the subject. I should like to have the question propounded.

Senator Foraker. Would it not suit the Senator from Massachusetts as well to do that when we reconvene—it is only five minutes to 12 now—especially if the question is on an entirely different subject?

Senator Hoar. If any member of the committee objects, I will not put it. For some reasons I wish to submit it now.

Senator Foraker. Very well.

Senator Hoar. I merely wish to ask him this question for my own personal information. When your agents meet, converse with, or solicit persons to join your church in other parts of the world than Utah, do they not urge, as you understand it, the rightfulness of polygamy from a religious point of view?

Mr. Smith. Never.

Senator Hoar. Today?

When Polygamy Is Defended.

Mr. Smith. Today, never. Only when they are forced into a defense of their belief. They do not advocate nor teach the doctrine nor inculcate it in any way, shape or form.

Senator Hoar. That is, if anybody should raise the questoin, which has been applied to you, with the agent, the agent would answer as you have answered, perhaps. But what I want to know is, whether if you employ a man to go to England or to Massachusetts, or anywhere else, to solicit converts or adherents to the Mormon church, to come to Utah and join you, whether or not those agents are instructed now, today, to preach—I do not speak of its lawfulness in regard to the statutes or acts of Congress—the rightfulness of polygamy as from a religious point of view. I understand you to negative that in the fullest degree?

Mr. Smith. In the fullest degree?

Senator Hoar. Yes.

Mr. Smith. And let me add, Mr. Senator, that in every instance our elders who are sent out to preach the gospel are instructed not to advocate plural marriage in their ministrations. It is a thing of the past.

The Chairman. The committee will now take a recess until 2 o'clock.

Thereupon at 11 o'clock and 55 minutes a. m., the committee took a recess until 2 o'clock p. m.

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Examination Resumed.

The committee reassembled at the expiration of the recess.

The Chairman. You may resume the stand, Mr. Smith. Proceed, Mr. Tayler.

Mr. Tayler. Mr. Smith, just before the recess of the committee you were asked a question by Senator Hoar, as to whether your missionaries, and those who were sent out by you to preach your doctrines, inculcated or declared the doctrine of polygamy. Somewhat in substance I think that was the inquiry, and you answered that they did not.

Mr. Smith. I did answer that they did not, and I further said that they were invariably instructed, before they left their homes, not to teach that doctrine and not to engage, if they could avoid it, in any discussions of that doctrine; and I would add to that that they do not enter into any discussion of that doctrine except where they are compelled to defend their belief.

Mr. Tayler. The belief of your missionaries is that polygamy is a divinely ordained relation?

Mr. Smith. I cannot say what he belief of our elders is on that subject.

Mr. Tayler. You cannot?

Mr. Smith. No, sir; they have their own individual beliefs.

Ready References.

Mr. Tayler. Are you familiar with a little book published by the Deseret News, entitled, "Ready References; a Compilation of Scripture Texts," etc?

Mr. Smith. Yes, sir.

Mr. Tayler. "Designed especially for the use of missionaries and scripture students?"

Mr. Smith. I am acquainted with it.

Mr. Tayler. That is a book that is used by your missionaries?

Mr. Smith. I suppose it is used more or less by them.

Mr. Tayler. Well, it is correctly described on its title page as designed for their use, is it not?

Mr. Smith. Yes.

Has Chapter on Polygamy.

Mr. Tayler. Is there a chapter in that on the subject of polygamy?

Mr. Smith. Yes, sir.

Mr. Tayler. An argument in favor of polygamy and its propriety?

Mr. Smith. Yes, sir.

Mr. Tayler. Is there any qualification within the covers of that book of that doctrine and belief in plural marriage?

Mr. Smith. Not that I know of. That book, I may say, was published, as will be seen if you will give the date, a great many years ago.

Mr. Tayler. Yes.

Mr. Smith. And it has been in existence a great many years. I do not know anything about recent editions of it, whether that has been continued in it or not.

Mr. Tayler. I notice this, in the preface of the third edition—

Senator Dillingham. What is the date of that edition, Mr. Tayler?

Book Is Described.

Mr. Tayler. I am about to read it so as to get in its order as it is. The latter part of this preface is as follows:

"Some improvement has been made in the arrangement of the references, and a few passages have been added. Otherwise this edition is similar to the former. That the work may prove acceptable to the public and great good result from its more extensive publication is the earnest desire of the publishers.

"Salt Lake City, October 12, 1902."

Do you recall the statement in this little book, under the head of "Patriarchal marriage," the declaration, "Polygamy implied in the Savior's promise?"

Mr. Worthington. What is the page, Mr. Tayler?

Mr. Tayler. Page 135.

Mr. Smith. My recollection—

Mr. Tayler. Do you recollect that? I do not want to interfere with any statement you want to make.

Mr. Smith. Not specifically; no. I would like to say that that chapter in the book is devoted entirely to Scriptural references and historical references with reference to the principle of plural marriage, extending back in the days of Judea, and all the way down—simply Bible references and historical references in respect to that principle. That is my recollection of it.

Mr. Tayler. There are a large number of references here besides those taken from the Bible.

Mr. Smith. I understand; from history.

Mr. Tayler. Quite a discussion of the subject.

Mr. Smith. Yes, sir.

Mr. Tayler. Following the extracts from the Bible?

Mr. Smith. Yes.

Says Polygamy Is Right.

Mr. Tayler. Running down to modern times. Do you recall the marginal description of the text in these words, "Polygamy right in the sight of God?"

Mr. Smith. From a Scriptural standpoint, yes. I would like to add that, according to my best understanding, the use of that book by our elders is almost entirely abandoned, it having been set forth to them that it is better for them to take the Bible and the standard works of the church as they are, independent of all auxiliary writings or books.

The Chairman. Mr. Smith, what authority do these missionaries take with them in their missionary work?

Mr. Smith. They take an elder's certificate—

The Chairman. I mean of teachings?

Mr. Smith. Sir?

The Chairman. What teachings?

Mr. Smith. They take the Bible, the Book of Mormon, the Doctrine and Covenants, and the Pearl of Great Price—the standard works of the church.

Authorities Four in Number.

The Chairman. Those four are the authorities they take with them in their missionary work?

Mr. Smith. That is quite right.

The Chairman. One other question: I understood you to say they were instructed before they go on their missions. By whom?

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Mr. Smith. By the apostles and by the first presidents of seventies, whose duty it is to give special instructions to missionaries before they leave their homes.

The Chairman. That duty rests especially on the apostles?

Mr. Smith. And the seven presidents of seventies.

The Chairman. Not on the president?

Mr. Smith. No, sir; they have too much else to do, Mr. Chairman.

The Chairman. Do you know whether they are provided with any other doctrinal declarations except the four books you have mentioned?

Mr. Smith. None whatever, except at their own choice.

The Chairman. At their own choice?

Mr. Smith. Yes.

Don't Carry Manifesto.

The Chairman. They are not, then, to your knowledge, provided with the manifesto of 1890 suspending polygamy?

Mr. Smith. Every member of the church—

The Chairman. Are they supplied with that document, to your knowledge?

Mr. Smith. No, sir; they are not supplied with any documents. They supply themselves with their own documents, their own books.

The Chairman. And the four volumes you have just spoken of as being the documents or authorities the missionaries take with them—they take them or not, just as they are—

Mr. Smith. These are the standard works of the church.

The Chairman. Do you not know, Mr. Smith, whether they take them with them or not?

Mr. Smith. They do.

The Chairman. Now, do they always take the manifesto with them?

Mr. Smith. I could not say that they do or do not, Mr. Chairman.

The Chairman. All right.

Mr. Smith. But I would like to add this, that every man that goes out understands what the manifesto is.

The Chairman. Yes, of course.

Questioned by Dubois.

Senator Dubois. Mr. Smith, I want to ask you a question, please, in regard to the officers of the church, as these gentlemen have not been mentioned before. The first seven presidents of seventies rank next in authority in your church to the apostles, do they not?

Mr. Smith. Yes, sir; in missionary matters.

Senator Dubois. Well, in general affairs in the church?

Mr. Smith. Yes; as standing ministers in the church they come next.

Senator Dubois. They come next to the apostles?

Mr. Smith. Yes, sir.

Mr. Tayler. In 1892, Mr. Smith, how many wives did you have?

Mr. Smith. In 1892?

Mr. Tayler. Yes.

Mr. Smith. I had five.

Mr. Tayler. Who was your first wife? You spoke of her this morning.

Mr. Smith. Mrs. J. L. Smith.

Mr. Tayler. Mrs. J. L. Smith?

Mr. Smith. Yes, sir.

Mr. Tayler. What was her name?

Mr. Smith. Her name was Lamson.

Mr. Tayler. What was her first name?

Mr. Smith. Julina.

Mr. Tayler. Did you have a wife Levira?

Mr. Smith. Yes, sir.

Mr. Tayler. When did she die?

Mr. Smith Many years ago.

Mr. Tayler. Many years ago?

Mr. Smith. Yes, sir.

Mr. Tayler. How many years ago?

Mr. Smith. I could not tell you that.

Mr. Tayler. You can not remember the year in which she died?

Mr. Smith. No, sir.

Mr. Tayler. She is the only one of your wives who has died, is she?

Mr. Smith. She is the only one who has died.

Mr. Tayler. And you have no idea when it was she died?

Secured a Divorce.

Mr. Smith. No, sir; I have not, for this reason: I will state before the committee that she was divorced from me many years before she died, and I lost track of her.

Mr. Tayler. How was she divorced?

Mr. Smith. By the Fourth Judicial District court of San Francisco, I believe, as near as I recollect.

Mr. Tayler. Had you obtained a church divorce from her?

Mr. Smith. I had.

Mr. Tayler. Prior to that time?

Mr. Smith. No, sir; she obtained a church divorce from me prior to that time.

Mr. Worthington. This seems to have been twenty years or more prior to 1890, the date of the manifesto?

Mr. Smith. It was a long time before the manifesto, Mr. Chairman.

The Chairman. Yes; the chair understands that. What is the purpose of this, Mr. Tayler?

Senator Beveridge. Inasmuch as the witness has testified to this extent, I think he should be allowed to speak further.

The Chairman. There is no objection, then.

Mr. Smith. I would like to say, Mr. Chairman, if you please, that it is very embarrassing and trying to me to publicly announce my private domestic affairs before this committee.

Mr. Tayler. As far as I am concerned, I do not care so much about that. You can proceed as you please.

Mr. Smith Is Angry.

Mr. Smith. I do it very reluctantly, simply because I am required to do so by this honorable committee. I regret it very much, and I wish to say that much to the committee, because my statements and testimony here are going to the world, and I do not want it understood, being compelled, as I have been, to give information and to make statements of opinion in relation to my friends, that I am in any sense a spotter or an informer. If there is anything, gentlemen, that I despise it is an infamous spotter and informer, and I am not one of those. I wish to state that in order that it may go down on record.

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The Chairman. Very well. Proceed, Mr. Tayler.

Mr. Tayler. One of the often-declared principles of your church is, "Mind your own business," is it not?

Mr. Smith. You are correct.

Mr. Tayler. Now, did you not, along about 1896 or 1897, claim that Levira had not been divorced from you and that you were entitled to share in the property of which she was possessed at the time of her death?

Mr. Smith. I will make a statement of that fact.

Mr. Tayler. I would like to have you answer categorically, if you can.

Mr. Smith. I prefer not to say yes or no.

Mr. Tayler. Well, proceed.

Mr. Smith. An attorney, a friend of mine—

Mr. Worthington. One moment, Mr. Smith; I object to that as having no possible connection with the inquiry before the committee here.

Senator Hoar. Let the question be repeated.

Mr. Tayler. He said he had five wives, and I want to see if he has not claimed that he had six at that time.

The Chairman. Let the question be read.

The stenographer read as follows:

"Mr. Taylor. Now, did you not, along about 1896 or 1897, claim that Levira had not been divorced from you, and that you were entitled to share in the property of which she was possessed at the time of her death?

"Mr. Smith. I will make a statement of that fact.

Declined to Answer Categorically.

"Mr. Tayler. I would like to have you answer categorically if you can.

"Mr. Smith. I prefer not to say yes or no."

The Chairman. Mr. Tayler, what is the object of that testimony?

Mr. Tayler. As I stated, to find out if he did not have six wives instead of five at the time of the manifesto.

Mr. Smith. Mr. Chairman, she was divorced from me many years before that, in California.

The Chairman. That seems to dispose of the matter, so far as that is concerned.

Mr. Tayler. I understand; but I want to know if that was his view of the fact.

Mr. Smith. Yes, sir; that was my view of the fact all the while.

Mr. Tayler. Then, you did not claim to be interested in her estate as her widower?

Mr. Smith. No, sir; it was claimed for me.

Mr. Tayler. For you?

Mr. Smith. Yes, sir; not by me at all.

Mr. Tayler. We will let it go at that. Did you get any money out of it?

Mr. Smith. No, sir.

Senator Hoar. Mr. Tayler, what is the relevancy of the question whether he had five wives or six?

Senator Beveridge. Or whether he got the property out of the estate of one of his wives?

Knew B. H. Roberts.

Mr. Tayler. Do you know Brigham H. Roberts?

Mr. Smith. Yes, sir.

Mr. Tayler. What official position does he hold?

Mr. Smith. He is one of the seven presidents of seventies.

Mr. Tayler. How long has he held that position?

Mr. Smith. I do not know.

Mr. Tayler. Is he a polygamist?

Mr. Smith. He is reputed to be. I am not an informer, sir, on Mr. Roberts.

Mr. Tayler. Are you able to state about when he became one of the first presidents of the seventies?

Mr. Smith. No, sir; I cannot state it.

Mr. Tayler. It was after he was elected to Congress, was it not?

Mr. Smith. I do not know anything about it, sir.

Mr. Tayler. What other position does he hold, besides that of first president of the seventies?

Mr. Smith. One of the first.

Mr. Tayler. Yes; one of the first presidents of the seventies.

Mr. Smith. He is sustained by the voice of the conference as an assistant historian.

Mr. Tayler. Upon whose nomination was he appointed to that place?

Mr. Smith. On the nomination of the church historian.

Lund Church Historian.

Mr. Tayler. Who is the church historian?

Mr. Smith. Anthon H. Lund.

Mr. Tayler. He is one of the counselors to the first president?

Mr. Smith. He is one of my counselors.

Mr. Tayler. And therefore one of the first presidency?

Mr. Smith. Yes, sir.

Mr. Tayler. Mr. Smith, what relation does your organization sustain to temporal affairs?

Mr. Smith. Advisory.

Senator Dubois. Mr. Tayler, will you allow me to ask Mr. Smith a question before you go to that?

Mr. Tayler. Yes.

Senator Dubois. Is Mr. Roberts one of the first presidents of seventies now?

Mr. Smith. Yes, sir.

Senator Dubois. How is he appointed?

Mr. Smith. I could not tell you just how he was appointed. The seven presidents of seventies are generally nominated by somebody and put before the general conference and sustained by them as such.

Senator Hoar. What do you mean by that word "sustained?"

Mr. Smith. Why, sustained by vote.

Mr. Worthington. He means, Senator, what we mean by confirmed. A nomination is confirmed or sustained.

Mr. Smith. Yes; confirmed by the vote of the people. That is what I mean by sustained.

How He Is Nominated.

Senator Dubois. That is not quite clear to me. How does his name get before the conference?

Mr. Smith. Somebody nominates him.

Senator Dubois. Who?

Mr. Smith. I do not know; whoever wants to nominate him.

Senator Dubois. Anyone from the outside?

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Mr. Smith. Any one may nominate him or anybody else.

Senator Dubois. For instance, twenty-five or thirty gentlemen can stand up, like they do in an ordinary convention, and each nominate one man for first president of the seventies, and then you would choose between them?

Mr. Smith. It is not usually that way. It is usually done in councils of the priesthood.

Senator Dubois. Explain that to us.

Mr. Smith. In this case, in the case of the seventy, it would unquestionably be done—that is, it would be done by a council of the seventies, and the name of the individual recommended to the first presidency and twelve, and then put before the general conference and voted upon to be sustained.

Senator Dubois. Put before the general conference by whom?

Mr. Smith. By the presidency of the church, or of the twelve apostles.

Senator Dubois. That is exactly what I was trying to come at.

Mr. Smith. That is right.

Senator Dubois. Then what follows?

Mr. Smith. It follows that they either sustain him or do not sustain him.

How He Is Sustained.

Senator Dubois. How do they sustain him?

Mr. Smith. By uplifted hands; by voting for him.

Senator Dubois. Suppose any apostle should refuse to hold up his hand, and say "I object," what then?

Mr. Smith. Nothing; only that he would be entitled to his opinion.

Senator Dubois. Would there be a vote taken, or would the apostle have to state his reasons for objecting?

Mr. Smith. He might have the privilege of stating his reasons afterwards in council, but not in any public assembly.

Senator Dubois. As a matter of fact, did any apostle ever object, by holding up his hand or otherwise, to the sustaining of Brigham H. Roberts as one of the first presidents of the seventies since Congress refused to give him a seat here because he is a polygamist?

Mr. Smith. I have no knowledge of anything of the kind.

Senator Dubois. You would have knowledge if any apostle had done it, would you not?

Mr. Smith. No; I hardly think I would. It is possible I might. I do not remember anything of the kind.

Senator Dubois. Would you not have known it, do you not think?

Mr. Smith. Not necessarily.

Senator Dubois. Do you not think the newspapers would have mentioned the fact after Mr. Roberts was refused a seat here that one of the apostles had refused to sustain him for this high office?

Mr. Smith. I should rather incline to the belief that the newspapers would have mentioned it, but I might not have seen the newspaper. I do not see all the newspapers.

No Objection to Roberts.

Senator Dubois. As a matter of fact, has any apostle, or has any one of the first presidency objected to the sustaining of Mr. Roberts in this high ecclesiastical position since the action of Congress in his case?

Mr. Smith. If I might be permitted to ask a question of the Senator—

Senator Dubois. Yes, sir.

Mr. Smith. I would ask why should they?

Senator Dubois. Well, there are several answers which I could give to that which would be very pertinent, but I am not on the witness stand.

Mr. Smith. I see. Let me say to you then, Mr. Senator, that B. H. Roberts is in the same status that I am in myself, and I could not object to him with any degree of consistency myself, and I do not think any other man in the priesthood or connected with the presiding authorities could do so any more than I could myself.

Senator Dubois. Then you regard all of those in the priesthood among the presiding authority as in the same category with yourself?

Mr. Smith. Yes.

Senator Foraker. Do you mean to say that all who are associated with you in the priesthood have plural wives?

Mr. Smith. No, sir; I do not mean to say anything of the kind.

Senator Foraker. I think your answer was open to that meaning.

Mr. Smith. No; I do not mean to say that at all.

Senator Foraker. You said all were in the same category with yourself.

Mr. Smith. Those are the gentleman's words, and I merely acquiesced.

Senator Foraker. Those were his words, and you adopted them?

Mr. Smith. I did not intend to convey that idea, Mr. Senator.

Senator Dubois. I will go over it again, then.

Explains His Answer.

Senator Foraker. What did you mean when you said they were all in the same category?

Mr. Smith. Those who are in the status of polygamy, as I stated before.

Senator Foraker. That is, you mean all who have plural wives?

Mr. Smith. Plural wives, and of course, who took them before the manifesto.

Senator Foraker. But you do not mean that those who do not have plural wives are in the same category with yourself?

Mr. Smith. No, sir.

Senator Dubois. I have no objection to your asking the question, Senator Foraker, but I am not through.

Senator Foraker. I beg your pardon. I did not wish to interfere with you.

Apostles Sustained Roberts.

Senator Dubois. Did any apostle who is not in polygamy object ot sustaining Mr. B. H. Roberts in this high position.

Mr. Smith. I never heard of any of them objecting.

Senator Dubois. Would you not have heard if any of them had objected?

Mr. Smith. Possibly I would.

Senator Dubois. It is quite probable you would?

Mr. Smith. It is very likely I would, but I have not heard of anything of the kind. Consequently I can not say that they have positively, from my knowledge, or that they have not.

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Senator Dubois. There would have been a trial of some kind either before he was finally sustained or after he had been sustained, if any apostle had objected, would there not?

Mr. Smith. I do not think necessarily there would have been. I can state an instance, if you please. On one occasion an objection, a contrary vote, was offered against one of the apostles, not by one of the apostles, but by a member, an elder of the church. It was done in open conference; and after the conference was over he had the opportunity of stating his objection to the apostle before the proper tribunal of the church.

Senator Dubois. What was the proper tribunal?

Mr. Smith. The proper tribunal was the presidency of the stake of Zion, in which the objector resided.

Senator Dubois. Would not summary proceedings have been taken in regard to Mr. Roberts if any apostle of the church had objected to sustaining him as one of the first presidents of the seventies?

Mr. Smith. Mr. Chairman—

Senator Dubois. Would they not have taken it before the president of seventies, or the apostles, or somewhere?

How Utahns Regard It.

Mr. Smith. I have stated this morning, and I will repeat in substance what I said this morning, that there is a sentiment prevailing, an all-pervading sentiment, in Utah, among Mormons and Jews and Gentiles, not to interfere with men's families who entered into that plural status before the manifesto was issued and before Statehood; and consequently we do not expect that an apostle or any member of the church, or anyone having any voice in these matters, would object to a man because he was a polygamist before the manifesto. We do not expect any such thing. We do not look for any such thing, and no such thing, to my knowledge, has ever occurred.

Senator Dubois. Is it not an extremely rare thing, when the men for these high positions are preferred to the conference and it is asked of the conference that they sustain them, for anyone to refuse to hold up their hand?

Mr. Smith. It is a very rare thing, because the people are generally very well united.

One Dissenting Voice.

Mr. Tayler. Speaking of this matter of sustaining, do you recall a dissenting voice at some kind of a meeting or conference held about a year ago, when a man named Tanner was nominated for some position?

Mr. Smith. I remember it.

Mr. Tayler. Were you present?

Mr. Smith. No; I was not present.

Mr. Tayler. Do you remember that the young man who dissented was disciplined because he had not previously brought it to the attention of other church authorities?

Mr. Smith. No, sir; I do not.

Mr. Tayler. You do not?

Mr. Smith. I do remember, if you will permit me—

Mr. Tayler. Certainly.

Mr. Smith. That the young man had an opportunity to make his complaint and his statement and show his evidence before the proper tribunal of the church, and he failed absolutely to demonstrate and prove his position—absolutely failed. That I do remember.

Mr. Tayler. Did you hear this?

Mr. Smith. I heard so.

Mr. Tayler. You were not present?

Mr. Smith. No; that I remember as being stated.

Mr. Tayler. But you know it just the same?

Mr. Smith. I know it was so stated.

Mr. Tayler. I did not want to know anything about the merits of the controversy, but only as to the method that was then followed. Was it after or before the conference that he had this hearing before the church authorities?

Mr. Smith. It was after the conference.

Mr. Tayler. One question that I ought to have asked you before: At the time this protest was filed, something over a year ago, Brigham Young, Jr., I believe, was living and an apostle of the church, was he not?

Mr. Van Cott. Just a minute. Mr. Smith. Did you say this protest, Mr. Tayler?

Mr. Tayler. Of course, when I use the word "protest" I mean this one unless I indicate something else.

The Chairman. You mean the protest signed by the nineteen?

Mr. Tayler. Yes.

Mr. Van Cott. Mr. Tayler raised the paper in his hand, and I thought he was speaking of that address.

The Chairman. Proceed, Mr. Tayler.

Mr. Smith. What is the question?

The Chairman. The reporter will read the question.

The reporter read as follows:

"Mr. Tayler. One question that I ought to have asked you before: At the time this protest was filed, something over a year ago, Brigham Young, Jr., I believe was living and an apostle of the church, was he not?"

Has Bad Memory.

Mr. Smith. I do not know anything about the date of the publication of this protest at all, nor do I just now remember the date of the death of Brigham Young.

Mr. Tayler. About how long ago did he die?

Mr. Smith. Well, I really do not know, but I think it is nearly two years ago.

Mr. Tayler. Is there anybody here who knows?

Mr. Van Cott. I can find out.

Mr. Smith. I could not say.

Mr. Van Cott. It was some time probably last year—1903.

Mr. Smith. I do not remember anything about the date of his death.

Mr. Van Cott. It was April, 1903.

Senator Foraker. What is it about that date? What occurred then?

Mr. Tayler. The death of Brigham Young, Jr., one of the apostles. Was he a polygamist?

Mr. Smith. I understand that he was.

Mr. Tayler. You have already testified, Mr. Smith, about the various concerns to which you sustain official relations. Are your relations to those various corporations and interests due to your own personal holdings in them?

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Mr. Smith. Largely to my own personal holdings, and largely because I am selected and sustained in those positions by my friends who are stockholders and interested in those institutions.

Church in Business.

Mr. Tayler. Does the church have any interest in them?

Mr. Smith. In some of them it does.

Senator Beveridge. Do you propose, Mr. Tayler, to connect the holdings of these properties and his position as director of them with the question of the church being a propaganda of polygamy? Has the question anything to do with that? If it has, I think it is pertinent. Otherwise I do not see the point to your question.

Mr. Tayler. I will have to read from the protest and from the claim we make.

Senator Beveridge. It is not necessary to make any point about it. You understand the point of my question.

Mr. Tayler. We claim the church is controlling in spiritual and temporal affairs, and controls and dominates all of its members when necessary. I want to show that that is one of the habits of the church conduct, historically and now.

Senator Dillingham. What do you mean by temporal affairs? How broad is that?

Senator Beveridge. I do not see how you connect this business matter with it. I want to get the point how you connect the business matter with your claim.

Mr. Tayler. Precisely. Suppose the church was controlling all sorts of enterprises and interests, individually and churchly, controlling, in so far as it could be possible for any organization, the material and spiritual interests of its people. I propose to show that this church is, among other things, founded upon that idea and has persistenly carried it out. Polygamy is not the only charge that is made here. There are other independent and clearly defined charges.

Controls in Tomporal Affairs.

Senator Foraker. That there is a domination in things temporal and things spiritual.

Mr. Tayler. Undoubtedly.

Senator Beveridge. You propose to connect it either with the church's political control of its members or with its propaganda of polygamy?

Mr. Tayler. Independent of the propaganda of polygamy.

Senator Beveridge. But as indicating control of its members?

Mr. Tayler. Precisely; a control over the temporal affairs of its members, so as to define their action as a class.

Senator Beveridge. So that the purpose of this testimony—I see it now—is to connect the church with the control of the political relationship of its members?

Mr. Tayler. Precisely.

Senator Beveridge. Otherwise the control of property and things of that kind would not seem to be pertinent.

Senator Dubois. I would like to suggest also to the Senator from Indiana, if he will pardon me, that the witness is the recognized head of this entire organization, whose authority is paramount. Therefore some latitude, I should think, ought to be allowed in the questioning of the recognized power of the Mormon organization.

Senator Beveridge. I have no objection if this tends to establish the proposition that the church exercises a political power over its members. I do not, of course, just see how business affairs would do that. Maybe it will.

Mr. Tayler. I want to say—because I have been careful in stating what we claim and have endeavored to keep it within the limits of that which we understood and believed to be the fact and that could be shown—that we do not believe, in the light of all the testimony that will be offered and that will be presented to the committee, documentary and otherwise, in public documents, for instance, that Senator Smoot could by any possibility put himself up against the command of his associates.

Smoot Must Stand by Quorum.

Mr. Worthington. You mean in his vote as United States Senator?

Mr. Tayler. Yes; in his vote as Senator; and that is an inference which can not be escaped from in view of all these facts.

Senator Dillingham. I asked the question as to how broad you used that term, from the fact that I know that Senator Smoot in his answer says that he is bound by the revelations not only as they relate to things spiritual, but to the practical business or affairs of the church itself. He makes that distinction.

Mr. Tayler. Exactly. I am very glad to have the question answered, so that I may say what we claim.

Senator Dillingham. I only want to know what you claim.

Mr. Tayler. Our claim is that it covers practically everything; that things that we call temporal—such as, for instance, the civil marriage, which is governed by the laws of this country—are controlled by their church; that it has been and is the subject of revelations, and that when they use the term "spiritual" and things pertaining to the church it will be very difficult, as we view it, to discern anything that we call temporal that can not be construed to be spiritual according to the designation of the church and their practice respecting them, as I shall indicate in a moment in the proof.

Senator Beveridge. Mr. Tayler, pardon me at that point—you say it is your position, and you expect to prove it, that the church exercises supreme control over the material affairs of its members as well as over their political affiliations, even to a vote in the United States Senate?

Mr. Tayler. Yes.

Beveridge Learns Something.

Senator Beveridge. Do I understand you to say that if the church were to order Mr. Smoot to give up his private property and deed it to anybody else he would have to do it?

Mr. Tayler. Yes; I can say that. I have not sought to prove it, but I will.

Senator Beveridge. And therefore, by analogy, if he would have to give up his private property to some person else, if

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he was told to vote a certain way he would have to do it?

Mr. Tayler. That is, if he obeyed the commands that Joseph Smith frequently made upon his people.

Mr. Van Cott. Yes; he would do it if he obeyed it.

Mr. Tayler. If he obeyed it, of course.

Senator Beveridge. I understand Mr. Tayler's contention to be that he would have to.

Mr. Tayler. Exactly, or else he could not be a member of that church.

Senator Dubois. Or else give up his apostleship.

Mr. Tayler. Of course these things are not to be proven by one sentence, or in one minute, or by one circumstance. That is the only observation I desire to make about it; but I want the committee to remember that I ask no question idly nor for the purpose of taking time, but desire to proceed most expeditiously; and perhaps I ought not to go along as rapidly as I do, but I think I would rather err on that side.

The Chairman. There does not seem to be any question pending. Mr. Tayler, you may go on.

Mr. Tayler. You are a stockholder in many of these corporations as trustee in trust? I believe that is the term descriptive of your capacity.

Mr. Smith. I am not a stockholder in any of these concerns as trustee in trust.

Mr. Tayler. You are not?

Mr. Smith. No, sir; I own property in every one of these institutions in my own right, and by virtue of my own ownership of that property I hold the directorship in them.

Would Vote as Trustee.

Mr. Tayler. So I understood you to say; but do you not hold interest in it as trustee for the church?

Mr. Smith. Well, as trustee of the church, of course if it came to voting on the stock I would vote as trustee on the stock.

Senator Hoar. I would like to ask one question there, if I may.

Mr. Tayler. Yes.

Senator Hoar. I do not wish you to understand that I am asking about any court or anything of that sort. I am speaking now of the general law. Suppose you were to die tomorrow, where would this property go in the absence of a will of yours?

Mr. Smith. Do you mean church property?

Senator Hoar. This property which you hold in various corporations and institutions, which Mr. Tayler is asking about?

Mr. Smith. My own property would go to my heirs.

Senator Hoar. Who would be your heirs?

Mr. Smith. My family; and the trustee property would descend to my successor as trustee in trust.

Senator Hoar. I misunderstood you. I thought you said you did not hold any property in those.

Mr. Smith. I beg your pardon. I hold property in my own right in every one of them.

Senator Hoar. Would that property which you say you hold in your own right go to the same persons to whom is would go if you had resigned all your public functions in the church and were there as an ordinary citizen?

Mr. Smith. The same, precisely. It is my own property; and I would like to say to the chairman—

Belongs to Church.

The Chairman. One moment, Mr. Smith. How is it as to the property you hold in trust?

Mr. Smith. The property I hold in trust belongs to the church, and when I am no more the title to the property that I hold in trust for the church will go to my successor as trustee in trust. My own individual holdings—

The Chairman. That is, to the next president?

Mr. Smith. To the next president or the next trustee in trust. It does not follow always that the president is the trustee in trust.

Senator Dillingham. Does that property on the books of the corporation stand in the name of the church or in the name of an individual as trustee?

Mr. Smith: It stands in the name of an individual as trustee in trust.

Mr. Tayler. In what from does your church have title to the Deseret News property?

Mr. Smith. It owns the deed.

Mr. Tayler. I am speaking now of the newspaper, not the building.

Church Owns News.

Mr. Smith. The press; yes. I would like to state that when I was asked that question before, Mr. Tayler, I was not aware of the fact that I have since learned from my counsel here that during the trusteeship of Lorenzo Snow the Deseret News plant was transferred from the Deseret News company to Lorenzo Snow, trustee, in trust. I was not aware of the fact, Mr. Chairman, when that question was asked me yesterday, I believe it was. I have since learned that that is the fact and that my counsel, who is here, made out the papers for the transfer.

The Chairman. That correction will appear, of course.

Mr. Smith. Thank you.

Mr. Tayler. So that it is now in you as trustee in trust?

Mr. Smith. Now I own it as trustee in trust. Furthermore, I will say that I have discovered since yesterday that there is published on the second or third page of the Deseret News the statement that it is the organ of the Church of Jesus Christ of Latter-day Saints, and it is such in this capacity that when the church has any proclamation to make public they print it in the Deseret News. The business department of the Deseret News is run precisely on the same business principles that any and every other newspaper enterprise is run upon.

Senator Beveridge. Are its editorials supposed to be an expression of the church opinion?

Mr. Smith. Not at all; and the church is not responsible for the editorial expressions unless they are issued over the signatures of the presidency of the church.

Senator Beveridge. If any editorial ap-

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pears in that paper advising the leaders to take a certain political course is that in any wise an authority of the church?

Says Kearns Is Independent.

Mr. Smith. Not in the least. It is as independent as any newspaper in Utah in its expressions and publications.

Mr. Tayler. As independent as any newspaper could be of its owner.

Mr. Smith. As independent as any paper in Utah, sir. I make no exception whatever.

The Chairman. Mr. Smith, who is the editor of the paper?

Mr. Smith. Charles W. Penrose.

The Chairman. Is he connected with your church?

Mr. Smith. Yes, sir; he is an elder in the church.

Senator Beveridge. Is he a polygamist?

The Chairman. He is not one of the apostles.

Mr. Smith. No, sir.

The Chairman. Is he a polygamist?

Penrose a Polygamist.

Mr. Smith. I understand that he is.

Mr. Tayler. Is he not one of the first presidents of the seventies?

Mr. Smith. No, sir; he is not.

Mr. Tayler. What is he besides what you have described him to be, if anything, officially?

Mr. Smith. He has been until recently the second councilor to the president of the Salt Lake stake of Zion.

Mr. Tayler. Is he appointed and sustained to that place just as other officials are?

Mr. Smith. No, sir.

Mr. Tayler. He is selected by the first president, I suppose, just as your councilors are selected?

Mr. Smith. For the presidency of the stake, do you mean?

Mr. Tayler. No; I understood you to say he was councilor to the president of the stake.

Mr. Smith. Yes. He is selected in precisely the same way as the rest.

Mr. Tayler. You have the same form of selection where an analogous line of duties occur?

Mr. Smith. The same thing.

Senator Dubois. Will you excuse me a moment, Mr. Tayler?

Mr. Tayler. Yes.

How Church Is Governed.

Senator Dubois. I simply want to ask this question, so that members of the committee may understand the gradations of authority in the church. Who comes next in authority to the seven presidents of the seventies?

Mr. Smith. The general authorities of the church consist of three first presidents, twelve apostles, or twelve high councilors, if you please, seven presidents of seventies, and three presiding bishops. These are the general authorities of the church.

Senator Dubois. That is right. Then come the presidents of stakes?

Mr. Smith. Then come the presidents of stakes.

Senator Dubois. Mr. Penrose is a councilor to a president of a stake?

Mr. Smith. Yes, sir.

Senator Dubois. I wanted to get their order.

Mr. Smith. He is a councilor to one of the fifty-odd stakes of Zion that are organized.

Senator Beveridge. How long has the Deseret News been published?

Mr. Smith. I can not remember, Senator, exactly the date of its inception, but it was in the early fifties. I think it was in 1850, but I am not right positive about that.

Senator Beveridge. How long has the present editor been the editor?

Mr. Smith. He has been the editor for quite a number of years.

Senator Beveridge. Ten years?

Mr. Smith. No; I think not as long as that. Let me say that many years ago he was the editor and there was a change. Under the administration of the company—that is, the Deseret News company owned the property. They leased it to another company, called the Deseret News Publishing company. Under the regime of the Deseret News Publishing company Penrose was not the editor. After it was transferred again to the trustee in trust, Penrose was put in. I think it is not more than three or four years ago.

Senator Beveridge. Both the chairman and myself asked you whether this editor is a polygamist. You said he was.

Mr. Smith. He is reputed to be.

Senator Beveridge. Has he taken any wives since the proclamation?

Mr. Smith. No, sir.

Senator Beveridge. He was one of those who, like yourself, were in that relation prior to that time?

Mr. Smith. Prior to the manifesto; and many, many years prior, too.

Senator Beveridge. How old is he?

Mr. Smith. He is a man nearly 70 years of age. I think perhaps he is 70 or over. Seventy-two, I am informed. I did not know his age.

The Chairman. Now, Mr. Tayler, let us go along.

Senator Foraker. When you say a president of a state do you refer to a State of the Union?

Mr. Smith. No; a stake.

Mr. Worthington. It is stake, not state, Senator.

Senator Foraker. I thought from the context it must refer to some kind of a church.

Divided Into Stakes.

Mr. Smith. I would like to state, for the information of the Senator, that our church is divided geographically into stakes, as they are called, and then each stake is divided into wards.

Mr. Worthington. How many stakes are there in Utah?

The Chairman. Do the stakes usually correspond with the county?

Mr. Smith. They have heretofore usually corresponded with the county, but on account of the increase of population, a number of the stakes that formerly covered a whole county have been divided into two or three or more stakes.

The Chairman. It is not important. I simply want to know generally.

Mr. Smith. All I wish to say, Mr. Chairman, is there are considerably over fifty stakes. I do not know just how many.

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Senator Foraker. Do you mean there are over fifty in Utah?

Mr. Smith. No, sir.

Senator Foraker. Over the whole country?

Mr. Smith. That is, in all the intermountain States.

The Chairman. I want to get a little information out of this. You speak of the quorum of seventy.

Mr. Smith. Yes, sir.

The Chairman. How is that quorum made up? Who are the seventy? I do not mean their names.

Mr. Smith. A quorum of seventy consists of seventy elders. Seven of that seventy preside over the other sixty-three as the seven presidents of that quorum. Then there is a general council of seventies, which preside over all the seventies—that is, the church presidents.

Mr. Tayler. There are presidents of seventies and first presidents of seventies?

Mr. Smith. Yes, sir.

Mr. Tayler. The first presidents being over the consolidated seventies, as it were?

Mr. Smith. Over the entire number of seventies.

The Chairman. You may proceed, Mr. Tayler.

Revelations as to Temporal Affairs.

Mr. Tayler. The prophet, Joseph Smith, Jr., received a great many revelations pertaining to temporal affairs, did he not?

Mr. Smith. I would hardly say a great many, but he did receive some revelations with regard to temporal affairs.

Mr. Tayler. They were received by the people, were they?

Mr. Smith. They were accepted generally by the members of the church.

Mr. Tayler. And they are recognized now as having been revelations from Almighty God, are they not?

Mr. Smith. Yes, sir.

Mr. Tayler. Just as binding upon the conscience of those who receive them as any other revelation that Joseph Smith received?

Mr. Smith. Just as binding on the conscience of members of the church as baptism for the remission of sins and the laying on of hands for the Holy Ghost

Mr. Tayler. And polygamy?

Mr. Smith. And I will say to the gentlemen of the committee that there is not, and can not be, any possible restraint held over the members of the Church of Jesus Christ of Latter-day Saints except that restraint which people themselves voluntarily give. Every man and woman and member of the church is as free to belong to the church or to withdraw from it as any other man or woman in the world, and there is no restraint over them except their voluntary wish.

Obeying a Revelation.

Mr. Tayler. Then the Almighty does not speak by revelations directly to them?

Mr. Smith. Yes, sir; but men obey it or not as they please. They are at liberty to obey or not, just as they please.

Mr. Tayler. Exactly.

Mr. Smith. And they disobey if they wish with perfect impunity.

Mr. Tayler. In your conception of God, then, he is not omnipotent and omniscient?

Mr. Smith. Oh, yes; I think he is.

Mr. Tayler. But do you mean to say you, at your pleasure, obey or disobey the commands of Almighty God?

Mr. Smith. Yes, sir.

Mr. Tayler. Communicated to you?

Mr. Smith. I obey or disobey at my will.

Mr. Tayler. Just as you please?

Mr. Smith. Just as I please.

Mr. Tayler. And that is the kind of a God you believe in?

Mr. Smith. That is exactly the kind of a God I believe in.

Mr. Tayler. I wanted you to define him.

Mr. Smith. Yes, sir. I could quote to the gentleman—

Smith Called to Time.

The Chairman. Just a moment, Mr Tayler. If we are to have an address upon every question on all the subjects, you will never get through. If you will confine yourself to answers, Mr. Smith, you will have plenty of opportunity to explain anything you may desire to explain.

Mr. Smith. I will try to confine myself to answers.

Senator Beveridge. I do not think questions as to what are his conceptions of God, or his private, personal duty, are competent.

The Chairman. I do not think they are, either.

Senator Foraker. I do not understand this to be, anyhow, anything but the doctrine of free moral religion, which every good Methodist believes in.

Mr. Tayler. Do you recall that revelation made to Joseph Smith in 1841; that is, do you recall that it is in your Doctrine and Covenants, respecting the building of a boarding-house?

Mr. Worthington. What page is that?

Mr. Tayler. Page 436.

Mr. Smith. In Nauvoo; yes.

Pertains to Temporal Affairs.

Mr. Tayler. Do you define that as pertaining to spiritual or temporal affairs?

Mr. Smith. I define it as pertaining to temporal affairs.

Mr. Tayler. Do you recall the revelations instructing his people to organize a corporation?

Mr. Smith. Yes, sir.

Mr. Worthington. What page is that?

Mr. Tayler. Page 437. And limiting the amount of stock which anybody could take to $15,000, and not less than $50?

Mr. Smith. Yes, sir.

Mr. Tayler. And that nobody should get his stock until he paid for it?

Mr. Smith. Yes; I recollect that. That is, I know the revelation, and furthermore that it was stated somewhere in the revelation that certain persons were privileged to take stock if they chose to take stock, or not, as they desired, and that was optional with every man just the same as any other institution.

Mr. Tayler. Is that true of all the revelations of Joseph Smith, where he directed things to be done?

Mr. Smith. Absolutely true.

Mr. Tayler. That is, that they were free to do as they pleased?

Mr. Smith. Free to do absolutely as they pleased.

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Mr. Tayler. Is the authority of the church or its power exercised respecting legislation in the State of Utah?

Mr. Smith. No, sir; not in the least.

Mr. Tayler. Not in the least?

Mr. Smith. Not in the least.

Mr. Tayler. You are absolutely wholly a nonparticipant in every way?

Mr. Smith. In every way as to the church.

Mr. Tayler. As to the church?

Mr. Smith. Yes, sir; as to the church.

Mr. Tayler. Have you intervened, yourself, respecting it?

Mr. Smith. No, sir.

Mr. Tayler. Do you pa any attention to the course of legislation there?

Mr. Smith. No, sir.

Mr. Tayler. None at all?

Mr. Smith. None, whatever, except as a citizen of the United States. I read the papers when I can, and, of course, some measures I take more of an interest in than others, as an individual.

Evans Bill Called Up.

Mr. Tayler. Take the bill that was offered in the Legislature, known as the Evans bill. Do you recall that?

Mr. Smith. I recall that.

Mr. Tayler. Do you remember when it was pending in the Legislature?

Mr. Smith. I do not remember the date of it. I remember the circumstance and the bill, and some provisions of the bill.

Mr. Tayler. Do you recall any action you took respecting it?

Mr. Smith. I recall the fact, Mr. Chairman, that I was in favor of the bill heartily.

The Chairman. What was that bill, let me ask? I do not recall it.

Mr. Tayler. Perhaps I had better read it. It is short, and then it will be in the record.

Senator Beveridge. What is the date of the bill?

Mr. Tayler. The date of the bill is 1901. It passed the Senate March 8, 1901. It is on page 11 of the protest.

Every person who has reason to believe that a crime or public offense has been committed may make complaint against such person before some magistrate having authority to make inquiry of the same: Provided, That no prosecution for adultery shall be commenced except on complaint of the husband or wife, or relative of the accused within the first degree of consanguinity, or of the person with whom the unlawful act is alleged to have been committed, or of the father or mother of said person, and no prosecution for unlawful cohabitation shall be commenced except on complaint of the wife or alleged plural wife of the accused; but this proviso shall not apply to prosecutions under section forty-two hundred and eight defining and punishing polygamous marriages.

The Chairman. Now, what is your question, Mr. Tayler? I understand the witness favored that bill.

Smith Favored Bill.

Mr. Smith. I remember the bill, and I favored it.

Mr. Tayler. How did you give expression to your favor of that bill?

Mr. Smith. To friends that I was intimate with.

The Chairman. Friends in the Legislature, do you mean?

Mr. Smith. No, sir; I had nothing to do, Mr. Chairman, with any member of the Legislature.

Mr. Tayler. You did not communicate your wishes to any member of the Legislature?

Mr. Smith. No, sir; none whatever.

Mr. Tayler. You have a rule, Mr. Smith, respecting the candidacy of persons for office, have you not—members of your church of officials of your church?

Mr. Smith. Yes, we have; that is, active officials of the church.

Mr. Tayler. Active officials of the church?

Mr. Smith. Yes, sir.

Mr. Tayler. When did you adopt that rule?

Mr. Smith. It is a rule that has been in existence since the church was organized.

Mr. Tayler. And has not been emphasized in any way since its origin?

Mr. Smith. Oh, yes; it was emphasized later.

The Chairman. What rule is that? We do not understand.

Mr. Smith. This is the rule, Mr. Chairman. The rule is that—

Mr. Worthington. The rule is in writing or in print, is it not?

Mr. Smith. Yes; I think it is somewhere published here. I am not sure about that.

The Chairman. A rule of what—of the church?

Church Does Control.

Mr. Smith. It is a rule of the church in regard to its official members, and the rule is that no official member of the church, such as the president of a stake, one of the twelve apostles, one of the first presidency, one of the seven presidents of seventies, or a presiding bishop or ordinary bishop, shall engage in any business whatever that will take him away from the functions and exercise of his ecclesiastical duties without first getting the sanction and approval of his superior officers in the church. That is the rule.

Senator Hoar? Does that number of officials you have mentioned include apostles?

Mr. Smith. Yes, sir; I mentioned apostles.

Senator Beveridge. Does that include also any political occupations of these people, or business occupations?

Mr. Smith. It includes anything that will take an official member of the church away from his official duty in the church.

The Chairman. Whether it be business or ecclesiastical work?

Mr. Smith. Whether it be ordinary business, political business, or any other business.

Senator Dubois. I ask that the rule be read.

Senator Hoar. Let me ask one question right there. When was that official consent, if ever, given to Mr. Smoot to come here as Senator of the United States? How; in what form?

Senator Beveridge. Did he have to get your consent?

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Smoot Had to Secure Consent.

Mr. Smith. He did. He applied to his associates for their consent for him to become a candidate before the Legislature for Senator of the United States.

The Chairman. Whom do you mean by his associates?

Mr. Smith. His associates, the apostles.

The Chairman. The twelve.

Mr. Smith. The twelve apostles; yes, sir.

Mr. Tayler. And the first presidency?

Mr. Smith. And the first presidency; and he obtained their unanimous consent to become a candidate if he chose.

Mr. Tayler. Did anybody else obtain their unanimous consent to become a candidate at that time for that office?

Mr. Smith. I do not know that any official member of the church was a candidate at that time.

Mr. Tayler. Then nobody else whose duty it was to obtain consent to run for that office asked?

Mr. Smith. There was no one else a candidate who was an official member of the church.

Senator Beveridge. Under what conditions was that consent given?

Mr. Smith. Under what conditions?

Senator Beveridge. Were any conditions attached to the consent?

Mr. Smith. None whatever. We simply released him from his duty as one of our number to become a candidate and to attend to the duties of the Senatorship if he was elected.

Senator Beveridge. I understand you then to say he does not attend to the duties of the apostolate?

Mr. Smith. Not while he is here; he can not.

Senator Dubois. Did any one else ask your consent to be a candidate for the United States Senate at that time?

Mr. Smith. Not at that time, because there was no official member of the church a candidate at that time.

Senator Dubois. No one else of either party or any other citizen of Utah received your consent, except Apostle Smoot, to become a candidate for the United States Senate?

Mr. Smith. I wish to be understood that no one else, so far as my knowledge extends, who was a candidate for that position was an official member of the church. That is what I wish to convey.

Smoot Made Request.

The Chairman. Mr. Smith, I desire to ask you who made this request; Mr. Smoot himself?

Mr. Smith. Mr. Smoot himself.

The Chairman. Was it in writing?

Mr. Smith. No, sir.

The Chairman. Was it at a meeting of the apostles and the president?

Mr. Smith. I think not. If I mistake not, he asked these people individually.

Senator Overman. Were any minutes kept of the meeting where he was released?

Mr. Smith. No, sir; not that I am aware of.

Senator Beveridge. It is not as formal a matter as that, then?

Mr. Smith. No, sir; it is simply a consent on the part of his associate to yield their claim upon his services in the church to become a candidate before the Legislature.

Mr. Worthington. Is it anything more than a leave of absence?

Mr. Smith. That is all. It is practically that.

Senator Beveridge. One or two questions were asked you by Senator Dubois, Mr. Smith, which suggest something to me. Did the fact that you gave consent to Mr. Smoot to be a candidate for the United States Senate in any wise interfere with your giving consent to any other member of the apostolate, if they had asked it?

Mr. Smith. Not in the least.

Senator Beveridge. Would you have given consent to more than one?

Mr. Smith. Yes, sir; if they had asked it.

Senator Hoar. Was a similar consent given to Mr. Cannon when he came to the Senate?

Mr. Smith. How is that?

Senator Hoar. Was Mr. Cannon, when he came to the Senate, given official consent?

Mr. Smith. Let me ask you which Cannon you mean.

Senator Hoar. The only one who came to the Senate.

Mr. Van Cott. Frank J. Cannon.

Mr. Smith. He is not and never has been an official member of the church, in any sense or form.

The Chairman. What do you mean by an initial member?

Mr. Smith. I said an official member.

The Chairman. I misunderstood you. Was he not at one time an elder in the church?

Mr. Smith. Well, that is not an official position at all. Nearly every male member of the church, Mr. Senator, is an elder.

Mr. Tayler. There was something said here about this written rule of application.

Mr. Worthington. Here it is. There is some memoranda there, which is no part of it, but that we understand to be that rule.

Mr. Tayler. I have seen it printed several times.

Mr. Van Cott. If you do not find it we will furnish you with a printed copy.

Not in Harmony.

Mr. Tayler. In relation to this subject of consent, what would have happened to Mr. Smoot if he had persisted in running for the Senate without the consent of the apostles and the first presidency?

Mr. Smith. He would no doubt have been considered in poor standing with his brethren.

Mr. Tayler. He would have been deposed from his apostleship, would he not?

Mr. Smith. No, sir; not necessarily.

Mr. Tayler. Not necessarily?

Mr. Smith. No, sir.

Senator Dubois. He would have been out of harmony with his quorum.

Mr. Smith. That is all.

Mr. Tayler. Your quorums are generally in harmony?

Mr. Smith. They are generally in harmony.

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Mr. Tayler. It is very rare, indeed, that you are not a unit?

Mr. Smith. I am very happy to say, sir, that is the fact.

Mr. Tayler. And that all the twelve and the three agree, as a rule?

Mr. Smith. Yes, sir; as a rule.

Mr. Tayler. And it is seldom it has ever been otherwise?

Mr. Smith. Quite so; although, let me add, Mr. Tayler, it has been so. It has not always been unanimous. There are exceptions to that rule.

Mr. Tayler. Exactly. Can you give us a recent exception to that rule?

Mr. Smith. Yes, sir.

Mr. Tayler. In what case?

Mr. Smith. In the case of Moses Thatcher.

Mr. Tayler. What was the trouble with him?

Mr. Smith. He was not in harmony with his council for a great many years.

Senator Foraker. Did he remain an apostle all the while?

Mr. Smith. All the while.

Mr. Tayler. He did not remain all the while, did he?

Mr. Smith. He remained all the while for years.

Mr. Tayler. Yes; until—

Mr. Smith. Until final action was taken on his case by his quorum.

Mr. Tayler. And they deposed him?

Thatcher Deposed.

Mr. Smith. They deposed him.

Mr. Tayler. Did he have a formal trial?

Mr. Smith. Yes, sir.

Mr. Tayler. He was present?

Mr. Smith. That is to say, let me say to you, a time, an appointment for a trial was set, and he was urged to appear, and notified to appear by his council.

Mr. Tayler. Yes.

Senator Beveridge. What was the occasion of his being out of harmony with his quorum?

Senator Hoar. Let him finish his answer.

Senator Beveridge. Very well.

Mr. Smith. And he refused to appear, and absented himself from the council, declining to answer or respond to the call to be there.

Mr. Tayler. Were charges formulated against him?

Mr. Worthington. He has not finished his answer.

Mr. Tayler. Very, well, I thought he had.

Mr. Smith. And long prior to this circumstance he had been out of harmony with the other members of the quorum, and had absented himself from their meetings many times in succession.

Mr. Tayler. But you asserted the right at that time, and so proclaimed, did you not, that you had the right—that is to say, the first presidency and the remaining eleven apostles had the right—to depose him at any time, without trial and without hearing?

Mr. Smith. Oh, no; we never do that.

Mr. Tayler. Are you not on record as so stating?

Mr. Smith. Oh, no.

Mr. Tayler. That he was not entitled to be heard; that it was your right to depose him?

Mr. Smith. No, sir; I think there is no such record.

Worthington Intervenes.

Mr. Worthington. The practice in our courts is, that if a man is asked if he has signed a writing or has done something by writing, the paper should be produced.

Mr. Tayler. That is so technical that I do not think it is worth while discussing it.

Mr. Worthington. My friend says he does not consider it worth discussing. I would like to know the opinion of the chairman and the committee about it.

Senator Foraker. The witness has answered the question, anyhow, without hesitation or qualification.

Senator Pettus. Mr. Tayler, if you have it I would be obliged to you if you would read that rule of the church.

Mr. Tayler. It is in the protest.

Mr. Worthington. Extracts of it are in the protest, but the larger portion of it is carefully omitted.

The Chairman. There is a controversy about that, Mr. Smith. Can you furnish the rule?

Mr. Smith. I could, Mr. Chairman, if I had the time. I think I would have to send home for it, unless it could be found here.

Mr. Van Cott. We have a copy of it.

Mr. Tayler. My recollection is that it is as Mr. Smith has given it, in substance; but I think we had better get a copy of it and put it in the record. I understand he has stated the substance of it correctly, as I recall it, at least.

Mr. Richards. Mr. Chairman, may I confer with the witness a moment?

The Chairman. Certainly.

Senator Hoar. Mr. Chairman, we are inquiring as to a rule of the church of its head, and it seems to me it is hardly worth while, when the head of the church is stating what he understands to be its rule, to trouble ourselves too strictly about producing a written document. If there is a call for it, it can be put in later.

The Chairman. This is the rule of the church.

Mr. Richards. Mr. Chairman, Mr. Smith is now prepared to offer a copy of the rule.

Copy of Rule Offered.

Mr. Smith. Mr. Chairman, I am informed that there is here a copy of that rule.

The Chairman. Have you examined it?

Mr. Smith. No, sir; I have not examined it.

The Chairman. So you can not say whether it is a copy or not?

Mr. Smith. I could not say at present.

Senator Hoar. It can be put in and corrected afterwards if mistakes are found in it?

Mr. Smith. Yes; it is understood it was furnished by the historian's office to Mr. Smoot.

Mr. Tayler. It has been frequently published, and we have here a printed copy. It may not be accurate, but we will get it in the record.

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The Chairman. Let the rule, or what purports to be the rule, go into the record, and then if it is erroneous it can be corrected.

Senator Beveridge. I suggest, Mr. Chairman, that he examine it tonight and produce it tomorrow in his testimony, when it can go in the record.

Senator Dubois. I suggest that the counsel agree as to what they shall put in.

Senator Foraker. Let us understand that the rule will be inserted at this point.

Mr. Tayler. Yes.

Senator Dubois. The witness and the counsel agree to the existence of the rule, and that is the substance of it.

Senator Beveridge. That is the substance of it. Now, let Mr. Smith go over it, and if he finds it correct, let it go in.

The rule referred to is as follows:

Here Is the Rule.

TO THE SAINTS.

To the officers and members of the Church of Jesus Christ of Latter-day Saints, in general conference assembled:—Dear Brothers and Sisters:—Every Latter-day Saint will recognize the value of union, not only in action, but in matters of faith and discipline. As to the rights and authority of the priesthood of the Son of God, it is of the highest importance that there should be no difference of opinion among the officers and members of the Church of Jesus Christ of Latter-day Saints. Feeling the necessity of a correct understanding of this principle, we deem it proper, at this sixty-sixth anniversary of the organization of the church in these last days, to prepare and present a statement on the subject, embodying the doctrine which has always prevailed in the church and our views upon it. We are prompted to adopt this at the present time because of events which have happened during the late political contest. A great diversity of opinion on the subject has been expressed, and even by leading elders in the church, which latter fact has naturally led, in some instances, to considerable division of sentiment

It is of great importance that we understand each other and that there be harmony in our teachings. It is especially important that these teachings shall be in accordance with the rules and regulations and doctrines which have been taught and which have prevailed from the beginning until the present time, having not only the sanction of undisputed usage, but the approval of all faithful leaders in the church and of him in whose name and by whose authority they act.

In the late exciting contest, to which reference has been made, the presiding authorities in some instances have been misunderstood. In other instances they have been misrepresented, which has led to a wrongful conception of their real views. It has been asserted too freely, and without foundation, that there has been a disposition on their part to interfere with individual liberty and to rebuke in some men a course which was applauded in others. In a word, that they have appeared to desire to assert and maintain an unjust and oppressive control over the actions of the members of the church, and in thus doing have endeavored to effect a union of church and state.

In the heat of political discussion assertions have been made and arguments used conveying to the public mind a false idea concerning the position of the officers of the church, and leaving the impression that there has been and was now being made an attempt to accomplish the union above referred to. Now that the excitement has passed, and calmer reason has resumed its sway, we think it prudent to set forth, so that all may understand, the exact position occupied by the leading authorities of the church.

In the first place, we wish to state in the most positive and emphatic language that at no time has there ever been any attempt, or even desire, on the part of the leading authorities referred to, to have the church in any manner encroach upon the rights of the state, or to unite in any degree the functions of one with those of the other.

Peculiar circumstances have surrounded the people of Utah. For many years a majority of them in every portion of the Territory belonged to one church, every reputable member of which was entitled to hold, and did hold, some ecclesiastical office. It is easy to see how, to the casual observer, it might appear singular that so many officers of the church were also officers of the State; but while this was in fact the case, the distinction between the church and the state throughout those years was carefully maintained. The president of the church held for eight years the highest civil office in the community, having been appointed by the National Administration Governor of the Territory. The first Secretary of the Territory was a prominent church official. An apostle represented the Territory in Congress as a Delegate during ten years. The members of the Legislature held also offices in the church. This was unavoidable, for the most suitable men were elected by the votes of the people, and, as we have stated, every reputable man in the entire community held some church position, the most energetic and capable holding leading positions. This is all natural and plain enough to those who consider the circumstances; but it furnished opportunity for those who were disposed to assail the people of the Territory to charge them with attempting to unite church and state. A fair investigation of the conditions will abundantly disprove the charge and show its utter falsity.

On behalf of the church, of which we are leading officers, we desire again to state to the members and also to the public generally that there has not been, nor is there, the remotest desire on our part, or on the part of our coreligionists, to do anything looking to a union of church and state.

We declare that there has never been any attempt to curtail individual liberty—the personal liberty of any of the officers or members of the church. The first presidency and other leading officers did make certain suggestions to the people when the division on party lines took place. That movement was an entirely new departure, and it was necessary, in order that the full benefit should not be lost which was hoped to result from this new political division, that people who were inexperienced should be warned against hasty and ill-considered action. In some cases they were counseled to be wise and prudent in the political steps they were about to take, and this with no idea of winning them against their will to either side. To this extent and no further was anything said or done upon this question, and at no time and under no circumstances was any attempt made to say to voters how they should cast their ballots. Any charge that has been made to the contrary is utterly false.

Concerning officers of the church themselves, the feeling was generally expressed in the beginning of the political division spoken of that it would be prudent for leading men not to accept of office at the hands of the political party to which they might belong. This counsel was given to men of both par-

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ties alike, not because it was thought that there was any impropriety in religious men holding civil office, not to deprive them of any of their rights of citizenship, but because of the feeling that it would be better, under all the circumstances which had now arisen, to avoid any action that would be likely to create jealousy and ill feeling. An era of peace and good will seemed to be dawning upon the people, and it was deemed good to shun everything that could have the least tendency to prevent the consummation of the happy prospect.

In many instances, however, the pressure brought to bear upon efficient and popular men by the members of the parties to which they belonged was of such a character that they had to yield to the solicitation to accept nomination to office or subject themselves to the suspicion of bad faith in their party affiliations. In some cases they did this without consulting the authorities of the church; but where important positions were held, and where the duties were of a responsible and exacting character, some did seek the counsel and advice of the leading church authorities before accepting the political honors tendered them. Because some others did not seek this counsel and advice, ill feeling was engendered, and undue and painful sensitiveness was stimulated; misunderstanding readily followed, and as a result the authorities of the church were accused of bad faith and made the objects of bitter reproach.

We have maintained that in the case of men who hold high positions in the church, whose duties are well defined, and whose ecclesiastical labors are understood to be continuous and necessary, it would be an improper thing to accept political office or enter into any vocation that would distract or remove them from the religious duties resting upon them, without first consulting and obtaining the approval of their associates, and those who preside over them. It has been understood from the very beginning of the church that no officer whose duties are of the character referred to has the right to engage in any pursuit, political or otherwise, that will divide his time and remove his attention from the calling already accepted.

It has been the constant practice with officers of the church to consult—or, to use our language, to "counsel"—with their brethren concerning all questions of this kind. They have not felt that they were sacrificing their manhood in doing so, nor that they were submitting to improper dictation, nor that in soliciting and acting upon the advice of those over them they were in any manner doing away with their individual rights and agency, nor that to any improper degree were their rights and duties as American citizens being abridged or interfered with. They realize that in accepting ecclesiastical office they assumed certain obligations; that among these was the obligation to magnify the office which they held, to attend to its duties in preference to every other labor, and to devote themselves exclusively to it with all the zeal, industry and strength they possessed, unless released in part or for a time by those who presided over them.

Our view, and it has been the view of all our predecessors, is that no officer of our church, especially those in high standing, should take a course to violate this long-established practice. Rather than disobey it, and declare himself by his actions defiantly independent of his associates and his file leaders, it has always been held that it would be better for a man to resign the duties of his priesthood; and we entertain the same view today.

In view of all the occurrences to which reference has been made, and to the diversity of views that have arisen among the people in consequence, we feel it to be our duty to clearly define our position, so there may be no cause hereafter for dispute or controversy upon the subject:

First—We unanimously agree to and promulgate as a rule that should always be observed in the church and by every leading official thereof, that before accepting any position, political or otherwise, which would interfere with the proper and complete discharge of his ecclesiastical duties, and before accepting a nomination or entering into engagements to perform new duties, said official should apply to the proper authorities and learn from them whether he can, consistently with the obligations already entered into with the church upon assuming his office, take upon himself the added duties and labors and responsibilities of the new position. To maintain proper discipline and order in the church, we deem this absolutely necessary; and in asserting this rule we do not consider that we are infringing in the least degree upon the individual rights of the citizen. Our position is that a man, having accepted the honors and obligations of ecclesiastical office in the church, cannot properly of his own volition make these honors subordinate to, or even co-ordinate with, new ones of an entirely different character. We hold that unless he is willing to consult with and obtain the consent of his fellow-laborers and presiding officers in the priesthood, he should be released from all obligations associated with the latter before accepting any new position.

Second—We declare that in making these requirements of ourselves and our brethren in the ministry, we do not in the least desire to dictate to them concerning their duties as American citizens, or to interfere with the affairs of the State; neither do we consider that in the remotest degree we are seeking the union of church and state. We once more here repudiate the insinuation that there is or ever has been an attempt by our leading men to trespass upon the ground occupied by the State, or that there has been or is the wish to curtail in any manner any of its functions. Your brethren,

Wilford Woodruff, George Q. Cannon, Joseph F. Smith, first presidency; Lorenzo Snow, F. D. Richards, Brigham Young, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant, John W. Taylor, Marriner W. Merrill, Abraham H. Cannon, apostles; John Smith, patriarch; Seymour B. Young, C. D. Fjeldsted, B. H. Roberts, George Reynolds, Jonathan G. Kimball, Rulon S. Wells, Edward Steyenson, first council of seventies; William B. Preston, R. T. Burton, John R. Winder, presiding bishopric.

Salt Lake City, April 6, 1896.

Note.—The reason the signature of Apostle Anthon H. Lund does not appear in connection with those of his quorum is because he is absent, presiding over the European mission. He, however, will be given the opportunity of appending his signature when he returns home.

Cause of Thatcher Controversy.

Mr. Tayler. Mr. Smith, what was the immediate occasion of the controversy with Moses Thatcher at the time of his deposition?

Mr. Smith. The immediate, that is, the principal, circumstance which led to the final investigation of his status was his becoming a candidate for a political office without consulting with his associates. That was the beginning of the investigation.

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Senator Dubois. What office was that, did you say?

Mr. Smith. I could not tell you now what office it was. I think he was a candidate for Senator, or something of that kind.

Mr. Tayler. United States Senator?

Mr. Smith. I am not sure, but I think that was the case.

Mr. Tayler. Mr. Smith, do you recall a document published by the Deseret News, entitled "The Thatcher episode: A concise statement of the facts in the case. Interesting letters and documents and review of M. Thatcher's claims, pleas and admissions?"

Mr. Smith. Yes; I recollect the journal.

Mr. Tayler. Published in 1896?

Mr. Smith. I remember.

Mr. Tayler. That was intended, was it not, to give the church's side of that controversy?

Mr. Smith. The church had nothing to do with it.

Mr. Tayler. I understood you to say that Moses Thatcher——

Mr. Smith. With the publication of this book, I mean.

Mr. Tayler. It was published by the Deseret News, was it not?

Mr. Smith. That is very true, but it was done for the author.

Mr. Tayler. Do you know who was the author?

Authors of Pamphlets.

Mr. Smith. There was one pamphlet of that character published by C. W. Penrose, and there was another one also on that same order published by a man by the name of Nelson, and they were their own personal views.

Mr. Tayler. Exactly. C. W. Penrose is the C. W. Penrose of whom you have spoken.

Mr. Smith. Yes.

Mr. Tayler. And the editor of the Deseret News?

Mr. Smith. Yes.

Mr. Tayler. Do you know whether the document I have and now show you is the one Mr. Penrose prepared?

Mr. Smith. I could not tell you.

Mr. Tayler. Can you tell me, Mr. Van Cott? I do not want to get any confused statement.

Mr. Van Cott. I do not know. I could find out for you this evening, probably.

Mr. Tayler. All right.

Mr. Smith. Is there no title to it?

Mr. Tayler. There is no signature.

Mr. Smith. I rather think, sir, that C. W. Penrose is the author of that, but I do not know.

Refreshes His Memory.

Mr. Tayler. Let me see if I can refresh your recollection as to the authorship of this so as to be more definite, if you can. [Reading:]

"Recent occurrences in the church render it necessary to present in a popular form some of the reasons for the action taken by the council of the twelve apostles in reference to one of their number."

Then follow other general observations.

"This pamphlet is therefore prepared for general dissemination among the members of the church, that they may not be in the dark concerning the step which the quorum of the twelve found it their duty to take after much patience, forbearance and charity."

Mr. Smith. Well, sir, I do not know whether that is Mr. Nelson's or whether it is—

Mr. Tayler. Who is Mr. Nelson?

Mr. Smith. His name is N. L. Nelson. He is a professor in one of our schools.

The Chairman. In what school?

Mr. Smith. In one of the church schools.

Mr. Tayler. Whereabouts?

Mr. Smith. At Provo.

Don't Know Where Tanner Is.

Mr. Tayler. We offer that book in evidence. It is identified sufficiently by its name. There may be some lead-pencil notations in it. We do not offer them. Do you know J. M. Tanner?

Mr. Smith. Yes, sir.

Mr. Tayler. Where is he?

Mr. Smith. I do not know.

Mr. Tayler. Where are his labors supposed to be carried on now?

Mr. Smith. His labors, in the line of his duty as superintendent of church schools, lie throughout all the church.

Mr. Tayler. He is superintendent of church schools?

Mr. Smith. He is.

Mr. Tayler. Is he a polygamist?

Mr. Smith. That is the reputation he has.

Mr. Tayler. What position did he hold before he was appointed to that place?

Mr. Smith. I think he was at one time president of the faculty of the agricultural society or school.

Mr. Van Cott. College.

Mr. Smith. Agricultural college.

Mr. Tayler. Where?

Mr. Smith. At Logan.

Mr. Tayler. In Utah?

Mr. Smith. In Utah.

Mr. Tayler. Do you recall how he came to leave that position?

Mr. Smith. Yes, sir.

Mr. Tayler. It was because he was a polygamist, was it not? I do not want to take up time It was because the law forbade any of the appropriation to go to agricultural colleges—

Mr. Smith. No, sir; the law did not forbid.

Mr. Tayler. Then tell us why. I was only trying to hurry along.

Why Tanner Retired.

Mr. Smith. There was some publication, some newspaper talk, about an appeal being made to Congress to stop the appropriation to the college if a polygamist was to be continued as the president of the faculty, and, to avoid anything of the kind, Mr. Tanner resigned, is my understanding of it.

Mr. Tayler. Then was he immediately appointed to the succeeding place, the place which he now holds?

Mr. Smith. No, sir.

Mr. Tayler. What was it that intervened?

Mr. Smith. He took up the profession of law. He is a law student and a lawyer, and he took up the profession of law in Salt Lake City, and practiced law for a number of years after he left the college.

The Chairman. And then what?

Mr. Smith. Mr. Chairman, Mr. Carl G. Maesar—

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The Chairman. I want to know when he became superintendent of the schools.

Mr. Smith. I can not tell you exactly the date, but I was going to tell you how he was chosen. He was a student under Prof. Carl G. Maesar, who was, previous to his appointment, the general superintendent of church schools throughout Utah. Tanner was one of his pupils, and was thoroughly posted in regard to the methods and teaching and all the practices of Carl G. Maesar, who was a very eminent teacher, and because of his knowledge and his eminent fitness to succeed Carl G. Maesar at his death he was chosen to succeed Mr. Maesar.

The Chairman. By whom was he chosen?

Mr. Smith. By the general board of education of the church.

Tanner a Polygamist.

The Chairman. He was a polygamist when he was on the faculty of the college?

Mr. Smith. Yes, sir.

The Chairman. And a polygamist when he succeeded to the superintendency of the Sabbath schools?

Mr. Smith. Just the same. He is in precisely the status that I am myself, Mr. Chairman.

Senator Overman. Has he been chosen since 1890?

Mr. Smith. Yes, I think so. It has been only recently that he was appointed. It was not very long ago.

Senator Dubois. Which is the office of higher dignity, would you think, that of superintendent of all the church schools, or that of president of the agricultural college?

Mr. Smith. The agricultural college is a State and Government institution, and is considered of very great importance in the State. The office of president of that institution is regarded as very dignified and a very responsible position. There is nothing we have in the church capacity that can be compared with it, sir. Our institutions are small concerns in comparison to this grand institution of the State.

Senator Overman. Did the apostles have anything to do with the appointment of this man as superintendent of schools?

Mr. Smith. No, sir; it is a board of education. There is organized a general board of education. To make it quite plain to you, Mr. Senator, I will say that I am also a director in that board, in connection with all the rest of the institutions with which I am associated.

Senator Overman. And the twelve apostles are not members of that board?

Mr. Smith. One or two of them are.

Senator Overman. As a body, I mean?

Mr. Smith. No, sir; not as a body. I think there are one or two apostles. I recall now only one apostle, and that is Mr. Rudger Clawson. He is the only one I recall. There might be one other, but I can not recall any other than him.

Duty of Superintendent.

The Chairman. What is the duty of Mr. Tanner, the superintendent of schools?

Mr. Smith. His duty is to visit the church schools throughout the State of Utah, and throughout the church in Utah, Arizona, Mexico and Canada, and also in Idaho, where we have one or two schools.

The Chairman. And give instructions?

Mr. Smith. And give instructions, and superintend the conduct of the schools.

The Chairman. How many wives had he when he belonged to the faculty of the agricultural college?

Mr. Smith. I do not know anything about how many he has at all. I never was in his house, to my knowledge.

The Chairman. Do you know a man by the name of J. E. Wilson, connected with the college at one time?

Mr. Smith. Which college, Mr. Chairman?

The Chairman. The Agricultural college, at the time Mr. Tanner was one of the faculty?

Mr. Smith. No; I do not remember the name.

The Chairman. Do you know of any one else who was a polygamist connected with that college as one of the faculty, aside from Tanner?

Mr. Smith. No, sir; I do not.

The Chairman. Go on, Mr. Tayler.

Brigham City Trouble.

Mr. Tayler. Have you had your attention called, Mr. Smith, to a recent controversy arising at Brigham City?

Mr. Smith. Yes, sir.

Mr. Tayler. That is some trouble between some of the people down there and some of the church officials, is it?

Mr. Smith. A tempest in a teapot; yes, sir.

Mr. Tayler. A tempest in a teapot?

Mr. Smith. That is all it is. It is simply a newspaper furore, and there is absolutely nothing in it at all.

The Chairman. Is that in Box Elder county?

Mr. Smith. Yes, sir.

Senator Foraker. What was that?

Mr. Smith. It was this: A band of musicians were employed by a committee on amusements of Brigham City.

The Chairman. Let me ask you right there, was it a committee of the church or a committee of citizens?

Mr. Smith. It was a band of musicians and a committee on amusements organized among the people.

The Chairman. A committee of citizens?

Mr. Smith. Yes; a committee of citizens.

The Chairman. That is what I wanted to know.

Mr. Smith. And the musicians were employed by these people to play for theaters, musical entertainments, concerts, and so on. In course of time they became very arbitrary about their prices. They demanded higher prices than the committee could afford to give, and refused to engage with the committee for the sum that they proposed to give them, and withdrew and started to build a dancing pavilion of their own. The committee on amusements employed other musicians to carry on their entertainments and amusements, and the result was that this band of musicians got left out in the cold. The people did not patronize them, and they commenced raising a hue and cry and a howl, which was published in the newspapers that the church authorities were interfering with their liberty. Gentlemen, that is exactly the status of the case.

Mr. Van Cott. And you do not know

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anything about it of your own knowledge, either?

Mr. Smith. I know nothing about it, except I tell you this, that on account of the newspaper notoriety that was given to the circumstance, I myself sent two of my friends to that place to investigate it and to sift it to the bottom. I have simply given you their report to me, which I know is reliable. It is simply nothing at all.

The Chairman. Have you anything further, Mr. Tayler?

Mr. Tayler. Yes; one or two questions that I want to close up with. Mr. Smith, do you remember a letter on the subject of polygamy and polygamous cohabitation, written by Lorenzo Snow, and published in the Deseret News in January, 1900?

Mr. Smith. No, sir; I do not remember it.

Snow's Letter on Polygamy.

Mr. Tayler. Let me read that and I think you will recall it. It is on page 13. He said:

I feel it but just to both Mormons and non-Mormons that, in accordance with the manifesto of the late President Wilford Woodruff, dated September 25, 1890, which was presented and unanimously accepted by our general conference on the 6th day of October, 1890, the church has positively abandoned the practice of polygamy, or the solemnization of plural marriages in this and every other State. And any member or officer thereof has no authority whatever to form a plural marriage or enter into such relation. Nor does the church advise or encourage unlawful cohabitation on the part of any of its members. If, therefore, any member disobey the law, either as to polygamy or unlawful cohabitation, he must bear his own burden; or, in other words, be answerable to the tribunals of the land for his own action pertaining thereto.

Mr. Smith. I remember it very well, sir.

Mr. Tayler. That is correctly represented, and represents the attitude of the church on this subject?

Mr. Smith. Yes, sir.

Mr. Tayler. Then and now?

Mr. Smith. Then and now.

Mr. Tayler. Mr. Smith, have you read what purports to be a copy of your testimony—and I infer you have from a remark you made early in our inquiry—appearing in the hearings of the Committee on Territories of the United States Senate, in relation to a bill for the local government of Utah, in 1892?

Mr. Smith. Yes, sir.

Mr. Tayler. Or, rather, I should say, quotations from testimony given by you before Judge—

Mr. Smith. Before the master of chancery.

Mr. Tayler. Before a master in chancery?

Mr. Smith. Yes, sir.

Mr. Tayler. That is a correct transcript of your testimony in that case, is it?

Mr. Smith. I do not know. I have not seen it.

Mr. Tayler. You have not seen it?

Mr. Smith. No, sir; I presume it is, but I have not seen it. I could not say that it is.

Mr. Worthington. May I ask what printed publication that is?

Mr. Tayler. It is the report of the committee. I think it is what you have. I want to identify it. Mr. Richards was here and put it in himself, and I do not want any technical difficulties in the way unless it is intended that they should be made.

Mr. Van Cott. We can examine it tonight and tell you.

Mr. Tayler. You have a copy of it, have you not?

Mr. Van Cott. Let me see it.

Mr. Tayler. I did not want to lose it. His testimony appears in two different places.

Mr. Worthington. It does not appear to be a public document.

Mr. Tayler. Oh, yes; it is a public document.

Senator Foraker. This committee will take notice of it, anyhow.

Mr. Tayler. Of course, I want to gather together things that are pertinent in this inquiry, and not have to refer to other documents.

Mr. Van Cott. What page did you refer to in this?

Mr. Tayler. It is the cross-examination of Joseph F. Smith, at page 79.

Mr. Van Cott. And what is the other page?

Mr. Tayler. Pages 60 and 61.

The Chairman. I understand counsel to say they will examine that tonight. We need not wait now.

Mr. Tayler. I think that is all we desire to inquire of this witness.

Mr. Smith. I do not understand your question in regard to it, Mr. Tayler.

Mr. Tayler. I understood you could not identify it, so I was taking steps to get it in otherwise. We will have no trouble about that, I think.

Mr. Smith. I beg your pardon. That is all right.

Cannon-Hamlin Affair.

The Chairman. Mr. Smith, I want to ask a question. To go back a little, you were inquired of in relation to an occasion when you were in Los Angeles and went out to an island.

Mr. Smith. Yes, sir.

The Chairman. What I want to inquire of you is whether there was any ceremony of any kind performed by you?

Mr. Smith. No, sir.

The Chairman. None whatever?

Mr. Smith. None whatever.

The Chairman. Now, one other question. You have said that you know of no instance of plural marriages since 1890?

Mr. Smith. Yes.

The Chairman. Performed in the State of Utah?

Mr. Worthington. By the church, of course?

Mr. Smith. Yes.

Senator Foraker. Or with their approval.

The Chairman. I so understood you.

Mr. Smith. Yes, sir.

The Chairman. Will you state whether you have performed any plural marriages outside the State of Utah?

Mr. Smith. No, sir; I never have.

The Chairman. Either in Mexico or—

Mr. Smith. Nowhere on earth, sir.

The Chairman. Do you know of any such?

Mr. Smith. No, sir; I do not.

The Chairman. That is all.

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Denies Plural Marriages.

Mr. Smith. I wish to say again, Mr. Chairman, that there have been no plural marriages solemnized by and with the consent or by the knowledge of the Church of Jesus Christ of Latter-day Saints by any man, I do not care who he is.

The Chairman. I understood that.

Mr. Worthington. Since the manifesto?

Mr. Smith. I mean that, of course. I understand that this investigation comes in after the manifesto.

Senator Dubois. If an apostle of the church had performed such a ceremony within or without the jurisdiction of the United States, would you consider that being with the authority of your church?

Mr. Smith. If any apostle or any other man claiming authority should do any such thing as that, he would not only be subject to prosecution and heavy fine and imprisonment in the State under the State law, but he would also be subjected to discipline and excommunication from the church by the proper tribunals of the church.

Senator Foraker. As for the excommunication from the church, that would be imposed upon him no matter whether it were performed inside the United States or outside?

Mr. Smith. I do not know any different. It is contrary to the rules of the church.

Senator Foraker. That was the question asked you—whether or not, if performed without the United States, these penalties would be imposed.

Mr. Smith. Well, it would be all the same. If any complaint was made of any such thing as that and proof had, the man doing it would not only be subject to prosecution under the law, but he would be subjected to discipline in the church.

Senator Foraker. The point I wish to call your attention to is that, if performed without the United States, he could not be prosecuted for it in Utah?

Mr. Smith. Oh, no.

Senator Foraker. It would not be an offense against the laws of Utah?

Mr. Smith. To be sure.

Senator Foraker. But would the church, nevertheless, impose its penalty of excommunication?

Mr. Smith. It would, Mr. Senator, if any complaint of that kind was made and proven.

Permission Given Smoot.

The Chairman. You say permission was given to Senator Smoot, I understand, to be a candidate for the Senate?

Mr. Smith. Yes.

The Chairman. Suppose permission had been denied by the president and the apostles and associates, and he was commanded not to be a candidate and he had persisted in being a candidate, what action would have been taken?

Mr. Smith. His associates would have considered him out of harmony with them.

The Chairman. Out of harmony?

Mr. Smith. Yes; out of harmony.

The Chairman. And when they found it was not in harmony, then what?

Mr. Smith. I do not know that any action would follow that, except that he would not be in good fellowship with his associates.

The Chairman. Would he still continue as an apostle?

Mr. Smith. Unless he committed some overt act of un-Christianlike conduct, or rebellion, I may say—or at least I use the word rebellion—against the church.

Accepted Authorities of Church.

Senator Hoar. Mr. Smith, I would like to ask you if I understand you. I understand that early in the hearing, I think it was said by you, or if not, perhaps by some of the counsel, that the accepted books containing your rules of faith and practice were said to be the Bible, the Book of Mormon, the Book of Doctrine and Covenants, and the Pearl of Great Price. Now, it seems to me each member of the committee ought to have a copy of each of those books. If there are enough of them here to be supplied to the committee by the parties, on either side, I wish they would do it. If not, I wish you would give us the name of some place where we can apply for them and have them furnished.

Mr. Tayler. I supposed the committee would furnish its own Bibles.

Senator Hoar. I supposed the Mormon Bible was what you were speaking of.

Mr. Tayler. Oh, no; it is the King James translation of the Bible.

Senator Hoar. I beg your pardon. That is true. Are there any other books which you publish by authority and disseminate, except these four?

Mr. Smith. These four books are the accepted standards of the church; and I would like to say to the Senator that I will take great pleasure myself in sending for copies of the Book of Mormon, the Doctrine and Covenants, and the Pearl of Great Price, and the Bible also, if the Senators desire it, and have them brought here and distributed to the committee.

Senator Hoar. Are there any other books that you send out when you wish to have persons who are inquiring know as to what you believe and accept, and which you send to them by your agents, or otherwise?

Number Lesser Works.

Mr. Smith. Yes; we have a number of lesser works—exponent.

Senator Hoar. Do they rank with these?

Mr. Smith. Oh, no; they are not reckoned as standards or accepted as standard works of the church. They are merely accepted as doctrinal works of the church.

Senator Hoar. If a person should come to Worcester, Mass., where I live, and assemble an audience, and there was no difficulty in the way, and desired to call them to Mormonism, these are the books which would be presented to them as what constituted Mormonism?

Mr. Smith. The standard works of Mormonism; yes, sir.

Senator Hoar. What I wish to know is this: Is it or not true, then, that the persons who disseminate your faith, disseminate a book as your standard authority, which enjoins polygamy, and that they disseminate no other book with it which contradicts that or makes any change in that attitude?

Mr. Smith. They, of course, have these standard works, and they are offered to any one who desires to obtain them.

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Senator Hoar. The standard work—

Mr. Smith. The Doctrine and Covenants.

Injunction to Take Plural Wives.

Senator Hoar. Contains an injunction to take plural wives, does it not, as a divine authority in the old revelation?

Mr. Smith. Yes, sir.

Senator Hoar. Then is it true or not that in commending Mormonism to the outer world you send them works which enjoin that as a divine authority without accompanying it with any work of equal authority which qualifies or changes that?

Mr. Smith. The pamphlet and principle enunciated by President Woodruff in relation to the estoppel of the practice of polygamy is universally circulated and universally known as broad and wide as the Book of Doctrine and Covenants is.

Senator Hoar. That is what I wanted to know.

Mr. Smith. And there is not, Mr. Senator, an elder of the Mormon church who goes out as a missionary to the world who either has not that pamphlet with him or is not thoroughly conversant with it and is under strict injunction to observe its rule.

Mr. Worthington. What pamphlet do you refer to?

Mr. Smith. That is the manifesto.

Senator Hoar. I do not know that I have seen that. Will you let us have one of those also when you let us have the others, or now?

Mr. Smith. There it is. You have it here in these other papers.

Senator Foraker. Then, as a matter of fact, in practice this manifesto is circulated along with the standard works?

Mr. Smith. Exactly.

Senator Hoar. As I understand you, then, Mr. Smith, you will at some time convenient to you, furnish each member of the committee with a copy of the Book of Mormon, a copy of the Book of Doctrine and Covenants, the Pearl of Great Price, and this.

Mr. Smith. Also of that; yes, sir.

Mr. Van Cott. And Talmage?

Mr. Smith. Yes.

Senator Overman. Have you any work containing the obligations and duties of the twelve apostles and the first presidency?

Mr. Smith. There are revelations in the Book of Doctrine and Covenants which prescribe their duties.

Doctrine and Covenants.

Senator Pettus. Will you please examine the book now sent down to you and let us know if that is one of the standard works you speak of?

Mr. Worthington. Will you not read the caption and title-page, so the stenographer can identify it?

Mr. Smith. This book is "The Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints, containing the revelations given to Joseph Smith, Jr., the prophet, for the building up of the kingdom of God in the last days; divided into verses, with references by Orson Pratt, Sr. Salt Lake City, Deseret News company, printers and publishers, 1886." This is all right, sir. This is the Book of Doctrine and Covenants.

Senator Pettus. That is one of the standards?

Mr. Smith. That is one of the standards. That is the Book of Doctrine and Covenants.

Senator Pettus. And published by authority of the church?

Mr. Smith. Yes, sir.

Ready References.

Senator Hoar. I have here a book, which is entitled "Ready References: A Compilation of Scripture Texts, arranged in subjective order, with numerous notations from eminent writers, designed especially for the use of missionaries and scripture students. Salt Lake City, Utah, the Deseret News Publishing company, printers and publishers, 1892." Do you know that book?

Mr. Smith. I know of it; yes, sir.

Senator Hoar. Is that also a book published for missionaries?

Mr. Smith. Well, it was published, in the first place, for missionaries, but it is in disuse greatly now. That is the same book that was presented here by Mr. Tayler not long ago.

Senator Hoar. Oh, yes; when I was out.

The Chairman. Have you anything further with this witness, Mr. Tayler?

No Change in Marriage Service.

Mr. Tayler. I wanted to ask a question or two. Do you make any distinction, when you speak of marriage and marriage ceremony, between marriage and sealing or sealing in marriage?

Mr. Smith. No difference, sir.

Mr. Tayler. The church now performs the ordinary marriage ceremonies, of course, Mr. Smith?

Mr. Smith. Yes, sir.

Mr. Tayler. And they are in form as they were when plural marriages were celebrated, are they?

Mr. Smith. The same form exactly.

Mr. Tayler. And do you have as many different kinds of marriage now as formerly?

Mr. Smith. We have as many different kinds of marriage now as formerly.

Mr. Tayler. Let me call your attention to what I mean, because it will save time: Sealing for time only, sealing for time and eternity, and sealing for eternity only.

Mr. Smith. Yes, sir.

Mr. Tayler. Do you have those?

Mr. Smith. Yes, sir.

Mr. Tayler. All three of them?

Mr. Smith. All three of them.

Mr. Tayler. In all respects, except as to the solemnization of plural marriages, the practice and form of the church are the same as formerly?

Mr. Smith. The same as formerly.

Records Kept of Marriages.

Mr. Tayler. Do you keep records of all marriages?

Mr. Smith. We keep records of all marriages, I believe, as far as I know.

Mr. Tayler. Who is the custodian of those records?

Mr. Smith. Well, there are different persons.

Mr. Tayler. Do you mean they are at different places?

Mr. Smith. At different places; yes, sir.

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Mr. Tayler. At what different places are they?

Mr. Smith. They are distributed at all the temples.

Mr. Tayler. How many temples are there in Utah, for instances?

Mr. Smith. There are four.

Mr. Tayler. Where?

Mr. Smith. At Logan, at Salt Lake City, at Manti, in Sanpete county, and at St. George, Washington county.

Mr. Tayler. Where in Utah may marriages be solemnized?

Mr. Smith. At these temples.

Mr. Tayler. And only at those temples?

Mr. Smith. No, no; any elder of the church can perform marriage ceremonies.

Mr. Tayler. Any elder of the church?

Mr. Smith. Any elder of the church.

Mr. Tayler. That is to say, practically any adult male inhabitant in the Mormon church in Utah—

Mr. Smith. No.

Mr. Tayler. Can perform the marriage ceremony?

Mr. Smith. No; you are quite wrong.

Tayler Asks for Facts.

Mr. Tayler. I do not want to misinterpret. I understood you to say a while ago that almost all the male members of the church were elders.

Mr. Smith. It is generally official elders.

Mr. Tayler. I want to know the fact; that is all I am seeking, Mr. Smith.

Mr. Smith. It is official elders that I mean.

Mr. Tayler. Official elders?

Mr. Smith. Yes.

Mr. Tayler. What is the distinction between an official and a non-official elder?

Mr. Smith. A bishop is an elder.

Mr. Tayler. He is also a bishop?

Mr. Smith. Yes, sir; and generally the bishop performs legal marriages when parties apply to him for marriage.

Mr. Tayler. How many bishops are there in Utah? That is, is the number large?

Mr. Smith. Very large.

Mr. Tayler. Is it several thousands?

Mr. Smith. No, sir; it is several hundred, though.

Mr. Tayler. Is anybody lower down in the ecclesiastical court than a bishop authorized to perform marriage ceremonies?

Mr. Smith. No.

Mr. Tayler. Then it must be a bishop or somebody higher than a bishop?

Mr. Smith. Yes.

Mr. Tayler. Any apostle can perform the marriage ceremony, of course?

Mr. Smith. Yes.

Mr. Tayler. Was my understanding not correct in believing that you stated that no elder, unless he was a bishop, could perform the marriage ceremony?

Mr. Smith. I did not wish to convey that idea, but it is not usual.

Mr. Tayler. Not usual?

Mr. Smith. No, sir.

Mr. Tayler. It may occur?

Mr. Smith. It might occur.

Mr. Tayler. Are there any others, then, who might not perform the marriage ceremony lawfully?

Mr. Smith. Oh, yes, sir; a great many.

Official Elders and Others.

Mr. Tayler. What is the distinction, then, between the official elder and those who have no right to perform the ceremony?

Mr. Smith. The distinction is that an official elder is authorized to officiate and a nonofficial elder is not authorized to officiate.

Mr. Tayler. Then there is some written authority going out from some person authorized?

Mr. Smith. No; no written authority that I know of. It is simply a general understanding of the church.

Mr. Tayler. Very well. What I was getting at was some method of determining who it is that may administer the marriage rite.

Mr. Smith. Generally a man or woman desiring to be married by an officer of the church applies to the presiding bishop—that is, to the bishop of the ward in which he lives—or to the president of the stake in which he lives, and these officials of the church generally perform the marriage ceremony, always on the authority of a license signed by the courts.

Mr. Tayler. That is to say, under the prevailing State law requiring licenses?

Mr. Smith. That is right.

Senator Hoar. Is there no State law which provides who may solemnize marriages?

Mr. Smith. Yes, sir.

Senator Hoar. What is that, if you know?

Who Can Officiate.

Mr. Smith. Any minister of any church can solemnize marriages in Utah, as I understand it.

Senator Hoar. That includes your church with others?

Mr. Smith. Certainly.

Senator Hoar. Is there any State law for recording them?

Mr. Smith. Recording marriages? Yes, sir.

Senator Hoar. What is that?

Mr. Smith. It is, that no person is eligible to marriage without they are of a certain age—

Senator Hoar. No; about recording them.

Mr. Smith. That they must apply to the court for a license to marry, and a certificate of marriage that must be signed by the person officiating is handed to the person, to the woman generally, who is married, and the certificate, or license, rather, is returned to the court.

Senator Hoar. You do not answer, still, the one point I have in mind, which is the recording of the marriage itself. What is the State law when A B has been married lawfully, however that may be, to C D? Is there any law where that record shall be preserved?

Mr. Smith. In the courts.

Senator Hoar. In the courts?

Mr. Smith. Yes, sir.

License Is Necessary.

Senator Hoar. Suppose, for instance, a person being a member of your communion applies to the proper authority, an elder or apostle, or anybody, and gets married, he has got first to get the license from the civil authority you speak of?

Mr. Smith. He has; yes.

Senator Hoar. And then after the marriage is solemnized, am I correct in understanding you that the certificate that

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has been solemnized by the officiating person—

Mr. Smith. Minister.

Senator Hoar. The minister, or whoever it is, is also recorded with the civil authority?

Mr. Smith. It is returned to the court, or to the clerk of the court, and is recorded.

Senator Hoar. The court which issues the license?

Mr. Smith. Yes, sir.

Senator Hoar. Is it true, then, that all Mormon marriages in recent years—I will not go back into old times, but today—are recorded by the civil tribunals of Utah?

Mr. Smith. Yes, sir.

Senator Hoar. That is what I wanted to know.

Mr. Van Cott. Mr. Tayler, might I ask a question just on that line referred to by Senator Hoar, to just clear this? Would you pardon it?

Mr. Tayler. That is all right.

Witness Somewhat Rattled.

Senator Hoar. Let me understand one thing. Would your church recognize as valid, or would your social life recognize as a lawfully married woman, a person whose marriage was not so authorized and recorded?

Mr. Smith. Yes, sir.

Senator Hoar. You would?

Mr. Smith. Yes, sir.

Mr. Van Cott. Did you understand the question?

Mr. Smith. I do not know whether I did.

Senator Hoar. I want you to understand this carefully. I want to know whether, in case a person did not comply with this civil law—

Mr. Smith. Oh, I beg your pardon.

Senator Hoar. I do not mean in the case of some accidental omission, but in the case of a person who is not married according to that civil law; do you Mormons recognize that person, whether a member of your communion or not, as lawfully married?

Mr. Smith. No, sir.

Mr. Van Cott. The question I want to ask you along the line of Senator Hoar's questions, is this: Are any marriages performed by elders or in the temples unless they bring along this certificate from the clerk?

Mr. Smith. No.

Senator Hoar. Of course, the point of my question is, to know whether the Mormons, as a practice, are in the habit of performing secret marriages, or marriages unknown to the world outside?

Mr. Smith. No, sir; they do not do it.

Recorded in Temple.

The Chairman. If parties were married in the temple, for instance, upon a license, would that marriage be recorded in the temple?

Mr. Smith. Yes, sir.

The Chairman. It would be recorded in the temple?

Mr. Smith. It would be recorded in the temple.

The Chairman. Would it also be recorded in the civil courts?

Mr. Smith. Yes, sir.

Senator Dubois. Is any outsider or Gentile ever admitted to any of these four temples you speak of?

Mr. Smith. No; nor a great many Mormons, either.

Mr. Tayler. Do you suppose there is any record of Abraham Cannon's marriage to Lillian Hamlin?

No Records of Plural Marriages Now.

Mr. Smith. I do not know anything about it, sir.

Mr. Tayler. Of course there naturally would not be records of plural marriages now, would there?

Mr. Smith. No, sir. Well, there is no such thing.

Mr. Tayler. I say if anybody should happen to do that?

Mr. Smith. If they do I do not think they would dare to keep any record of it.

Mr. Tayler. Do you perform celestial marriage ceremonies now?

Mr. Smith. That is simply a marriage for time and eternity.

Mr. Tayler. Time and eternity?

Mr. Smith. That is what it means, nothing more and nothing less.

Mr. Tayler. That, according to the civil or municipal law, is an ordinary marriage, is it not?

Mr. Smith. Those that are married in that way outside of the temples, it is simply a civil contract for time, but where they have obtained these licenses and go to the temples to be married they are sealed for time and eternity.

Mr. Tayler. Are there sealings still going on for eternity alone, not for time?

Mr. Smith. Not that I know of, unless the parties are dead.

Senator Foraker. Do you marry people for eternity and not for time?

Mr. Smith. When they are dead; yes, sir.

Senator Foraker. You marry them after they are dead?

Married After Death.

Mr. Smith. After they are dead; and, Mr. Senator, we do not have to have a license from the court to do that.

Senator Foraker. That is simply a church marriage?

Mr. Smith. That is just simply a principle that we believe in, that men and women are immortal beings.

Senator Foraker. Are both the parties to that marriage dead at the time it is solemnized?

Mr. Smith. Yes, sir; they are often dead, and they are represented by their heirs, either their sons or daughters, or some of their kinsmen.

Mr. Tayler. Living persons have been united for eternity, have they not?

Mr. Smith. I think there have been some few cases of that kind.

Mr. Van Cott. To what time, Mr. Tayler, do you limit your question?

Mr. Tayler. I was going to ask him. How recently have you known that kind of a marriage?

Mr. Smith. Not very recently.

Mr. Tayler. Do you mean five years or twenty-five years?

Mr. Smith. Oh, twenty years or more.

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Fallen Into Disuse.

Mr. Tayler. Is there any rule of the church prohibiting that kind of marriage?

Mr. Smith. Not that I know of.

Mr. Tayler. It has merely fallen into disuse; is that all?

Mr. Smith. It has merely fallen into disuse; that is all. I do not know that it could be said to have fallen absolutely into disuse.

Mr. Tayler. Oh rather, that the principle which still adheres has not been invoked or exercised so often?

Mr. Smith. No, sir; it has not been invoked.

The Chairman. Mr. Tayler, have you anything more?

Mr. Tayler. That is all.

The Chairman. Do the counsel on the other side desire to ask Mr. Smith any questions?

Mr. Worthington. Yes, Mr. Chairman.

The Chairman. Then the committee will adjourn at this time until half-past 10 tomorrow morning.

Books Incorporated in Examination.

Mr. Worthington. It was directed, Mr. Chairman, as I understood the other day, that before the close of the direct examination, or at its close, counsel should incorporate in the record for our benefit such portions of these books as they rely upon. I ask that counsel be requested to do that, so that they will appear in the record.

Mr. Tayler. Of course, I am going to offer all of these books.

Mr. Worthington. We cannot have them all in.

Mr. Tayler. We will put in the record what the committee desires, but we cannot undertake to confine the committee to any particular portion of these books, all of which are standard. I very readily understand that we do not need to print them all, but the books must be in evidence here.

The Chairman. I understand, Mr. Smith, that you will undertake to supply the committee with copies.

Mr. Smith. As soon as I can possibly get them.

Mr. Worthington. It was directed the other day, Mr. Chairman, that the portions of these books to which counsel intend particularly to call the attention of the committee should be called to our attention so that we should know what they are.

Senator Foraker. Our attention has been called to what it is you rely upon, or at least that which you have most in mind. I do not want to have to read all these books as they are.

Mr. Tayler. I said originally that I should offer them all in evidence, but I would call attention to those parts which we emphasize, and all that we cared anything about.

Senator Foraker. That is what the committee understood.

Mr. Worthington. I understood that was to be done before the cross-examination would go on.

Mr. Tayler. I do not recall any special arrangement about it, but of course, I want to accommodate counsel.

The Chairman. Mr. Tayler, when do you want to offer the extracts from those books?

Offered in Evidence.

Mr. Tayler. I will now offer all of these books which have been identified, and as to the Doctrine and Covenants, I will call the attention of counsel now to the parts upon which we rely.

Mr. Worthington. I think as to all the books, our attention and that of the committee should be called to those parts upon which they rely. It may be that after this witness has gone home and the evidence is closed, some part of these several hundred pages that they think we have nothing to do with here will be of importance, and I might want to ask the witness to explain about them. Counsel have had those books for weeks and months, and they certainly know the parts of them they want.

The Chairman. The chair understands that all these books to which reference has been made are offered in evidence, and that Mr. Tayler desires to call attention to some particular portion of those books, and I think that ought to be done.

Mr. Tayler. I will do so before I leave the room, so that you may know what it is we rely on.

Mr. Worthington. I will make a note of it, and then we will have them put in the record.

Mr. Smith. May I be relieved, Mr. Chairman?

The Chairman. Yes; that is, for today. You will be here tomorrow at half-past 10.

Mr. Smith. Yes; I understand.

The committee (at 4 o'clock and 20 minutes p. m.) adjourned until Friday, March 4, 1904, at 10:30 o'clock a. m.

Washington, D. C., March 4, 1904.

The committee met at 10:30 o'clock a. m. Present: Senators Burrows (chairman), Hoar, McComas, Foraker, Beveridge, Dillingham, Hopkins, Pettus, Dubois, Bailey and Overman; also Senator Smoot; also Robert W. Tayler, counsel for the protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent; and Franklin S. Richards, counsel for Joseph F. Smith and other witnesses.

Senator Hoar. I should like to ask Mr. Smith one question.

The Chairman. Mr. Smith, may I ask you to resume the chair? Senator Hoar has a question he would like to propound.

Joseph F. Smith, having previously affirmed, was examined and testified as follows:

Questioned by Hoar.

Senator Hoar. Mr. Smith, I should like to ask one question. I am not sure that it has a direct bearing on this inquiry, and that is whether, in your church, in ecclesiastical or religious matters, women are recognized as in all respects the equals of men in rights and privileges?

Mr. Smith. As voters, they are recognized as equal with men. In the matter of the holding of priestly authority, they are not regarded as on the same plane that men are.

Senator Hoar. Are they admitted to hold what you call priestly authority?

Mr. Smith. Sir?

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Senator Hoar. Are they admitted to hold what you call priestly authority?

Mr. Smith. I just remarked that in that respect they are not regarded as equal with men.

Senator Hoar. But that does not quite answer my question, you will see.

Mr, Smith. I beg pardon.

Senator Hoar. It may be, while not being regarded as the equals of men, they might hold some authority.

Mr. Smith. They do hold authority in all matters pertaining to their sex.

Women Not Eligible.

Senator Hoar. Are they eligible to any of the church offices of which you have given us a list—the apostles, and the first presidency, and the counselors, etc.?

Mr. Smith. No, sir. The office of presidency and apostles, and counselors, and general authorities of the church are confined to males.

Senator Hoar. What priestly authority, then, is vested in women, and how is it exercised? You say that priestly authority in matters affecting their own sex is vested in them.

Mr. Smith. We have an organization called the Woman's Relief society, which exists throughout the entire church, and it is organized in stake and also in ward capacities.

Senator Hoar. Woman's Relief society?

Mr. Smith. Yes, sir.

Senator Hoar. Does that mean a society for the relief of women who need relief, or a society for relief to be administered by women to anybody who needs relief?

Mr. Smith. To anybody and everybody. It is purely a charitable organization.

Senator Hoar. For the relief of poverty and sickness?

Mr. Smith. Yes, sir; poverty and sickness, and orphans, and the aged, and all needing assistance.

Senator Hoar. Is there any other? What makes that a priestly authority? You give that as an example of the priestly authority to which women are admitted?

Mr. Smith. Yes. They receive their authority, of course, from the church.

Senator Hoar. But there is nothing priestly in the office, is there, or what you would term priestly?

Mr. Smith. Yes; in the nature of the office. They hold their meetings—

Held to Be Priestly.

Senator Hoar. Do you regard that as a priestly authority—the exercise of charity to the sick and poor?

Mr. Smith. Yes, sir; I think we do.

Senator Hoar. I ought not to delay this hearing by a discussion of that question.

Mr. Smith. Senator, if you please—

Senator Hoar. Yes.

Mr. Smith. We regard this organization as one of the most essential organizations of the church. It was brought into existence in the days of Joseph Smith, and is one of the oldest institutions of the church.

Senator Hoar. But what is there in it in the nature of authority?

Mr. Smith. They have authority to preach the gospel; they have authority to teach correct principles—the principles of our religion—and to inculcate those principles in their example as well as in their teaching throughout the church and throughout the world.

Senator Hoar. But do you understand that that preaching or teaching or setting a good example comes properly within the definition of the term ecclesiastical or priestly authority?

Mr. Smith. We do, when they receive that authority from those holding the priesthood.

Senator Hoar. Is there any person in your church who is not authorized to set a good example, whether by the leave of the priesthood or not?

Mr. Smith. Certainly not; but this organization is especially called to that labor, and it is its particular duty.

As to Word "Authority."

Senator Hoar. Do you not understand by the word "authority," control over other persons? Now, what control do these persons exercise which would be termed priestly authority?

Mr. Smith. If I could have one of our books here—

Mr. Tayler. Which one?

Mr. Smith. Doctrine and Covenants. If I may be permitted, I should like to read from it. I should like to give you the authority itself. May I read it, sir?

Senator Hoar. Read.

Mr. Smith. This is a revelation through Joseph Smith, recorded in one of our accepted doctrinal works.

Senator Hoar. What work is it?

Mr. Smith. The Book of Doctrine and Covenants.

Mr. Tayler. What section?

Mr. Smith. Section 121.

Mr. Van Cott. You had better give us the page.

Mr. Smith. It commenced on page 423:

Doctrine and Covenants Cited.

"34. Behold, there are many called, but few are chosen. And why are they not chosen?

"35.—Because their hearts are set so much upon the things of this world, and aspire to the honors of men, that they do not learn this one lesson—

"36. That the rights of the priesthood are inseparably connected with the powers of heaven, and that the powers of heaven cannot be controlled nor handled only upon the principles of righteousness.

"37. That they may be conferred upon us, it is true: but when we undertake to cover our sins, or to gratify our pride, our vain ambition, or to exercise control, or dominion, or compulsion upon the souls of the children of men, in any degree of unrighteousness, behold, the heavens withdraw themselves; the Spirit of the Lord is grieved; and when it is withdrawn, Amen to the priesthood, or the authority of that man.

"38. Behold! ere he is aware, he is left unto himself, to kick against the pricks; to persecute the saints, and to fight against God.

"39. We have learned by sad experience, that it is the nature and disposition of almost all men, as soon as they get a little authority, as they suppose, they will immediately begin to exercise unrighteous dominion.

"40. Hence many are called, but few are chosen.

"41. No power of influence can or ought to be maintained by virtue of the priesthood, only by persuasion, by long suffering, by gentleness and meekness, and by love unfeigned;

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"42. By kindness, and pure knowledge, which shall greatly enlarge the soul without hypocrisy, and without guile,

"43. Reproving betimes with sharpness, when moved upon by the Holy Ghost, and then showing forth afterward an increase of love toward him whom thou hast reproved, lest he esteem thee to be his enemy;

"44. That he may know that thy faithfulness is stronger than the cords of death."

This, Mr. Senator, is the rule of the priesthood of the Church of Jesus Christ of Latter-day Saints, absolutely covering their whole regime of the presidency of exercise of authority and power over the souls or bodies or spirits of men by love unfeigned, long-suffering, and charity, by persuasion and not by force.

Repeats the Question.

Senator Hoar. Mr. Reporter, will you kindly read the question to which we have just heard the answer?

The reporter read as follows: "Senator Hoar. Do you not understand by the word 'authority,' control over other persons? Now, what control do these persons exercise which would be termed priestly authority?"

Mr. Smith. This is the authority they exercise.

Senator Hoar. With the exception of the authority as you have defined it, exercised by the charitable organization for the relief of the poor and sick, do women exercise any other priestly authority in your church?

Mr. Smith. May I, if you please, explain to you that we do not ordain women to the priesthood.

Senator Hoar. And they do not hold these offices?

Mr. Smith. Yes; they hold offices in the church.

Senator Hoar. No; I mean they do not hold the offices of which you have spoken just now.

Mr. Smith. We do not ordain them as elders and high priests.

Senator Hoar. Or as presidents and councilors?

Mr. Smith. They are presidents over their various organizations.

Senator Hoar. Do I understand they vote?

Mr. Smith—They vote, just the same as men do.

Senator Hoar. In all places of assembly—is that a proper use of the word?

Mr. Worthington. At conferences.

Senator Hoar. They vote equally with men?

Women Vote in Conference.

Mr. Smith. In all our conferences. There is not a woman in the church whose vote on the acceptance or on the rejection of any officer of the church is not equal to my own.

Senator Hoar. That is what I wanted to know.

Mr. Smith. Yes sir.

Senator Hoar. I am not aware that the question is very appropriate to our investigation, and perhaps I ought not to have taken the time to have asked it, but it is a very interesting matter to history, and as you were speaking about it, I wished to satisfy my curiosity by asking the question.

Mr. Chairman. Proceed, Mr. Tayler.

Where Is Cowley?

Mr. Tayler. Just a question or two. Mr. Smith, M. F. Cowley, I believe you stated, is one of the twelve apostles?

Mr. Smith. Yes, sir.

Mr. Tayler. Where is his region of work now?

Mr. Smith. I do not know whether I stated it.

Mr. Tayler. I think you did.

Mr. Smith. I think I did, but I will restate it.

Mr. Tayler. Please.

Mr. Smith. Our apostles have charge—

Mr. Tayler. I do not care about that, unless you want to give it. Is he in the South some place in charge of work?

Mr. Smith. He was some two or three weeks ago making a tour of our Northwestern States missions.

Mr. Tayler. I recall that. He was in the South, was he not, a year or two years or three years ago I merely want to get the identity of the person. You remember his book—Cowley's Talks on Doctrine?

Mr. Smith. Yes, sir.

Mr. Tayler. You are familiar with that work?

Mr. Smith. I know of the work.

Mr. Tayler. How long has he been an apostle—many years?

Mr. Smith. Quite a number of years.

Mr. Tayler (exhibiting book to witness). You recognize that that is his work?

Mr. Smith. That is the work of his.

Mr. Worthington. Give us the title page.

Mr. Smith. Cowley's—

Senator Dubois. Mr. Tayler, excuse me a moment.

Mr. Worthington. Let us get the title page.

Mr. Smith. Cowley's Talks on Doctrine. That is the title.

Mr. Worthington. Give the date.

Mr. Smith. It was published in 1902. It was published in the Southern States by Elder Ben E. Rich.

Mr. Worthington. Senator Dubois wishes to ask you a question.

Mr. Smith. Excuse me.

When Cowley Became Apostle.

Senator Dubois. You say quite a number of years. How many years has Mr. Cowley been an apostle?

Mr. Smith. Now, Senator, I can not remember; but if it is necessary I will find out.

Senator Dubois. I will ask you this question: Has he not been made an apostle since 1896?

Mr. Smith. I could not tell from memory. Really I do not recall.

Senator Dubois. Perhaps some of these gentlemen here can recall. That is my recollection of it.

Mr. Van Cott. Wait just a moment.

Senator Dubois. Some of the men present may be able to answer the question.

Mr. Smith. I really do not remember.

Senator Dubois. I think it was about 1897 or 1898. I am not positive, however.

Mr. Tayler. I have a memorandum here, "October, 1897."

Mr. Smith. I think that is likely it.

Mr. Tayler. October, 1897, is the memorandum I have of his succession.

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The Chairman. Can you answer the question, Mr. Smith?

Mr. Smith. About Mr. Cowley?

The Chairman. Yes.

Mr. Smith. I can not do it from actual remembrance, but I believe that is about the time. What is the date?

Mr. Tayler. Eighteen hundred and ninety-seven.

Mr. Smith. Yes, 1897. Perhaps some of the gentlemen here can tell. [A pause.] I am informed it was in 1897.

Mr. Tayler. No question is now before the witness?

The Chairman. No, sir. You may proceed.

Weber Stake Reunion.

Mr. Tayler. You were at the Weber Stake reunion last summer some time?

Mr. Smith. The Weber Stake reunion? I can not recall it just at the present time.

Mr. Tayler. Do you remember making a speech down there last summer at Ogden?

Mr. Smith. I could not say it was last summer, but I recollect being at Ogden at a reunion there and making some remarks at that reunion.

Mr. Tayler. I perhaps can identify the occasion; not that the circumstance is important, but it interested me, as you can imagine. It was when Mrs. Bathsheba Smith made some remarks in a reminiscent way.

Mr. Smith. Yes, sir; that is right.

Mr. Tayler. Mr. Smoot was there?

Mr. Smith. I do not remember that he was. He may have been there.

Mr. Tayler. Do you remember saying in your speech, made to your people there, this—

The Chairman. On what date?

Mr. Tayler. June 12, 1903.

Senator Hoar. What paper is that?

Mr. Tayler. I was just going to state, so that the witness should know. It seems to have been June 12 when this reunion occurred. The communication is dated from Ogden, June 20, and I find what I am about to call to his attention printed in the Deseret News of Thursday, June 23, 1903. So I ask you if you said this—or in substance this—in your remarks:

Smith on Plural Marriage.

"A LIVING WITNESS. Aunt Bathsheba, widow of George A. Smith, who is with us today, is the last living witness, so far as I know, who received her endowments while Joseph Smith was living. Here is Aunt Bathsheba, who received her endowments in Nauvoo as they are now given in the temples. She is a living witness, and, if necessary, she will tell us that she received her endowments in Nauvoo as they are now given in the temples. She is a living witness, and, if necessary, she will tell us that she received these privileges under the direction of Joseph Smith. Opponents say that Brigham Young established the endowments and also plural marriage, but here is a witness who knows better. Brigham Young only sought to carry out the instruction he received from Joseph Smith, and Joseph Smith as he received it from God. So far as the principle of plural marriage itself is concerned, we are not teaching it nor practicing it; but we are taking care of our wives, and I honor the men who take care of them and who are true to them.

"I would not like to sit in judgment on any of my brethren who are not true to their families, and yet I do not think I would be more severe upon them than the Great Judge would be. I have made no covenants that were not made in good faith, and I will keep them so far as I can. When it comes to the principle itself, I can defend it as a principle of purity, strictly in accordance with the Gospel. To be a Latter-day Saint one must be honest with himself, with his neighbors, and with his God. I have received a testimony of the truth of the principles of the Gospel, and I will try to keep them. Joseph Smith revealed plural marriage and the endowments and here is a living witness to those facts. So am I, for I received it of those who received it from Joseph Smith. Now, am I telling you that plural marriage is practiced or is to be practiced? No; I am only telling you that it is a principle revealed by God to Joseph Smith the prophet, and the Latter-day Saint who denies and rejects that truth in his heart might as well reject every other truth connected with his mission. Every man and woman will get his or her reward, for God is just and deals out justice with mercy."

Now, just read the question so that Mr. Smith can understand its form.

The reporter read as follows:

"Mr. Tayler. Do you remember saying in your speech made to your people there, this—"

Was Correctly Reported.

Mr. Smith. Mr. Chairman, the words "your people" there are misleading. This occurred in a select gathering of a few persons, a few individuals, and there were only a few there of the leading authorities of the Weber Stake of Zion, and it was not a public gathering at all, nor were those remarks in the light of a public address. They were made, and I acknowledge that I made them, and I think I am correctly reported by the paper, as Mr. Tayler has read them.

The Chairman. That answers the question.

Mr. Tayler. That answers it. I have no doubt your statement as to the character of this meeting is correct. Let me read you the newspaper statement of its character, which, perhaps, will disclose it to all of us. It is this:

Who Were Present.

"The presidency of the stake, the bishops of the 25 wards and their counselors, the members, alternates, and clerk of the high council, the patriarchs, the presidency of the high priest's quorum, the superintendencies and presidents of the various auxiliary organizations (the Sunday-school, Y. M. and Y. L. M. I. associations, relief society, religion classes, and primary), and the stake clerk, with a few other leading brethren, all with their wives or husbands, composed the list of invited guests from Weber stake, and almost every one of those invited was in attendance. Of the visiting brethren and sisters from Salt Lake City there were present President Joseph F. Smith and members of his family; President Anthon H. Lund, Patriarch John Smith and wife, Apostles Rudger Clawson, wife, and mother, Abraham O. Woodruff and wife, accompanied by Sister Asahel Woodruff, Reed Smoot and wife, and Hyrum M. Smith and wife; Sister Bathsheba Smith, William Spence and wife, William Salmon and wife, Joseph F. Smith, Jr., and wife. President Charles Kelly and Counselor Oleen N. Stohl of the presidency of the Box Elder stake was also in attendance.

Mr. Smith. Yes, sir; I think that is correct.

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Mr. Tayler. That correctly describes the character of the meeting and who the people were who were there?

Mr. Smith. Yes, sir.

Senator Foraker. I understood you to say there were not more than a dozen people present?

Mr. Smith. There were more than that, Senator. There were probably fifty.

Senator Foraker. I should say so, if all were present who are described in that paper.

Not Verbatim Report.

Senator Hoar. I should like to know—if you will ask him, or I will—if that purports to be a verbatim report, published in the paper, of what he said.

Mr. Smith. No, sir; it is not a verbatim report.

Senator Hoar. I understood you to say you said it in substance.

Mr. Smith. I said that in substance.

Senator Hoar. I merely put this question with a view of shortening the inquiry.

Mr. Smith. Yes.

Senator Hoar. It was made to this audience, whoever they were, and was published in the Deseret News. Was it published with your approval?

Mr. Smith. I did not know anything about its being published at all. I was not consulted about its being published. That is simply a newspaper report of the meeting.

Mr. Tayler. Now, Mr. Chairman—

Senator Dubois. Mr. Tayler, I beg your pardon for just a moment.

Mr. Tayler. Certainly.

Senator Dubois. You had no objection to its being published?

Mr. Smith. If I had been consulted I would have advised the newspaper reporter not to have published it.

Senator Dubois. They would not have published it had you advised them not to publish it?

Mr. Smith. I do not think they would—that is, I do not think the Deseret News would.

Senator Dubois. It would not have been published without the sanction of the authorities of the church? They would not knowingly and willfully publish anything without the sanction of the church?

But Do They?

Mr. Smith. Of course they would; publish everything that is news.

The Chairman. I understand Mr. Smith has answered the question.

Mr. Tayler. Now, Mr. Chairman, I think that, for the more intelligent guidance of the committee in gathering these facts together, as well as in justice to the other side, who are about to cross-examine Mr. Smith, we ought to read those things which we especially rely upon in the publications of the church to which reference has been made, and which have been identified.

The Chairman. Proceed, Mr. Tayler.

Senator Overman. One moment. Why would you have objected to publishing that speech?

Mr. Smith. Because I have avoided studiously saying anything in public that could be construed in the least as advocating even the rightfulness or truthfulness of plural marriage. I have avoided it. Therefore I would not have advised its publication if I had been consulted.

Senator Hoar. I should like to ask one question. Why, Mr. Smith, would you have avoided advocating what I understand was received by your church as a divine command?

Mr. Smith. Because it had been stopped by a more recent manifesto, I may say, of the president of the church.

Teaching Polygamy Not Stopped.

Senator Hoar. If I understand you, the obligation to practice plural marriage had been dispensed with, but the divine teaching that polygamy was right in itself had not been rescinded, had it?

Mr. Smith. No, sir.

Senator Hoar. Then why would you abstain from impressing upon the public the divine teaching that polygamy though not to be practiced at present, was still of divine origin and authority?

Mr. Smith. So as to avoid giving any public offense.

Senator Hoar. Is it, in your judgment, a good reason for abstaining to make known to mankind a commandment of the Lord, that it may give public offense—the teaching of the Lord?

Mr. Smith. When it comes to matters that we are at liberty to proclaim, and that there is no conjunction upon us against proclaiming, I think not. But in this particular instance we are under injunction not to teach it.

Senator Hoar. Not to teach it?

Mr. Smith. Yes, sir; not to teach it publicly, or in any other way, for that matter.

Senator Beveridge. Does the fact that it is against the law of the land have anything to do with it?

Mr. Smith. Yes, sir.

Senator Hoar. I am not quite through.

Senator Beveridge. Excuse me.

Polygamy Taught Privately.

Senator Hoar. I understand you are under injunction not to teach it publicly or in any other way, but this utterance of yours was teaching it privately, was it not?

Mr. Smith. No, sir. It was simply announcing my own belief in it, notwithstanding it was stopped, and my principal object, the main object I had in view, was this: There are a large number of people who claim that plural marriage was introduced by Brigham Young, and that the endowments were introduced by Brigham Young, whereas I knew that both of these were introduced by Joseph Smith and I also knew that Bathsheba W. Smith, my aunt, was now about the only living witness of that fact, and I availed myself of the opportunity of her presence in that assembly to announce that she was a living witness that it was Joseph Smith who introduced these principles instead of Brigham Young.

Senator Hoar. As a matter of history?

Mr. Smith. As a matter of history. That is all I had in view.

Senator Hoar. But what I do not quite understand is how, if you were under divine commandment not to teach publicly, or in any other way the rightfulness of polygamy as a principle, although the

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practice was suspended for a time, you, to this assembly of important personages, were proclaiming your belief in it?

Mr. Smith. Certainly.

Senator Hoar. Is not that a pretty important way of teaching a doctrine, if the head of the church states he believes in it?

Believes Principle of Polygamy.

Mr. Smith. I told the committee, in answer to that question here before the committee, if you please, that I believe in that principle today as much as I ever believed in it. But I do not believe in continuing its practice, because I have accepted in good faith the proclamation of President Woodruff stopping the practice of plural marriage. It does not change my belief one particle.

Senator Hoar. But I was speaking of your teaching the rightfulness of it. I understood you to say—

Mr. Smith. I did not teach it. That was not the intent at all. I was merely expressing my own belief in it.

The Chairman. Let the stenographer read the question.

Senator Foraker. What is the purpose of that? It has been asked and answered over and over again.

The reporter read as follows:

"Senator Hoar. But what I do not quite understand is how, if you were under a Divine commandment not to teach, publicly or in any other way, the rightfulness of polygamy as a principle, although the practice was suspended for a time, you, to this assembly of important personages, were proclaiming your belief in it."

Senator Hoar. I do not understand that the witness has answered it over and over again. I think he has answered it once.

Senator Foraker. What I mean is that he has over and over again stated that he believed in that principle, but that he had accepted the manifesto in good faith as binding on him, and had ceased to teach it, or to practice it, or to countenance it. He certainly said that over and over again. He has said it fifty times.

Senator Hoar. He said that fifty times.

Senator Foraker. Fully that.

Senator Hoar's Question.

Senator Hoar. My question was how he reconciled the injunction not to teach it with his statement to an important and influential gathering of the people of his church that the head of the church still believed in it. That was the question, which he never had answered before, and to that Mr. Smith replied very properly, fully, and frankly that he did not regard that assertion of his continued individual belief in the principle, under the circumstances, as teaching. That was the last thing he said and I therefore desisted, considering my question then answered.

Now, the statement that he has answered it fifty times seems to imply a statement that I put the question fifty times over.

Senator Foraker. No, Mr. Chairman—

Senator Hoar. That is the reason I object to it.

Senator Foraker. The Senator may say that or anything else he has a disposition to say, but everyone present in the room will know that there was no such intention to be properly derived from anything I said. I am referring to the testimony as a whole given by the witness, and the statement I referred to as having been made fifty times or more—and the Senator himself acknowledged that in the beginning of the remarks he has just now concluded—

Senator Hoar. Mr. Chairman, when the Senator from Ohio disclaims a purpose or an intimation of what he says, I accept his disclaimer.

Senator Foraker. I do not know what the Senator from Massachusetts intends by that. I have not charged the Senator from Massachusetts with refusing to accept the disclaimer, or refusing to disclaim anything, or of having said anything. I merely said, a moment ago that Mr. Smith had stated over and over again the answer which I understood he was giving.

Senator Hoar. It was not an answer to my question. It was something else.

Senator Foraker. I do not know what the Senator from Massachusetts refers to.

Senator Beveridge. I desire to ask Mr. Smith a question or two.

The Chairman. The Senator from Indiana.

Senator Beveridge. Does the fact that this practice is against the law of the land have anything to do with your refraining from teaching the principle?

Mr. Smith. Most decidedly, Mr. Senator.

Divine and Civil Law.

Senator Beveridge. Is the committee to understand that you and your church regard the law of the land as more binding upon your actions than your religious beliefs?

Mr. Smith. No, sir; not in that sense. I understand that we are under injunction by the manifesto not to practice plural marriage. That is what I mean by that—not to continue plural marrying. Under that injunction we refrain from teaching it, inculcating it, and advocating it, and out of respect both to the law and to the manifesto of President Woodruff.

Senator Beveridge. What I mean is this: Your belief may be one way, which is nobody's business; you, notwithstanding your belief, obey the law of the land?

Mr. Smith. Yes.

Senator Beveridge. Is that what I am to understand?

Mr. Smith. Yes, sir; that is exactly what I mean.

Senator Beveridge. Does that have anything to do with the reason why you refrain from teaching the principle, the practice of which is inhibited by the law of the land?

Mr. Smith. Yes, sir.

Pointed Question by Burrows.

The Chairman. Mr. Smith, you say you obey the law of the land?

Mr. Smith. Excuse me, Mr. Chairman, I do not quite understand your statement.

Mr. Chairman. I understood the Senator from Indiana to put a question, which I will ask the reporter to read.

The reporter read as follows:

"Senator Beveridge. What I mean is this. Your belief may be one way, which

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is nobody's business. You notwithstanding your belief, obey the law of the land?"

"Mr. Smith. Yes."

The Chairman. You obey the law?

Mr. Smith. With respect—

The Chairman. Do you obey the law in having five wives at this time, and having them bear to you eleven children since the manifesto of 1890?

Mr. Smith. Mr. Chairman, I have not claimed that in that case I have obeyed the law of land.

The Chairman. That is all.

Does Not Obey Law.

Mr. Smith. I do not claim so, and I have said before that I prefer to stand my chances against the law.

The Chairman. Certainly.

Mr. Smith. Rather than to abandon my children and their mothers. That is all there is to it.

Senator Beveridge. That leads necessarily to another question. I understood you yesterday to say it was you continued that, that you were willing to take the chances as an individual. My question was directed to this: That, as head of the church, whatever your beliefs may be, it is your practice and the practice of the church to obey the law of the land, in teaching, notwithstanding what your opinion may be. Is that correct or not?

Mr. Smith. That is correct, and I wish to assert that the church has obeyed the law of the land, and that it has kept its pledges with this Government; but I have not, as an individual, and I have taken that chance myself.

Senator Foraker. Mr. Chairman, may I ask a question at this point?

The Chairman. Certainly.

Senator Foraker. I do not know whether it has been brought out or not—perhaps it has been, but I have not observed it if it has been put into the record—when and where and how this injunction to take plural wives was given to the church as a doctrine of the Mormon church.

Mr. Tayler. I was going to read the revelation in a moment.

Senator Foraker. I want it to go in here before we get away from it.

The Chairman. Do you mean the manifesto?

Senator Foraker. No; I do not mean the manifesto. I mean the original revelation, if it was a revelation, authorizing plural wives.

Mr. Worthington. It is chapter 132.

Senator Foraker. I wish you would read that particular part of it.

Mr. Worthington. I have the book here.

Witness, Not Attorney, Questioned.

Senator Foraker. What I want to know is whether that was a positive, arbitrary injunction laid upon every member of the church to take a plural wife, or whether it was in the nature of a privilege which was granted to the members and recommended.

Senator Dubois. Wait a moment. I believe, Senator Foraker, you directed your question to the president of the church?

Senator Foraker. To the president of the church.

Senator Dubois. Not to the attorneys?

Mr. Worthington. I merely handed him the book.

Senator Foraker. I asked the witness on the stand.

Senator Dubois. I should like to have the witness answer it.

Senator Foraker. But I have no objection to counsel assisting him if they want to. I did not observe to what you referred, Senator Dubois.

Mr. Worthington. I do not think he needs any assistance from anybody to find that.

Mr. Smith. I think I understand your question.

Senator Foraker. I wish you would give the exact language in which that is clothed.

Mr. Smith. In which it is written?

Senator Foraker. For I have not heard it yet, although it may have gone into the record.

Mr. Tayler. That is what I was rising to read when I was interrupted a moment ago. It is just as well to come in in this way.

Senator Hoar. When are we to have those books?

Mr. Smith. I sent for them.

Senator Hoar. You have sent home for them?

Mr. Smith. Yes, sir.

Senator Hoar. They will be here in a few days?

Mr. Smith. They will come by express as soon as possible.

Mr. Tayler. It is page 463.

Mr. Smith. Yes; 463.

The Chairman. Mr. Smith, you will now answer the question.

Mr. Smith. Mr. Chairman, is it intended that I shall read a portion of this chapter?

Doctrine of Polygamy.

Senator Hopkins. Let the reporter read the question propounded by the Senator from Ohio.

The reporter read as follows:

"Senator Foraker. I do not know whether it has been brought out or not. Perhaps it has been, but I have not observed it if it has been put into the record. When and where and how this injunction to take plural wives was given to the church as a doctrine of the Mormon church."

The Chairman. When and where and how?

Mr. Smith. In the first place, this revelation was written in 1843 by Joseph Smith. It was taught by him to the members of the church during his lifetime, to Brigham Young, to Heber C. Kimball, and to his associates, but owing to the conditions that existed at that time, fierce opposition and mobocracy—

The Chairman. What opposition?

Mr. Smith. Fierce opposition and mobocracy, which ended finally in the martyrdom of Joseph Smith, it was not published and proclaimed at that time. But this doctrine was preserved by Brigham Young, carried with him to Salt Lake valley in 1847, and in 1851, I believe it was, there proclaimed at a public conference of the church as a revelation from God through Joseph Smith, and at that public conference it was accepted as a revelation.

The Chairman. That was in 1851.

Mr. Worthington. 1852.

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Mr. Smith. Sir?

Mr. Worthington. 1852.

Mr. Smith. It was in 1852.

Senator Hopkins. As I understand you, it was proclaimed at Nauvoo?

Mr. Smith. No, sir; it was not published and proclaimed at Nauvoo, but it was taught by Joseph Smith to his confidential friends and associates.

Mr. Worthington. It was received at Nauvoo.

Senator Hoar. Where was this publication of it, if that is the proper term, by Brigham Young?

Mr. Smith. It was in Salt Lake valley in 1852. Mr. Senator, does that answer your question?

Senator Foraker. Not yet. That answers as to when and how, but what is it? Let us have the revelation itself in so far as it relates to plural marriages.

Mr. Smith. It is very lengthy.

Senator McComas. What section is it?

Senator Foraker. What I wish to ascertain is, and all I care to have you read is enough to show, whether it is a positive command to take plural wives, or a mere recommendation or mere authority or privilege?

The Chairman. Can you not read the portion of it which relates to plural marriages?

Mr. Smith. I can read it if you desire me to.

Senator Foraker. Cite the page and all, and then read.

Reads Revelation.

Mr. Smith. Page 463. The beginning of the revelation is thus:

"1. Verily, thus said the Lord unto you, my servant Joseph, that inasmuch as you have inquired of my hand, to know and understand wherein I, the Lord, justified my servants Abraham, Isaac and Jacob; as also Moses, David and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines:

"2. Behold! and lo, I am the Lord thy God, and will answer thee as touching this matter:

"3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have this law revealed unto them must obey the same;"

Senator Foraker. Mr. President, I observe, now that my attention has been called to it, that it is, as the witness remarked, very long. I do not wish to delay the examination by having it all read.

The Chairman. I tried to restrict the witness to that part which relates particularly to your question.

Senator Foraker. I have never read it and—

Mr. Richards. If I may be permitted a suggestion, I think if the witness were to commence with the sixty-first verse it would answer the question of the Senator from Ohio.

Senator Foraker. We have asked the witness to exercise his judgment in that respect, and perhaps your suggestion may aid him. All I want to know is the character of the revelation.

Mr. Smith. Of its binding character?

Senator Foraker. Yes.

Mr. Smith. It has been accepted by the church and admitted by all that it is in its nature permissive and not absolutely mandatory.

Senator Foraker. Now, will you read the language which has been so construed?

Mr. Richards. Commence with verse 61.

Mr. Tayler. That is right.

Mr. Smith. I will do so.

Revelation on Polygamy.

"61. And again, as pertaining to the law of the Priesthood: If any man espouse a virgin, and desire to espouse another, and the first give her consent; and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified; he can not commit adultery, for they are given unto him and to no one else."

Mr. Richards. The word "justified" is the word used.

The Chairman. There is something a little further on.

Mr. Smith. Yes.

"62. And if he have ten virgins given unto him by this law, he can not commit adultery, for they belong to him, and they are given unto him, therefore is he justified."

Senator Foraker. Now, that is the pith of that revelation, as I understand it, according to your judgment, with respect to the taking of plural wives?

Mr. Smith. Yes, sir.

Says Direction Is Not Arbitrary.

Senator Foraker. And I understand you to say, further, that that has been construed by the church to be not an arbitrary direction to take plural wives, but a permissive authority to do so?

Mr. Smith. Yes, sir.

If I may be permitted, in replying to that question, I will say that the fact that only about 3 per cent of the entire male population of the church have entered into that principle at all is evidence that it is only permissive and not mandatory.

Senator Foraker. I so understood you to state yesterday, and when you had stated that only about 3 or 4 per cent of the membership of the church had ever taken plural wives I was at a loss to know why questions were being propounded which seemed to assume that this was an arbitrary command that all should take, and that if all did not take and all did not teach it they were violating the revelation of God.

Senator Pettus. I should like to ask the witness a question directly on this point.

The Chairman. The Senator from Alabama.

Asked to Explain.

Senator Pettus. Mr. Smith, will you please read further as to the refusal of the first wife to consent and explain what is meant by the word "destroyed" in the same connection?

The Chairman. It is at the close of your last reading.

Senator Pettus. Yes, sir.

Mr. Richards. Page 472.

Mr. Smith. I have that; but what verse?

Mr. Richards. Verse 63. You read 62.

Mr. Smith. All right:

"63. But if one or either of the ten virgins, after she is espoused, shall be with another man; she has committed adultery, and shall be destroyed." Is that the question?

Senator Pettus. No, sir; just a verse or two further on.

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Mr. Smith. I will read it.

"For they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal world, that they may bear the souls of man; for herein is the work of my Father continued, that he may be glorified."

Mr. Tayler. The next verse.

Mr. Smith. All right.

"64. And again, verily, verily I say unto you, if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe, and administer unto him, or she shall be destroyed, saith the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law."

What Does Destroy Mean?

Senator Pettus. Now, what is the meaning of the word "destroyed," there, as interpreted by the church?

Mr. Smith. I have no conception of the meaning of it more than the language itself conveys, that the woman who disobeys is in the hands of the Lord for Him to deal with as He may deem proper. I suppose that is what it means.

Senator Foraker. Has the church ever construed that language to give authority to it as a church to destroy the woman?

Mr. Smith. Never in the world. It is not so stated. It is that the Lord——

Senator Foraker. The church construes it, as I understand, to mean that she is in the hands of the Lord, to be destroyed by the Lord.

Mr. Smith. By the Lord, if there is any destruction at all.

Senator Pettus. Have there ever been in the past plural marriages without the consent of the first wife?

Mr. Smith. I do not know of any, unless it may have been Joseph Smith himself.

Senator Pettus. Is the language that you have read construed to mean that she is bound to consent?

Mr. Smith. The condition is that if she does not consent the Lord will destroy her, but I do not know how He will do it.

Husband Exempt from Law.

Senator Bailey. Is it not true that in the very next verse, if she refuses her consent her husband is exempt from the law which requires her consent?

Mr. Smith. Yes; he is exempt from the law which requires her consent.

Senator Bailey. She is commanded to consent, but if she does not, then he is exempt from the requirement?

Mr. Smith. Then he is at liberty to proceed without her consent, under the law.

Senator Beveridge. In other words, her consent amounts to nothing?

Mr. Smith. It amounts to nothing but her consent.

Senator Beveridge. So that so far as there is anything in there concerning her consent, it might as well not be there?

Senator Overman. Passing from this, I should like to ask Mr. Smith a question.

The Chairman. Certainly.

Six Polygamous Apostles.

Senator Overman. You frankly said that as to polygamous cohabitation you did not obey and were not obeying the law. You stated on yesterday that some seven of the twelve apostles——

Mr. Smith. No, sir; six is the out limit.

Senator Overman. Six?

Mr. Smith. Yes, sir.

Senator Overman. You say six are polygamists. Now, are those or any one of them disobeying the law of the land in regard to polygamous cohabitation?

Mr. Smith. I do not know anything about their unlawful cohabitation relations. I only referred in my answer to the question yesterday to the fact that they were in the status of polygamists; that is, they had more wives than one.

Senator Overman. You do not know whether they have had children born to them since the manifesto or not?

Mr. Smith. I am happy to say that I am not a paid spotter or informer.

Senator Overman. You might know without being a spotter.

Mr. Smith. I do not know.

Senator Overman. I know people in my town who have children, and I am not a spotter, either.

Mr. Smith. I had no reference at all to this honorable body.

Called Down by Overman.

Senator Overman. You have used that word two or three times. Could you not know whether they had children without being a spotter?

Mr. Smith. I do not know, because I am not familiar——

Senator Overman. Do you know their general reputation?

Mr. Smith. Not whether they have children or not.

Senator Overman. You do not know whether they have children or not?

Mr. Smith. No, sir.

Senator Overman. You might have answered without saying you were not a spotter.

Mr. Smith. Excuse me; I beg pardon.

Wants Revelation Read.

Senator Foraker. If the Senator from North Carolina is through, I should like to have the entire revelation come in at the place where a part of it was quoted, if there is no objection.

Senator Hopkins. As I understand, counsel is about to read it.

Senator Foraker. But we have anticipated him, and as there has been an examination about it I should like to have it go into the record at that point.

The Chairman. Let it come in at that point, if Mr. Tayler will indicate what is to go in.

Senator Foraker. I am speaking only of the one revelation. If there is anything else on the same subject he might put it in.

Mr. Tayler. I suggest that the entire revelation be incorporated. When I present it I will read only two or three sections which I think are instructive, which were not read by Mr. Smith. That will save the reading of it.

Senator Foraker. I will be glad to have the entire revelation come in at this point, where Mr. Smith has been testifying in regard to it.

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The Revelation is as Follows:

"Verily thus saith the Lord unto you my servant Joseph, that inasmuch as you have inquired of my hand, to know and understand wherein I, the Lord, justified my servants, Abraham, Isaac and Jacob; as also Moses, David and Solomon, my servants, as touching the principle and doctrine of their having 'many wives and concubines':

"2. Behold! and lo, I am the Lord thy God, and will answer thee as touching this matter:

"3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you, for all those who have this law revealed unto them must obey the same.

"4. For behold! I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for on one can reject this covenant, and be permitted to enter into my glory.

"5. For all who will have a blessing at my hands, shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world:

"6. And as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory; and he that receiveth a fullness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

"7. And verily I say unto you, that the conditions of this law are these:—All covenants, contracts, bond, obligations, oats, vows, performances, connections, associations or expectations, that are not made and entered into and sealed, by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, and that too most holy, by revelation and commandment through the medium of mine anointed, whom I have appointed on the earth to hold this power (and I have appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time, on whom this power and the keys of this priesthood are conferred) are of no efficacy, virtue or force, in and after the resurrection from the dead; for all contracts that are not made unto this end have an end when men are dead.

"8. Behold! mine house is a house of order, saith the Lord God, and not a house of confusion.

"9. Will I accept of an offering, saith the Lord, that is not made in my name!

"10. Or will I receive at your hands that which I have not appointed!

"11. And will I appoint unto you, saith the Lord, except it be by law, even as I and my Father ordained unto you, before the world was!

"12. I am the Lord thy God, and I give unto you this commandment, that no man shall come unto the Father but by me, or by my word, which is my law, saith the Lord:

"13. And everything that is in the world, whether it be ordained of men, by thrones, or principalities, or powers or things of name, whatsoever they may be, that are not by me, or by my word, saith the Lord, shall be thrown down, and shall not remain after men are dead, neither in nor after the resurrection, saith the Lord your God.

"14. For whatsoever things remain are by me; and whatsoever things are not by me, shall be shaken and destroyed.

"15. Therefore, if a man marry him a wife in the world and he marry her not by me, nor by my word; and he covenant with her so long as he is in the world, and she with him, their covenant and marriage are not of force when they are dead, and when they are out of the world; therefore, they are not bound by any law when they are out of the world;

"16. Therefore, when they are out of the world, they neither marry, nor are given in marriage, but are appointed angels in heaven, which angels are ministering angels, to minister for those who are worthy of a far more and an exceeding, and an eternal weight of glory;

"17. For these angels did not abide my law, therefore they cannot be enlarged, but remain separately and singly, without exaltation, in their saved condition, to all eternity, and from henceforth are not Gods, but are angels of God, for ever and ever.

"18. And again, verily I say unto you, if a man marry a wife, and make a covenant with her for time and for all eternity, if that covenant is not by me, or by my word, which is my law, and is not sealed by the Holy Spirit of promise, through him whom I have anointed and appointed unto this power—then it is not valid, neither of force when they are out of the world, because they are not joined by me, saith the Lord, neither by my word; when they are out of the world, it cannot be received here, because the angels and the Gods are appointed there, by whom they cannot pass; they cannot, therefore, inherit my glory, for my house is a house of order, saith the Lord God.

"19.—And again, verily I say unto you, if a man marry a wife by my word, which is my law, and by the new and everlasting covenant, and it is sealed unto them by the Holy Spirit of promise, by him who is anointed, unto whom I have appointed this power, and the keys of this priesthood, and it shall be said unto them, ye shall come forth in the first resurrection, and if it be after the first resurrection, in the next resurrection; and shall inherit thrones, kingdoms, principalities, and powers, dominions, all heights and depths—then shall it be written in the Lamb's Book of Life that he shall commit no murder whereby to shed innocent blood, and if ye abide in my covenant and commit no murder whereby to shed innocent blood, it shall be done unto them in all things whatsoever my servant hath put upon them in time and through all eternity, and shall be of full force when they are out of the world; and they shall pass by the angels, and the Gods, which are set there, to their exaltation and glory in all things, as hath been sealed upon their heads, which glory shall be a fullness and a continuation of the seeds for ever and ever.

"20. Then shall they be Gods, because they have no end; therefore shall they be from everlasting to everlasting, because they continue; then shall they be above all, because all things are subject unto them. Then shall they be Gods, because they have all power, and the angels are subject unto them.

"21. Verily, verily I say unto you, except ye abide my law, ye cannot attain to this glory.

"22. For straight is the gate and narrow the way that leadeth unto the exaltation and continuation of the lives, and few there be that find it, because ye receive me not in the world, neither do you know me.

"23. But if ye receive me in the world, then shall ye know me, and shall receive your exaltation, that where I am ye shall be also.

"24. This is enternal lives, to know the only wise and true God, and Jesus Christ, whom he hath sent. I am he. Receive ye, therefore, my law.

"25. Broad is the gate, and wide the way that leadeth to the deaths, and many there are that go in thereat; because they receive me not, neither do they abide in my law.

"26. Verily, verily I say unto you, if a man marry a wife according to my word, and they are sealed by the Holy Spirit of promise, according to mine appointment, and he or she shall commit any sin or transgression of the new and everlasting covenant whatever, and all manner of blasphemies, and if they commit no murder, wherein they shed innocent blood—yet shall come forth in the first resur-

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rection and enter into their exaltation; but they shall be destroyed in the flesh, and shall be delivered unto the buffetings of Satan unto the day of redemption, saith the Lord God.

"27. The blasphemy against the Holy Ghost, which shall not be forgiven in the world, nor out of the world, is in that ye commit murder, wherein ye shed innocent blood, and assent unto my death, after ye have received my new and everlasting covenant, saith the Lord God; and he that abideth not this law, can in no wise enter into my glory, but shall be damned, saith the Lord.

"28. I am the Lord, thy God, and will give unto thee the law of my holy priesthood, as was ordained by me and my Father, before the world was.

"29. Abraham received all things whatsoever he received, by revelation and commandment, by my word, saith the Lord, and hath entered into his exaltation, and sitteth upon his throne.

"30. Abraham received promises concerning his seed, and of the fruit of his loins—from whose loins ye are namely, my servant, Joseph—which were to continue so long as they were in the world; and as touching Abraham and his seed, out of the world they should continue; both in the world and out of the world should they continue as innumerable as the stars; or, if ye were to count the sand upon the sea shore, ye could not number them.

"31. This promise is yours, also, because ye are of Abraham, and the promise was made unto Abraham; and by this law are the continuation of the works of my Father, wherein he glorieth himself.

"32. Go ye, therefore, and do the works of Abraham; enter ye into my law, and ye shall be saved.

"33. But if ye enter not into my law ye cannot receive the promise of my Father, which he made unto Abraham.

"34. God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? Because this was the law and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises.

"35. Was Abraham, therefore, under condemnation? Verily, I say unto you, Nay; for I, the Lord, commanded it.

"36. Abraham was commanded to offer his son, Isaac; nevertheless it was written, thou shalt not kill. Abraham, however, did not refuse, and it was accounted unto him for righteousness.

"37. Abraham received concubines, and they bear him children, and it was accounted unto him for righteousness, because they were given unto him, and he abode in my law, as Isaac also, and Jacob did none other things than that which they were commanded; and because they did none other things than that which they were commanded, they have entered into their exaltation, according to the promises, and sit upon thrones, and are not angels, but are Gods.

"38. David also received many wives and concubines, as also Solomon and Moses my servants; as also many others of my servants, from the beginning of creation until this time, and in nothing did they sin, save in those things which they received not of me.

"39. David's wives and concubines were given unto him of me, by the hand of Nathan, my servant, and others of the prophets who had the keys of this power; and in none of these things did he sin against me, save in the case of Uriah and his wife; and therefore he hath fallen from his exaltation, and received his portion, and he shall not inherit them out of the world; for I gave them unto another, saith the Lord.

"40. I am the Lord thy God, and I gave unto thee my servant Joseph, an appointment, and restore all things; ask what ye will, and it shall be given unto you, according to my word:

"41. And as ye have asked concerning adultery—verily, verily I say unto you, if a man receiveth a wife in the new and everlasting covenant, and if she be with another man and I have not appointed unto her by the holy anointing she hath committed adultry, and shall be destroyed.

"42. If she be not in the new and everlasting covenant, and she be with another man, she has committed adultery.

"43. And if her husband be with another woman and he was under a vow, he hath broken his vow, and hath committed adultery.

"44. And if she hath not committed adultery, but is innocent, and hath not broken her vow, and she knoweth it, and I reveal it unto you, my servant Joseph, then shall you have power, by the power of my holy priesthood, to take her and give her unto him that hath not committed adultery, but hath been faithful; for he shall be made ruler over many;

"45. For I have conferred upon you the keys and the power of the priesthood, wherein I restore all things and make known unto you all things in due time.

"46. And verily, verily I say unto you that whatsoever you seal on earth, shall be sealed in heaven; and whatsoever you bind on earth, in my name, and by my words, saith the Lord, it shall be eternally bound in the heavens; and whosoever sins you remit on earth shall be remitted eternally in the heavens; and whosesoever sins you retain on earth, shall be retained in heaven.

"47. And again, verily I say, whomsoever you bless, I will bless, and whomsoever you curse, I will curse, saith the Lord, for I, the Lord, am thy God.

"48. And again, verily I say unto you, my servant Joseph, that whatsoever you give on earth, and to whomsoever you give any one on earth, by my word, and according to my law, it shall be visited with blessings, and not cursings, and with my power, saith the Lord, and shall be with out condemnation on earth and in heaven;

"49. For I am the Lord thy God, and will be with thee even unto the end of the world, and through all eternity; for verily, I seal upon you your exaltation, and prepare a throne for you in the kingdom of my Father, with Abraham, your father.

"50. Behold, I have seen your sacrifices and will forgive all your sins; I have seen your secrifices, in obedience to that which I have told you; go, therefore, and I make a way for your escape, as I accepted the offering of Abraham, of his son, Isaac.

"51. Verily I say unto you, a commandment I give unto mine handmaid, Emma Smith, your wife, whom I have given unto you, that she stay herself and partake not of that which I commanded you to offer unto her; for I did it, saith the Lord, to prove you all, as I did Abraham; and that I might require an offering at your hand, by covenant and sacrifice;

"52. And let mine handmaid, Emma Smith, receive all those that have been given unto my servant, Joseph, and who are virtuous are pure before me; and those who are not pure, and have said they were pure, shall be destroyed, saith the Lord God;

"53. For I am the Lord thy God, and ye shall obey my voice; and I give unto my servant Joseph, that he shall be made ruler over many things, for he hath been faithful over a few things, and from henceforth I will strengthen him.

"54. And I command my handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But if she will not abide this commandment, she shall be destroyed, saith the Lord; for I am the Lord thy God, and will destroy her, if she abide not in my law;

"55. But if she will not abide this commandment, then shall my servant Joseph do all things for her, even as he hath said;

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and I will bless him and multiply him and give unto him an hundred fold in this world, of fathers and mothers, brothers and sisters, houses and lands, wives and children, and crowns of eternal lives in the eternal worlds.

"56. And again, verily I say, let mine handmaid forgive my servant Joseph, his trespasses; and then shall she be forgiven her trespasses, wherein she has trespassed against me; and I, the Lord thy God, will bless her, and multiply her, and make her heart to rejoice.

"57. And again, I say, let not my servant Joseph put his property out of his hands, lest an enemy come and destroy him; for satan seeketh to destroy; for I am the Lord thy God, and he is my servant; and behold! and lo I am with him, as I was with Abraham, thy father, even unto his exaltation and glory.

"58. Now, as touching the law of the priesthood, there are many things pertaining thereunto.

"59. Verily, if a man be called of my Father, as was Aaron, by mine own voice, and by the voice of him that sent me; and I have endowed him with the keys of the power of this priesthood, if he do anything in my name, and according to my law, and by my word, he will not commit sin, and I will justify him.

"60. Let no one, therefore, set on my servant, Joseph; for I will justify him; for he shall do the sacrifice which I require at his hands for his transgressions, saith the Lord your God.

"61. And again, as pertaining to the law of the priesthood; if any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second and they are virgins and have vowed to no other man, then is he justified; he cannot commit adultery, for they are given unto him; for he cannot commit adultery with that that belongeth unto him and to no one else;

"62. And if he have ten virgins given unto him by this law he cannot commit adultery, for they belong to him, and they are given unto him, therefore he is justified.

"63. But if one or either of the ten virgins, after she is espoused, shall be with another man; she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear their souls of men; for herein is the work of my Father continued, that he may be glorified.

"64. And again, verily, verily, I say unto you, if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe, and administer unto him, or she shall be destroyed, saith the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law.

"65. Therefore, it shall be lawful in me, if she receive not this law, for him to receive all things, whatsoever I, the Lord his God, will give unto him, because she did not administer unto him according to my word; and she then becomes the transgressor; and he is exempt from the law of Sarah, who administered unto Abraham according to the law, when I commanded Abraham to take Hagar to wife.

"66. And now, as pertaining to this law, verily, verily, I say unto you, I will reveal more unto you, hereafter; therefore, let this suffice for the present. Behold, I am Alpha and Omega. Amen."

The Chairman. If it is convenient to you, Mr. Tayler, you may now read the additional sections or verses.

Mr. Tayler. I will do so. I wish first to ask Mr. Smith just one question.

The Chairman. All right.

His Ogden Address Again.

Mr. Tayler. It is upon the subject of his instructions and inculcation of polygamy. I understood you to say, Mr. Smith, that you did not consider the remarks you made at Ogden, which I quoted, as instructing or advising belief in polygamy.

Mr. Smith. Oh, no; I did not say that.

Mr. Tayler. You then made use of this language:

"Now, am I telling you that plural marriage is practiced or is to be practiced? No, I am only telling you that it is a principle revealed by God to Joseph Smith the prophet, and the Latter-day Saint who denies and rejects that truth in his heart might as well reject every other truth connected with his mission."

Mr. Smith. That is correct.

Mr. Tayler. That is correct?

Mr. Smith. Yes, sir.

Mr. Tayler. And that is not, in your construction of your language, instruction or inculcation?

Mr. Smith. Merely a statement of fact.

Mr. Tayler. Merely the statement of a fact—exactly.

Mr. Smith. That is all.

Senator Dubois. May I ask the president a question on the line on which he is now testifying?

The Chairman. Certainly.

Number in Polygamy.

Senator Dubois. To start out with, Mr. Smith has now several times stated that only 3 or 4 per cent were in polygamy. That has gone without challenge. My judgment is that 3 or 4 per cent were convicted. I think the prosecution will be able to show that much more than 3 or 4 per cent were in the polygamous relations. I am almost willing to hazard the guess that 3 or 4 per cent were actually convicted.

Senator Foraker. In so far as I made use of the term "3 or 4 per cent," I took it from the witness. I have no knowledge on the subject.

Senator Dubois. I understand. I do not undertake to give the percentage, but it will be given. However, I make my statement in contradiction to that of the president.

Mr. Worthington. Do you refer to 3 or 4 per cent of the whole membership of the Mormon church or only the marriageable males?

Senator Dubois. Ah, you do not consider the women in polygamy?

Mr. Worthington. I did not know——

Senator Dubois. You mean that the women are not in polygamy?

Mr. Worthington. I merely wanted to know whether you meant 3 or 4 per cent of the whole church population or that percentage of the marriageable males.

Senator Dubois. I will state at the proper time what I mean.

We will accept your statement, Mr. Smith, that a small percentage are in polygamy. How many presidents of the

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church from the beginning have been monogomists?

Mr. Smith. How many?

Senator Dubois. Yes.

All Presidents Polygamists.

Mr. Smith. How many presidents have been monogomists? I think that all of the first presidents of the church down to myself have had plural wives.

Senator Dubois. I understood from the testimony here yesterday that the heir to the throne is a polygamist—the head of the quorum of apostles now, who under the rule and precedents, should he survive you, will be the president of the church. I understood that he is also a polygamist.

Mr. Smith. I should like to correct the Senator by saying that we have no heir to the throne.

Senator Dubois. He is the head of the quorum of apostles, and there has been a line of unbroken precedents that the head of the quorum of the apostles succeeds to the office of president.

Mr. Smith. That is correct.

Senator Dubois. If the term "heir to the throne" is offensive, I withdraw it.

Mr. Smith. If you please.

Senator Dubois. But apparently, following the precedents of the church, he will succeed to the office of president. Now, of course, you could not state, but has it not been a fact that the great majority of the high ecclesiastical positions in the church have been filled by polygamists?

Leaders Had Plural Wives.

Mr. Smith. I could not state that from positive knowledge, but I will say this frankly, that a large number of them have been polygamists. The fact of the matter is, that the most prominent men, the most influential men, the men who have stood highest in business and in social circles in Utah among the Mormon people, have been men who had more than one wife.

Senator Dubois. That is a satisfactory answer to me. I simply wanted to show that this very small percentage are very influential.

Senator Hoar. I should like to ask a question merely to understand what I did not get at heretofore. I understood the question to be put whether this revelation to Joseph Smith, promulgated and made public by Brigham Young, in regard to polygamy, was permissive or obligatory. I understood—and I am not sure I understood you aright—that it was permissive, but did you mean to say that or do you mean to say it is obligatory, so far as a general principle of conduct is concerned, but not mandatory under the circumstances?

Now I will illustrate what I mean by the injunction of our scripture—what we call the New Testament.

Mr. Smith. Which is our scripture also.

Senator Hoar. Which is your scripture also?

Mr. Smith. Yes, sir.

Bishop Must Be Sober.

Senator Hoar. The apostle says that a bishop must be sober and must be the husband of one wife.

Mr. Smith. At least.

Senator Hoar. We do not say that. (Laughter.) The bishop must be sober and must be the husband of one wife. I suppose that is generally construed to enjoin upon bishops the marriage relation But I have known several bishops, two in my own State, of great distinction, who were bachelors. I suppose they would say, if you asked them, that that was an obligation to sustain by their example the marriage relation, but that it did not apply under all circumstances and upon all occasions, and that the ordinary element of human illness and poverty, or any other special reason, exempted them from it.

I gather from your general answer that that is what you mean by your answer whether it is permissive or mandatory; that the principle is mandatory, but that it is not of universal application under all circumstances.

Mr. Smith. I think, Senator, I can accept of your statement without any criticism at all.

Senator Hoar. That is what I wanted to know.

Mr. Smith. I should like to be permitted to call the attention of the honorable Senator to the fact that this injunction was made to the church in Judea in the midst of a polygamous people, and that all of the people believed in the practice of polygamy at that time.

Senator Hoar. You mean the ancients?

Mr. Smith. Yes, sir; the Jews at that time. But it was made obligatory upon the bishop that he should have one wife, because the duties of a bishop require an experienced man.

As to Polygamy Revelations.

Senator McComas. You said that the revelation of polygamy promulgated by Brigham Young was permissive and not mandatory.

Mr. Smith. Begging pardon, I said that it is so construed by our people.

Senator McComas. So construed, and your church so construes it?

Mr. Smith. It is so construed by our people.

Senator McComas. To be permissive and not mandatory?

Mr. Smith. In the sense of saying that as a principle it was a vital principle at the time, but it was not mandatory, from the very fact that only a very small percentage engaged in it, and, with all deference to the Senator who has expressed himself, I still maintain that the estimate of 3 per cent of the Mormon people who entered into polygamy is based upon figures that were produced at the time the announcement was made.

Senator McComas. I will not require you to repeat the statement you have made, although you have repeated part of it.

Mr. Smith. Thank you.

Senator McComas. You said, if I understand you, that the manifesto of President Woodruff was construed by you and by your church as mandatory.

Mr. Smith. Yes, sir.

Senator McComas. As mandatory.

Mr. Smith. Yes, sir.

Senator McComas. Apart from your personal belief as a man, in your office as president of the church, have you often or ever or repeatedly rebuked those who have, after President Woodruff's manifes-

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to, urged the practice of plural marriage, when they did so in your presence or to your knowledge or when it has been brought to your attention?

Mr. Smith. I should say that I have never heard anybody advocate it or encourage or recommend it in any shape or form since the manifesto.

Senator McComas. Have you ever——

Own Belief Announced.

Mr. Smith. Only in the sense that has been read here today; that is, in a little social gathering I announced my own belief in it and at the same time announced the fact that it was not practiced and was stopped.

Senator McComas. Have you ever heard or have you read addresses made by apostles of your church encouraging plural marriages since the manifesto?

Mr. Smith. No, sir; never.

Senator McComas. You have never seen them reported in the newspapers?

Mr. Smith. No, sir.

Senator McComas. Not in any instance?

Mr. Smith. No; unless you can construe what I said there——

Senator McComas. What you said? I am talking about the statements of others.

Mr. Smith. I have not heard anybody else.

Senator McComas. Apostle Grant, for instance, and others?

Mr. Smith. I understood that Apostle Grant merely announced the fact that he had two wives and that he had contributed $300 to a certain class in the University of Utah in honor of his two wives—$150 each. He announced it publicly. The anti-Mormon press of Salt Lake City took it up and made a great big hubbub about it.

Senator McComas. I understood you to say that you have never heard in any public place any apostle or elder of the church encourage the practice of plural marriages or defend it after the Woodruff manifesto?

Mr. Smith. I will say truly as to both forms of your question, I have never heard them advocate it; I have never heard them defend it in public.

Senator McComas. And you have never read of it?

Will Defend Polygamy.

Mr. Smith. But I have said this, if you please, Mr. Senator, that if the principle in the abstract is attacked by opponents, it is very, very likely that we will defend it, from a scriptural viewpoint.

Senator McComas. I am not asking you what you would do. I want to know what you have done.

Mr. Smith. We have not done anything of the kind.

Senator McComas. Have you read in the newspapers in Salt Lake City reports that appear to be authentic of any apostle or elder who has thus defended the practice of polygamy? And if so, I desire to know if you have ever in your place as president of the church in any manner called him to account for violating the Woodruff manifesto, which you say is mandatory upon the members of the church.

Mr. Smith. There are some papers very bitterly anti-Mormon published in Salt Lake City.

Senator McComas. I am only asking you with respect to those which seem to be fair and authoritative reports.

Mr. Smith. I have never seen any fair, authoritative, or reliable reports of that kind.

Senator McComas. You never have?

Mr. Smith. I never have.

Mr. Worthington. Not since the manifesto?

Mr. Smith. Not in the papers.

Senator McComas. You have never heard any in public?

Mr. Smith. No, sir; I never have.

The Chairman. Mr. Tayler, before we take a recess, I wish you would put in, if you have time, what you desire from these books.

Mr. Tayler. Shall I proceed now?

Senator McComas. Could you cite it and have it put in the record?

Mr. Tayler. No; I would rather not.

The Chairman. We will go as far as we can before the hour for a recess arrives.

Senator Foraker. It is only five minutes.

Mr. Tayler. Shall I go on?

Senator Bailey. I suggest that where Mr. Tayler begins reading would be a good place for us to resume consideration of the matter.

The Chairman. Very well.

Senator Foraker. He could not finish the reading anyway before the recess.

The Chairman. Very well. The committee will now take a recess until 2 o'clock.

Thereupon (at 11 o'clock and 55 minutes a. m.) the committee took a recess until 2 o'clock p. m.

The committee reassembled at the expiration of the recess.

The Chairman. Mr. Smith, will you have the kindness to resume the witness stand?

Mr. Tayler. Unless Mr. Smith prefers to sit there, I will not want to ask him, so far as I am concerned, any question at present at least. I was going to read from these documents. Mr. Chairman, I will first read certain portions of the book entitled "Doctrine and Covenants," and I read from the edition printed by the Deseret News, with the imprint 1901 on it, first from section 43, page 177:

Doctrine and Covenants Introduced.

"Revelation given through Joseph, the seer, at Kirtland, Ohio, February, 1831."

"Verse 1:

"Oh hearken, ye elders of my church, and give an ear to the words which I shall speak unto you;

"2. For behold, verily, verily, I say unto you, that ye have received a commandment for a law unto my church, through him whom I have appointed unto you, to receive commandments and revelations from my hand.

"3. And this ye shall know assuredly that there is none other appointed unto you to receive commandments and revelations until he be taken, if he abide in me.

"4. But verily, verily I say unto you, that none else shall be appointed unto this gift except it be through him, for if it be taken from him, he shall not have power except to appoint another in his stead;

"5. And this shall be a law unto you, that ye receive not the teachings of any that shall

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come before you as revelations or commandments;

"6. And this I give unto you that you may not be deceived, that you may know they are not of me.

"7. For verily I say unto you, that he that is ordained of me shall come in at the gate and be ordained as I have told you before, to teach those revelations which you have received, and shall receive through him whom I have appointed."

Page 462, section 131:

"Remarks of Joseph, the prophet, at Ramus, Illinois, May 16 and 17, 1843.

"1. In the celestial glory there are three heavens or degrees;

"2. And in order to obtain the highest, a man must enter in to this Order of the Priesthood; (meaning the new and everlasting covenant of marriage;)

"3. And if he does not, he cannot obtain it.

"4. He may enter into the other, but that is the end of his kingdom: He cannot have an increase."

Page 248, section 68:

"Revelation, given through Joseph, the seer, at Hiram, Portage county, Ohio, November, 1831, to Orson Hyde, Luke Johnson, Lyman Johnson and William E. M'Lellin. The mind and will of the Lord, as made known by the voice of the spirit, to a conference concerning certain elders, and also certain items as made known in addition to the covenants and commandments."

Verse 4:

"And whatsoever they shall speak when moved upon by the Holy Ghost, shall be scripture, shall be the will of the Lord, shall be the mind of the Lord, shall be the word of the Lord, shall be the voice of the Lord, and the power of God unto salvation."

Revelation Given at Nauvoo.

Page 436, section 124:

"Revelation given to Joseph Smith at Nauvoo, Hancock county, Illinois, January 19, 1841."

Verse 56:

"And now I say unto you, as pertaining to my boarding-house which I have commanded you to build for the boarding of strangers, let it be built unto my name and let my name be named upon it and let my servant Joseph and his house have place therein, from generation to generation."

Then verse 60:

"Behold, verily I say unto you, let my servant George Miller and my servant Lyman Wight, and my servant John Snider and my servant Peter Haws, organize themselves and appoint one of them to be a president over their quorum for the purpose of building that house.

"63. And they shall form a constitution whereby they may receive stock for the building of that house.

"64. And they shall not receive less than fifty dollars for a share of stock in that house, and they shall be permitted to receive fifteen thousand dollars from any one man for stock in that house;

"65. But they shall not be permitted to receive over fifteen thousand dollars stock from any one man;

"66. And they shall not be permitted to receive under fifty dollars for a share of stock from any one man in that house;

"67. And they shall not be permitted to receive any man as a stockholder in this house, except the same shall pay his stock into their hands at the time he receives stock."

Page 410, being a part of section 112:

"The word of the Lord, given through Joseph, the prophet, unto Thomas B. Marsh, at Kirtland, July 23, 1837, concerning the Twelve Apostles of the Lamb."

That is the title of the section on page 407. I will not read sections 30 and 31, on page 410:

"30. For unto you (the twelve) and those (the first presidency) who are appointed with you to be your counselors and your leaders, is the power of this priesthood given, for the last days and for the last time in the which is the dispensation of the fullness of times.

"31. Which power you hold in connection with all those who have received a dispensation at any time from the beginning of creation."

And I read the following three verses, which are short:

"32. For verily I say unto you, the keys of the dispensation which ye have received, have come down from the fathers; and last of all being sent down from heaven unto you.

"33. Verily I say unto you, behold how great is your calling. Cleanse your hearts and your garments, lest the blood of this generation be required at your hands.

"34. Be faithful until I come, for I come quickly, and my reward is with me to recompense every man according as his work shall be. I am Alpha and Omega. Amen."

Revelation Given at Far West.

Page 412, section 114:

"Revelation, given through Joseph, the seer, at Far West, Caldwell county, Missouri, April 17, 1838.

"1. Verily thus saith the Lord, it is wisdom in my servant David W. Patten, that he settle up all his business as soon as he possibly can, and make a disposition of his merchandise, that he may perform a mission unto me next spring in company with others, even twelve, including himself, to testify of my name, and bear glad tidings unto all the world;

"2. For verily thus saith the Lord, that inasmuch as there are those among you who deny my name, others shall be planted in their stead, and receive their bishopric. Amen."

Revelation on Eternity of Marriage.

I read from section 132, page 463:

"Revelation on the eternity of the Marriage Covenant, including Plurality of Wives. Given through Joseph, the seer, in Nauvoo, Hancock county, Illinois, July 12, 1843."

All of this revelation of section 132 is to be incorporated with the testimony. A part of this was read by Mr. Smith when he was on the stand.

I want to read the seventh verse:

"7. And verily I say unto you, that the conditions of this law are these: All covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations, or expectations, that are not made, and entered into, and sealed, by the holy spirit of promise, of him who is anointed, both as well for time and for all eternity, and that too most holy, by revelation and commandment through the medium of mine anointed, whom I have appointed on the earth to hold this power, (and I have appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time, on whom this power and the keys of this priesthood are conferred), are of no efficacy, virtue or force, in and after the resurrection from the dead; for all contracts that are not made unto this end, have an end when men are dead."

Verse 45, on page 470, and verse 46, on page 471:

"45. For I have conferred upon you the keys and power of the priesthood, wherein I restore all things, and make known unto you all things in due time.

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"46. And verily, verily I say unto you, that whatsoever you seal on earth, shall be sealed in heaven; and whatsoever you bind on earth, in my name, and by my word, saith the Lord, it shall be eternally bound in the heavens; and whosesoever sins you remit on earth shall be remitted eternally in the heavens; and whosesoever sins you retain on earth shall be retained in heaven."

Verse 51, on page 471:

"51. Verily, I say unto you, a commandment I give unto mine handmaid, Emma Smith, your wife, whom I have given unto you, that she stay herself, and partake not of that which I commanded you to offer unto her; for I did it, saith the Lord, to prove you all, as I did Abraham; and that I might require an offering at your hand, by covenant and sacrifice;"

Verse 52:

"52. And let mine handmaid, Emma Smith, receive all those that have been given unto my servant Joseph, and who are virtuous and pure before me; and those who are not pure, and have said they were pure, shall be destroyed, saith the Lord God;"

Verse 53:

"53. For I am the Lord thy God, and ye shall obey my voice; and I give unto my servant Joseph, that he shall be made ruler over many things, for he hath been faithful over a few things, and from henceforth I will strengthen him."

Verse 54:

"54. And I command mine handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But if she will not abide this commandment, she shall be destroyed, saith the Lord; for I am the Lord thy God, and will destroy her, if she abide not in my law."

Verse 55:

"55. But if she will not abide this commandment, then shall my servant Joseph do all things for her, even as he hath said; and I will bless him and multiply him and give unto him an hundred-fold in this world, of fathers and mothers, brothers and sisters, houses and lands, wives and children, and crowns of eternal lives in the eternal worlds."

Verse 56:

"56. And again, verily I say, let mine handmaid forgive my servant Joseph his trespasses; and then shall she be forgiven her trespasses, wherein she has trespassed against me; and I, the Lord thy God, will bless her, and multiply her, and make her heart to rejoice."

Plurality of Wives.

Verse 61:

"61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin, and desire to espouse another, and the first give her consent; and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified; he cannot commit adultery, for they are given unto him; for he cannot commit adultery with that that belongeth unto him and to no one else."

Verse 62:

"62. And if he have ten virgins given unto him by this law, he cannot commit adultery, for they belong to him, and they are given unto him, therefore is he justified."

Verse 63:

"63. But if one or either of the ten virgins, after she is espoused, shall be with another man; she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified."

Verse 64:

"64. And again, verily, verily, I say unto you, if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe, and administer unto him, or she shall be destroyed, saith the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law."

Verse 65:

"65. Therefore, it shall be lawful in me, if she receive not this law, for him to receive all things, whatsoever, I, the Lord his God, will give unto him, because she did not administer unto him according to my word; and then she becomes the transgressor; and he is exempt from the law of Sarah, who administered unto Abraham according to the law, when I commanded Abraham to take Hagar to wife."

Verse 66:

"66. And now, as pertaining to this law, verily, verily I say unto you, I will reveal more unto you, hereafter; therefore, let this suffice for the present. Behold, I am Alpha and Omega, Amen."

"Ready References."

Now I read from the book entitled "Ready References, a compilation of Scripture text, arranged in subjective order; with numerous annotations from eminent writers. Designed especially for the use of missionaries and Scripture students. Salt Lake City, Utah: The Deseret News Publishing Company, printers and publishers. 1892."

The original preface is dated at Liverpool, November 15, 1884. The preface to the third edition is as follows; it is short, and I will read it all:

"The first edition of this work met with a very ready sale in Great Britain, and gave much satisfaction to the missionaries and others who used it. Quite a number of copies were also imported to this Territory, which, however, so far from satisfying the public demand, only seemed to increase it, so highly was the work appreciated by all into whose hands it chanced to fall. To meet the increasing demand without the trouble and expense of importing the books from abroad, the Deseret News company made application to the compilers for the privilege of publishing an edition here. This consent being given, an edition was issued which has already been sold, and we now present a third edition to the still unsatisfied public.

"Some improvement has been made in the arrangement of the references, and a few passages have been added; otherwise this edition is similar to the former. That the work may prove acceptable to the public, and great good result from its more extensive publication is the earnest desire of the publishers.

"Salt Lake City, October 12, 1892."

I read from page 129:

"The traditions and prejudices of centuries, the man-made creeds of the day and the laws of all the nations professing a belief in Christ unitedly inculcate the idea that it is sinful for a man, under any circumstances, to have more than one living and undivorced wife at the same time. A careful perusal of the scriptures will, however, reveal the fact that this practice which is now considered so heinous is in accordance with the divine law given to the ancient Israelites, that it was engaged in with the sanction and blessing of God by many of the best and most favored men of whom the Bible makes mention, and that never has the principle received the divine condemnation."

Then follow a number of pages of excerpts from the Bible, and along the margin are inscriptions which speak for themselves and are

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doubtless intended to be descriptive of that which appears in the text.

Polygamy Defended.

I will read some of those marginal annotations.

Page 129: "Laws providing for a plurality of wives."

Page 130. "Plural marriage commanded by divine laws."

Page 131: "Plurality of wives sanctioned by the Lord." "Polygamous son blessed by the Lord."

Page 134: "Polygamy right in the sight of God."

Page 135: "Polygamy predicted."

I will read that prediction from Isaiah:

"1. And in that day seven women shall take hold of one man, saying, We will eat our own bread and wear our own apparel; only let us be called by thy name, to take away our reproach.

"2. In that day shall the branch of the Lord be beautiful and glorious, and the fruit of the earth shall be excellent and comely for them that are escaped of Israel.

"3. And it shall come to pass, that he that is left in Zion, and he that remaineth in Jerusalem, shall be called holy, even every one that is written among the living in Jerusalem. Isaiah, 4."

The next marginal reference on that page, 135, is:

"Polygamy implied by Savior's promise:

"29. And he said unto them, Verily I say unto you, There is no man that hath left house or parents, or brethren or wife, or children, for the kingdom of God's sake,

"30. Who shall not receive manifold in this present time, and in the world to come life everlasting. Luke 18."

Following these scriptural quotations is a note containing many quotations from historical writers, from which I will only make one extract, on page 136:

"Many more examples of polygamists might be cited, with the scriptural mention of whose names or acts there is no word of condemnation. In a number of cases where it is not mentioned that men had more than one wife, we are bound to infer that such was the case from the number of children they are said to have had."

And at the bottom of the page:

"To find any prohibition of polygamy we must go to human rather than to divine law, and if we trace its history to its inception we will find that it originated in opposition to marriage of any kind."

The chapter on "patriarchal marriage," above referred to, is as follows:

Patriarchal Marriage.

Note.—The traditions and prejudices of centuries, the man-made creeds of the day and the laws of all the nations professing a belief in Christ unitedly inculcate the idea that it is sinful for a man, under any circumstances, to have more than one living and undivorced wife at the same time. A careful perusal of the scriptures will, however, reveal the fact that this practice which is now considered so heinous is in accordance with the divine law given to the ancient Israelites, that it was engaged in with the sanction and blessing of God, by many of the best and most favored men of whom the Bible makes mention, and that never has the principle received the divine condemnation.

Laws providing for a plurality of wives:

7. And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do.

8. If she please not her master, who hath betrothed her unto himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her.

9. And if he hath betrothed her unto his son, he shall deal with her after the manner of daughters.

10. If he take him another wife; her food, her raiment, and her duty of marriage, shall he not diminish.

11. And if he do not these three unto her, then shall she go out free without money.—Exo. 21.

15. If a man hath two wives, one beloved and another hated, and they have borne him children, both the beloved and the hated; and if the firstborn son be hers that was hated:

16. Then it shall be, when he maketh his sons to inherit that which he hath, that he may not make the son of the beloved firstborn before the son of the hated, which is indeed the firstborn.—Deut. 21.

17. But he shall acknowledge the son of the hated for the firstborn, by giving him a double portion of all that he hath; for he is the beginning of his strength; the right of the firstborn is his.—Deut. 21.

Plural Marriage Commanded by Divine Law.

5. If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger; her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of a husband's brother unto her.—Dieut. 25.

28. If a man find a damsel that is a virgin, which is not betrothed, and lay hold on her, and lie with her, and they be found;

29. Then the man that lay with her shall give unto the damsel's father fifty shekels of silver, and she shall be his wife; because he hath humbled her, he may not put her away all his days.—Dieut. 22.

16. And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife.—Exo. 22.

"Plurality of Wives Sanctioned by the Lord."

3. And Sarai Abram's wife took Hagar, her maid, the Egyptian, after Abram had dwelt ten years in the land of Canaan, and gave her to her husband Abram to be his wife.

15. And Hagar bare Abram a son: and Abram called his son's name, which Hagar bare, Ishmael.—Gen. 16.

15. And God said unto Abraham, as for Sarai thy wife, thou shalt not call her name Sarai, but Sarah shall her name be.

16. And I will bless her, and give thee a son also of her: yea, I will bless her, and she shall be a mother of nations: kings of people shall be of her.—Gen. 17.

17. Then Abraham fell upon his face, and laughed, and said in his heart, Shall a child be born unto him that is an hundred years old? and shall Sarah, that is ninety years old, bear?

18. And Abraham said unto God, O that Ishmael might live before thee!

19. And God said, Sarah thy wife shall bear thee a son indeed; and thou shalt call his name Isaac; and I will establish my covenant with him for an everlasting covenant, and with his seed after him.

"Polygamous Son Blessed by the Lord."

20. And as for Ishmael, I have heard thee: Behold, I have blessed him, and will make him fruitful, and will multiply him exceedingly; twelve princes shall he beget, and I will make him a great nation.—Gen. 17.

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"Jacob and His Four Wives."

1. And when Rachel saw that she bare Jacob no children, Rachel envied her sister; and said unto Jacob, Give me children or else I die.
4. And she gave him Bilhah her handmaid to wife: and Jacob went in unto her.
5. And Bilhah conceived, and bare Jacob a son.
6. And Rachel said, God hath judged me, and hath also heard my voice, and hath given me a son: therefore she called his name Dan.
9. When Leah saw that she had left bearing, she took Zilpah her maid, and gave her to Jacob to wife.
17. And God hearkened to Leah, and she conceived and bare Jacob the fifth son.
18. And Leah said, God hath given me my hire, because I have given my maiden to my husband; and she called his name Issachar.
22. And God remembered Rachel, and God hearkened to her, and opened her womb.
23. And she conceived and bare a son; and said, God hath taken away my reproach.—Gen. 30.

Saul's wives were given to David by the Lord in addition to the wives he already had:
7. And Nathan said to David, Thou art the man. Thus said the Lord God of Israel, I anointed the king over Israel, and I delivered thee out of the hand of Saul;
8. And I gave thee thy master's house, and thy master's wives into thy bosom, and gave thee the house of Israel and of Judah; and if that had been too little, I would moreover have given unto thee such and such things.—2 Sam. 12.

"David's Acts Approved."

All David's acts approved except in the matter of Uriah:
5. Because David did that which was right in the eyes of the Lord, and turned not aside from anything that he commanded him all the days of his life, save only in the matter of Uriah the Hittite.—1 Kin. 15.

Moses Weds.

Moses marries a Midianitish woman:
21. And Moses was content to dwell with the man: and he gave Moses Zipporah his daughter.—Exo. 2.
1. Now Moses kept the flock of Jethro, his father-in-law, the priest of Midian: and he led the flock to the backside of the desert, and came to the mountain of God, even to Horeb.—Exo. 3.

Weds Ethiopian Woman.

Marries an Ethiopian wife, and Aaron and Miriam complain of it:
1. And Miriam and Aaron spake against Moses because of the Ethiopian woman whom he had married; for he had married an Ethiopian woman.
2. And they said, Hath the Lord indeed spoken only by Moses? hath he not spoken also by us? And the Lord heard it.
3. (Now the man Moses was very meek, above all the men which were upon the face of the earth.)
4. And the Lord spake suddenly unto Moses, and unto Aaron, and unto Miriam, Come out ye three unto the tabernacle of the congregation. And the three came out.—Num. 12.

Reproved and cursed for speaking against Moses:
5. And the Lord came down in the pillar of the cloud and stood in the door of the tabernacle, and called Aaron and Miriam; and they both came forth.
6. And he said, Hear now my words: If there be a prophet among you, I the Lord will make myself known unto him in a vision, and will speak unto him in a dream.
7. My servant Moses is not so, who is faithful in all mine house.
8. With him will I speak mouth to mouth, even apparently, and not in dark speeches; and the similitude of the Lord shall he behold: wherefore then were ye not afraid to speak against my servant Moses?
9. And the anger of the Lord was kindled against them; and he departed.
10. And the cloud departed from off the tabernacle; and, behold, Miriam became leprous, white as snow; and Aaron looked upon Miriam, and, behold, she was leprous.—Num. 12.

Had a Kenite wife also:
11. Now Heber the Kenite, which was of the children of Hobab the father-in-law of Moses, had severed himself from the Kenites.—Judg. 4.

Polygamous Parentage of Samuel.

Polygamous parentage of the prophet Samuel:
1. Now there was a certain man of Ramath-aim-zophim, of Mount Ephraim, and his name was Elkanah:
2. And he had two wives; the name of the one was Hannah, and the name of the other Peninnah; and Peninnah had children but Hannah had no children.
19. And they rose up in the morning early, and worshipped before the Lord, and returned, and came to their house to Ramah: and Elkanah knew Hannah his wife; and the Lord remembered her.—1 Sam. 1.
20. Wherefore it came to pass, when the time was come about after Hannah had conceived, that she bare a son and called his name Samuel, saying, Because I have asked him of the Lord.—1 Sam. 1.
19. And Samuel grew, and the Lord was with him, and did let none of his words fall to the ground.
20. And all Israel from Dan even to Beersheba, knew that Samuel was established to be a prophet of the Lord.
21. And the Lord appeared again in Shiloh: for the Lord revealed himself to Samuel in Shiloh by the word of the Lord.—1 Sam. 3.

"Polygamy Declared Right."

Polygamy right in the sight of God:
2. And Joash did that which was right in the sight of the Lord all the days of Jehoiada the priest.
3. And Jehoiada took for him two wives; and he begat sons and daughters.
15. But Jehoiada waxed old, and was full of days when he died; an hundred and thirty years old was he when he died.
16. And they buried him in the city of David among the kings, because he had done good in Israel, both toward God, and toward his house.—2 Ch. 24.

Gideon's Family.

Gideon's large family not disapproved:
30. And Gideon had threescore and ten sons of his body begotten; for he had many wives.
32. And Gideon the son of Joash died in a good old age, and was buried in sepulchre of Joash his father, in Ophra of the Abiezrites.
33. And it came to pass, as soon as Gideon was dead, that the children of Israel turned again, and went a whoring after Baalim, and made Baal-berith their god.—Judg. 8.

Ordered to Take Two Wives.

Hosea told by the Lord to take two wives:
2. The beginning of the word of the Lord by Hosea. And the Lord said to Hosea, Go, take unto thee a wife of whoredoms and children of whoredoms: for the land has committed great whoredoms, departing from the Lord.

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3. So he went and took Gomer, the daughter of Dibliam; which conceived, and bare him a son.—Hos. 1.

1. Then said the Lord unto me, Go yet, love a woman beloved of her friend, yet an adulteress, according to the love of the Lord towards the children of Israel, and look to other gods, and love flagons of wine.

3. And I said unto her, Thou shalt abide for me many days; thou shalt not play the harlot, and thou shalt not be for another man: so will I also be for thee.—Hos. 3.

Polygamy Predicted.

1. And in that day seven women shall take hold of one man, saying, We will eat our own bread, and wear our own apparel; only let us be called by thy name, to take away our reproach.

2. In that day shall the branch of the Lord be beautiful and glorious, and the fruit of the earth shall be excellent, and comely for them that are escaped of Israel.

3. And it shall come to pass, that he that is left in Zion, and he that remaineth in Jerusalem, shall be called holy, even every one that is written among the living in Jerusalem. —Isa. 4.

Polygamy Implied.

Polygamy implied in the Savior's promises:

26. And he said unto them, Verily I say unto you, There is no man that hath left house or parents, or brethren, or wife, or children, for the kingdom of God's sake.

30. Who shall not receive manifold more in this present time, and in the world to come life everlasting.—Luke 18.

Abraham's works held up as an example:

39. They answered and said unto him, Abraham is our father. Jesus saith unto them, If ye were Abraham's children, ye would do the works of Abraham.

40. But now ye seek to kill me, a man that hath told you the truth, which I have heard of God: this did not Abraham.—John 8.

11. And we desire that every one of you do show the same diligence to the full assurance of hope unto the end:

12. That ye be not slothful, but followers of them who through faith and patience inherit the promises.

13. For when God made promises to Abraham, because he could swear by no greater, he sware by himself.

14. Saying, Surely blessing I will bless thee, and multiplying I will multiply thee.—Heb. 6.

No Condemnation of Polygamists.

Note.—Many more examples of polygamists might be cited, with the Scriptural mention of whose names or acts there is no word of condemnation. In a number of cases where it is not mentioned that men had more than one wife, we are bound to infer that such was the case from the number of children they are said to have had. For example, Jair is said to have had thirty sons (Judges x., 4); Ibzan had thirty sons and thirty daughters, and Abdon had forty sons (Judges vii., 9, 14). These were judges in Israel, and their acts seem to have gained the divine approval. The number of their children is mentioned as if it were an especial honor to have large families, which agrees with the assertion of the Psalmist (Psalm cxxvii.), that "children are an heritage of the Lord," and "blessed is he that hath his quiver full of them." The fact that a sentiment the reverse of this prevails to a great extent in most of the so-called "Christian" nations of the present age, is only an indication that the period of apostasy has arrived which Hosea predicted (iv., 10), when he said, "they shall commit whoredoms and shall not increase, because they have left off to take heed to the Lord."

Tracing History.

To find any prohibition of polygamy we must go to human rather than to divine law, and if we trace its history to its inception we will find that it originated in opposition to marriage of any kind. "Christianity" was made a state religion in the year 324, when Constantine, after the death of Licinius, ruled the Roman Empire. It has been remarked that "however favorable the protection of the civil magistrate was at that time, as well as in after times, to the Christian religion, yet from hence we must date the misfortunes which have attended the interference of human power, in the establishment of human systems of faith and ceremony; the former of which have been contrary to God's words, the latter utterly subversive of it." Among other things which Constantine did was to abrogate the "ancient Roman laws Julia and Papia wherein the desire of women and married life were so much privileged and encouraged, and single and unmarried life disadvantaged." (Mede's Works.)

Ancient Law of Romans.

Sozomen, an ancient Greek historian, says (Hist. Eccl. lib. i., chap. ix): "There was an ancient law among the Romans, forbidding those, who, after twenty-five years old, were unmarried, to enjoy the like privileges with married ones; and besides many other things, that they should have no benefit by testaments and legacies, unless they were next of kindred; and those who had no children, to have half their goods confiscated. Wherefore the Emperor, seeing those who for God's sake were addicted to chastity and virginity to be, for this cause, in a worse condition; he published a law—that both those who lived a single life and those who had no children, should enjoy like privileges with others; yea, he enacted that those who lived in chastity and virginity, should be privileged above them; enabling both sexes, though under years, to make testaments, contrary to the accustomed polity of the Romans."

Sons Seconded Fathers.

Mede says of this: "That which the fathers had thus enacted the sons also seconded, and some of the following emperors, by new edicts, till there was no relic left of those ancient privileges wherewith married men had been respected. This was the first step" (he must mean by public authority of the government) "of the disregard of marriage, and the desire of wiving; which was not an absolute prohibition, but a discouragement. No sooner had the Roman bishop and his clergy got the power into their hands, but it grew to an absolute prohibition, not for monks only, but for the whole clergy; which was the highest disrespect that could be to that which God had made honorable among all men."

First Law Against Polygamy.

"Thelyphthora," a most exhaustive work on the subject of plural marriage, published about a century since, the author of which was the learned Dr. Martin Madan of London, abounds with unanswerable arguments and historical citations which are well worth reproducing, but limited space forbids the insertion here of any more than the following:

"The first public law in the (Roman) Empire against polygamy was at the latter end of the fourth century, about the year 393, by the Emperor Theodosius; this was repealed by the Emperor Valentinian about sixty years afterwards, and the subjects of the empire were permitted to marry as many wives as they pleased." (Vol. 1, p. 211.)

"As for the practice of polygamy amongst the early Christians it was probably very frequent. * * * So it would seem to have

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been in times long after them, not only among the laity, but the clergy also; for Pope Sylvester, about the year 335, made an ordinance that every priest should be the husband of one wife only. So in the sixth century, it was enacted in one of the canons of their councils, that if any one is married to many wives, he shall do penance. * * * The learned Selden has proved in his Uxor Haebraica, that polygamy was allowed, not only among the Hebrews, but amongst most other nations throughout the world; doubtless amongst the inhabitants of that vast track of Asia throughout which the gospel was preached by the great apostle of the Gentiles, where so many Christian churches were planted, as well as in the neighboring states of Greece." (Vol. 1, pages 192-194.)

Condemned Marriage.

"How polygamy became reprobated in the Christian church is easily accounted for, when we consider how early the reprobation of marriage itself began to appear. The Gnostics condemned marriage in the most shocking terms, saying it was of the devil. Better people soon afterwards condemned marriage as unlawful to Christians, and this under a wild notion of greater purity and perfection in keeping from all intercourse with the other sex. This opinion divided itself into many sects, and gave great trouble to the church before it was discountenanced. Still second marriages were held infamous, and called no better than lawful whoredom. Nay, they were not ashamed to write, that, a man's first wife being dead, it was adultery and not marriage to take another. Amidst all this, polygamy must necessarily receive the severest anathema." (Page 291.)

"So far from Jesus Christ ever condemning polygamy, which as a new lawgiver he is supposed to have done, he never mentioned it during the whole course of his ministry, but left that, as he had all other moral actions of men, upon the footing of that law under which he was made, and to which he, for us men, and for our salvation, became subject and obedient unto death. (Page 306.)

"Our chief reformers, Luther, Melancthon, Bucer, Zuinglius, etc., after a solemn consultation at Wittemberg, on the question 'whether for a man to have two wives at once, was contrary to the divine law?' answered unanimously 'that it was not'—and on this authority, Philip the Landgrave of Hesse actually married a second wife, his first being alive." (Page 212.) The language of this council was "The Gospel hath neither recalled nor forbid what was permitted in the law of Moses with respect to marriage."

"We do not worship the same God which the Jews did, or the God we worship doth not disallow nor disapprove polygamy." (Page 289.)

"Josephus says it was the custom of the Jews to live with a plurality of wives—the custom of their country derived from their fathers." (Page 392.)

"The Jews and Greeks were wont to be married to two or three, and even more wives together. (Page 244.)

Polygamy Practiced.

"That polygamy was practiced throughout all ages of the Jewish economy, cannot be denied. It is equally evident, that it was the deliberate, open, avowed, and willful practice of the most holy and excellent of the earth, of Abraham, the father of the faithful, the friend of God (Is. xli., 8), as well as of the most illustrious of his children; and this, without the least reproof or rebuke from God; or the most distant hint or expression of his displeasure, either by Moses or any other of the prophets. No trace of sorrow, remorse, or repentance, touching this matter, is to be found in any one instance, and therefore many commentators are at a loss to maintain the sinfulness of polygamy, but at the expense of Scripture, reason and common sense." (Page 89.)

"That there were many polygamists among the Gentile converts, as well as among the Jewish, there can be but little doubt; for as Grotius observes: 'Among the Pagans, few nations were content with one wife.'" (Pages 243-244.)

"If women taken by men already married were not lawful wives in God's sight, then commerce with them was illicit, and the issue must be illegitimate. Whither will this carry us? Even to bastardizing the Messiah himself. Unless an after-taken wife be a lawful wife to the man who takes her, notwithstanding his former wife being living, whether we take our Lord's genealogy on his supposed father's side with St. Matthew, or on his mother's side with St. Luke, Solomon the ancestor of Joseph, and Nathan the ancestor of Mary, through whom our Lord's line runs back to David, being the children of Bathsheba (whom when David married, he had also other wives by whom he had children), must fail in their legitimacy." (Vol. 2, p. 14.)

"Dispensation of God."

"That polygamy and concubinage were both dispensations of God, both modes of lawful and honorable marriage, is a proposition as clear as the Hebrew scriptures can make it. That polygamy and concubinary contracts are deemed by the Christians null and void, and stamped with the infamy of adultery and whoredom, is as certain as that the canons and decrees of the Church of Rome made them so. The consequences of the former were the preservation of female chastity, and the prevention of female ruin. The consequences of the latter have been and still are the destruction of thousands of both sexes, but more especially the females, in this world and the next." (Vol. 3, pp. 278, 279.)

Grotius says: "The Jewish law restrains all filthiness, but allows a plurality of wives to one man." And again: "When God permits a thing in certain cases and to certain persons, or in regard to certain nations, it may be inferred that the thing permitted is not evil in its own nature." * * * "Polygamy, therefore, is not in its own nature, evil and unlawful." He also quotes Persichta Zotertha as saying, "It is very well known that those who pretend a plurality of wives was prohibited, do not understand what the law is."

St. Augustine says: "There was a blameless custom of one man having many wives—for there are many things which at that time might be done in a way of duty, which now cannot be done but licentiously—because, for the sake of multiplying posterity, no law forbade a plurality of wives." Again he says: "It is objected against Jacob that he had four wives," to which he replied: "which, when a custom was not a crime." In another instance he alludes to the custom of having several wives at the same time as an "innocent thing," and observes that "it was prohibited by no law."

Polygamy of the Fathers.

Puffendorf says: "The polygamy of the fathers under the old covenant is a reason which ingenuous men must confess to be unanswerable." Again he says: "The Mosaical law was so far from forbidding this custom that it seems in some places to suppose it."

St. Ambrose, speaking of polygamy, says that "God, in the terrestrial paradise, approved of the marriage of one with one, but without condemning the contrary practice."

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St. Chrysostom, speaking of Sarah, says: "She endeavored to comfort her husband, under her barrenness, with children by her handmaid, for such things were not then forbidden." Again he says: "The law permitted a man to have two wives at the same time; in short, great indulgence was granted in those and other particulars."

Bucer, the great reformer, says: "The concubines of the holy fathers were of the lawful kind. And because the Lord will, that the dignities and patrimonies which he has conferred on his people should be preserved, it is altogether to be wished, that this kind of wives, as observed among the holy patriarchs, might be again observed among Christians, and especially in great and illustrious families."

Bellarmine says: "Polygamy is not repugnant to the law of nature, which is divine, that one man might beget and bring up children by more women than one."

Noldius, the eminent Danish theologian of the seventeenth century, says: "The old saints who were polygamists did not sin before God, because they had a special and extraordinary dispensation."

Zuinglius says: "The apostles had made no new law about polygamy, but had left it as they found it."

Theodoret says that "in Abraham's time polygamy was forbidden neither by the law of nature nor by any written law."

"As for the modern Jews," says Leo Mutinensis, "those of them who live in the East still keep up their ancient practice of polygamy."

Say Polygamy Was Duty.

Bishop Burnet says: "Polygamy was made, in some cases, a duty by Moses' law; when any died without issue, his brother, or nearest kinsman, was to marry his wife, for raising up seed to him; and all were obliged to obey this under the hazard of infamy if they refused; neither is there any exception for such as were married; from whence I may conclude, that what God made necessary in some cases, to any degree, can in no case be sinful in itself, since God is holy in all his ways. And thus far it appears that polygamy is not contrary to the law and nature of marriage."

Lord Bolingbroke, in his published "Works" says: "Polygamy has always prevailed, and still prevails generally, if not universally, as a reasonable indulgence to mankind. * * * Polygamy was allowed by the Mosaical law and was authorized by God himself. * * * The prohibition of polygamy is not only a prohibition of what nature permits in the fullest manner, but of what she requires for the reparation of states exhausted by wars, by plagues, and other calamities. The prohibition is absurd, and the imposition" (of monogamy) "arbitrary. * * * If it" (monogamy) "was the most perfect state there is reason for wonder how the most perfect kind came to be established by an uninspired lawgiver among the nations, whilst the least perfect kind" (polygamy) "had been established by Moses the messenger and prophet of God, among his chosen people."

Milton, in the "First Book on Christian Faith," amply proves, from the Scriptures, the lawfulness of polygamy, and concludes as follows: "Who can believe, either that so many men of the highest character should have sinned through ignorance for so many ages; or that their hearts should have been so hardened; or that God should have tolerated such conduct in his people? Let therefore the rule received among theologians have the same weight here as in other cases: 'The practice of the Saints is the best interpretation of the commandments.' "

Says Christ Was Silent.

"The marriage system of polygamy never formed a part of that ceremonial dispensation which was abrogated by the New Testament; nor has it ever been proved that the New Testament was designed to affect any change in it; but the presumption is that this new dispensation has also left it, as it found it—abiding still in force. If any change were to be made in an institution of such long standing, confirmed by positive law, it could obviously be made only by equally positive and explicit ordinances or enactments of the gospel. But such enactments are wanting. Christ himself was altogether silent in respect to polygamy, not once alluding to it; yet it was practiced at the time of his advent throughout Judea and Galilee, and in all the other countries of Asia and Africa, and without doubt, by some of his own disciples.

"The Book of the Acts is equally silent as the four Gospels are. No allusion to it is found in any of the sermons or instructions or discussions of the apostles and early saints recorded in that book. It was not because Jesus or the apostles durst not condemn it, had they considered it sinful, that they did not speak of it, for Jesus hesitated not to denounce the sins of hypocrisy, covetousness, and adultery, and even to alter and amend, apparently, the ancient laws respecting divorce and retaliation; but he never rebuked them for their polygamy, nor instituted any change in that system. And this uniform silence, so far as it implies anything, implies approval.

"John the Baptist was thrown into prison, where he was afterwards beheaded, for reproving King Herod, on account of his adultery; and we cannot doubt that, if he had considered polygamy to be sinful, he would have mentioned it; for Herod's father was, just before that time, living with nine wives, whose names are recorded by Josephus, in his 'Antiquities of the Jews'; but John only reproved him for marrying Herodias, his brother Philip's wife, while his brother was living. He administered the same reproof to Herod that Nathan had formerly done to David, and for similar reasons."—History and Philosophy of Marriage.

Brigham H. Roberts's Works.

Now I call attention to the work entitled "Mormonism. The Relation of the Church to Christian Sects. Origin and History of Mormonism. Doctrines of the Church. Church Organization. Present Status." By B. H. Roberts. Published by the Church. Deseret News Print, Salt Lake City."

That is the title page. On page 65 of this document appears the statement—

The Chairman. Mr. Tayler, as to B. H. Roberts, referred to there. What Roberts is that?

Mr. Tayler. That is Brigham H. Roberts, if that is any more definite.

Senator Bailey. Who was once refused permission to take his oath as a Representative?

The Chairman. Is that the Roberts?

Mr. Tayler. That is the same one, I believe, Senator Bailey.

Senator Bailey. I voted to seat him.

Mr. Tayler. Yes, I know.

On page 65 it appears that the date of this publication was 1902. On the opposite side of the leaf from the title are these words:

"Copyrighted by Joseph F. Smith for the Church of Jesus Christ of Latter-day Saints."

On the first page is "A word with the reader." The opening sentence is as follows:

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"This brochure is issued under the authority of the Church of Jesus Christ of Latter-day Saints. It is therefore an authoritative utterance upon the subject of which it treats."

Origin, History of Mormonism.

I now read from page 31, under the chapter "Origin and history of Mormonism:"

"As a rule it has been the policy of sectarian ministers to denounce the Mormon leaders, whom the Mormon people held in highest esteem for their unselfish devotion to the general welfare of the church, and the purity and integrity of their lives; and instead of hearing what sectarian people would consider the more pure doctrines of the Christian religion expounded, Mormons were treated to a derision of their own faith, to them sacred and divine. The Church of Jesus Christ of Latter-day Saints being attacked by these parties both political and religious (and they generally made common cause against the Mormons) the Mormon people were compelled to unite for self-preservation, and hence arose in Utah what must ever be regarded as an anomaly in American politics, viz., a church and anti-church party.

"This led many honest people to the supposition that Mormons believed in the union of church and state under our form of government; which, however, has no other foundation for it than these seemings which arose from the conditions here explained. The unnatural and undesirable contest was continued until it was seen that such a course was retarding the material interests of the Territory, and was hindering Utah from taking the political station in the Union to which both the resources of the Territory and the character of her people entitled her. Wiser counsels prevailed; the unprofitable conflict between church and anti-church party was abandoned, and all united in a demand for Statehood, which finally was granted, Utah being admitted into the Union in the year 1896."

Revelations to Come.

Page 45, paragraph IX. The heading of that paragraph is this:

"We believe all that God has revealed, all that he does now reveal and we believe that he will yet reveal many great and important things pertaining to the kingdom of God."

And it reads as follows:

"From this is will be seen that the Latter-dal Saints are as far from believing that the fountain of revelation is dried up as they are that the Bible alone contains all the revelations God has given to man. The theory that revelations, the visitations of angels, the enjoyment of the spirit of prophecy, were all to cease when the church of Christ was fully established by the ministry of the apostles, is one of the inventions of the apostate churches to excuse the absence of these divine spiritual powers in the godless institutions which usurped the place of the church of Christ long centuries ago.

"In the faith of the Latter-day Saints, it is the privilege and right of the church of Christ for ever to be in continuous and constant spiritual communication with her spouse, the Lord; which, however, she can only possess by the enjoyment of continuous revelation, the visitation of angels, and the possession of the Holy Ghost, which is the testimony of Jesus, which is the spirit of prophecy. Instead of teaching that the day of revelation and the visitation of angels has ceased, it is the mission of the church to bear witness that these spiritual privileges are to be more and more enjoyed, until all things in heaven and in earth shall be gathered together in one, in Christ Jesus our Lord; and to proclaim to the world that it is the morning rather than the evening of revelation from God to man; and that as the heavens are full of days, so too are they full of light and knowledge to be revealed unto the children of men in God's own due time; and while the Church of Jesus Christ of Latter-day Saints reverently believes all that God has revealed, as well to men in the Western hemisphere as to men in the Eastern world, she looks confidently forward to still greater revelations in the future than has been given in the past."

Page 48, chapter XII. The italicized words are, I believe, part of the creed.

Senator Beveridge. Mr. Tayler, what is this that you are now reading from designed to show? I see the pertinence of the former things, but what is the pertinence of this you are reading now?

Mr. Tayler. What I have just read?

Senator Beveridge. The whole thing you had read in the book. What is the point you are trying to establish?

Taylor Explains.

Mr. Tayler. I have conceived it is important for us to understand what was the meaning of their dogma of revelations and constant communication and contact with the Almighty. I conceive that that is avery important thing, as indicating the power and authority of the church, as accepted by its people, and the domination of one who claims to have received divine revelations over those who are supposed to be subject to them when received.

Senator Beveridge. That would apply then equally to any member of this church?

Mr. Tayler. It might.

Senator Beveridge. So that if you consider that point valid, then any member of this church could not be fit to sit as a United States Senator, so far as this particular quotation is concerned and the point you wish to establish by it?

Mr. Tayler. No; it would not apply with anything like equal force to a member of the church as to an apostle, because surely whatever anybody in the church can believe or stand for an apostle must stand for; but we have already heard from Mr. Smith of the liberty of conscience and belief with which the body of the church may be properly endowed. This is chapter XII.

"We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law."

And on page 49 at the bottom of the page, after quoting on the subject of obedience to laws, the text is:

"Such have been and are the views of the Latter-day Saints relative to laws and governments in general, and man's duty to obey the constituted authority of civil government. If in the history of the church there has been any apparent deviation from the principles here announced, and which have been proclaimed by the church, at least from the year 1835, when they were adopted by the spiritual authorities of the church at Kirtland, O., it has been for the reason that laws have been enacted against the practice of religious principles which God revealed to his church; and upon the Latter-day Saints devolved the duty of contending in a lawful manner for the right to practice the principles which God has revealed to them, as well as to believe them. Under such circumstances only has there been any conflict between the Church of Jesus

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Christ of Latter-day Saints and the civil authorities of any government."

Marriage System Church.

On page 53: "The marriage system of the church." I read from the bottom of the page:

"In such a presentation of Mormonism as it is desired this brochure shall be, something of incompleteness would attach to it if nothing be said concerning the marriage system of the church. In common with the Christian sects the Latter-day Saints in the early years of the church's existence, regarded marriage vaguely as an institution to exist in this world only; and married as Christian professors now do until death doth them part; but by the revelation on marriage given through the prophet Joseph Smith, the Saints learned that in celestial spheres the marriage relation exists eternally; and that the pleasing joys of family ties and associations, coupled with the power of endless increase, contributes to the power, happiness and dominion of those who attain to the celestial glory.

"What a revelation was this. Instead of the God-given power of procreation being one of the things to pass away, it is one of the chief means of man's exaltation and glory in eternity. Through it men attain to the glory of an endless increase of eternal lives, and the right of presiding as priest and patriarch, king and lord, over his ever increasing posterity. Instead of the commandment 'Multiply and replenish the earth' being an unrighteous law, to be regarded askance, and as something evil, it is one by which the race of man is to be eternally perpetuated; and is as holy and pure as the commandment 'Repent and be baptized.' "

Going to the bottom of page 54:

"Celestial marriage also includes under certain conditions, restrictions and obligations, a plurality of wives. Such prominence indeed has been given to this feature of the marriage system of the church that to a great extent it has obscured the grandeur and importance of the principel of the eternity of the marriage covenant. Plurality of wives, of course, was as great an innovation in the marriage system of the world as marriage for eternity was. It comes in conflict, too, only not with the education and traditions of the modern world, but in conflict with the prejudices of the Saints themselves; yet God had commanded its introduction into the world, and though the prejudices of the Saints revolted against it, the faithful to whom it was revealed resolved to obey it, and in the introduction of this principle of the marriage system of the church, the prophet Joseph Smith himself led the way."

Woodruff Manifesto.

Then follows a statement, historically correct, I do not doubt, referring to the passage of the several laws and the decision of the court, and the prosecution of many persons for polygamy and polygamous cohabitation and finally, on page 56, at the bottom:

"Meantime Government was relentless, and still more stringent measures than those already enacted were threatened. In the midst of these afflictions and threatening portents, President Wilford Woodruff besought the Lord in prayer, and the Lord inspired him to issue the manifesto which discontinued the practice of plural marriage. At the semi-annual conference in October following, the action of President Woodruff was sustained by unanimous vote of the conference, and plural marriages were discontinued in the church. In the matter of plural marriage, the Latter-day Saints are neither responsible for its introduction nor for its discontinuance. The Lord commanded its practice and in the face of the sentiment of ages, and in opposition to the teachings of their own traditions, many of the Saints obeyed the commandment, and in the midst of weakness, difficulties and dangers sought to carry out that law as revealed to them. * * *

"If the labors and sufferings of the church of Christ for this principle have done nothing more, this much at least has been accomplished—the Saints have borne testimony to the truth. And it is for God to vindicate his own law and open the way for its establishment on the earth, which doubtless he will do when his kingdom shall come in power, and when his will shall be done in earth as it is in heaven."

Mr. Worthington. You have omitted certain passages on that page. Will you put it all in?

Five Chapters in Evidence.

Mr. Tayler. Oh, yes; it will all be put in by the reporter. Chapters IX to XIII are as follows:

IX.

We believe all that God has revealed, all that he does now reveal, and we believe that he will yet reveal many great and important things pertaining to the kingdom of God.

From this it will be seen that the Latter-day Saints are as far from believing that the fountain of revelation is dried up as they are that the Bible alone contains all the revelations God has given to man. The theory that revelations, the visitations of angels, the enjoyment of the spirit of prophecy, were all to cease when the church of Christ was fully established, by the ministry of the apostles, is one of the inventions of the apostate churches to excuse the absence of these divine spiritual powers in the godless institutions which usurped the place of the church of Christ long centuries ago.

In the faith of the Latter-day Saints it is the privilege and right of the church of Christ for ever to be in continuous and constant spiritual communication with her spouse, the Lord; which, however, she can only possess by the enjoyment of continuous revelation, the visitation of angels, and the possession of the Holy Ghost, which is the testimony of Jesus, which is the spirit of prophecy. Instead of teaching that the day of revelation and the visitation of angels has ceased, it is the mission of the church to bear witness that these spiritual privileges are to be more and more enjoyed, until all things in heaven and in earth shall be gathered together in one, in Christ Jesus our Lord; and to proclaim to the world that it is the morning rather than the evening of revelation from God to man; and that as the heavens are full of days, so too are they full of light and knowledge to be revealed unto the children of men in God's own due time; and while the Church of Jesus Christ of Latter-day Saints reverently believes all that God has revealed, as well to men in the Western hemisphere as to men in the Eastern world, she looks confidently forward to still greater revelations in the future than has been given in the past.

(Latter Day Revelations:—Isa. xxviii. 10, 13; Acts ii. 17, 18; Mal. iii. 1, 4; Mal. iv.; Isa. xi.; Ezek. xx. 33, 38; Matt. xxiv. 31; Rev. xiv. 6, 7; Joel ii. 28, 32; Heb. 1, 5; Zech. xiv.)

X.

We believe in the literal gathering of Israel, and in the restoration of the ten tribes; that Zion will be built upon this (the American) continent; that Christ will reign personally upon the earth, and that the earth will be renewed and receive its paradisiacal glory.

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Notwithstanding Israel and Judah have been scattered, their temple destroyed and their chief city trodden down of the Gentiles, the remnant of this favored people of God, according to the promises of the Lord, are to be gathered together again and established upon the lands given by covenant unto their forefathers. The keys necessary for the inauguration of this work were given to the prophet Joseph Smith, and the work of gathering together the outcasts of Israel has begun.

Relative to the establishment of Zion in the land of America, that is a matter that is revealed in the Book of Mormon and in the revelations of God to the prophet Joseph Smith. In the latter it is made known that the center place of Zion, the Holy City of this land of America, will be located in Jackson county, Missouri, where the town of Independence now stands. Early in the history of the church—in the summer of 1831—this land was dedicated to the Lord to be the gathering place of the Saints, and the site for the temple was chosen. The personal reign of Christ on earth, the renewal of the earth into its paradisiacal glory are all matters of prediction even in the New Testament scriptures. The Latter-day Saints look forward to the literal fulfillment of those promises and they believe that the reign of Christ will be a literal one, and that Messiah will dwell with his people.

(Gathering of Israel in the Last Days:—Jer. xxx.; Isa. xliii. 5, 9; Jer. xxxi.; Jer. xxxii. 37; Isa. xlix. 22, 26; Isa. xi. 10, 16; Zech. x. 6, 12; Zech. xiv.; Jer. xxiii. 3, 8; Ezek. xxxviii.; Ezek. xxxix.)

(Reign of Christ on Earth:—Isaiah lxv. 17, 20; Isa. xxiv. 23; Isa. ii. 3; Dan. vii. 13, 14; II. Thes. ii. 1, 3; Rev. xi. 15; Rev. xx. 4, 6; Rev. v. 10.)

XI.

We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where or what they may.

This claim is made in the interest of the political and civil rights of the Saints rather than as the announcement of a religious doctrine; and it is to be observed that the Saints concede to others the political and civil rights which they claim for themselves. While it may be true in these modern days, as it was of ancient times, that the proclamation of the religion of Jesus Christ has brought not peace but "a sword" into the world, still the "sword" has ever been found in the hands of those who have been opposed to the religion of the Saints, never in the hands of the Latter-day Saints, save in the way of self-defense.

The Saints have never believed that they had any right (and certainly they never have had the power) to enforce their belief upon any people except to the extent of their ability to persuade them of its truth. Indeed it is part of the doctrine of the church that "No power or influence can or ought to be maintained by virtue of the priesthood" (under which power the church work is accomplished) "only by persuasion, by long suffering, by gentleness and meekness, and by love unfeigned, by kindness, and by pure knowledge, which shall greatly enlarge the soul without hypocrisy and without guile."—Doc. and Cov., sec. 121, 41-42.

XII.

We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring and sustaining the law.

In this article they confess their obligations to civil government. "We believe that governments were instituted of God for the benefit of man, and that he holds men accountable for their acts in relation to them, either in making laws or administering them, for the good and safety of society.

"We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

"We believe that all necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice, should be sought for and upheld by the voice of the people (if a republic) or the will of the sovereign.

"We believe that religion is instituted of God, and that men are amenable to him, and to him only, for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interefere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

"We believe that all men are bound to sustain and uphold the respective governments in which they reside, while protected in their inherent and inalienable rights by the laws of such governments; and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgment are best calculated to secure the public interest, at the same time, however, holding sacred the freedom of conscience.

"We believe that every man should be honored in his station; rulers and magistrates as such, being placed for the protection of the innocent, and the punishment of the guilty; and that to the laws, all men owe respect and deference, as without them peace and harmony would be supplanted by anarchy and terror; human laws being instituted for the express purpose of regulating our interests as individuals and nations, between man and man; and divine laws given of heaven, prescribing rules on spiritual concerns, for faith and worship, both to be answered by man to his maker."—Doc. and Cov., sec. 134, 1-7.

Such have been and are the views of the Latter-day Saints relative to laws and governments in general, and man's duty to obey the constituted authority of civil government. If in the history of the church there has been any apparent deviation from the principles here announced, and which have been proclaimed by the church at least from the year 1835, when they were adopted by the spiritual authorities of the church at Kirtland, O., it has been for the reason that laws have been enacted against the practice of religious principles which God revealed to His church; and upon the Latter-day Saints devolved the duty of contending in a lawful manner for the right to practice the principles which God has revealed to them, as well as to believe them. Under such circumstances only has there been any conflict between the church of Jesus Christ of Latter-day Saints and the civil authorities of any government.

XIII.

We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul:—"We believe all things, we hope all things," we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things.

This has to do with the ethical part of their religion, but the article is in itself so comprehensive, direct and clear, that it does not require either enlargement or explanation.

Under this heading I propose to briefly discuss the question of the application of the gospel to those who lived when it was not in

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the earth; or when in the earth was not preached to them. It is apparent that such conditions as here alluded to have existed, and the question, What is the condition of those who have not heard the gospel preached in this earth-life is both interesting and important. It must be clear that those nations and races here referred to have some claim upon God, and since the Christian religion assumes, and that rightly, to teach the only way of salvation, it devolves upon the Christian sects to give some reasonable explanation of this matter. In what way will the gospel be applied to the uninstructed dead? The Church of Jesus Christ of Latter-day Saints offers a rational solution to this problem in her doctrine of "salvation for the dead."

From a remark made in the writings of the Apostle Peter we learn that after the Messiah was put to death in the flesh "he went and preached unto the spirits in prison, which sometime were obedient, when once the long-suffering of God waited in the days of Noah." During the three days, then, that the Messiah's body lay in the tomb at Jerusalem, His spirit was in the world of spirits preaching to those who had rejected the teaching of righteous Noah. The Christian traditions, no less than the scriptures, hold that Christ went into hell and preached to those there held in ward. Not only is the mere fact of Messiah's going to the spirits in prison stated in the scriptures, but the purpose of His going there is learned from the same source. "For this cause was the gospel preached also to them that are dead, that they might be judged according to men in the flesh, but live according to God in the spirit."

This manifestly means that the spirits who had once rejected the counsels of God against themselves had the gospel again presented to them and had the privilege of living according to its precepts in the spirit life; and of being judged according to men in the flesh, or as men in the flesh will be judged; that is, according to the degree of their faithfulness to the precepts of the gospel. It should be observed from the foregoing scripture that even to those who had rejected the gospel in the days of Noah it was again presented by the ministry of the Lord Jesus Christ; upon which consideration the following reflection forces itself upon the mind: viz. If the gospel is preached again to those who have once rejected it, how much sooner will it be presented to to those who never heard it—who lived in those generations when neither the gospel nor the authority to administer the ordinances were in the earth? Seeing that those who had rejected it had it again preached to them (after paying the penalty for their disobedience), surely those who lived when it was not upon the earth or who, when it was upon the earth perished in ignorance of it, will much sooner come to salvation.

The manner in which the ordinances of the gospel may be administered to those who have died without having received them is plainly stated by Paul. Writing to the Corinthians on the subject of the resurrection—correcting those who said there was no resurrection—he asks: "Else what shall they do which are baptized for the dead, if the dead arise not at all? Why are they then baptized for the dead?" In this the apostle manifestly refers to the practice which existed among the Christian saints of the living being baptized for the dead; and argues from the existence of that practice that the dead must rise, or why the necessity of being baptized for them? This passage of the scripture of itself is sufficient to establish the fact that such an ordinance as baptism for the dead was known among the ancient saints.

In the present dispensation of the gospel committed to the earth through the revelations of God to the Prophet Joseph Smith, this application of the ordinances of the gospel to the dead has been a special feature. Among the earliest revelations given to the prophet, even before the church itself was organized, was one in which the promise was renewed that is given in the word of the Lord through Malachi, viz: "Behold, I will send you Elijah the prophet before the coming of the great and dreadful day of the Lord; and he shall turn the heart of the fathers to the children, and the hearts of the children to their fathers, least I come and smite the earth with a curse."

In fulfillment of this ancient prophecy the prophet Elijah appeared in the IKrtland temple on the third day of April, 1836, to Joseph Smith and Oliver Cowdery, and delivered to those men the keys or powers of the priesthood which give to the living the right to do a work for the salvation of the dead; and as a consequence the hearts of the children are turned to the fathers; and, of course, since the fathers in the spirit world, through the preaching of the gospel, learn that it is within the power of their children to do a work for them in the earth, their hearts are turned to the children; and thus the predicted result of Elijah's mission will be fulfilled.

The work the living may do for the dead is that of attending to outward ordinances—baptisms, confirmations, ordinations, washings, anointings, and sealings—all being appointed by revelation and direction of the Lord, and all sealed and ratified by the power of the priesthood of God which binds on earth and in heaven. It is required that all baptisms and other ordinances of the gospel to be performed for the dead be attended to in houses—and more properly in temples—especially dedicated for such holy purposes. In pursuance of this work and that it may be acceptably done unto the Lord, the Latter-day Saints have built at great sacrifice of labor and means, so many costly temples. One at Nauvoo; one at Salt Lake City; one at Logan; one at Manti, and one at St. George; in which the ordinances of salvation for the dead as well as for the living are being daily performed; for the Saints believe that the fathers without them cannot be made perfect, neither can they be made perfect without the fathers.

There must be a sealing and binding together of all the generations of men until the family of God shall be perfectly joined in holiest bonds and ties of mutual affections. These ordinances attended to on earth by the living, and accepted in the spirit world by those for whom they are performed, will make them a potent means of salvation to the dead, and of exaltation to the living, since the latter become in very deed "saviors upon Mount Zion." This work that can be done for the dead enlarges one's views of the gospel of Jesus Christ. One begins to see indeed that it is the "everlasting gospel;" for it runs parallel with man's existence both in this life and in that which is to come.

In such a presentation of Mormonism as it is desired this brochure shall be, something of incompleteness would attach to it if nothing be said concerning the marriage system of the church. In common with the Christian sects the Latter-day Saints in the early years of the church's existence, regarded marriage vaguely as an institution to exist in this world only; and married as Christian professors now do, until death do them part; but by the revelation on marriage given through the prophet Joseph Smith, the Saints learned that in celestial spheres the marriage relation exists eternally; and that the pleasing joys of family ties and associations, coupled with the power of endless increase, contributes to the happiness, power and dominion of those who attain to the celestial glory.

What a revelation was this! Instead of the God-given power of procreation being one of the things to pass away, it is one of the chief

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means of man's exaltation and glory in eternity. Through it men attain to the glory of an endless increase of eternal lives, and the right of presiding as priest and patriarch, king, and lord, over his ever-increasing posterity. Instead of the commandment "Multiply and replenish the earth" being an unrighteous law, to be regarded askance, and as something evil, it is one by which the race of man is to be eternally perpetuated; and is as holy and pure as the commandment "Repent and be baptized." The new marriage system, then, or, rather, the old marriage system of the patriarchs restored to the earth through this revelation—consists in the eternity of the marriage covenant; that is, the marriage covenant between a man and his wife is made for time and all eternity, and being sealed by that power of the priesthood "which binds on earth and in heaven," the covenant holds good in heaven as well as on earth; in eternity as well as in time; after as well as before the resurrection from the dead; and by reason of it men will have claim upon their wives and wives upon their husbands throughout eternity.

Celestial marriage also includes under certain conditions, restrictions and obligations, a plurality of wives. Such prominence indeed has been given to this feature of the marriage system of the church that to a great extent it has obscured the grandeur and importance of the principle of the eternity of the marriage covenant. Plurality of wives, of course, was as great an innovation in the marriage system of the world as marriage for eternity. It comes in conflict, too, not only with the education and traditions of the modern world, but in conflict with the prejudices of the Saints themselves; yet God had commanded its introduction into the world, and through the prejudices of the Saints revolted against it, the faithful to whom it was revealed resolved to obey it, and in the introduction of this principle of the marriage system of the church, the prophet Joseph Smith himself led the way.

Its introduction into the church originally was confined within a small circle of the faithful brethren and sisters; and it was not until the church had settled in the Rocky mountain valleys of Utah, that it was publicly proclaimed as a doctrine of the church unto the world. The practice of it was then made public. The whole church—and at that time (1852) the members of the church comprised nearly the whole community of Utah—approving the principle, which was at once recognized as a proper religious institution.

For ten years the practice in Utah of this system of marriage met with no opposition from the United States Government. But in 1862 a law was enacted by Congress to punish and prevent the practice of "polygamy" in the Territories of the United States. The penalties affixed were a fine, not to exceed five hundred dollars, and imprisonment not to exceed five years. For twenty years, however, this law remained practically a dead letter. It was claimed by the Saints that it was an infringement of the religious liberty guaranteed by the Constitution of the United States, since it prohibited the practice of a religious doctrine. For twenty years no pronounced effort was made by the officers of the general Government to enforce the law.

In 1882, however, the law enacted twenty years before was supplemented by what is known as the "Edmunds Law." In addition to defining the crime of "polygamy"—for which it retained the same penalties as the law of 1862—the "Edmunds Law" also made cohabitating with more than one woman a crime, punishable by a fine not to exceed three hundred dollars, and by imprisonment not to exceed six months. This law also rendered persons who were living in "polygamy," or who believed in its rightfulness, incompetent to act as grand or petit jurors; and also disqualified all polygamists for voting or holding office. This law of 1882 was again supplemented by the "Edmunds-Tucker Law"—enacted in 1887—which made the legal wife or husband, in cases of polygamy or unlawful cohabitation, a competent witness, provided the accused consented thereto; it also enlarged the powers of the United States Commissioners and Marshals, and required certificates of all marriages to be filed in the office of the Probate court. The penalty for the violation of this last provision was a fine of one thousand dollars, and imprisonment for two years. The law disincorporated the church and ordered the Supreme court to wind up its affairs, and take possession of the escheated property.

The laws were rigorously enforced by the United States officials, special appropriations being made by Congress to enable them to carry on a judicial crusade against the Saints. The prominent church officials were driven into retirement; others into exile. Homes were disrupted; family ties were rent asunder. Upwards of a thousand men endured fines and imprisonment in the penitentiary rather than be untrue to their families. Every effort of the Government to deprive the Saints of their religious liberty was stubbornly contested in the courts, until the decision of the Supreme court of the United States was obtained. While some of the proceedings of the courts in Utah in enforcing the anti-polygamy laws were condemned, the laws themselves were sustained as constitutional. The court also held that the first amendment to the Constitution, which provides that Congress shall not prohibit the free exercise of religion, can not be invoked against legislation for the punishment of plural marriages.

Meantime Government was relentless, and still more stringent measures than those already enacted were threatened. In the midst of these afflictions and threatening portents, President Wilford Woodruff besought the Lord in prayer, and the Lord inspired him to issue the manifesto which discontinued the practice of plural marriage. At the semi-annual conference in October following, the action of President Woodruff was sustained by unanimous vote of the conference, and plural marriages were discontinued in the church. In the matter of plural marriage, the Latter-day Saints are neither responsible for its introduction nor for its discontinuance. The Lord commanded its practice and in the face of the sentiment of ages, and in opposition to the teachings of their own traditions, many of the Saints obeyed the commandment, and in the midst of weakness, difficulties and dangers sought to carry out that law as revealed to them.

For about half a century they maintained its practice in the face of opposition sufficient to appall the stoutest hearts. They defended it in the public press, proclaimed it from the pulpit, debated it on the platform with all who chose to assail it, and practiced it in their lives, notwithstanding fines and imprisonments threatened; and when the power of the Government was vigorously employed to enforce its laws against the institution, hundreds of men cheerfully endured both fines and imprisonment rather than be untrue to it. A whole generation had been born and had grown to manhood and womanhood in this marriage system, and the affections of family ties were entwined with it. Then, under the pressure of suffering brought upon the people through the laws of the United States, the Lord permitted the President of the church to proclaim its discontinuance. The Saints submitted, and there the matter rests. If the labors and sufferings of the church of Christ for this principle have done nothing more, this much at least has been accomplished—the Saints have borne testimony to the truth. And it is for God to vindicate His own law and open the way for its establishment on the earth, which

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doubtless He will do when His kingdom shall come in power, and when His will shall be done in earth as it is in heaven.

The Chairman. You offer that book?

Mr. Tayler. Yes; I offer that book.

The Chairman. If you are to do that, Mr. Tayler, can you not do it omitting a good deal of the reading?

Questioned By Hoar.

Mr. Tayler. I have not much to read now.

Senator Hoar. I would like to know at some convenient time from Mr. Tayler what in Mr. Smith's statement he expects to contradict and what of it he accepts? I understand that Mr. Smith's statement is in substance this: That he and his church accept, certain divine revelations which have come to them, including him as one of its presidents, in the past; that one of those divine revelations was an injunction to polygamy, to plurality of wives; that he interprets that injunction not to mean that it is binding on all men under all circumstances, but that it is like similar injunctions to persons who believe in monogamy, and that that is shown by the fact that that was the construction of it; that only 3 or 4 per cent in old times of that communion lived in polygamy; that thereafter, and after the practice of polygamy had been declared an offense by the civil law, there was another revelation suspending—I will not use the word retracting, but not for the future requiring—polygamy, and that from that time forward his church has ceased to inculcate it, and has regarded the practice of polygamy, with the exception I am about to state, an offense, and has obeyed the civil law; that there have been since then no plural marriages under the sanction or with the knowledge of the church or a society, but that he himself and, according to his belief, other persons in high places of authority of the church, and with his full approbation, I suppose, have said that while they would contract no more plural marriages and would resist, with all their influence and all the authority of the church, any new one, and while the church has never sanctioned or solemnized one since that later revelation, they will not desert the wives and the children to whom they had been married under the old dispensation, and that he himself has maintained those wives and their children in separate families, and has lived in the relation of husband and wife with them so that new children have been borne to him by all of them. I do not know that I have given the whole statement, but in substance. I think it would shorten and make clear this inquiry if we were to know whether you expect to controvert that statement in whole or in part. If I have in any particular misstated it, I wish Mr. Smith would point out the particular in which I have misstated it.

Mr. Smith. I understand, Mr. Senator, that you have stated the case as I understand it.

Senator Hoar. Without expressing or intimating any opinion of mine on the proper deduction from that, it seems to me the committee ought now very soon to know from you whether the evidence which you have been reading here for the last hour is simply in confirmation of what Mr. Smith has admitted, and I should like to know whether in any particular you expect to controvert that statement.

Mr. Tayler. We expect to show that many plural marriages have been solemnized in Utah since the manifesto of 1890. The statement that it was not done by the sanction or authority of the church I do not know that we can contradict.

Senator Hoar. You neither admit nor deny at present?

To Show Plural Marriages.

Mr. Tayler. We expect to prove that plural marriages of people who held official positions in the church have occurred, and that the church must know about it, whether they countenanced it at the beginning, or by their higher officials solemnized it.

Senator Beveridge. And that therefore Mr. Smoot must know that.

Mr. Tayler. I cannot connect Mr. Smoot with every sentence I utter. Of course, Mr. Smoot is a part of this hierarchy, and we have got to weave this thing as one fabric, and not as continued separate threads.

Senator Hoar. That is, that this nonabandonment of polygamy you expect to show is so general as to satisfy us that it is colorable or pretended and not real.

Mr. Tayler. Precisely.

Senator Hoar. That is a fair offer to make.

Promulgates Ordinance of Polygamy.

Mr. Tayler. Now, as to what I have been doing, of course, I read from the Book of Doctrine and Covenants for a manifest purpose as showing what the revelation was. From these other books I have read for the purpose of showing that the church is promulgating the doctrine of polygamy throughout the world, as we charged them with doing and as Mr. Smith denies he is doing, and surely when a book written by an assistant historian of the church, owned and copyrighted by the church itself, is spread broadcast and proclaimed to be written for the purpose of being spread broadcast over the earth advising them how holy, how divine, both in its origin and in its practice except as local law may prevent its practice, the relation of husband to plural wives is, then I think we have shown that the church is publicly proclaiming its indorsement of that position. But, of course, I want to be very brief and only indicate what it is.

Senator Hoar. I think bringing out this statement on both sides, from you and from the president of the church, has been of value to this hearing.

The Chairman. Now, what else, Mr. Tayler?

The Articles of Faith.

Mr. Tayler. A very brief reference to the book concerning which Mr. Smith testified, of which the title page is as follows:

"The Articles of Faith. A Series of Lectures on the Principal Doctrines of the Church of Jesus Christ of Latter-day Saints. By Dr. James E. Talmage. Written by appointment; and published by the

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church. The Deseret News, Salt Lake City, Utah, 1901."

On page 314 of this work—

Senator Pettus. When does it appear to have been first published, if it appears at all?

Mr. Tayler. The preface to the first edition is dated April 3, 1899.

The Chairman. What is the title of that book?

Mr. Tayler This is The Articles of Faith.

The Chairman. Before you go to that, what was the book you first read from?

Mr. Tayler The Doctrine and Covenants.

The Chairman. Is that one of the books identified as used by missionaries?

Mr. Tayler. Yes; the Doctrine and Covenants.

Mr. Worthington. It is one of the four standard books, Mr. Chairman.

Mr. Tayler. I want to say right there that I am presenting and reading from nothing whose date is not since the manifesto.

The Chairman. But that is one of the four standard works?

Mr. Tayler. One of the four standard works.

The Chairman. To which Mr. Smith referred?

Mr. Tayler. It is the only one of the four standard works from which I quoted—that is, standard in the sense in which that adjective was used by him.

The Chairman. All right; go ahead.

Continual Revelation.

Mr. Tayler. The preface to the second edition of this book on the articles of faith is dated Salt Lake City, Utah, December, 1901, and Mr. Smith has told us of the position which Dr. Talmage occupies in one of their colleges or schools.

On page 314, section 13, is the heading "Continual revelation necessary." I do not read any more from that.

On page 315, section 14:

"It is at once unreasonable, and directly contrary to our conception of the unchangeable justice of God, to believe that he will bless the church in one dispensation with a present living revelation of his will and in another leave the church, to which he gives his name, to live as best it may according to the laws of a by-gone age," etc.

Page 323, section 31:

"Revelation Yet Future.—In view of the demonstrated facts that revelation between God and man has ever been and is a characteristic of the church of Christ, it is reasonable to await with confident expectation the coming of other messages from heaven, even until the end of man's probation on earth. The church is, and will continue to be, as truly founded on the rock of revelation as it was in the day of Christ's prophetic blessing upon Peter, who by this gift of God was able to testify of his Lord's divinity. Current revelation is equally plain with that of former days, in predicting the yet future manifestations of God through this appointed channel. The canon of scripture is still open; many lines, precepts, are yet to be added; revelation, surpassing in importance and glorious fulness any that has been recorded, will yet be given to the church and be declared to the world."

On page 434 is the last quotation I make from this paragraph 22, under the head of "Submission to Secular Authority":

"Pending the overruling by providence in favor of religious liberty, it is the duty of the Saints to submit themselves to the laws of their country. Nevertheless, they should use every proper method, as citizens or subjects of their several governments, to secure for themselves and for all men the boon of freedom in religious duties."

Then, omitting two or three sentences which I omit because I do not know what they refer to:

"And if by thus submitting themselves to the laws of the land, in the event of such laws being unjust and subversive of human freedom, the Saints be prevented from doing the work appointed them of God, they are not to be held accountable for the failure to act under the higher law."

Now I want to refer to this book which was identified by Mr. Smith as "Cowley's Talks on Doctrine. By Elder M. F. Cowley, one of the twelve apostles of the Church of Jesus Christ of Latter-day Saints. Published by Ben E. Rich, Chattanooga, Tenn. 1902."

On page 182—

Mr. Van Cott What is the date of that work, Mr. Tayler?

No Reference to Woodruff Manifesto.

Mr. Tayler. 1902. There is a good deal here on the subject of marriage, but I desire to say that I have been unable to find in this book any reference at all to the manifesto of 1890.

Mr. Van Cott. Do you make that same statement for the Articles of Faith, by Dr. Talmage, that you just read from, Mr. Tayler?

Mr. Tayler. No. I read from the book of Mr. Roberts that there was a suspension of it, and it is undoubtedly stated, and is quoted in your reply here and is before the committee, that there is a reference in that to the suspension of this law by the manifesto of 1890; but in this work there is no such suspension according to my examination of it. There is a discussion and description of polygamous marriage—marriage, not so much about polygamous marriage. But this is the last paragraph on page 182:

"That all honorable women, who desire wifehood and motherhood under the laws of God may have this privilege and not be left to live and die as spinsters, nor become a prey to wicked, lustful men, God will fulfil the prophecy found in Isaiah, chapter iv., verses 1, 2: "In that day seven women shall take hold of one man, saying, we will eat our own bread and wear our own apparel; only let us be called by they name to take away our reproach. In that day shall the branch of the Lord be beautiful and glorious, and the fruit of the earth shall be excellent and comely for them that are escaped of Israel."

On page 153 I want to read for just a moment two or three paragraphs, among many others of the same kind; and I would like this whole chapter on "Obedience" copied. It is four or five pages long.

The Chairman. What page is that?

Mr. Tayler. The article on "Obedience" is on pages 152 to 156, inclusive.

The Chairman. Do you desire to have that inserted?

Mr. Tayler. I desire to have that chapter inserted, and I read the following on the subject of "Obedience:"

As to Obedience.

"The statement of the Savior, recorded in St. John vii., 17, covers the ground in the broadest light: 'If any man will do his will, he shall know of the doctrine, whether it be of God or whether I speak of myself.' This secures to every true Saint, if he is faithful,

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protection against imposture, the abuse of power and the false decisions of man-made councils. In this particular the church of Christ is distinguished from all other systems and institutions. He has promised to guide and direct, and that he 'doeth nothing, but he revealth his secrets unto his servants, the prophets.'—Amos. iii. 7.

"This does not imply the infallibility of man, but it does imply the promise that no man or council of men who stand at the head of the church shall have power to lead the Saints astray. With this assurance, then, the people of God in every dispensation have been justified in rendering absolute yet intelligent obedience in the direction of the holy prophets. It is an undeniable fact in the history of the Saints that obedience to whatever has come, either by written document or verbally, from the presidency of the church, has been attended with good results; on the other hand, whosoever has opposed such council, without repentance, has been followed with evidence of condemnation."

And at the bottom of the same page, 154:

"It is not the attractive qualities of the individual, however great, that renders submission to his administration valid, but the authority of God which he fears. The acts of Philip, Stephen, Paul or James were just as valid and binding as those of the Messiah himself, when performed by his authority, and in his name. To reject the personal teachings and offices of the Savior could bring no greater condemnation than to reject the teachings of any man sent of God bearing authority and the inspiration of the Holy Spirit to speak and act in the name of the Lord."

And at the bottom of page 155:

"It is not the individuality of the person which calls for respect and consideration, it is the principle involved. God has placed his authority upon humble men. Through their administrations can be secured the benefits and blessings which follow obedience to the ordinances of the gospel. Implicit obedience must be rendered. The mandates of Jehovah are imperative. No substitute will do. The condition is compete to the plan of salvation as established by Almighty God."

The chapter on "Obedience," above referred to, is as follows:

Obedience.

"To obey is better than sacrifice, and to hearken than the fat of rams." (I. Samuel xv., 22.) In an age of the world when independence is the proud boast of the nations, obedience is, by mistaken ideas of freedom, considered a mark of humiliation. To the reader I will say, in reality, true obedience to the Lord's commands is an indication of moral courage, union and power. It is not blind obedience that is referred to and maintained, but that type which characterized the ancient seers and saints, who, like the Messiah, were ready to say by word and deed: "I came not to do mine own will, but the will of my Father who sent me."

The Latter-day Saints are credited with being obedient and submissive to authority, this fact being often used by their opponents as the occasion of reproach. Those who so use it surely must forget that God requires obedience; that the best embodiment of this principle, the most humble and yielding to the divine will, was the best and purest being who ever dwelt in mortality, viz., the Lord Jesus Christ; he in whose mouth there was found no guile; who was perfect and without blemish in all the walks of life. While he was obedient to his Father's will and humble to the extreme, he was independent of the influence and persuasions of wicked men.

The status of Latter-day Saints is conformable to this example. They are obedient to conscience, to convictions of right, to divine authority and to God, in whom they trust. While thus submissive, their persecutors have found them equally oblivious to the behests of wicked men, whether high or low. Men in the factories of the Old World, working side by side at the weaver's loom, in the coal pit or elsewhere in following the various vocations of life—in this condition the gospel preached by the elders of Israel has reached them. Alike, many of them have received convictions of the truth. They have said: "This is the truth; I must obey it or stand condemned." Other people have said: "It is true, but if I obey I will be ostracised, perhaps lose my employment and be an outcast from my father's house. Better that I reject the truth and live in peace, than take upon me this cross of obedience to unpopular truth."

The courageous obey the gospel, suffer persecution, prove themselves men, and will attain to eternal life. The other people referred to are slaves to their own fear of popular clamor and to the unseen powers of darkness which lead men to reject the plan of salvation. Of the first named class are the Latter-day Saints, a host of men and women who have left home, kindred and country for the gospel's sake. They have endured persecution even unto death, privation and suffering in every form; have redeemed a desert and built up a commonwealth so fruitful with education, thrift and enterprise that any nation beneath the sun might well be proud of them. Their obedience and moral courage they bequeath to their posterity is a legacy better than diamonds or the honors and praise of a fallen world. They look back to their associates in early manhood who, for fear, rejected the truth, and find these, whether living or dead, in most cases unhonored and unknown.

The obedience rendered by Latter-day Saints to the authority of the priesthood is not secured by virtue of any solemn obligation entered into by the adherent to obey the dictum of his superiors in office; but upon the nature of the gospel, which guarantees to every adherent the companionship of the Holy Spirit, and this Spirit secures to every faithful individual a living testimony concerning the truth or falsity of every proposition presented for his consideration.

"By one spirit have we access unto the Father." (Eph. ii.) So that as all men and women who embrace the gospel are entitled to an individual testimony of the truth, the same spirit guides into all truth reveals the things of the Father and imparts the inspiration essential to preserve mankind from a blind obedience to erroneous principles and false guides.

The statement of the Savior, recorded in St. John vii., 17, covers the ground in the broadest light: "If any man will do his will, he shall know of the doctrine, whether it be of God or whether I speak of myself." This secures to every true Saint, if he is faithful, protection against imposture, the abuse of power and the false decisions of man-made councils. In this particular the church of Christ is distinguished from all other systems and institutions. He has promised to guide and direct, and that he "doeth nothing, but he revealeth his secrets unto his servants, the prophets." (Amos iii., 7.) This does not imply the infallibility of man, but it does imply the promise that no man or council of men who stand at the head of the church shall have power to lead the Saints astray. With this assurance, then, the people of God in every dispensation have been justified in rendering absolute yet intelligent obedience in the history of the Saints that obedience to whatever has come, either by written document or verbally, from the presidency of the church, has been attended with good results; on the other hand, whosoever has opposed such council, without repentance, has been followed with evidence of condemnation.

Applying this principle of obedience to organizations of a civil and business character,

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confusion and weakness result from men refusing their support to the decision of the presiding authority or of the majority, where the action is left to popular vote. Carlyle, the great English writer, said: "All great minds are respectfully obedient to all that is over them; only small souls are otherwise."

The obedience rendered to God is based upon a conviction that he is perfect in all his ways, possessing the attributes of justice, judgment, knowledge, power, mercy and truth in all their fullness. Obedience to his appointed authority upon the earth is obedience to him, and is so taught by the Savior. "He that receiveth you receiveth me, and he that receiveth me receiveth him that sent me." (Matthew x. 40.) "He that heareth you heareth me; and he that despiseth you despiseth me; and he that despiseth me, despiseth him that sent me." (Luke x. 16.) "Verily, verily, I say unto you, he that receiveth whomsoever I send, receiveth me; and he that receiveth me, receiveth him that sent me." (St. John xiii. 20.)

It is not the attractive qualities of the individual, however great, that renders submission to his administration valid, but the authority of God which he fears. The acts of Philip, Stephen, Paul or James were just as valid and binding as those of the Messiah himself, when performed by his authority and in his name. To reject the personal teachings and offices of the Savior could bring no greater condemnation than to reject the teachings of any man sent of God bearing authority and the inspiration of the Holy Spirit to speak and act in the name of the Lord. The great truth was taught by the Savior on more than one occasion, but perhaps no more forcibly or in more beautiful terms than in the following:

"When the Son of Man shall come in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory; and before him shall be gathered all nations; and he shall separate them one from another, as a shepherd divideth his sheep from the goats. And he shall set the sheep on his right hand, but the goats on the left. Then shall the king say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world. For I was an hungered and ye gave me meat; I was thirsty and ye gave me drink; I was a stranger and ye took me in; naked and ye clothed me; I was sick and ye visited me; I was in prison and ye came unto me. Then shall the righeous answer him saying: Lord, when saw we thee an hungered and fed thee? or thirsty and gave thee drink? When saw we thee a stranger and took thee in? or naked and clothed thee? or when saw we thee sick or in prison and came unto thee? And the king shall answer and say unto them, Verily I say unto you, inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me." When he told the wicked that they had failed to thus administer unto him, they began to plead that they had not seen him sick, in prison, hungry, naked or athirst. He answered them, "Inasmuch as ye did it not unto one of the least of these, ye did it not unto me." (Matt. xxvi. 31-46.)

It is not the individuality of the person which calls for respect and consideration, it is the principle involved. God had placed his authority upon humble men. Through their administrations can be secured the benefits and blessings which follow obedience to the ordinances of the gospel. Implicit obedience must be rendered. The mandates of Jehovah are imperative. No substitute will do. The condition is complete to the plan of salvation as established by Almighty God.

Saul was commanded to destroy Agag and all his hosts, man and beast. He kept the best of the flock for, he said, a sacrifice, but God had ordered otherwise, and Saul's disobedience caused him to lose the kingdom, shut him out from the revelations which came by dream, vision and the Urim and Thummim. "Thou shalt not steady the ark"; and they who disobeyed were smitten of the Lord. Israel by disobedience lost the guidance of the Almighty, went into spiritual darkness, and have been scattered to the four quarters of the earth, "a hiss and a by-word in the mouths of all nations."

Obedience is essential to salvation, essential to success in every avenue of human enterprise. Whether rendered to the laws of God direct, in their moral and spiritual phases, or to his authority vested in man, obedience must be implicit. The haughty man boasts of independence. He scorns the humble followers of the Lord, but while he prates of freedom, he is himself lavishly obedient to his own whims and mistaken ideas or to the spirit of evil, to popular sentiment, or to some other influence always dangerous to the welfare of mankind.

The Saints have been accused of being priest-ridden and fearful to use their own judgment. What do the facts show? They are only asked to do right, live pure lives, do good to all men, evil to none, and to respect the order of God's kingdom that salvation may come to them and be extended to all the world. Their obedience has made them the best and purest body of people on the earth. What of the character of those who have derided them? They are slaves to a shallow and excited sentiment or to wickedness and vice, obedient to their own lusts and wicked ways. Compared with those they misrepresent they are below them in almost every trait which characterizes noble manhood. By obedience to God and his priesthood the Saints in this age have come off triumphant over obstacles within and foes without. By obedience to God and his commands they will continue the blessed and favored of the Lord forever. They have proved the words of Samuel to Saul, verily true: "To obey is better than sacrifice, and to hearken than the fat of rams."

"The Thatcher Episode."

Mr. Tayler. Now I desire to read a very little, and that is about all I have to read, from "The Thatcher Episode. A Concise Statement of the Facts in the Case. Interesting Letters and Documents. A Review of M. Thatcher's Claims, Pleas and Admissions. Salt Lake City, Utah. Deseret News Publishing company. 1896." It is this concerning which Mr. Smith testified. It was written either by Mr. Nelson or by Mr. Penrose he thought. I believe he said, by Mr. Penrose. I read from page 31, from a letter written by Edwin G. Woolley, the first paragraph incorporated in this, as giving a history evidently of this affair:

"While there may be a difference of opinion as to the wisdom of the course being pursued by the Deseret News in threatening the supporters of Thatcher for the Senate, with church power, still I would rather have an open fight at any time than to be stating one policy for the outside to hear and pursuing another in secret, so that I am willing to stand by the church in an open fight for any principle of right, and at no matter what cost.

"As to Thatcher's chances for the Senate, I am unable to give an intelligent opinion, as I am not acquainted with a great number of the Legislature, but I think no one who is a firm Latter-day Saint will vote to place him there, because he has announced himself as standing on a platform which is positively opposed to the discipline of the church, and which rules of discipline have been approved by nearly all the members thereof. When he

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takes that stand he is opposing the church in a vital place, and I see no other course than for some one to make a complaint against him for conduct unbecoming a Latter-day Saint, and unless he retracts from the position he will necessarily have to be cut off the church. This may seem harsh to some, but there can be no other logical outcome to a course such as he is now taking. It would be the same if any other member of the church should announce himself on such a platform."

At page 33, a sentence from the text of this document:

"It should be plain to every intelligent mind that has paid attention to this matter, that no 'charges' have been made against Moses Thatcher to place him on trial, either in public or in private, with the exception of the charge that he was not in harmony with his quorum and the general authorities of the church."

Mr. Van Cott. Mr. Tayler, is the part you are reading now a quotation from the Woolley letter?

Reads From Text.

Mr. Tayler. Not at all. I say I am reading from the text of the document, which is put out in the manner which has been described. It goes on:

"This fact he appears to ignore entirely. The explanations given by President Wilford Woodruff and other church leaders at the October conference, and those given in President Snow's letter were not 'charges' on which Moses Thatcher was to be placed on trial, but were necessary items of information for the enlightenment of the members of the church who were under the impression that the only difference between Moses Thatcher and the church authorities was in relation to the declaration of principles, enunciated at the April conference."

Now, on page 45, at the bottom of the page. This is still the text of the book itself: "In reference to his candidacy for the Senatorship he exclaims"—

That is, Moses Thatcher exclaims—"I invite neither the support nor the opposition of the church. It has no concern in political issues."

Then this book goes on in its text:

"That the opposition of the church is incited if not 'invited' by his attitude of hostility to its latest official declaration cannot be rationally disputed. The church has the right to protect itself, and when a candidate for high office takes his stand upon a platform of open antagonism to its discipline, he virtually invites the opposition which he attempts to evade.

"And is it true that 'the church has no concern in political issues?' Has not every church in the United States some concern in political issues? In particular has not the Church of Jesus Christ of Latter-day Saints deep concern in all political issues that affect the people of Utah? The great majority of them are members of that church, and their welfare depends largely upon political issues.

"The idea that the church must be stricken dumb when political issues which have a direct bearing upon it are raised, is a fallacy that would be dangerous indeed if it were not so absurd.

"As to the selection of persons for public office, the word of the Lord by revelation is given to the church, and His people are directed by commandment to seek diligently for wise men and honest men, and are cautioned that the choice of other than good men and wise men 'cometh of evil.'

"Every official in the church has the right to express his views on political issues. The church itself, as a body, is interested in those issues that concern the State and the Nation. Its officers have as much right as other men to a preference for some candidates over others for civil office. They may exercise their influence as citizens to give that preference effect, providing they do not use any improper means to accomplish it.

"The opinions of men who helped to lay the foundations of this State ought not to be ignored in political issues because they hold leading positions in the church, and as the church itself is almost entirely composed of people who are citizens, it is not to be shut out of a voice in public affairs by the bald assertion that 'It has no concern in political issues.' The church must not dominate the State nor interfere with its functions, nor must the church be robbed of its right to speak on issues that vitally concern its own welfare."

I desire that all of this pamphlet shall be printed. It gives the history, from the point of view of the church, of what is called the Thatcher episode.

The Chairman. Very well; that may be printed.

The pamphlet referred to is as follows:

Statement of Thatcher Episode.

The Thatcher episode—A concise statement of the facts in the case—Interesting letters and documents—A review of M. Thatcher's claims, pleas, and admissions.

Recent occurrences in the church render it necessary to present, in a popular form, some of the reasons for the action taken by the council of the twelve apostles in reference to one of their number. False reports have been circulated, the motives and purpose of the leaders of the church in this matter have been impugned, and improper feelings have in consequence arisen in the breasts of uninformed people, which may prove injurious to many unless the facts in the case are brought forward for their enlightment. Current publications do not reach all the homes of the Saints, particularly in places remote from Salt Lake City. This pamphlet is therefore prepared for general dissemination among the members of the church, that they may not be in the dark concerning the step which the quorum of the twelve found it their duty to take, after much patience, forbearance and charity. Their duty to God and the church was and should be held superior to personal feeling and regard for an individual. It was performed in sorrow, but with firmness, because the law of the Lord must be held far above the feelings of men.

At the general conference held in the Tabernacle, Salt Lake City, April 6, 1896, a declaration of principles was enunciated by the authorities of the church. It was signed by the first presidency, ten of the apostles, the patriarch of the church, the seven presidents of the seventies, and the presiding bishopric. Elder Anthon H. Lund, one of the apostles, was then in England presiding over the European mission. After his return he also signed it, leaving but one of the church authorities as a dissentient. The church in conference assembled adopted and ratified the declaration by unanimous vote. It was subsequently accepted by the various stakes and wards of the church by vote in their respective localities.

The name of Moses Thatcher was not presented as one of the general authorities of the church at the April conference, because he was not and had not been for some time in harmony with his quorum and with the other church authorities. His refusal to sign the declaration of principles was an outward and visible sign and token of that lack of harmony. It was therefore deemed improper to present his name at the conference to be sustained by the body of the church, when he was not held in fellowship by his quorum.

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At the general conference held October 6, 1896, Moses Thatcher was still out of harmony with the authorities of the church, and he still refused to accept the declaration which had become fully embodied in the doctrine and discipline of the Church of Jesus Christ of Latter-day Saints. His name therefore was still omitted from the list of the general authorities of the church, and it was deemed necessary, for the information of the Latter-day Saints, that some explanation should be made concerning his attitude and standing in relation to his own quorum and the church in general. President Wilford Woodruff, therefore, in conference assembled, made the following remarks, on Monday afternoon, October 5, 1896, in the Tabernacle in Salt Lake City:

Remarks of President Woodruff.

"I did not intend to occupy any more time in this conference, but there is a subject or two that I feel in duty bound to talk upon, and I hope the Saints will give me their prayers and faith, that I may be enabled to do my duty. In order to arrive at the principles and subject I wish to speak of, I feel disposed to deviate from my general course of testimony in some respects.

"There are two powers on the earth and in the midst of the inhabitants of the earth—the power of God and the power of the devil. In our history we have had some very peculiar experiences. When God has had a people on the earth, it matters not in what age, Lucifer, the son of the morning, and the millions of fallen spirits that were cast out of heaven, have warred against God, against Christ, against the work of God, and against the people of God. And they are not backward in doing it in our day and generation. Whenever the Lord set His hand to perform any work, those powers labored to overthrow it. I have a little experience in this direction that I want to refer to.

"Many of you probably have read the history of the first proclamation of the gospel in England, under the presidency of Heber C. Kimball, in 1837. Just previous to that I crossed Lake Ontario with a man by the name of Russell, from Canada into the United States. That man walked the steamer almost day and night, moaning and groaning. What was the matter? He had a class of spirits that stayed with him night and day, distressing him. What he had done that they had power over him I do not know. When a man does his duty and keeps the commandments of God, those spirits have not power over him, although he may be distressed in a measure from their operation. This man went to England, and those spirits went with him. He was with the apostles there, and while they were holding a conference there he was so troubled with those spirits that Brothers Heber C. Kimball and Orson Hyde and the brethren who were there laid hands upon him and cast those evil spirits out of him.

"When they left him they seized upon Brother Hyde, and he fell to the floor as though he had been knocked on the head with a club. Brother Kimball and the brethren immediately laid hands upon him, and the evil spirits left him. They then fell upon Brother Kimball and tried to overcome him. But the vision of his mind was open and he saw them in the room. They gnashed their teeth at him; but did they overcome him? Brother Kimball held the apostleship and he stood at the head of that mission, and God gave him power over those spirits, and they were rebuked and left him. This was the beginning of their labors there. In 1840, when the apostles were sent to England, we had a similar experience. The history of my travels in Herefordshire, Gloucestershire and Worcestershire is published and known to the church. After laboring there for some eight months, Brothers Heber C. Kimball and George A. Smith invited me to go to London. You all know what kind of men Brothers Kimball and Smith were. They had power and brought a great many into the church.

"We three went into the city of London to undertake to open doors in that great city. The first man who opened his doors to receive us was a man by the name of Morgan. The very day we entered that house it filled with evil spirits, who sought to destroy us. We felt their power day after day. They did not particularly injure us at that time, but we knew they were with us. The incident that I am going to refer to now occurred after Brother Kimball returned to Manchester. Brother George A. Smith and myself were left there. We sat up on night till about 11 o'clock, talking about the gospel of Christ, and then went to bed. The room in which we slept was small; there was about three and a half feet between our cots. Those spirits were gathered together in that room and sought to destroy us. They fell upon us with the determination to take our lives. The distress, the suffering and the horror that rested upon me I never experienced before nor since. While in this condition a spirit said to me, 'Pray to the Lord.'

"Well, a man in that kind of warfare, when he is choking almost to death, is in a peculiar position to pray. Nevertheless I went to praying with all the power I had. I knew we would die unless God opened some door for our deliverance, because we were being choked to death, and I prayed to the Lord, in the name of Jesus Christ, to preserve our lives. While I was praying, the door opened and three messengers entered, and the room was filled with light equal to the blazing light of the sun at midday. Those messengers were all dressed in the robes of immortal beings. Who they were I know not. They laid hands upon me and my companion, and rebuked those evil powers, and we were saved. From that hour to this day, not only our lives were saved, but those powers were rebuked by the angels of God so that no elder since has been tormented with them in London.

"I name this because there is a principle in it. From the day that the Prophet Joseph Smith was called upon by the angel of God and the plates of the Book of Mormon given into his hands, these evil spirits labored for his death, and finally his blood was shed by the power of the devil. You know about that. It is before the heavens and the earth, and has got to be settled for. Those spirits are wherever the Saints of God are, and they will follow this up until He who holds the keys of death and hell binds that old serpent, sets a seal upon him, and shuts him up for a thousand years. These evil spirits are all around us. They follow every elder of Israel at home and abroad. They tempt me, they tempt you, and will as long as we dwell in the flesh and they have their agency and power. Why? Because they know the priesthood is here; they know the power of God is here; they know the authority is here to seal blessings upon the heads of the children of men, and to preach the gospel to the nations of the earth, that they may be prepared for the coming of the Lord Jesus Christ. Knowing this, if they can get any power over you and me they will exercise it.

"There has been some talk here about myself, and my counselors, and the twelve apostles, and the position we hold as leaders of the people. I have been in the apostleship for fifty-seven years. I have been through all the apostasies in this church, if I may be allowed to use that expression, from the day of the organization of the twelve apostles. On one occasion two apostles came to me while I was in Kirtland, and told me that Joseph Smith was a fallen prophet, and that they

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wanted to put another man in his place—Oliver Cowdery. They wanted to know what I would do about it. Said I, 'Every man that lifts his hand against the prophet of God will go to hell, unless he repents of his sins.' Well, about half of them did repent; others did not, and they lost their crown and glory, and other men have taken their places.

"My brethren and sisters, there is something pressing upon my mind that I want to say. We have arrived at a point here with regard to circumstances that it is my duty to take up as the president of the church. The first presidency and the twelve apostles were never more united as a body than they are today. Our spirits are united. We believe in each other, we work together, we pray together, and we believe in each other, because we are all trying to do the will of God. This is the case with all of us, with one exception. That exception is Brother Moses Thatcher. A great many people marvel and wonder why something is not done with him. Some have said we were afraid of Moses Thatcher. I am not afraid of Moses Thatcher, nor of any other man who breathes the breath of life, when it comes to a matter of duty. But I am afraid to disobey God, or to not perform my duty in any position that I am called to in the church. There has been a great deal said with regard to Brother Moses Thatcher, and many have wondered why something was not done about him. Well, I will say that this is a matter that belongs to the twelve apostles. He is a member of that quorum, and of course it is their duty to take hold of that work and attend to it until it is settled. But I have felt, as the president of the church, it is my duty to not let this conference pass without saying something upon this subject.

"Brother Moses Thatcher has been a very sick man. Preparations have been made by the twelve apostles to settle this difficulty with him in council; but he has been in the condition I speak of. What is the difficulty with Brother Thatcher? The difficulty is, he has not been with his quorum in spirit for years. He has not been united with them hardly, I may say, since the death of President Taylor. It is not his declining to sign this declaration of principles that was brought up at the last conference by the leaders of Israel. This is a matter of comparatively small consequence. I say here—and I say the truth—Brother Thatcher has not been in fellowship with us for a series of years. He has not met with his quorum. He has spent days and days in this city, when he was perfectly able to go about and do business, and has not met with them—neither at their sacrament meetings nor other meetings. Now, this can not remain in this way. As I have said, these evil spirits affect men. There is a spirit affecting him, and not a good spirit either. With regard to his standing with his quorum, he should have met with them and talked these things over; but he has not done it. He has met with them comparatively few times since President Taylor's death.

"Brethren and sisters, these are truths. The apostles know that he has neglected to meet with them at times when he could and should have done so. He has been at difference with them in many things that have transpired. He has been by himself in his labor, and for himself, and not for the church. Now, I want to say that neither Moses Thatcher nor any other man on the face of the earth can stand in the way of this church. We have had almost whole quorums of apostles that have been in the road, and they have had to be moved out of it, because the kingdom of God cannot stop for anybody—for Wilford Woodruff, for Moses Thatcher, or for anybody else. Unless we work with the saints of God, with the priesthood of God and with the organization of his church, we cannot have any power or influence. I make this testimony because it is my duty. I have thought a great deal of Moses Thatcher. I had a good deal to do with his coming into the quorum of the apostles. I had a great respect for his family. I have for any man that will bear his testimony to the gospel and kingdom of God. But he has stopped that. He has taken a different course with regard to this, and he occupies that position today. I name this because he is not in a condition to be tried.

"The Lord's kingdom is going to roll on. If I took a stand against my counselors and against the twelve apostles, and we were not united together, I could not go with them. But the Lord is with us, and with his people. Whatever is required at our hands, we want to perform it. I hope that the little time we spend here in the flesh, before we go into the valley of the shadow of death, we will pursue a course wherein we will be satisfied when we come to meet the Lord, and Joseph Smith, and the patriarchs and prophets. We will meet these people in the morning of the first resurrection. Many of them have got their resurrected bodies, and those who have not will have their bodies raised from the grave in an immortal condition. Who can sacrifice eternal life, and a part in the first resurrection, to stand with their wives and children in celestial glory, for the honor of this life or to gratify ambition? I cannot afford to do it, neither can you. We will hail Brother Moses Thatcher with every sentiment of our hearts when he will meet with us, unite with us, repent of his wrongdoings, and help carry on the work of God as he should do. Without this, he cannot go with us.

"God bless you. I bear testimony to the heavens and the earth that this is the church and the kingdom of God. We have got to live our religion and to be united in order to bear off the kingdom and receive those blessings that lie on the other side of the veil for us. I pray that his blessing and spirit may rest, not only on the first presidency and apostles and the whole priesthood and the saints, but upon Moses Thatcher, that his eyes may be opened to see, his ears to hear, and his heart to comprehend his position and duty before God and man."

The remarks of President Woodruff were listened to with the profoundest attention, as were the following remarks by succeeding speakers. President Snow's address is given in full, and such portions of the discourses that followed as relate to this subject are also given as officially reported:

President Lorenzo Snow.

"As the president of the quorum of the twelve apostles, of which Brother Thatcher is a member, I want to say a few words in connection with this subject that has been introduced by President Woodruff. I feel it my duty, however unpleasant that duty may be to me, to testify to the truth of what President Woodruff has said in reference to the fellowship existing between Brother Thatcher and our quorum. I think it was seven years ago when the present presidency of the church was organized, and I then was appointed to preside over the quorum of the apostles—a duty and an obligation that I felt the utmost incompetency to discharge; and yet believing and knowing that it was my duty to accept that position, I was satisfied that the Lord would aid and assist me in accomplishing the duties pertaining to that sacred office.

"I have labored actively from that day to the present to do that which I considered my duty, to accomplish a perfect union between every member of that quorum, and a perfect union also with the first presidency. I felt the importance of this when I took the position as president of the twelve, and I asked

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the Lord to let me live until these duties were accomplished—until I could see and feel that every member of the quorum of the twelve apostles was in perfect fellowship with each other and with the first presidency. The brethren of the twelve can answer now whether that has been accomplished, and how far it has failed. It has failed in only one single instance, and that has been presented to you by President Woodruff. There are now of the quorum of the twelve ten members sitting here upon these stands. With these ten brethren there is now a perfect union between themselves and the first presidency.

"I distinctly remember a peculiar circumstance in connection with this subject. It was when perhaps 150 brethren were assembled in the upper hall of the Temple. The object of that assembling was to gather means to accomplish the completion of the Temple, and that speedily. I do not remember now how much we raised there, but it was a large sum, contributed by the brethren present. On that occasion President George Q. Cannon arose and spoke very feelingly in reference to the perfect union that then existed with the first presidency (this about one year before the dedication of the Temple) in all matters pertaining to the interest of the church, both spiritual and financial. After he got through, I dare say that the people there—I thought so, at least—expected that I would arise and say something in reference to the union of the quorum of the twelve apostles. I did not do it. I sat there in silence. And I never explained the reason to the quorum of the twelve, that I have any remembrance of, why I sat there in silence. I am now going to explain it. I thought my brethren had reasons to expect that I would arise and speak in reference to the union. I could have spoken as loudly and as effectively in reference to the union of our quorum as Brother Cannon in reference to the union of the first presidency, with but one single exception. That exception, I regret to say, was Brother Moses Thatcher. The brethren of the quorum will now understand why I sat there in silence.

"The next day, I think it was, in going up to Brigham City on the train, Brother Thatcher and I sat together. I there told him this circumstances that I have just told you. I said to him that it was on his account—the love and respect that I had for him—that I did not arise and make an exception. I would have been compelled at that time to have mentioned Brother Moses Thatcher as an exception. There were eleven of us that were in perfect union, which we had labored and toiled to effect completely and strongly and abundantly. But I would not place him in an unpleasant attitude before the people. I explained this to him.

"But that was not the only time. The night previous to the dedication of the Temple we felt that the quorum of the twelve ought all to be united, or perhaps there would be something arise that would prove of a disagreeable character. We called the quorum together. Every member was present. We labored and toiled at that meeting to bring Brother Thatcher into a union with us, hour after hour, till about 2 o'clock in the morning. I labored diligently.

"I always thought a good deal of Brother Thatcher. He and I always got along lovingly together; and he knows and will state it if he ever comes to address the people, that Brother Snow was one of his particular friends and felt an interest for him as deep as any man in the quorum. We labored there with only one object in view—to bring one member of our quorum into a perfect union with ourselves and with the first presidency. At last I repeated to Brother Thatcher what I have been telling you. I told him of the sacrifice I made in my feelings when I had to keep silence, and I said I could not not do it any more; I should be obliged to get up before the gathering in the Temple and state that our quorum was in perfect union—that is, if the subject came up, which it probably would—except in the case of Brother Thatcher. Well, we patched the thing up, and he came to a conclusion that we accepted at that time. How far that was really a conclusion made in his heart, I am not prepared to say.

"There was another time, perhaps a year or a year and a half ago, when we sought to effect a union with Brother Thatcher and the quorum. We had a pretty difficult time, and failed. None of us felt satisfied.

"About the last conversation I had with Brother Thatcher was in the Temple, either at the last spring or fall conference. We had prayed for him, and we had sent some of our most experienced brethren to talk with him privately and beg of him to make things satisfactory. I called on Brother Brigham Young, because I knew he felt an interest in Brother Thatcher, and was a wise man, to go and see him and plead with him to make things satisfactory. But he failed. He came and reported to me that a spirit of darkness seemed to reign Brother Thatcher's heart, and he could not reach it. I still thought, however, that he would come and make things right before he returned to his home in Logan; and about the second or third day after this I was visited by him in the Temple. I never felt to rejoice more in my heart than when I saw him enter my room. I thought he had made up his mind to do that which we requested him to do and to place himself in perfect fellowship with the brethren of the quorum. I talked with him. I did most of the talking myself. I felt the spirit of it, as I always did when I spoke to him, because my heart was warm toward him, and the Lord seemed to help me so that I felt perfectly at home in telling him just what the Lord dictated to me.

"On a previous occasion in the Temple I laid my hands upon his head, according to his request and my own feelings, and blessed him. My heart went out for him. But I could not fellowship Brother Thatcher, although I love him. Did I love that man? No man, it seems to me, could love another man more than I loved Brother Thatcher; and I labored for him, toiled for him, and prayed for him, and still shall do. I have not given up my hopes, and I will not give them up. My principle has ever been, when called upon to administer to the sick, who were perhaps at the point of death, without seemingly any hope whatever, to not give them up until I saw they were actually dead. So I am with Brother Thatcher, whose voice has been heard from this stand time after time, and we have loved to listen to his beautiful and inspiring words. But he is a different man now altogether—different in spirit, and, of course, his physical condition is very bad, although, I understand now, he is improving very rapidly. President Woodruff has explained to you the reason why we have not had him before our quorum and the matter investigated. His low physical condition is the reason. But, as I was saying, I thought he had come to my room with his mind made up to take a course to come into fellowship with his quorum. I was disappointed, however. I felt like shedding tears when he left the room. There was not that disposition existing in him that I hoped there would be when he came.

"Now, there is a certain document that you have talked about a good deal. Brother Young and myself took that document to Brother Thatcher. His physical condition was not very promising, and I asked him if I should read it to him. He said he preferred to read it himself, and he read it—read it very deliberately. He said he did not feel then to approve of it altogether; he wished it to re-

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main for a while. We accorded him his wish. As President Woodruff had said, not half the trouble is in relation to that document, not one-hundredth part that is talked about. Of course, it was rather singular. There were appended to that document the names of the first presidency, of the apostles (with the exception of Brother Lund, who was then in England) and of the first seven presidents of the seventies, of the patriarch, and of the presiding bishopric—twenty-four names in all, representing the authorities of the church; but he did not feel inclined, he said, to put his name to that document.

"I am reminded of a little anecdote I heard of Brother Erastus Snow, which illustrates a principle. Brother George A. Smith was speaking to an 'outside' audience one night, and Brother Erastus fell asleep. When he got through preaching he sat down and elbowed Brother Erastus and requested him to bear his testimony. It was thought that Brother Erastus had scarcely heard a word; but he arose and said, 'My friends, every word that my brother here has said is God's truth.' Now, why did he say so? There was a reason for this. Why, he knew Brother George A. Smith; he had heard him preach a hundred times, and he knew that he was a man of inspiration, and that he would never say anything but what was true. Well, I think when a man is so well acquainted with the first presidency, with the apostles, with the patriarchs, with the presidents of the seventies, and with the presiding bishops, he ought to have some confidence in the position of these brethren; and if that brother is rather low in his mind and does not really feel competent to judge of the matter, he ought to have confidence in his brethren. Still, this matter does not amount to very much, anyway. It is the general tenor of the course that Brother Thatcher has been pursuing since even before the organization of this first presidency, or before I was called to be the president of the quorum of the twelve. Many other things might be said, but I do not want to occupy the time.

"Brethren and sisters, these are solemn truths that I have told you and what President Woodruff has stated. I want you all to pray for Brother Thatcher. As soon as his physical abilities will allow, we shall have him before our quorum, and he will be treated by his friends. But there are certain rules and regulations that we, as the servants of God, must conform to, and we are not responsible for them."

Elder John Henry Smith.

"My brethren and sisters, this meeting is one of the sorrowful meetings in my experience. I have recognized the fact that there must be an explanation made to the Latter-day Saints in connection with the subject upon which the president of the church and the president of the council of the apostles have treated. I fully understand that within three days after Brother Moses Thatcher declined to his associates he would have been dealt with for his fellowship and standing in the council of the apostles but for his physical condition. All have felt exceedingly tender, recognizing the fact that he had been suffering for some time under conditions most unpleasant to himself.

"I am fearful that the Saints this afternoon have not fully heard the remarks that have been made by President Woodruff and President Snow. They have sought to explain to the understanding of this audience the condition that has arisen in this inner circle of the church, that they might be free in the minds of the Saints from the charge, by the Saints, of fearfulness as to the correctness of the position that they have assumed, and of the rightfulness of the position that Brother Thatcher has taken. I believe, however, that the Latter-day Saints as a whole have read with certainty, through the influence of the spirit, the correctness of the position taken by the presidency of the church as well as the other councils that have been united with them, and I trust that the understanding will be received by those who are here today and heard the remarks of the brethren, and by those who could not catch their words the spirit in which those utterances were given.

"The presidency of the church and the council of the apostles, in their deliberations upon all questions that affect the well-being and interest of the cause, are as candid and frank in their consultations and expression of views as any body of men could possibly be. But when a conclusion has been reached as to the course that should be pursued, it is expected that every man will give in his adherence to the course marked out, and with unfaltering voice and fixed determination, so that those counsels may prevail, so far as possible, among the whole people. This feeling and sentiment has been expressed in telling language by President Woodruff and by President Lorenzo Snow; and I believe that every one of the council of the apostles, with the first presidency, would make a similar expression of views upon this matter, were they to speak upon this subject.

"It is not my thought, in the time that I am here, to dwell upon the position in which our brother finds himself. I have held the hope, I hold the hope now, that he will see his way clear to put himself in unison with his associates, that he may stand with them and receive in the end the commendation of our Father, through his humility, and that his name may not be effaced from the roll of honor which God in this dispensation and in this day has established. It is not for me to speak further upon this subject. I stand by my president and by the presidency of this church in the position they have taken, because I know they are right. It is not a question of fear or doubt in my mind. It may be—and I presume my brethren will bear me out in this—that I have been slower than some of them to form judgment or pass an opinion in regard to this situation as it is today. But it has not been because there was the least doubt or question in my mind of the correctness of the position that they had taken. My judgment was convinced that their position was absolutely correct, or I never would have subscribed my name to that document, nor would I, in connection with my brethren, have sought in various ways to awaken a class of reflections in the mind of our brother that would have brought him in unison with the council of which he is a member.

"My position has been such that I have felt the extremest delicacy, in every place and under every circumstances, in giving expression to anything that could in any sense reflect upon him. For this reason, if no other, in the midst of the deliberations of my own council, with that of the presidency of the church, I have felt extremely guarded, seeking to gain as much time as practicable in his interest, trusting that the time would come when the Almighty would touch his heart and he would feel the spirit of kindness that has welled up in the soul of President Woodruff, that has guided his counselors, and that has been the characteristic in every deliberation of President Snow in seeking to preserve one who was dear to us all. But there can be no question in the minds of the Latter-day Saints. There may come a time in all our lives when perchance, amid the temptations and allurements of ambition, our hope and fears for ourselves may be aroused; but in our sober senses and in the midst of experiences of this life, the men who have received the apostleship, who have been chosen by God himself to be witnesses to his Son, must find themselves in that position

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that they indeed listen to the still small voice and recognize the power which God himself has established. I feel that this has been and is the position of that circle in which I move; and the unfortunate circumstances which have attended one of their associates in connection with this matter is to me, indeed, a matter of extreme regret. I have prayed, I have pleaded, I have done everything so far as lay in my power in connection with these circumstances, trusting that our Father might so move upon the heart of our brother that he would meet his brethren with a broken heart and a contrite spirit and say, 'I am with you heart and soul.'

"During this conference, my brethren and sisters, the spirit of inspiration resting upon the brethren has been, 'Give ear to the legitimate and proper counsels of the priesthood.' I presume there are none of us who have made a study of the organization that our Father has established that can question the wisdom of those counsels. If the people are to be united, it must be upon the basis that their hearts are in attune with the propositions upon which they would be united. We believe that God in this dispensation has restored the gospel; that the Father and the Son came to the prophet and bestowed upon him the knowledge that God did indeed live, and that Jesus Christ was indeed his Son; that all the keys, powers and authorities necessary to the accomplishment of his work, and that were exercised in former dispensations, were given to him; and that in all these things and in the organization of his church, he presented us a complete and perfect pattern, that union might be the result of their counsels and their action.

"We note the conditions of that organization in all its bearings, and when one of the cogs in this machine that God himself has established shall fail to be in attune with the balance of that machine, the results are manifest in the spirits of the people; for they read, and read understandingly under the influence of that spirit, that these conditions do not exist, and that the machinery is not working as it should. Therefore, we, recognizing the purpose and design of our Father in the completeness of that organization, keep in view the movements and actions of the men at the head, the spirit of their counsel and instruction, and we readily detect, while words may not speak it, the spirit of insubordination or a determination to not carry out and fulfill the obligations which our Father has placed upon his children; and, recognizing this, a spirit of uncertainty, of fear and of doubt takes possession of many men whose minds are susceptible to that influence.

"I trust that the spirit of the work shall, indeed, ever be with the Latter-day Saints; that the movements that are made, the efforts that are brought to pass to secure the best interests of the work and of its spread in the world, shall be written in the hearts of the people of God; and if they will attend to their prayers and fulfill their obligations, our Father will never allow one of them to drift from the path of rectitude and fail to maintain the honor and credit of his cause in the world. But if perchance a spirit shall take possession of us that we seek to avoid the responsibilities that may attach to us, and we desire the encomiums and the laudations of men, we may find ourselves carried away with our ambitions, and catching our foot upon the applause of our fellows, will trip and fall, and will not be found carrying the standard and proclaiming the truth as we should in the presence of all men.

"I desire to bear my testimony to the truth of the work of God. I did not live in the flesh to know Joseph Smith. I did not live in the flesh to converse with him. The line, I presume, is broken when you reach me in the council of the apostles, as to those who knew him. But I am here as much of a witness of his mission as my brethren who saw him in the flesh. God gave me the knowledge of his mission. He also gave me the acquaintance of Brigham Young in the flesh, whom he raised up as well as the Prophet Joseph, to plant the standard of eternal truth in these mountains and to be a savior to this people whom he led into the desert, taught the ways of husbandry and the responsibilities and duties of the people of God. May the spirit of that gospel well up in our hearts, and the knowledge that God lives, that Jesus is the Christ, that Joseph Smith was his prophet, live in our hearts and grow and spread until we shall scatter that knowledge to the ends of the earth and all mankind shall know of its truth."

Elder Brigham Young.

"I have a desire to say a few words on this occasion, and I trust that the same spirit of kindness will be in my heart that has been manifested by the brethren who have spoken. I am sure I feel very kind and lenient, and feel to extend mercy to my brethren, as I ask for mercy from my God. There was a time when I was absent from Utah for two years and a half. I left here in August, 1830. But I knew more than I cared to know before I left then in relation to this matter. I cannot see a man rise up and stand in open rebellion to his brethren in defiance of the pleadings of his quorum, and feel that he has the spirit of God in him, which I witnessed previous to my departure in 1890; for I saw Brother Moses stand in open rebellion to his quorum. I have prayed for him, and I want to say to you that personally I have shed more tears over this situation since the death of President Taylor than over all the griefs, public and private, that I have had since that time. And I think this is the same with my brethren. But what can we do? What position are we in? President Woodruff has given us the keynote. No man or set of men can place themselves in the way of this church and its progress and stay there; for they will be swept aside. They cannot remain a stumbling block to the people.

"There are a few paragraphs in the Doctrine and Covenants that I would like to read. I do not wish to multiply words, but I will say this: On a certain occasion, quite a long time ago, I went to President Woodruff and asked him the question, 'What is the reason of this darkness that I see in the mind of a man whom I have loved like a brother, whom I had placed in my affection equal to any man upon the face of the earth?' This is the answer that he gave me: 'He has sought to rule over his brethren, and lost the spirit.' I will read from a revelation that has often been referred to; it is 'A Prayer and Prophecies, written by Joseph the Seer, while in Liberty jail, Clay county, Missouri, March 20, 1839':

" 'Behold, there are many called, but few are chosen. And why are they not chosen?

" 'Because their hearts are set so much upon the things of this world, and aspire to the honors of men, that they do not learn this one lesson—

" 'That the rights of the priesthood are inseparably connected with the powers of heaven, and that the powers of heaven cannot be controlled nor handled only upon the principle of righteousness.

" 'That they may be conferred upon us, it is true; but when we undertake to cover our sins, to gratify our pride, or vain ambition, or to exercise control, or dominion, or compulsion, upon the souls of the children of men, in any degree of unrighteousness, behold, the heavens withdraw themselves; the spirit of the Lord is grieved; and when it is withdrawn, amen to the priesthood, or the authority of that man.'

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"Where, brethren and sisters, will you get the channel of communication opened up between you and the powers that reign over the earth? The God that sits in the heavens and the angels and saints that visit us—through what line of communication do they come? God has placed these authorities here to guide his people, and when a man cuts that thread for himself, then the channel of revelation is destroyed, so far as that man is concerned. If you and I ever consider that we can reach God and get his mind and will in relation to this great work without receiving it through the channel of those men who stand at the head, then all I have to say to you or myself is, we have cut the thread between us and the spirit of God, and we are left to wander in bye and forbidden paths. One channel, one organization! And no man may rise against that and expect that he will be favored of the Lord or permitted to enjoy his spirit."

Elder Heber J. Grant.

"It is ever a source of pleasure to me to lift my voice in testimony of the divinity of the work in which we are engaged, and, so far as I possess the ability, I know of nothing that I desire so much to do as to keep the commandments of my Heavenly Father, and to labor to try and persuade the Latter-day Saints to walk in that straight and narrow path that leads to life eternal. We have listened here today to the testimony that has been borne by Brother John Henry Smith, that, although he was not personally acquainted with the Prophet Joseph Smith, yet he knows for himself and not for another that Joseph Smith was a prophet of God, and so also was John Taylor, and he bears witness to you here today that he knows that Wilford Woodruff is a prophet of the living God. In all humility, and knowing that the words I utter I will have to meet when I stand before the judgment seat of my Maker, I testify to you that I know that God lives; that I know that Jesus was the Christ; that I know that Joseph Smith was a prophet of God; that I know that Brigham Young was a prophet of God; that I know that Wilford Woodruff is a prophet of God and the mouthpiece of God upon the earth today; that I know that his counselors are chosen of God; that I know that the twelve apostles are inspired by the Lord; and that I know that no man living upon the face of the earth, who has received a testimony of the gospel, can fail to recognize the authority of the Almighty God that rests upon the earth today, upon the shoulders of these men, and have the light and inspiration of the spirit of God to guide him.

"I pray for our brother whose name has been mentioned here today. I have fasted, I have wept, I have prayed for this brother mine; yet I have been charged in the papers with having attacked him. God forbid that I should ever attack any man! But, above all things, may God save me and my brethren from failing to recognize the power of Almighty God whereby you and I, through obedience to the principles of the gospel, may be saved eternally."

Elder George Teasdale.

"It is wonderful the power of the spirit and testimony that has rested upon the brethren at this conference. We have felt that God has been with us by his power, and also that it should be manifested unto the world that the priesthood of the Son of God has been restored to the earth and those who bear it enjoy the light and the power of God that was promised unto those who would bow in obedience to the commandments of God. * * *

"I desire also to testify to the truth of that that has been said concerning our Brother Moses. I love Moses Thatcher. We were together in Mexico, and I esteemed him as one of my best friends. It was Brother Moses Thatcher that laid his hands upon me and blessed me when I went to undertake the mission to Europe. I have pleaded for him, and all the apostles have pleaded for him, and that is the reason no action has been taken. We wanted him to have plenty of opportunity for repentance; that he might come with a broken heart and contrite spirit, and say, 'Brethren, forgive me for all my wrongdoings; let me be one with you, as I have been in times that are past. That is what we have patiently waited for. We have pleaded before the Lord that he would touch and soften his heart, that he might see his position as we see it. Do you think that we are all under a false impression? Do you think that this body of men, who live near to the Lord, and whom you sustain as prophets, seers and revelators, are all wrong, and he is right? I pity anybody that entertains such an idea. It is rather untenable. It is not so. The reason there has been so much leniency is because we have loved him. We hear that he is increasing in health and strength, and we look for him to come with the broken heart and contrite spirit and be associated with us. If there is anybody that loves him more than we do, I would like to know where you find him.

"I am thankful to bear my testimony concerning this work, because I know it is true. I know that these principles we have received at this conference are true. We are the representatives of the Lord Jesus Christ, or we are not. And we can be tested, for we tell the people that if they will repent and be baptized by a man having authority, they shall receive the remission of their sins; and they shall know through the gift of the Holy Ghost concerning the doctrine, for the Lord will reveal it unto them. That is our promise to all the world, because we know that the Lord has spoken, and that he is a rewarder of those who diligently seek him. I pray that the spirit of unity which exists between the presidency and the apostles may never be any less, but that it may increase until we shall become one with Christ as he is one with the Father, to his eternal honor and glory."

President Joseph F. Smith.

"I wish merely to say a word to guard the people from unwise sympathies. While we may have a great deal of love for our fellow-beings, and especially for those who have been favored of the Lord in times past, we should exercise that love wisely. Now, I love men and women who are devoted to the cause of truth, and my sympathies are always with them. But it is impossible for me to sympathize with those who do wrong. * * *

"The Lord has said:

" 'Therefore, be not afraid of your enemies; for I have decreed in my heart, saith the Lord, that I will prove you in all things, whether you will abide in my covenant, even unto death, that you may be found worthy. For if ye will not abide in my covenant, ye are not worthy of me.'

"The man that will abide in the covenant is my brother and my friend, and has my sympathy and love, and I will sustain him. But the man who raises his heel and his voice against the servants of God and the authority of the priesthood on the earth is not my friend, and he has not my sympathy nor my love. Of course, I respect the rights of all men, and honor those who are good and upright among all people. And God knows, and I would that you should know, that when a man repents of his sins, when a man that has done wrong will humble himself before the Lord, and will show his determination to abide in the covenant unto

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death, and comes with a humble spirit and contrite heart before the Lord and his brethren and acknowledges his fault, asks forgiveness, and his acts correspond with his professions, oh! God, how my heart yearns with love and affection, compassion, charity and forgiveness for that man. I will go more than half way to meet him. But I will not turn one hair out of my way for him that has hardened his heart against the Lord and against the truth, and that has turned away from the new and everlasting covenant and has proved that he will not abide in it. He must look to his own way. I will turn him over to God to deal with as seemeth to him good.

"That is where I stand in relation to this matter. We have not dealt harshly with any man. Charity and love, mercy and kindness have pervaded all our deliberations and all our counsels together concerning our brethren, and all that we have had to do with. We never entertain a feeling of bitterness, or of resentment, or of wickedness in our hearts toward any man. On the contrary, we have exercised charity, forbearance, patience and long-suffering, until patience ceases to be a virtue, in my judgment, and it is about time that justice should claim its own. Mercy has done its work; patience has endured long enough; and all Israel must know that a man, whether he is an apostle, a high priest, or a seventy, that will not hearken to the voice of God, that will not give his heart unto the Lord, that is not obedient, must cease to be fellowshipped by the people of God. We cannot uphold men who will pursue a course like this, or who will betray their brethren. We cannot afford it, and we cannot do it and be justified before the Lord.

"We have received a communication, saying that we stood self-condemned before the people, because we had transgressed the law of God. We have transgressed no law of God, so far as we know. It is a clear case of the twelve jurymen, eleven of whom were united and saw eye to eye, while the one stood out alone, claiming that all the rest were wrong. We have borne and borne. Six months have passed—aye, years have passed, because that which occurred six months ago marked only the forks of the road, only the dividing line. For years before we had tolerated, and patiently waited; we had prayed and petitioned, and we had suffered long, and yet to no avail. Our councils have seldom been graced by his presence. He has not felt it necessary to be one with his brethren. He has estranged himself from us, not we from him. He must abide the consequences. And we want to tell you that these matters do not hinge upon political questions, either. We can tell you further that every man is free, so far as this is concerned. The question is not in regard to any man's political faith. It is in regard to the order of the priesthood. It is purely, clearly and solely an ecclesiastical matter. It is not a personal matter at all. It is a matter of compliance on the part of the members, with the order that God has instituted in the church on non-compliance therewith. It is a matter concerning the government of the church, and the authority which God has instituted to direct and to guide. It is the question as to whether the people will unite with the majority of the priesthood, who are united and see eye to eye, or whether they will be misled by one man.

"May the Lord help us to see the right, and not to condemn till we know all the truth, and not to judge our brethren nor be harsh; for we have not been."

The foregoing remarks were intended not as an arraignment of Moses Thatcher or in any way as a trial of his cause, but simply as an explanation to the Latter-day Saints that they might understand the situation. But he and his intimate associates and supporters construed those utterances as a public accusation, and Moses Thatcher, who had not attended the conference, as it was reported on account of ill health, immediately after the conference made public addresses in the Cache stake, and seemed not to understand that he was acting without proper authority. The first presidency thereupon issued the following:

Notice.

To the officers and members of the Church of Jesus Christ of Latter-day Saints:

It having been reported to us that Brother Moses Thatcher has on three different occasions recently addressed congregations of the Saints at Logan, Cache valley, this, therefore, is to notify you that by action of the council of the first presidency and apostles of the Church of Jesus Christ of Latter-day Saints, the name of Moses Thatcher was not presented at the general conferences of April and October, 1896, to be sustained in his office as an apostle; and that this action of the authorities suspended him from exercising any of the functions of the priesthood, that is, from preaching the gospel or administering in any of the ordinances thereof, until he, by making satisfactory amends to his fellow-servants, should be restored to their fellowship and that of the church.

WILFORD WOODRUFF,
GEORGE Q. CANNON,
JOSEPH F. SMITH,
First Presidency.

In consequence of the ill health of Moses Thatcher, by request of his friends, action in his case had been postponed from time to time by the council of the twelve apostles, and the understanding was had and expressed that he would not be required to appear and make satisfaction to that body until he should be in fit physical condition. After making the public addresses referred to above he came to Salt Lake City and, on October 15, 1896, went to the Temple, as though he was still a member of the quorum of the twelve in full fellowship and good standing, to meet with the presidency and apostles in their prayer circle and general weekly meeting. He did not go to the annex, the ordinary place of ingress, but to the door where the presidency and apostles are admitted. He was not permitted to enter. By this exclusion he was brought to understand his position, and he applied by letter to President Lorenzo Snow for the appointment of a time and place to meet with the apostles and confer with them concerning his case.

In response to that request a special meeting of the twelve was called to meet at the historian's office on Thursday, November 12, 1896, and he was informed of the fact by letter from President Lorenzo Snow. The council met as per appointment, but Moses Thatcher did not appear. Instead, he sent a long communication to the quorum, going over the grounds of his case from his own standpoint, and informing the apostles that they "need not convene."

In order to give him another opportunity to appear and place himself in harmony with his brethren, another special meeting was appointed at the historian's office, at 10 a. m., November 19, of which he was duly notified by letter. When the time came he again failed to appear, but sent another communication, in which he stated that he had not been invited to be present.

The case of Moses Thatcher was then fully considered by the council of apostles, and their action is set forth in the following:

Notice.

To the officers and members of the Church of Jesus Christ of Latter-day Saints:

This is to inform you that at a meeting of the council of apostles held this day (Thurs-

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day, November 19, 1896), there being present Lorenzo Snow, Franklin D. Richards, Brigham Young, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant, John W. Taylor, Marriner W. Merrill and Anthon H. Lund, which meeting was called for the purpose of considering and taking action on the case of Elder Moses Thatcher—and of which meeting and its object he had been duly notified—after a full consideration of all the circumstances of the case, and after each apostle present had expressed himself upon the subject, it was unanimously decided that Moses Thatcher be severed from the council of the twelve apostles, and that he be deprived of his apostleship and other offices in the priesthood. LORENZO SNOW,

President Council of the Twelve Apostles.

This notice was served upon Moses Thatcher, and he gave to the morning papers, on Sunday, November 22, 1896, all the correspondence which had passed between him and President Lorenzo Snow in reference to this matter. Although this should have been recognized by all Latter-day Saints as highly improper, it created sympathy for the deposed official of the church among those who were not well informed concerning the order of the church and the particulars of the case. The comments that were made induced some of the brethren who had listened to remarks from various sources to send a communication to President Snow, asking for an explanation of the Thatcher case, that false impressions concerning the course of the twelve in relation to it might be removed. Following is the letter, with the reply of President Snow:

Letter to Snow.

"Salt Lake City, Nov. 28, 1896.—Elder Lorenzo Snow, President of the Twelve Apostles:—Dear Brother:—As there has been much discussion over the correspondence between Moses Thatcher and yourself, and some of our own people are at sea in regard to the primary cause of Brother Thatcher's lack of harmony with your quorum, leading to his excommunication therefrom, in behalf of a number of such persons we pen you this communication.

"We are aware that the difficulty mainly rested with the twelve and one of its members; also that when action was taken in the case there was no need of your making further explanations. We can appreciate your abstinence from controversy, on a purely church matter, through the public prints.

"But, seeing that there appears to be a misapprehension of the facts in the case, and that many good people are liable, in consequence of that, to form incorrect conclusions, we respectfully ask you, if it be not inconsistent with any rule of the church or of the council over which you preside, to make some public statement which will serve to place this matter in its true light before the Saints, and clear away the mists which, to some at least, seem to surround the subject of Moses Thatcher's deposition. As he has given to the world the private correspondence that passed between you and him in a church capacity, is it fair, even to yourself and your associates, to leave the matter in its present condition and open to so much misconstruction? If you would make an explanatory statement through the Deseret News we believe it would be highly esteemed by many others, as well as your brethren in the gospel,

NEPHI L. MORRIS,
"ARNOLD G. GIAUQUE,
"ARTHUR F. BARNES,
"R. C. BADGER.
"T. A. CLAWSON."

Snow Gives Out Correspondence.

"Salt Lake City, Nov. 30, 1896.—Messrs. Nephi L. Morris, Arnold G. Giauque, Arthur F. Barnes, R. C. Badger and T. A. Clawson:—Dear Brethren:—In response to your esteemed communication of the 28th inst., I have determined, after conference with several of the apostles, to offer some explanations on the case of Moses Thatcher and comments on the correspondence to which you refer, through the columns of the Deseret News.

"The apostles did not view the publication of the letters that passed to and from Brother Moses Thatcher and them as calling for any controversy on their part. Nor did they think it a proper thing to give those ecclesiastical communications general publicity through secular newspapers. The letters bearing my signature were not prepared with a design for publication, whatever the others might have been—and were regarded as church matters for the consideration solely of the respective parties. It is only because those letters have been given to the public, and because it seems, from what you say, that an improper impression has been made upon the minds of some people thereby, that I comply with the request to meet some of the statements they contain.

"The evident purpose in publishing those communications was to excite public sympathy, and the unnecessary and superfluous appeals they contain convey the impression that they were concocted for that purpose. They were not relevant to the issue involved. Moses Thatcher was not on trial for his fellowship. Specific charges were not preferred either in public or in private. The question was solely as to his standing as one of the apostles, in consequence of his lack of harmony with the quorum of the twelve, of which he was a member. That question he could have settled at any time if he had so desired, and that without a formal trial. By placing himself in harmony with his quorum, in the spirit of humility and conformity with its rules, of which he was not in ignorance, he could have saved himself all the trouble and deprivation of which he complains.

"In his review of what he calls his case he lays great stress on the matter of the declaration of principles, which he refused to sign after it had received the indorsement of the first presidency, the apostles (excepting himself), the patriarch, the seven presidents of the seventies, and the presiding bishopric, comprising the general authorities of the church. His excuse is that he had only about an hour and thirty minutes in which to consider it. Usually men do not require much time to consider a matter which they have always held to be right. There was nothing new in that document as it relates to church discipline. It contains that which has always been an established doctrine of the church. When the committe which prepared it submitted it to the other church authorities they signed it after reading without hesitation and without requiring time to deliberate. It embodies so manifestly a conceded and necessary rule that every one in harmony with the church authorities accepted it at once, and the church as a body has received and adopted it as an essential rule. Why should Moses Thatcher alone, of all the church authorities, feel that he could not sign it, as he alleges, 'without stultification?' Was not that in itself evidence that he was and had been out of harmony with his brethren? And are they not men as little disposed as any one living to stultify themselves, or to assent to anything wrong that is of vital importance to them and to the church?

"He charges that his letter refusing to sign the declaration was 'suppressed.' There was no suppression in the matter at all. The letter was not addressed to the conference nor to the public. Out of mercy and compassion to him no reference was made to his contumacy at the April conference, but his name was simply dropped from the list of authorities presented. How could he have been sustained under the circumstances? There are

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six of the twelve now living who voted for his appointment to the apostleship. Not one of them would have sustained him for that position if it had been known that he then entertained views entirely out of harmony with those of that body.

"The letter addressed on April 6 to his associates was a deliberately composed communication showing that he was able to understand the document which he refused to sign, and his prompt publication of that letter, in a secular newspaper, shows that he had a deliberate intention to oppose the declaration and defy his brethren who promulgated it. But if he did not have sufficient time to consider the declaration at the April conference, what about the six months which elapsed before the October conference? Was not that time enough? During that interval he was visited by many of the brethren, some of them apostles, and no change was effected, but he failed even to attend the October conference or to manifest a disposition to conform to the principles of the declaration.

"It is true that he was in poor bodily health during that period. But he was not too ill to upbraid brethren who tried to impress him with the danger of his position, nor to accuse some of them of having 'blanketed their conscience' in signing the declaration.

"He states in his letters that he would have attended the October conference if it had not been for the 'assurances and reassurances' he had received that nothing would be done concerning his standing until his health should be restored. He then complains bitterly of the explanations given to the conference as to his position, and seeks to convey the impression that they were a breach of good faith.

"The 'assurances' to which he refers were faithfully fulfilled. He was left in statu quo. Every time it was shown that the condition of his health would not admit of his meeting with his quorum the question of his standing was postponed. But meanwhile he and his friends were not slow to talk about his associates and to convey unwarranted impressions concerning their course in his 'case.' So much misunderstanding was thereby created that it became absolutely necessary to make some explanations that the Latter-day Saints might not be deceived. President Woodruff was so strongly impressed with this that he addressed the conference on the subject, and his statements were indorsed by several of the twelve who followed him.

"This was no 'trial' of Moses Thatcher. It was simply a necessary explanation of his status. It involved the question of his lack of harmony with the church authorities. His claim that he was publicly accused, and therefore should have a public trial, is astonishingly absurd. He was not accused in the sense of a trial or investigation. The fact of his lack with harmony with the authorities was explained and shown to be of much earlier date than his refusal to sign the declaration and his engaging in active politics. To place himself in harmony with the twelve, or refuse to do so, required no 'trial,' either public or private. He did neither. Yet the assurances given him which he misconstrues were observed and his 'case' was not called up until he was able to appear.

"It was but a few days after the conference, even if it had entirely closed, before he appeared and spoke at public meetings as though he still held the authority in which he had not been sustained at conference. This necessitated the announcement from the first presidency through the Deseret News that he had no right to officiate in the priesthood while in his suspended condition.

"Notwithstanding [the facts stated in*] that announcement, when he chose to present himself to the authorities, he presumed to attempt entrance to the temple for that purpose, and at a time when the first presidency as well as the twelve met for the consideration of other church matters and for holding their prayer circle. No one could attend but those of their own body, nor even enter the house unless in good standing. No member of the church without the proper recommend can obtain admittance to the Temple, no matter how much he may have contributed to its erection. That would cut no figure at all in the right of entrance. It is amazing that Moses Thatcher should attempt to intrude the boast of his contributions into the question of entering the Temple of God when not in good standing and full fellowship.

"His exclusion from the Temple he construes into being 'denied the privilege of meeting with the quorum.' No one knew better than he that there was no such denial. The assurance given him by Elder F. D. Richards and others of the quorum was proof of their willingness to meet him and their joy at his manifestation of even a desire to meet them. That there were other places and occasions when he could properly have an interview with his brethren he fully understood, and he subsequently applied for it as he should have done long before.

"In passing I will notice his technical quibble about the closing of the Temple against him on October 15 for his disregard of my letter of October 23, which he says is hard for him to understand. A careful reading of my letter will show that the difficulty is of his own manufacture. What I said conveys no such meaning as he asserts. I said, 'This being the condition of affairs, you were not admitted to the Temple on the forenoon of Thursday.' The 'condition of affairs' which caused that exclusion is set forth in the first paragraph of my letter, and relates to occurrences before the 15th. It is true that my letter of the 23rd in reply to his of the 16th is incidentally mentioned, but only as something growing out of what happened on the 15th, and of course was not intended to apply as a condition existing before that date. This perversion of plain language shows what small evasions will be resorted to when one gets into the dark.

"Reference to the conference discourses published in the Deseret News was made that Brother Thatcher might know exactly what the brethren said, that he might see the necessity there was for the people to understand where he stood, and that he might see the need of putting himself in harmony with the church authorities.

"It is necessary to notice his complaint that he had not been invited to attend the meeting at which final action was taken in his case. In his letter dated November 4 he says:

" 'I returned to this city Thursday—a week ago tomorrow—and have daily expected to hear respecting a time when I could see the brethren once more together. No word having reached me respecting that matter, I adopt this means of respectfully asking you when such meeting can be arranged. As early a reply as convenient will greatly oblige, your brother in the gospel,

" 'MOSES THATCHER.'

"To this I replied, as he published, under date of November 6.

" 'In accordance with your wishes for a meeting, I take pleasure in appointing 2 o'clock on Thursday next at the historian's office, upon which occasion the quorum will be pleased to meet with you. With kindest regards, your brother and fellow-servant,

" 'LORENZO SNOW.'

"On the day appointed the apostles met, at the time and place thus designated, and they received his lengthy communication dated November 11, in which he said:

*These words were omitted from the Deseret News.

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"'I shall not trouble my brethren, therefore, to convene in a special meeting named for Thursday at 2 p. m. at the historian's office.'

"Thereupon the council of the apostles gave him one week more, and notified him that his case would be called up for action at a meeting to be held in the historian's office at 10 a. m. on Thursday, the 19th inst., as appears in my letter, published by him with the other correspondence.

"When that day arrived we received his last letter in which he said:

"'As there is to be no trial of any case, and as I am not requested to be present, I take it to be the purpose of considering my case,' etc.

Out of Harmony.

"Why should there have been any further tampering with the case? Moses Thatcher was entirely out of harmony with his brethren the apostles. He was simply required to put himself in accord with them as is required by the gospel and the order of the councils of the priesthood. That he declined to do. After asking for a time and place to be appointed when he could meet with them, and in response to that request a time and place were set, and the apostles came from distant points for the purpose of meeting with him, instead of appearing he coolly notified them by letter that he would 'not trouble them to convene!' Then when they gave him another week in which to appear, and notified him that his case would be called up for consideration and action, he still treated the council with contempt, and asserted, 'I am not requested to be present.'

"That the council of the apostles took the only consistent action that was left open, must be evident to every Latter-day Saint who has eyes to see and a heart to understand. Why Moses Thatcher did not meet with his brethren, after they had assembled at his own request, is best known to himself. Notwithstanding his past course, they were ready to receive him with open arms if he had come in the proper spirit and put himself in accord with them. As he would not, they expelled him from the priesthood, as they were in duty bound to do.

"It should be known that the disaffection of Moses Thatcher dates back to a time long before political difficulties could enter into the matter. President Woodruff has stated publicly that Moses Thatcher had not been in full harmony with his quorum since the death of President John Taylor. Trouble was had with him before that time.

"In 1886 he proclaimed in public discourses ideas and predictions not indorsed by his brethren. At Lewiston, Cache county, notes were taken of his utterances and published on a fly-leaf. He was subsequently written to by President Taylor, and his answer is on file. While he claimed that he had not been accurately reported, he gave his own language, under his own hand, to the effect of predictions of events to occur within five years, which have failed of fulfillment and which were founded on erroneous interpretations of scripture. He wrote for publication a sort of retraction which really took nothing back, but merely changed partial errors in the report of his extravagant remarks.

"He was out of harmony with his brethren in relation to a standing appellate high council, which he claimed should be appointed and which notion he has never acknowledged was incorrect

"He disputed with President Taylor as to the appointment of president of the Logan temple and contended for a man of his own selection, even after the president announced the appointment by revelation

"His bearing with his brethren of the twelve was such that he could not brook dissent, and resented their non-acceptance of his personal views.

"When Wilford Woodruff's accession to the presidency was under consideration, as the proper successor, he expressed opinions which showed that he regarded human smartness and business ability as above that simplicity of character and susceptibility to divine impressions which are notable in that faithful servant of God, and objected that such a man could not grasp the situation of affairs or cope with the difficulties arising. He was overruled, but persisted in his views.

"When President George Q. Cannon, after the decease of President Taylor, was in prison for infraction of the anti-polygamy laws, Moses Thatcher claimed that Brother Cannon had defrauded him, and he threatened in the presence of President Woodruff and others of the twelve to sue him at law, and thus bring many private affairs before the public through the courts. Only on being emphatically warned by President Woodruff and others that such a course, particularly in Brother Cannon's condition, would result disastrously to him in his church position, did he desist. On President Cannon's release from confinement the matter was fully investigated, and it was demonstrated that, instead of Brother Cannon's owing him, he was in Brother Cannon's debt to an amount which he subsequently paid. For his insults and hard language toward Brother Cannon he has never apologized nor made any amends. This incident is referred to in President Cannon's absence from the State. He has always preserved silence on this matter and did not wish it to be mentioned against Brother Thatcher. But it is important as showing Moses Thatcher's spirit and bearing toward his brethren.

"Brother Thatcher makes great pretentions of devotion to the church and declares that he has 'never shirked any responsibility.' The people in many of the various stakes of Zion who have been visited by the apostles may ask themselves when they have ever seen Moses Thatcher at their quarterly conferences or other church gatherings.

"He has neglected the meetings of his quorum for years. This was not always on account of ill health. He was able, at least in the earlier part of the time, to attend to business and pleasure affairs, apparently in good health and spirits. The roll-book of meetings of the presidency and the apostles shows that from May, 1889, to April, 1896, a period of about seven years, he was in attendance at the regular weekly meetings but thirty-three times. There were held 277 of those meetings, at which President Woodruff, though weighted down by age and numerous cares, was present 256 times; his absence was always on account of sickness. Brother Thatcher's residence was most of the time in Logan, but the hour was set so that he and others at a distance could have reasonable opportunity to attend.

"Brother Thatcher's spirit has been contumacious and he has been self-opinionated and arbitrary. Previous to the dedication of the Temple his brethren labored with him for many hours to bring him into the proper frame of mind to unite with them in that sacred ceremony. His condition was not entirely satisfactory at the close of the protracted interview, but was accepted out of charity and mercy to him that he might not be excluded from the dedication, with the hope that the spirit of the occasion would influence him to thorough reconciliation. President Woodruff's announcement of harmony among the brethren was made with that understanding, but has been adroitly turned by Brother Thatcher to shut off all that occurred before that time, and which would not now be alluded to but for his own utterances and reference to his pretended humility and harmony.

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"In accepting nomination for a political office, which if elected thereto would have taken him away from his ecclesiastical duties for long periods, without consultation with his quorum and the presidency, he could not but have known that he was violating a requirement of high officials in the church. Yet he would not consult with them, while he was able to attend political gatherings and business meetings, although in poor health. Here again he was out of harmony with his brethren.

"There was no need for any loss of manhood or proper independence nor the forfeiture of any of the rights of citizenship. But if he did not value his apostleship and priesthood as if the very first consideration, he was not worthy to hold them, and his subsequent course shows that he held them in great esteem in theory, but in very small esteem in practice. Fine words and sympathetic phrases do very well to influence the public, but they count for nothing in the face of deeds that contradict them, and the failure to do that which is so rhetorically professed. The standing and fellowship of Moses Thatcher as a member of the church have not been brought into question, therefore there has been no trial. He has been dealt with by his quorum for lack of harmony with his associates, something that was entirely in his own power to correct without great exertion or much time. If his standing in the church was at stake, specific charges would be made, and he would have to answer to them in the usual way, which is not and has not been by public demonstration.

"What has been done was necessary and a duty. Action was not taken until it was certain that no further delay would be of any use or benefit. Moses Thatcher has been treated with greater consideration and mercy than any other man who has taken the course which he has pursued. He has been prayed for, waited upon, pleaded with and wept over until his rebellion and contumacy were seen to be invincible, and he is in open hostility to regulations which the whole church has adopted and ratified. He could not and cannot be any longer empowered to act in the authority of the holy priesthood.

"And now let the Latter-day Saints ponder upon the situation, and take the warning given by the Prophet Joseph Smith as a key to the church for all times. It is as follows:

" 'I will give you one of the keys of the mysteries of the kingdom. It is an eternal principle, that has existed with God from all eternity. That man who rises up to condemn others, finding fault with the church, saying that they are out of the way while he himself is righteous, then know assuredly that that man is in the high road to apostasy; and if he does not repent, will apostatize, as God lives.' (History of Joseph Smith, July 2, 1839.)

"In conclusion I repeat the words of him who spake as never man spake:

" 'He that exalteth himself shall be abased, but he that humbleth himself shall be exalted.'

"Your brother in the gospel,

"LORENZO SNOW."

Woolley's View of Affair.

Previous to the publication of the foregoing letters, some young men in Salt Lake City addressed a letter to their father at St. George; they received the following reply, which sets forth so clear and comprehensive a view of the subject that it is here presented for the careful consideration of the reader:

St. George, Nov. 23, 1896.

My Dear Sons, Gordon, Richard and Frederick: Since writing you last and on the same day I wrote you about the Thatcher matter, we received yours of the 22nd, and also had the Sunday and Monday Herald, so that I have the letters between Brother Thatcher and President Snow, and also have the articles of The Tribune on the matter, as well as the News articles up to the 24th. The mail did not connect yesterday, so I have nothing later, but I think I have enough to size up the situation fairly well.

An outsider on reading the letter between Thatcher and Snow will very naturally think that Moses Thatcher has not had fair treatment, from the fact that his quorum would not formulate any charges for him to plead to, and dealt with him without giving him a chance to be heard in self-defense. Under a legal procedure, or in common business transactions, this view would undoubtedly be the correct one, but to one who is somewhat familiar with the principles of the gospel, the organization of the church and its quorums of the priesthood—the matter assumes a different aspect.

The statements of the members of his quorum made at the last conference throw considerable light on the trouble, even though nothing definite was said as to the particular points of difference between him and the others of the twelve. That he stood alone as opposed to his quorum in any matter of church discipline, and refused to put himself in harmony therewith, after a fair time had been given him, is in itself enough cause for his being placed outside the quorum, as it is impossible for a body of that kind to do its proper work with disunion in its midst; and while the people generally may not have known all the matters of difference, still Thatcher's usefulness in his place as an apostle would be impaired, and he could not do his duty in his high and holy calling. This being so, it was his plain duty to place himself in harmony with the others of his quorum, or, failing to do that he should have resigned, and not have been a stumbling block in the way of the progress of the cause which he professes to think so much of.

It may be said that the matters of policy and discipline were such as he could not conscientiously sustain, and that therefore he is justified in refusing to indorse or work for them. Admitting that to be the case, he had a right in his place in the quorum to give his views in as strong a manner as he felt necessary, and urge upon the others to adopt them; but when he had done that and the majority was against his ideas, to say nothing of there being in this case the entire eleven against one, then he must acquiesce in their decision, yield his judgment to the others, and do his best to make the policy decided upon a success; if it were not possible to give it his fullest sanction, he should at least not to anything to oppose or obstruct the workings of the quorum, for the minute he does such a thing he is not fit to hold his place in that quorum and must make way for some one who can and will work in harmony with the heads of the cause.

It is not a supposable case that the eleven of the quorum and the three of the first presidency are all going to take a course which is opposed to the good of the church, and that one man is the one who is right, especially when that one man is only one of twelve of equal authority, with another quorum of three still over them. While in ordinary cases of trial for fellowship the accused has the right to have charges preferred against him to which he may answer and rebut if he can, this is another kind of a case; it is simply a matter of harmony and fellowship between a member of a quorum and the quorum itself, and consists of differences of opinion and opposition to the decisions of the quorum, with which all are acquainted and which need no formal charges to acquaint the party out of harmony with what he is expected to make right so that he may be in fellowship with his quorum.

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It is not a matter where the eleven should go to him and make the differences right, but it is for the one out of harmony to come to them and set himself straight; or, failing to do so, to resign his place, so that the cause may not suffer from the want of union among the leading quorums. You will see from this the difference between a case where a member of the church has committed some act against the laws of discipline of the church, and the case of a member of a quorum being out of harmony in his own quorum. In the first case the party who is accused of a wrong must have the charges specified; must have the opportunity of being confronted with his accusers, and of producing any evidence he may have, to rebut the accusations against him; then by the law and the testimony only can he be condemned.

No one can know and understand better than Thatcher these principles of order in the organization of the church, and when he called on the members of his quorum for specific charges against himself he must have known that he was requiring something out of order, something which they would not have been justified in making, and to all appearances he was only doing this to make a record by which he could claim that he had been unjustly dealt with, in being deposed without a hearing, depending on the ignorance of "outside" people and many of the "inside" ones as well, to justify him in his course, and by this means gain popularity and make a schism in the church, or at least to ride into political power by his show of independence of the church.

While his letters seem to exhibit a meekness of spirit, still there is something of a studied effort at posing for future effect, so that he might have the quorum at a seeming disadvantage when the matter became public. A careful reading between the lines will make this plain to a spirit of discernment.

He exhibited the cloven hoof the moment he announced himself a candidate for the Senate on a platform opposed to the rule of the church, and this was done even before he had been deposed, and while he still pretended to expect to hold his position. What further proof can be wanted of his disposition to try and gain political power and prestige among the class called "Young Utah?" Of course he knows that there is a large class of the young of this church which does not have a very good understanding of the church order and discipline, and he evidently thinks he can work upon the sympathies of this class by pretending not to have had a fair showing to defend himself, but when the young, and many of the older ones, too, who have not understood this, have time to think the matter over, they will not see the thing in the light that at first seemed to be so clear to them, and Thatcher will stand where he belongs in their estimation.

While Thatcher may be an honest man, and a man whom any one would be disposed to like, still there can be no doubt that he has allowed his ambition, mixed probably with his personal feelings toward some of the leading men, to have such an influence over him, that he has thrown away a position which is the highest and most honorable in the world.

While there may have been many mistakes made by the church authorities, and may be many more made in the future, it is no justification for a man in Thatcher's position to take the stand he has done, and his duty was to try and learn by the errors committed, and endeavor to have them avoided in the future. No man is perfect, and although there are men holding high places who are entitled to the spirit of the Lord to teach them how to act so as to bring about the best results for the cause they represent, still they may at times commit errors in judgment and even do things through selfish principle, not in keeping with their professions and high callings; so that we should not tie to any man so far as our faith in the principles of the gospel and our ideas of right are concerned, but endeavor so to live that we may have the spirit of discernment and truth to guide us aright on all subjects.

A few weeks since it would have been considered by many as almost a sacrilege to have questioned anything which Brother Thatcher might have said or done, but his fall shows how fallible is man, and that any one of those now in full standing may go the same way, for no man is of himself safe for a day or an hour. I desire to keep enough of the spirit of the Lord in close communion to enable me to judge between right and wrong, as I consider that one of the greatest of God's gifts to man.

There is one thing we should bear in mind regarding those high in authority, and that is that they are placed on a kind of a pedestal, where their faults and weaknesses are plainly visible, and where they appear more prominent than where exhibited by others who are not in so prominent a position and have not so much expected from them.

As to the merits of any business troubles and jealousies there may have been between Brother Thatcher and others of the authorities, I am not prepared to judge, as I have only heard one side of a portion of them, and nothing at all from Thatcher's side, but I assume Thatcher is able to look pretty well after his own part of such things, as he is a bright and intelligent business man.

While there may be a difference of opinion as to the wisdom of the course being pursued by the Deseret News in threatening the supporters of Thatcher for the Senate, with church power, still I would rather have an open fight at any time than to be stating one policy for the outside to hear and pursuing another in secret, so that I am willing to stand by the church in an open fight for any principle of right, and at no matter what cost.

As to Thatcher's chances for the Senate, I am unable to give an intelligent opinion, as I am not acquainted with a great number of the Legislature, but I think no one who is a firm Latter-day Saint will vote to place him there, because he has announced himself as standing on a platform which is positively opposed to the discipline of the church, and which rules of discipline have been approved by nearly all the members thereof. When he takes that stand he is opposing the church in a vital place, and I see no other course than for some one to make a complaint against him for conduct unbecoming a Latter-day Saint, and unless he retracts from the position he will necessarily have to be cut off from the church. This may seem harsh to some, but there can be no other logical outcome to a course such as he is now taking. It would be the same if any other member of the church should announce himself on such a platform.

I believe I am as independent in my ideas and action as any one can well be, but I try to be consistent with my ideas of honor and justice, and to recognize order and authority in church government. The position I take on the Thatcher case seems to me to be the only one which can be maintained in justice to the rights of the church itself.

I have a strong dislike to injustice to any person or cause, and will always defend the right as I understand it.

If I were a member of the Legislature, I should surely vote against any one assuming the position Thatcher does, not believing that politics of that kind should stand in the way of the cause of truth. I have talked with

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none here, and can't say how much sympathy Thatcher has, but suppose there will be a good many who will be led away by the speciousness of his pleas of unfairness; my sympathy for him is for his great loss, and I would be glad to have him come around and make all right if he can do it honestly.

All well; very cold for two nights. Ice half an inch thick on creeks. Love to all. Your affectionate father,

EDWIN G. WOOLLEY.

As evidence of the impression produced on the minds of persons not connected with the Church of Jesus Christ of Latter-day Saints, by the dispute between that church and Moses Thatcher, the following article from the pen of a Catholic clergyman is here presented. It is taken from the Denver Catholic of November 28, of which Rev. T. H. Malone is editor:

"THE MORMON CHURCH AND POLITICS.

"It seems to us that most of the newspapers which have commented upon the action of the Mormon church in its treatment of ex-Apostle Moses Thatcher, have failed utterly to grasp the correct position of the Mormon church in the matter.

"Mr. Thatcher has been put outside the fellowship of the Mormon church for having, as alleged, accepted civil office without taking counsel with the church. No one, we think, will question the right of the church to deal with its members in its own way, and if Mr. Thatcher has transgressed some law of the Mormon body we fail to see wherein any outsider has the right of complaint.

"A great cry has been raised against the Mormon church because of its treatment of Mr. Thatcher, and the old cry of interfering in politics renewed. But we confess that a careful examination fails to show that the Mormon church has in any way interfered in politics in its treatment of Mr. Thatcher. If Mr. Thatcher violated a rule of the Mormon institution in seeking and accepting office without the permission of the Mormon church, he clearly made himself liable to the treatment which has been meted out to him. And in this view of the case it is quite clear that Mr. Thatcher is insincere in seeking to use his violation of church discipline as an argument in favor of his election to the United States Senate.

"If the Democratic Legislature of Utah should be influenced in Mr. Thatcher's favor because of his treatment by the church to which he has professed allegiance, the Legislature would be clearly guilty of doing by indirection what it is prohibited by the constitution from doing, viz: of interfering in a church matter which in no way concerns it.

"The Mormon people have shown a far better temper in this whole affair than any of their critics. It is entirely outside the province of the Utah Legislature to vindicate Mr. Thatcher in a matter that pertains solely to the Mormon church; and if the Legislature of Utah should assume any such responsibility it will have entered upon a very dangerous proceeding, and one which will absolutely dissolve the Mormon church from its expressed obligation not to interfere in politics.

"There is a fundamental principle involved in this controversy which the Gentiles of Utah should not lose sight of."

On Sunday, December 13, Moses Thatcher had a very lengthy communication in the morning papers, ostensibly addressed to President Lorenzo Snow, as a reply to his letter of explanation which appears in this pamphlet, but covering much wider ground, and entering into subjects entirely outside of President's Snow's remarks. While expressing great hostility to the mingling of religion and politics, it mixes them up in a manner that conveys to the thoughtful reader the impression that political office is the chief end in view of the writer, and the religious part of his argument is so framed as to lead up to, and make eminently conspicuous the platform on which he presents himself for the suffrages of the members of the Utah State Legislature. He also attacks the Deseret News on political ground, all of which is extraneous to the letter of explanation published by President Lorenzo Snow, and while addressed to him is clearly intended to influence the Legislature and the public mind.

Starting with the assertion that in writing his letter: "The duty is a painful one, so painful indeed, that personal considerations would be a motive insufficient to induce me even on a matter so vitally important to me and mine, to take up my pen in self-defense," he goes on through nearly seven columns of print to make statements and offer pleas which are almost entirely personal to himself, and utterly fails to make it appear that there was anything like a "duty" incumbent on him to make any of the statements which he gives to the public.

The explanations given by President Snow, in response to the letter of inquiry addressed to him, Moses Thatcher denounces as "public charges to gratify the curiosity of five young men of Salt Lake City," and complains because the specified charges against him, which he demanded previous to his deposal, were withheld from him, but are now made public.

It should be plain to every intelligent mind that has paid attention to this matter, that no "charges" have been made against Moses Thatcher to place him on trial, either in public or in private, with the exception of the charge that he was not in harmony with his quorum and the general authorities of the church. This fact he appears to ignore entirely. The explanations given by President Wilford Woodruff and other church leaders at the October conference, and those given in President Snow's letter, were not "charges" on which Moses Thatcher was to be placed on trial, but were necessary items of information for the enlightenment of the members of the church, who were under the impression that the only difference between Moses Thatcher and the church authorities was in relation to the declaration of principles, enunciated at the April conference.

The insinuation that they were given merely to gratify the curiosity of a few young men is scarcely worthy of mention, except to show the underlying spirit of an effusion professing candor and fairness. The "pleas" for mercy and "cries of anguish" of which he speaks could all have been obviated by a few minutes' conversation with the brethren of his quorum in a conciliatory spirit. This he could have had whenever he so desired, and such expressions fail to move upon the sympathies of enlightened people, in view of that simple fact.

Another Complaint.

Another complaint by Moses Thatcher is that,

"During all these weary months, while friends and physicians believed I was on the verge of the grave, I was administered to only once by members of our quorum, although day after day engagements made for that purpose were for reasons unknown to me not kept. And after the manifesto was returned to you unsigned, none of the apostles, except the three mentioned, ever came to my house or visited me for any purpose whatever."

This statement is amazing in view of the facts, unless for charity's sake the idea is entertained that the sickness to which he alludes has blotted many things from his memory. Times without number members of his quorum visited him during his sickness, and

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were always ready to minister to him when he was ready to receive their administrations. President Wilford Woodruff and Joseph F. Smith also waited upon him. On several occasions, after waiting a long time to see him, some of his brethren failed to obtain any interview. None of them is aware of any "engagement made for that purpose" which was not fulfilled. It is not customary for the elders of the church to thrust their offices upon invalids, but the rule is: "If any are sick among you, let him call for the elders of the church, who shall anoint him with oil and pray over him, and the prayer of faith shall save the sick."

No one of the authorities of the church has ever refused a call from Moses Thatcher or members of his family, to administer to him. After his refusal to sign the declaration of principles (or "manifesto" as he calls it,) it is true that calls were not made upon him so frequently as before. He had demonstrated that he was out of harmony with his brethren and was in such a frame of mind and condition of body that conversation with him was almost an impossibility. He was so excited and determined to talk himself, that any attempt to enlighten him or respond to his voluble expressions was utterly in vain.

But why should he now complain that he was not "labored with" by his brethren in reference to the declaration of principles when he admits "I understood the manifesto then as I understand it now?"

The ground he offers for this complaint is this:

"It may be that Elder B. H. Roberts signed it without consideration, but I have been authoritatively informed that, strong and healthy as he was in mind and body, several members of the quorum to which I belonged labored with him day after day for weeks before he consented to accept the principles of absolutism it contains."

He then remarks:

"But when I afterward learned that its claims had been discussed for weeks by the other members of the quorum of apostles, that a systematic presentation of its grounds had been devoted to Brother Roberts, I was led to wonder if the brief time allotted me was the result of design or accident."

These complaints and insinuations are founded upon error. The declaration of principles, which was formulated by a committee, was not prepared until a time subsequent to the reconciliation of Elder B. H. Roberts with his brethren. He needed no persuasion to append to it his signature. He signed it without objection, as did all of the authorities of the church to whom it was presented, with the sole exception of Moses Thatcher. The principle it contains is so manifestly essential to the welfare of the church, and so clearly in accord with the order of the holy priesthood, as understood from the beginning, that there was no need for hesitation or delay. The necessity for its enunciation at that particular juncture must be apparent to every reflecting mind, in view of the attitude assumed by Moses Thatcher and those who shared his opinions. It is often necessary to repeat well established doctrines and to reiterate principles which all experienced Saints ought to understand, but which some of them seem to forget or neglect to practice.

His complaint about his exclusion from the Temple is repeated with quibbles about dates, one of which was fully explained in President Snow's letter. The spirit in which they are put forward will be discerned by the majority of the Latter-day Saints. Complaint is again made by Moses Thatcher of the remarks made by President Woodruff and others concerning him at the October conference, in this wise:

"I had received assurances and reassurances that nothing would be done or said affecting my case until I should report myself ready for trial."

This statement is another of those remarkable departures from the exact truth, which occur so frequently in his latest publication. The promises made to those of his friends who expressed the desire that he should not be called to account by his quorum before he was physically able to endure the mental and bodily exertion necessary to undergo such an investigation, did not pledge any person to refrain from speaking on the subject. He and his friends did not appear to think there was any seal of silence to be placed on their lips, and it was to correct the improper impression which had been made upon the minds of many of the Saints that the explanation given by the brethren at the conference was considered necessary. Moses Thatcher contended, as he contends now, that his failure to sign the declaration of principles was the only note of discord between him and the church authorities. The remarks made at the October conference placed the matter in its true light, and the lack of harmony between him and his brethren was shown to have long existed.

He disputes and ridicules the statement of President Snow that the promise to his friends was faithfully fulfilled, and asks:

"When a tribunal pronounces a man guilty and announces to the world its judgment, has he been left "in statu quo?" "

Here again Moses Thatcher assumes that he was placed on trial, when there had been no tribunal, no trial, no charges, and no judgment. His case was certainly left "in statu quo," and was not investigated nor acted upon until by his own request a time and place were set for the purpose, at which he refused to be present. Once more, charity would suggest that his singular objections and failure to recognize the realities of his case are attributable to mental weakness consequent upon his affliction.

He next attempts to evade the evidence adduced to show his lack of harmony with his brethren and an established rule of the church, in his threat made to President Woodruff, and several of the twelve, to sue President George Q. Cannon at law when Brother Cannon was imprisoned for infraction of the anti-polygamy laws. This he does by quoting a receipt which he gave to Brother Cannon as president of the Bullion-Beck company for certain shares of stock in that company, which were delivered to him by the secretary. What application that can have to his accusation against President Cannon and his threat to take a civil case against a brother into a court of law, before seeking redress according to the law of the Lord, is also one of those peculiarities in Moses Thatcher's latest plea, which it is difficult to harmonize with good reason and church doctrine.

The point which he, not very skillfully, evades is that he was out of harmony with the President of the church and his associates in his spirit and course toward President Cannon in this instance. He professes not to understand how this matter being "a business transaction between two members of the church" has a bearing on his affairs as recently made public. Such a transaction between two members of the church has been many times in its history the foundation for a trial in its courts, involving the fellowship of the member who sued or threatened to sue his brother, before that recourse which the church provides had first been exhausted.

Following this evasion of the real issue, is an endeavor to explain the subject of his utterances in Cache county and other places in 1886. He says:

"Not one word uttered by me at Lewiston on the occasion referred to partook of the nature of a prophecy as coming from me."

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Let us see. The report of his remarks which was circulated at the time on a fly leaf, numerously distributed, was as follows:

"WORDS SPOKEN BY MOSES THATCHER AT LEWISTON, CACHE COUNTY, 1886.

"It is my belief that every city, precinct, county and Territorial office in this Territory will be in the hands of our enemies, that we will be so burdened with taxes that it will be almost more than human nature can endure; that we shall cry to the Lord both by night and by day for deliverance; that when our hearts are sufficiently subdued, that our entire trust will be in the Lord, then shall that man like unto Moses be raised up and raise us up, and lead us out of bondage back to Jackson county, in the State of Missouri. There will be no hesitation; everything shall be decisive and prompt; the mountains shall tremble before him, and if there be a tree or anything else in the way of their progress, it shall be plucked up by the power of God. Then is the time that the Scripture shall be fulfilled that says, 'One shall chase a thousand, and two shall put ten thousand to flight.'

"It is my belief that the time of our deliverance will be within five years, the time indicated being February 14, 1891 (see Millennial Star, vol. 15, page 205), and that the man raised up will be no other than the Prophet Joseph Smith in the resurrected body; the power to lead Israel in the latter days, as Moses lead him anciently having been sealed upon his head by his father Joseph Smith, the patriarch of the church at that time. If Father Smith had the power to bless, and that he had this power is most certain, from the fact that he was ordained to this office and calling by his son the prophet, before the above blessing was promised on the head of Joseph Smith.

"No other man can perform this mission of the Prophet Joseph Smith (Millennial Star, vol. 15, page 620). I do not say all the people of the nation will be destroyed within the time mentioned, but I do say that in consequence of the wickedness and corruption of the officers of this Nation the government will pass into the hands of the Saints, and that within five years. There will not be a city in the Union that will not be in danger of disruption by the Knights of Labor, who are becoming a formidable power in the land. You people in quiet Lewiston need not be surprised if within the next four years the railroad is torn up from Ogden to the Missouri river and to San Francisco and into Montana in the North, leaving us isolated as we were when we first came to this Territory. There is a power to do this and a disposition too," meaning the Knights of Labor.

"A servant of God holding the power and keys of the holy apostleship does not speak in this manner for mere pastime; there is more in these utterances than we are apt to attach unless we are aided by the Spirit of God. They are calculated to cheer the Saints in the time of trial and persecution."

The foregoing was declared at the time to be an accurate report of the remarks of Moses Thatcher in Cache county and as repeated by him at Rockville in Washington county, when he was on his way up from the South. Reports from these extreme points were to the same purport. But Brother Thatcher in his communication to President John Taylor, to which he refers in his latest open letter, disputes the correctness of that report, and gives the following as his own version of his remaks at Lewiston:

"The inaccuracy of the report consists mainly in accrediting me with declarations made by the Prophet Joseph Smith, and with statements recorded in his history as published in the Millennial Star, to which in my remarks I alluded, and from which I quoted. Of course I am unable to remember the ideas sought to be conveyed in that portion of my remarks claimed to have been reported as indicated in the prints sent me by you. In substance what I said was as follows:

" 'I believe that every Territorial, county and Municipal office in this Territory will be in the hands of our enemies before this religious persecution is ended; that we will be burdened by excessive taxation almost beyond human endurance; that political bondage will be so complete and so oppressive, that we will be compelled to purify ourselves, cease to rely upon the arm of flesh, and cry night and day with one united voice of supplication to God, for deliverance.

" 'I believe, when that day shall come—and I do not think it far distant—the man like Moses spoken of in the Book of Covenants will lead the Saints out of bondage to the land of their inheritance, as predicted. There will be no hesitation, for what God does through that deliverer will be decisive and prompt. The mountains will tumble before him, and if trees or other obstructions be in the way of progress, they will be plucked up, or removed by the power of God, and "one shall chase a thousand and two shall put ten thousand to flight," as foretold.

" 'It is my belief that the Saints will be delivered from bondage within five years, the Prophet Joseph Smith having declared at a special meeting of the members of Zion's camp, called by revelation, manifest in vision to the prophet and held at Kirtland, O., on February 14, 1835, "that the coming of the Lord was nigh—even fifty-six years should wind up the scene." (Mill. Star, vol. 15, page 205.)

" 'The blessings of Moses to lead Israel in the latter days, even as Moses led them in the days of old, having been put upon the head of Joseph by his anointed father, the ordained patriarch of the church. I believe the man to be "raised up," to deliver God's people from the temporal bondage will be no other than Joseph Smith, in the spirit or in the resurrected body.' (Mill. Star, vol. 15, page 620; alseo prediction in the Book of Mormon and Doctrine and Covenants.)

" 'Within the time specified by the prophet for the coming of the Lord and the winding up scene, I know not how great may be the destruction wrought upon our Nation, but the officials thereof will cease their wickedness, corruptions and oppressions, repent of the hatred of the Almighty, and stop persecuting his saints, or the government and power to rule will pass out of their hands.

" 'Previous to the time indicated few cities in the Union will be beyond danger of disruption by the Knights of Labor and other secret societies, fast becoming formidable powers in the land. In the midst of the doings of these secret societies I should not be surprised, nor need you, dwelling in quiet Lewiston, be surprised, if within five years, the railroads between the Missouri river and San Francisco, Ogden and Montana on the north, are largely torn up, leaving us isolated as when we first came to the Territory. The power and disposition to accomplish this, and much more, is in these organizations, and will increase until the abundant elements of destruction, rapidly massing, will work for the people of our Nation terrible disasters, and if they repent not, ultimate ruin.' "

How is it possible that Moses Thatcher can reconcile his own report of his utterances at Lewiston with his present statement that "not one word on the occasion referred partook of the nature of a prophecy as coming from him?" In his letter to President Taylor he states that the inaccuracy of the report consists mainly in attributing to him assertions made by the Prophet Joseph Smith. But the citations which he marks, whether from the Millennial Star or the Doctrine and Covenants, make no allusion whatever to the events which

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he said would occur within five years from the time when he predicted them. They are not to be found in any of the declarations of the Prophet Joseph Smith, or of his father, or of any other leaders of the church. If Moses Thatcher's utterances as reported by himself are not in the nature of predictions, then the term has no meaning in our language. If those predictions have not failed of fulfillment, then the history of our church and Nation since 1891 has no signification.

But reference to those predictions and their failure was not made in the nature of a "charge" against Moses Thatcher for which he was to be called to account, it was simply to show his lack of harmony with his associates in the church, that being the gist of the offense alleged by the church authorities.

But he urges in further excuse this peculiar assertion:

"Besides, it is well understood by the Saints that the sermons, even of apostles, are not regarded as doctrine."

Let us compare this statement with the revelation of God through Joseph Smith to three apostles, which the Lord declares is "an ensample unto all those who are ordained unto this priesthood."

"And whatsoever they shall speak when moved upon by the Holy Ghost, shall be scripture, shall be the will of the Lord, shall be the voice of the Lord, and the power of God unto salvation." D. & C. p. 248.

This promise is to be coupled with the commandment.

"And the spirit given unto you by the prayer of faith, and if ye receive not the spirit ye shall not teach." Doc. and Cov. page 170.

When we further consider the remark reported to have been made by Moses Thatcher at Lewiston, and which was a favorite expression of his at that time, his present declaration appears all the more remarkable. It was this:

"A servant of God holding the power and keys of the holy apostleship does not speak in this manner for mere pastime. There is more in these utterances than we are apt to attach unless we are aided by the Spirit of God."

He next disputes the statement of his discord with President Taylor in relation to the appointment of M. W. Merrill as president of the Logan Temple. But the spirit of forgetfulness which he attributes to others, must be an affliction of his own, for there is abundant evidence to prove the truth of President Snow's statement, and the fact of Moses Thatcher's appointment as third officer in the Temple, instead of proving, as he claims, that he had not opposed Brother Merrill's appointment, is rather in the nature of evidence that President Taylor desired to placate Moses Thatcher and soothe his ruffled feelings.

But if the question was asked, did Moses Thatcher fill that appointment and perform his duties, what answer could be truthfully given? There is actually nothing to show that Brother Thatcher acted as assistant to the president of the Temple, even when his services were needed in consequence of the very large attendance for ordinance work. This was many years before his severe illness. It was in 1884.

The next effort of Moses Thatcher is to make it appear that there is a conflict between the position taken by the leading authorities of the church on political matters previous to the admission of Utah into the Union, and that which they occupy now. That this effort is a complete failure will be evident to all who carefully examine that which he sets forth in support of his proposition.

He quotes from the report of an interview with the first presidency which appeared in the columns of the Salt Lake Times, and also refers to the statements of the first presidency as published in the Deseret News. He then refers once more to the declaration of principles, and offers the excuse for not signing it, that he "could not reconcile this last one with those made by file leaders and ecclesiastical superiors between 1890 and the date of Utah's admission into the Union."

The truth is that there is nothing in all those utterances of the leaders of the church, between the dates he mentions, which is in any way out of harmony with the principles enunciated in the declaration, or "manifesto," as he pleases to term it.

The substance of what he quotes from those earlier declarations is contained in these two paragraphs:

"We have no desire to interfere in these matters, but proclaim that, as far as we are concerned, the members of this church are entirely and perfectly free in all political matters."

Quotes From Interview.

That is from the announcement made by the first presidency March 18, 1892. The following is from the interview in the Salt Lake Times:

"Does the church claim the right to dictate to its members in political matters?

"The church does not claim any such right.

"That being true, are we to understand that the church will not assert any right to control the political action of its members in the future?

"That is what we wish to convey and have you understand."

Now what is there in those remarks, or in any others of a similar nature made by the church leaders, which differs from their enunciation in the declaration of principles?

In that document the doctrine is reasserted, as a rule long established in the church that,

"Every leading official thereof before accepting any position, political or otherwise, which would interfere with the proper and complete discharge of his ecclesiastical duties, and before accepting a nomination or entering into engagements to perform new duties, should apply to the proper authorities and learn from them whether he can consistently with the obligations already entered into with the church upon assuming his office, take upon himself the added duties and labors and responsibilities of the new position."

It will be seen that this regulation, essential to maintain proper discipline and order in the church, does not affect any one but the leading officials thereof. Following is another quotation from that document:

"We declare that in making these requirements of ourselves and our brethren in the ministry we do not in the least desire to dictate to them concerning their duties as American citizens, or to interfere with the affairs of the State. Neither do we consider that in the remotest degree we are seeking the union of church and state."

The whole tenor and spirit of the declaration tend to maintain the individual liberty, political and otherwise, of the members of the church. There is nothing in it encroaching upon their rights as American citizens or seeking to control their ballots. They are left perfectly free to join or not to join any political party. The Times interview and the declaration are in nowise antagonistic.

It is noticeable that in all the allusions to the declaration made by Moses Thatcher, in his forced construction of its language, in his inferences and deductions as to its meaning, he refrains from quoting a solitary sentence from that document, although it forms the chief topic of his lengthy efforts. If he found so vital a difference between former utterances of the presidency and the principle advanced in what he terms the "manifesto," why did he quote in detail from the former and omit to quote a line from the latter. To use his own query, was this "the result of accident or design"?

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Moses Thatcher assumes that the declaration contains something that could be applied to restrict the liberties of the people, and argues that because of that danger he cannot sustain it. Is anything necessary further than this to show that he is and has been since April, 1896, entirely out of harmony with the authorities of the church?

Here is another quotation from his letter:

"The spirit of the manifesto, as it appeared to me, was in violent antagonism to all I had believed and publicly proclaimed for many years, and I could not, and so far have not been able to bring myself to a point where I believe I should yield my political judgment to any set of men however praiseworthy their intentions."

Does he not in that paragraph furnish the proof that he has been for many years out of harmony with his brethren? But does the declaration require him or any one else to "yield his political judgment?" The rule to which he objects bears no such signification. An officer of the church whose time and talents are pledged primarily to the church, has no right under this rule to engage in anything, political or otherwise, which would take him away from the duties that claim his first attention, unless by permission of his associates and presiding officers. This does not infringe upon his political liberty or deprive him of his political judgment. If he prefers political honors to ecclesiastical duties, he can lay down the latter and freely take up the former. But he cannot at will ignore, neglect and forsake his church duties for any purpose, and retain his official standing, power and authority. That is so simple a proposition that it would seem as though any person of mature age and sound mind could grasp it without difficulty.

But he contends:

"The manifesto (applied as its construction will allow, or as it would be interpreted by men whose personal ambitions might control and subvert their sense of right) could be operated to the injury of the State."

Could not this be said of any declaration of principles or set of rules in church or state penned by the hand of man? Does Moses Thatcher wish it to be understood that he charges any of the church authorities with personal ambition or desire to establish what he terms "absolutism"? If not, what is the meaning of his comment, last quoted on this subject? And yet he afterwards declares:

"I deny their right or their intention to interfere with my politics."

If he disclaims their intention to interfere with his politics, why does he take the pains to deny their right, and where is the danger to the individual or to the State which appears to him so terrible? And he seems to be entirely oblivious to the danger which would come to the church if its leading officials could go off as they pleased, hither or thither, engage in business or politics, accept public positions which would take them away months at a time from their ecclesiastical duties, without leave or license from the presiding church authorities. He is fearful of some danger to the State from the operation of the rule asserted in the declaration, but has no regard for the ruin that might ensue if that proper discipline declared to be essential to the order of the church should not be maintained.

Nearly all of the remaining part of Moses Thatcher's letter is devoted to a presentation of his claims as a candidate for political office. It is entirely irrelevant to the subject discussed in President Snow's letter, to which the Thatcher communication purports to be a reply. He prefaces it with the following statement:

"My whole life and its work contradict the charge that I could seek office on a platform antagonistic to any church. I should oppose any man who stood upon such a platform."

To test the sincerity of this assertion, it will be necessary to quote from the definition of his position in the Senatorial contest, published in The Salt Lake Tribune of Sunday morning, November 15, and which he subsequently admitted to a Herald reporter was substantially correct. He said:

"If I had not been placed in a position involving a great principle, I could not be tempted to accept even the high office of United States Senator, but if Utah—if Young Utah feels that my election would be a vindication of that for which I have contended, and would aid in preventing the forging of chains upon the people of this State, I should accept the office of Senator should it be tendered me."

Then speaking of the declaration of principles he adds:

"I could not consent to the adoption of a rule that would affect the political liberty of so many people, and give so great power to the church authorities."

And further, he says:

"Because of the stand I then took I have been placed in the position of defending the cause imperiled by the address I refused to sign, and I have been asked to believe that my election to the Senate at this time would be of incalculable benefit to that cause. If, as I have said, young Utah believes that it would, I shall be at its command, and shall be willing to give such service to the State in Congress as I am capable of rendering."

That forms the entire platform on which he then presented himself as a candidate for the high office of United States Senator. Is it not "a platform antagonistic to the church" of which he was and now claims to be a member? He declared himself willing to accept a public position, for the express purpose of fighting a rule of that church which its general and local authorities and the body of the church had formally announced and adopted as essential to its order and discipline. On his own declaration, then, it will be entirely proper for every person in the church who accepts the declaration, to oppose Moses Thatcher in his political candidacy, because he stands on that anti-church platform.

Observe, this is the logical deduction from his own reasoning. It is he who has interjected this political question into the subject of his religious relations and standing. It is he who has laid down the rule that any man should be opposed by the church who seeks office on a platform antagonistic to its rules. While he pretends aversion to the idea of seeking office on such a platform, the whole tenor of his recent utterances given to the press tends to show that his aim and object are, to reach a high political position as the champion of a cause which is nothing if not hostile to the church. And this appears to be the capstone of the somewhat incongruous structure which he has raised; under cover of a purported reply to the plain and pointed explanations given by President Snow of the reasons why action was taken against him by the council of the twelve apostles.

In reference to his candidacy for the Senatorship he exclaims:

"I invite neither the support nor the opposition of the church. It has no concern in political issues."

That the opposition of the church is incited if not "invited" by his attitude of hostility to its latest official declaration, cannot be rationally disputed. The church has the right to protect itself, and when a candidate for high public office takes his stand upon a platform of open antagonism to its discipline, he virtually invites the opposition which he attempts to evade.

And is it true that "the church has no concern in political issues?" Has not every church in the United States some concern in political issues? In particular has not the

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Church of Jesus Christ of Latter-day Saints deep concern in all political issues that affect the people of Utah? The great majority of them are members of that church, and their welfare depends largely upon political issues.

The idea that the church must be stricken dumb when political issues which have a direct bearing upon it are raised, is a fallacy that would be dangerous indeed if it were not so absurd.

As to the selection of persons for public office, the word of the Lord by revelation is given to the church, and his people are directed by commandment to seek diligently for wise men and honest men, and are cautioned that the choice of other than good men and wise men "cometh of evil."

Every official in the church has a right to express his views on political issues. The church itself, as a body, is interested in those issues that concern the State and the Nation. Its officers have as much right as other men to a preference for some candidates over others for civil office. They may exercise their influence as citizens to give that preference effect, providing they do not use any improper means to accomplish it.

The opinions of men who helped to lay the foundations of this State, ought not to be ignored in political issues because they hold leading positions in the church, and as the church itself is almost entirely composed of people who are citizens, it is not to be shut out of a voice in public affairs by the bald assertion that "It has no concern in political issues." The church must not dominate the State nor interfere with its functions; nor must the church be robbed of its right to speak on issues that vitally concern its own welfare.

In conclusion Moses Thatcher admits that he has "no complaint against the treatment accorded" him, but asks:

"Why am I to be driven out of the church because of the manifesto?"

That admission is astonishing after the long columns of complaints which precede it. That question is absurd in the absence of any attempt or desire to "drive him out of the church." No man is "driven" out of the church. It is his own acts that are responsible for any man's excommunication. Moses Thatcher, by simply going from his house in this city to the historian's office, a distance of two and a half blocks, to meet with the council of the apostles could have saved himself all the sorrow, grief and humiliation of which he so repeatedly complains, while claiming that he makes no complaint.

By conversing with his brethren at a meeting specially convened at his written request, he could have learned all he wished to know respecting their views and feelings concerning him, and if he so desired could have made reconciliation, or have resigned peaceably the position which he could not consistently retain while out of harmony with that body. But, after asking for that meeting, when it had convened according to his desire he coolly informed his brethren that "they need not convene." When they reconvened a week later, he again failed to appear. He has indeed no cause to "complaint of the treatment accorded" to him, nor has he any reason to talk of an attempt to "drive" him from the church.

This review of Moses Thatcher's case is published with no desire to injure him in person, standing or estate. It is designed simply to guard members of the church, who may be excited to undue sympathy by reason of pathetic appeals to their feelings, against being led away by a false light, by sophistical argument, or by political bias into the swamps of error which lead to the depths of apostacy, wherein are sorrow, ignominy, darkness and despair. By clinging to the "iron rod" and keeping their eyes fixed upon the guides whom God Almighty, through his son, Jesus Christ, has set in the church to point the way to celestial glory, they will be led in the straight and narrow way which leadeth unto eternal lives, avoiding the by and forbidden paths into which so many have strayed, and will thus gain an abundant entrance into the eternal presence, and receive the crown which awaits those who, having overcome all things, shall inherit all things.

Utah Law on Polygamy.

Mr. Tayler. We want to make reference later on to some extracts of testimony printed in this Senate report in 1892, but I will not do that now. I want to read the constitutional provision and the statutory provision of Utah respecting the subject of polygamy, and so on. The Constitution of Utah, article 1, section 4, is as follows:

"Sec. 4. Religious Liberty.—The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of church and state, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment. No property qualification shall be required of any person to vote or hold office, except as provided in this Constitution."

Article III. is as follows:

"ARTICLE III.—ORDINANCE.

"The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

"Religious Toleration.—Polygamy Forbidden.—First—Perfect toleration of religious sentiment is guaranteed. No inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; but polygamous or plural marriages are forever prohibited."

I read section 4208 of the Statutes of Utah:

"4208. Polygamy Defined.—Exceptions.—Every person who has a husband or wife living, who hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on the same day, marries more than one woman, is guilty or polygamy, and shall be punished by a fine of not more than five hundred dollars and by imprisonment in the State prison for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract."

Similar to Edmunds Act.

Mr. Worthington. That is the Edmunds act, is it not?

Mr. Tayler. Oh, no; this is a statute.

Mr. Worthington. It is the same language?

Mr. Tayler. Yes; the same language was adopted in the State statute.

Mr. Worthington. Does the margin give the date?

Mr. Tayler. 1892. It is on pages 5 and 6.

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Mr. Van Cott. It means it was passed in 1892?

Mr. Tayler. Yes, originally passed. This is the law of Utah, however, today.

"4209. Unlawful Cohabitation.—If any male person hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than six months, or by both said punishments, in the discretion of the court.

"4210. Adultery.—Whoever commits adultery shall be punished by imprisonment in the State prison not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery."

Mr. Tayler. That is all, Mr. Chairman.

The Chairman. Have counsel on the other side any questions?

Mr. Worthington. Yes.

Smith Resumes Testimony.

Joseph F. Smith having previously affirmed was examined and testified as follows:

Mr. Worthington. Mr. Smith, at the beginning of your examination you stated that the members of the first presidency and the apostles are all known as revelators, prophets and seers. We have heard read here today a passage indicating that there is only one revelator. What is the explanation of that apparent inconsistency?

Mr. Smith. We believe that all men are privileged to enjoy the light of revelations for their own guidance in the discharge not only of their personal affairs, but also in the discharge of their religious duties, but that only one man at a time holds the authority to receive revelations for the guidance of the whole church.

Mr. Worthington. In this little book, for instance, that has been introduced here called "Mormonism," by B. H. Roberts, on page 59 occurs this language, and I will ask you whether this correctly states the doctrine of the church:

"The first of the three presidents is recognized as the president of the church, its prophet, its seer, its revelator, the mouthpiece of God to the people, Christ's vicegerent on earth; the one and the only one authorized in the government of the church to receive the revelations of God for the church, which revelations constitute the law of the church."

Mr. Smith. That is correct.

Mr. Worthington. Now, in the book called "Doctrine and Covenants" I find that the last revelation in that book, the one of latest date as well as the one last arranged in the book, is one which is headed thus:

"Section 136. The word and will of the Lord given through President Brigham Young at the winter quarters of the camp of Israel, Omaha Nation, west bank of Missouri river, near Council Bluffs, January 14, 1847."

I wish to ask whether after that date there were any revelations coming through the one authorized revelator which are not included in the book, except the manifesto?

Several Revelations Since.

Mr. Smith. There have been several revelations since the date of that one which are not included in that book.

Mr. Worthington. Then the manifesto?

Senator Hoar. Mr. Worthington, before you pass from your first question, I did not quite understand Mr. Smith's explanation of the statement that he certainly enumerated officially, of revelators, prophets and seers.

Mr. Worthington. He said that every member of the church received revelations, but only one can communicate and authorize revelations to the church for its government.

Senator Hoar. Did you mean to say, then, that when the book says that all the presidents are revelators, prophets and seers they were not in any way distinct from any other member of the church?

Mr. Smith. Not in relation to giving laws to the church.

Senator Hoar. In what respect are these men revelators, prophets and seers, other than the first president, in which other members of the communion are not?

Mr. Smith. In the discharge of their ecclesiastical duties, being standing ministers of the church.

Senator Hoar. But are they distinguished from any other ecclesiastical officers? Where are they mentioned as revelators, prophets and seers rather than any other officials of the church?

Mr. Smith. Because they are the general officials of the church. There are general officials and local officials. These are classed among the general officials of the church.

Senator Hoar. But they have, as I understand you, no gift of revelation of prophecy or of sight which does not belong to all other Mormons in full communion?

Mr. Smith. I would say, Senator, that we hold that every good man, every just man, every man living according to his highest idea of correct life as a member of the church, is entitled to revelations for his personal guidance and for his direction in his duties in the calling of the church, whatever that calling may be, whether he is a lay member or an official member, and neither is this, we think, confined to the men or males. We believe that women also are entitled to inspirations, as were women of old, mentioned in the scriptures, provided they live worthy to receive the manifestations of the spirit to them.

President Only Receives Law.

Mr. Worthington. Then, do I understand that the fact is that only the president, the head of the church, is or ever has been authorized to receive revelations for the church which constitute the law of the church?

Mr. Smith. That is correct, sir.

Mr. Worthington. You say there have been a number of revelations received which have never been bound up with the Doctrine and Covenants?

Mr. Smith. Yes, sir.

Mr. Worthington. Have they been printed and distributed at all?

Mr. Smith. Yes; they were printed in brochure form—that is, in pamphlet form

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—and of course are kept in our book department of the Deseret News, for sale to anybody who wants them, just the same as the book of Doctrine and Covenants, or any other book is held.

Mr. Worthington. The same as the manifesto?

Mr. Smith. The same as the manifesto; yes.

Mr. Worthington. What was the last revelation that came to the church from the one authorized to give it as the law of the church?

Mr. Smith. Well, according to my best recollection it must have been about 1882. The purport of the revelation was calling to the apostolate or apostleship two men, who are named in the revelation.

Mr. Worthington. Who was the president through whom that revelation came?

Mr. Smith. President John Tayler.

Mr. Worthington. You say that was the last one?

Mr. Smith. I do not now recall any since then except the manifesto.

Mr. Worthington. Except the manifesto?

Mr. Smith. Yes, except the manifesto.

Mr. Worthington. Then do I understand you to say the only revelation that has come to the church in the last twenty years is the one that says polygamy shall stop?

Mr. Smith. Since 1882?

Mr. Worthington. Yes, since 1882—twenty-one years.

Mr. Smith. Yes, sir; I think it is.

Senator Bailey. Mr. Worthington, if you would not object to an interruption just there——

Mr. Worthington. Certainly not, Senator.

Revelation or Manifesto.

Mr. Bailey. I would like to know why you call the others revelations and you call this last a manifesto?

Mr. Smith. It is merely a custom, I guess. It was so called in the first place, and we have become habituated to it, just as we have become habituated in calling the Church of Jesus Christ of Latter-day Saints the Mormon church. We have accepted the term, although it is not the name of the church.

Senator Bailey. It indicates no difference, so far as the binding authority upon the conscience of members is concerned?

Mr. Smith. No, sir.

Mr. Worthington. That manifesto, it already appears here, was accepted, but I think it has been stated it was accepted twice. How did that happen?

Mr. Smith. This manifesto, as it is called, or revelation through Wilford Woodruff, was first submitted to the entime church in conference assembled.

Mr. Worthington. I wish you would describe, for the benefit of those who do not know so much about, just what is meant by that conference. It is a conference of what? Who comes, or who is authorized to come?

Mr. Smith. It is a conference at which all of the official members of the church are expected, as far as it is possible for them, to be present. It does not exclude any member of the church, but it is particularly expected that all official members, all persons holding the priesthood, shall be present at that conference. It is an official gathering of the church.

Mr. Worthington. Yes; but of what geographical division, if any?

Mr. Smith. None; it includes the entire church.

Mr. Worthington. From all the world?

Mr. Smith. From all the world.

Mr. Worthington. As a matter of fact, how many people attend these conferences generally?

Mr. Smith. Well, generally anywhere from ten to fifteen thousand people.

Mr. Smith. Were you present when the manifesto was first presented and accepted, in October, 1890?

Mr. Smith. No, sir; I was not.

Mr. Worthington. Do you know how many persons were present, about?

Mr. Smith. I could not say from knowledge, but I am under the impression there were from eight to ten thousand people.

Mr. Worthington. You said, in response to a question from Senator Hoar, that women attend as well as men?

Mr. Smith. Oh, yes.

Proportion Sexes at Conference.

Mr. Worthington. Could you tell us about in what proportion women and men attend?

Mr. Smith. I believe in about equal proportions.

Mr. Worthington. Then, when the manifesto was proposed, was it accepted by a majority or by unanimous vote?

Mr. Smith. It was accepted by a unanimous vote of the people.

Mr. Worthington. Every hand was raised?

Mr. Smith. Every hand was raised, so far as we have any power of knowing.

Mr. Worthington. When was it again presented to the conference, and why?

Mr. Smith. Later a report was made by the Utah commission, who were sent to Utah——

Mr. Worthington. By the Government?

Mr. Smith. By the Government, that polygamous marriages were being conducted in Utah by the church, and asserting that some forty polygamous marriages could be accounted for. It became necessary to refute that statement, and a declaration was made by the president of the church denying the charge made by the commissioners and reasserting the manifesto or revelation on suspension of plural marriages, according to my recollection.

Mr. Worthington. How long after the first acceptance of the manifesto was it that it was submitted the second time and again accepted by the conference; do you remember?

Mr. Smith. Not from memory; I could not tell you.

Mr. Worthington. How often are the conferences held regularly?

Mr. Smith. Semi-annually, on the 6th of April and the 6th of October.

Mr. Worthington. Are there any special conferences?

Mr. Smith. There are what are called quarterly conferences held in the stakes.

Manifesto Eliminated.

Mr. Worthington. It appears here that the Doctrine and Covenants continue to be printed without the manifesto. Why is

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it that the manifesto is not printed and distributed with the other revelations contained in the Doctrine and Covenants?

Mr. Smith. So far as I know, it is entirely an oversight. For myself, I never thought of it. It never occurred to me; but, from the circumstances existing at this time and what I have heard in relation to the matter, it appears to me that it should be in the Doctrine and Covenants, and I shall certainly use my influence to have it put in the next edition that is published.

Mr. Worthington. I will ask you whether this was presented and is what indicates the action taken by the conference when the manifesto was first submitted and approved or ratified:

"President Lorenzo Snow offered the following:

" 'I move that, recognizing Wilford Woodruff as the president of the Church of Jesus Christ of Latter-day Saints, and the only man on earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized by virtue of his position to issue the manifesto which has been read in our hearing and which is dated September 24, 1890, and that as a church in general conference assembled, we accept his declaration concerning plural marriages as authoritative and binding.' "

Mr. Smith. Yes, sir.

Mr. Worthington. You have said that among your standard books is the Bible?

Mr. Smith. Yes, sir.

Mr. Worthington. And the Bible, as you have said today, and as we all know, contains some passages which do, or which some people consider do, support the practice of polygamy?

Mr. Smith. Yes, sir.

Mr. Worthington. In distributing the Bible, do you print any note or appendix, or anything indicating that those passages are not to be taken as indicating what is the proper practice today?

Use King James's Version of Bible.

Mr. Smith. No, sir; we have not interfered at all with the King James version of the Bible, which we have accepted as a standard work of the church.

Mr. Worthington. In that respect have you made any distinction between the doctrine and covenants and the Bible?

Mr. Smith. No, sir; none whatever.

Mr. Tayler. Do you claim there have been additional revelations that ought to be added to the Bible?

Mr. Worthington. I claim there are things in the Bible—for instance, such a man as Solomon having had a number of wives——

Mr. Tayler. Has any revelation been made that is not in the Bible?

Mr. Worthington. No; no revelation has been made.

Senator Hoar. I do not think that discussion is profitable.

Cowley's Talks on Doctrine.

Mr. Worthington. In reference to these other books which have been produced here, let me ask you, for instance, about this, from which excerpts have just been read, Crowley's Talks on Doctrine. That appears to have been published in Chattanooga in 1902.

Mr. Smith. Yes, sir.

Mr. Worthington. Have you any knowledge whether that was or was not submitted to the church or any authorities of the church?

Mr. Smith. It never was submitted to anybody in charge in the church.

Mr. Worthington. Were you aware of its contents before it was referred to?

Mr. Smith. No, sir; I never saw it.

Mr. Worthington. You also said to Mr. Tayler, in reference to the book which is here, called Mormonism, Its Origin and History, by B. H. Roberts, that the book holds an exceptional position; or, rather, he asked you the question whether it did or not, and you answered "yes; differing from that of all other books." What did you mean by that?

Mr. Smith. I did not intend to convey the idea that it was any different from Talmage's Articles of Faith or any other standard exponent—that is, accepted exponent—of the principles and doctrines of the church. It is entirely on a par with Talmage's book and other books of a similar character. It is not exceptional at all.

Mr. Worthington. Then I will read you the question and answer and ask you whether you wish to say anything further in regard to them. The question is:

"Then this work is to be distinguished, is it not, as respects its authority, from all other works that have been written by other persons, unless they were such as were written by inspiration or other revelation?"

Your answer is:

"Yes, sir."

Mr. Smith. Perhaps the answer was hasty. I think it was. I did not mean to convey that idea, because Talmage's Articles of Faith, and there are many other books published in the church or by members of the church, which are equal as works of the church with that. There is no difference as to their authority or authenticity.

Talmage's Book.

Mr. Worthington. In the book to which you refer as Doctor Talmage's book, entitled "The Articles of Faith," and which you have already testified was supervised in its preparation by a committee appointed by the first presidency——

Mr. Smith. Yes, sir; that is correct.

Mr. Worthington. I find in the beginning of the book a page containing "The articles of faith of the Church of Jesus Christ of Latter-day Saints." Are those articles the authorized articles of faith of the church?

Mr. Smith. Those sentiments expressed, and termed the articles of our faith, were the enunciation of Joseph Smith and are accepted by the church as the fundamental principles of our faith; and the lectures, if you please, contained in that work are based upon those fundamental principles.

Mr. Worthington. I will ask the reporter to copy into the record all of that page containing the articles of faith.

The articles of faith referred to are as follows:

"THE ARTICLES OF FAITH OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

"1. We believe in God, the Eternal Father, and in his son, Jesus Christ, and in the Holy Ghost.

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"2. We believe that men will be punished for their own sins, and not for Adam's transgression.

"3. We believe that through the atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the gospel.

"4. We believe that the first principles and ordinances of the gospel are:—(1) Faith in the Lord Jesus Christ; (2) Repentance; (3) Baptism by immersion for the remission of sins; (4) Laying on of Hands for the Gift of the Holy Ghost.

"5. We believe that a man must be called of God, by prophecy, and by the laying on of hands, by those who are in authority, to preach the gospel and administer in the ordinances thereof.

"6. We believe in the same organization that existed in the primitive church, viz.: apostles, prophets, pastors, teachers, evangelists, etc.

"7. We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.

"8. We believe the Bible to be the word of God, as far as it is translated correctly; we also believe the Book of Mormon to be the word of God.

"9. We believe all that God has revealed, all that he does now reveal, and we believe that he will yet reveal many great and important things pertaining to the kingdom of God.

"10. We believe in the literal gathering of Israel and in the restoration of the ten tribes; that Zion will be built upon this (the American) continent; that Christ will reign personally upon the earth; and, that the earth will be renewed and receive its paradisaical glory.

"11. We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.

"12. We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring, and sustaining the law.

"13. We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul. We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things." (Joseph Smith.)

Mr. Worthington. I find that the twelfth is this:

"We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law."

Is that and has that always been a cardinal and fundamental principle of the church?

Mr. Smith. It is and always has been a cardinal doctrine of the church.

Mr. Worthington. I read from page 435 of this book; and I will ask that the whole of the chapter from which I am now reading shall be inserted. It is the chapter which contains the commentary on that article of faith, and explains what is meant by being subject to rulers and honoring the law; but I will read only section 23:

"An illustration of such suspension of divine law is found in the action of the church regarding the matter of plural or polygamous marriage. The practice referred to was established as a result of direct revelation, and many of those who followed the same felt that they were divinely commanded so to do. For ten years after polygamy had been introduced in Utah as a church observance, no law was enacted in opposition to the practice. Beginning with 1862, however, Federal statutes were framed declaring the practice unlawful and providing penalties therefor.

"The church claimed that these enactments were unconstitutional, and therefore void, inasmuch as they violated the provision in the national Constitution which denies the Government the power to make laws respecting any establishment of religion, or prohibiting the free exercise thereof. Many appeals were taken to the national court of final resort, and at last a decision was rendered sustaininf the anti-polygamy law as constitutional and therefore binding. The church, through its chief officer, thereupon discontinued the practice of plural marriage, and announced its action to the world; solemnly placing the responsibility for the change upon the Nation by whose laws the renunciation had been forced. This action has been approved and confirmed by the official vote of the church in conference assembled."

The chapter referred to by Mr. Worthington is as follows:

LECTURE XXIII.—SUBMISSION TO SECULAR AUTHORITY.

Article 12. We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.

1. Introductory.—It is but reasonable to expect of a people professing the gospel of Christ, and claiming membership in the one accepted and divinely authorized church, that they manifest in practice the virtues which their precepts inculcate. True, we may look in vain for perfection, among those even who make the fullest and most justifiable claims to orthodoxy; but we have a right to expect in their creed, ample requirements concerning the most approved course of action; and in their lives, sincere and earnest effort toward the practical realization of their professions. Religion, to be of service and at all worthy of acceptance, must be of wholesome influence in the individual lives and the temporal affairs of its adherents. Among other virtues, the church in its teachings should impress the duty of a law-abiding course; and the people should show forth the effect of such precepts in their excellence as citizens of the Nation, and as individuals in the community of which they are part.

2. The Church of Jesus Christ of Latter-day Saints makes emphatic declaration of its belief and precepts regarding the duty of its members toward the laws of the land; and sustains its position by the authority of specific revelation in ancient as in present times. Moreover, the people are confident, that when the true story of their rise and progress as an established body of religious worshipers is written, the loyalty of the church and the patriotic devotion of its members will be vindicated and extolled by the world in general, as now are these virtues recognized by the few unprejudiced investigators who have studied with honest purpose the history of this remarkable organization.

3. Obedience to Authority Enjoined by Scripture.—During the patriarchal period, when the head of the family possessed virtually the power of judge and king over his household, the authority of the ruler and the rights of the family were respected. Consider the instance of Hagar, the "plural" wife of Abram, and the handmaid of Sarai. Jealousy and ill-feeling had arisen between Hagar and her mistress, the senior wife of the patriarch. Abram listened to the complaint of Sarai, and, recognizing her authority over Hagar, who, though his wife, was still the servant of Sarai, said:—"Behold thy maid is in thy hand; do to her as it pleaseth thee." Then, as the mistress dealt harshly with her servant, Hagar fled into the wilderness; there she was visited by an angel of the Lord, who addressed her thus:—"Hagar, Sarai's maid, whence camest thou, and whither wilt thou go? And she

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said, I flee from the face of my mistress Sarai. And the angel of the Lord said unto her, Return to thy mistress and submit thyself under her hands." Observe that the heavenly messenger recognized the authority of the mistress over the bondwoman, even though the latter had been given the rank of wifehood in the family.

4. The ready submission of Isaac to the will of his father, even to the extent of offering his life on the altar of bloody sacrifice, is evidence of the sanctity with which the authority of the family ruler was regarded. It may appear, as indeed it has been claimed, that the requirement which the Lord made of Abraham as a test of faith, in the matter of giving his son's life as a sacrifice, was a violation of existing laws, and therefore opposed to stable government. The claim is poorly placed in view of the fact, that the patriarchal head was possessed of absolute authority over the members of his household, the power extending even to judgment of life or death.

5. In the days of the exodus, when Israel were ruled by a theocracy, the Lord gave divers laws and commandments for the government of his chosen people; among them we read: "Thou shalt not revile the gods, nor curse the ruler of thy people." Judges were appointed by divine direction to exercise authority amongst Israel. Moses, in reiterating the Lord's commands, charged the people to this effect:—"Judges and officers shall thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes; and they shall judge the people with just judgment."

6. When the people wearied of God's direct control, and clamored for a king, the Lord yielded to their desire, and gave the new ruler authority by a holy anointing. David, even though he had been anointed to succeed Saul on the throne, recognized the sanctity of the king's person, and bitterly reproached himself, because on one occasion he had mutilated the robe of the monarch. True, Saul was at that time seeking David's life, and the latter sought only a means of showing that he had no intent to kill his royal enemy; yet we are told: "That David's heart smote him, because he had cut off Saul's skirt. And he said unto his men, the Lord forbid that I should do this thing unto my master, the Lord's anointed, to stretch forth mine hand against him, seeing he is the anointed of the Lord."

7. Note, further, the following scriptural adjurations as recorded in the Old Testament: —"My son, fear thou the Lord, and the king." "I counsel thee to keep the king's commandment, and that in regard of the oath of God." "Curse not the king, no not in thy thought."

8. Examples Set by Christ and His Apostles.—Our Savior's work on earth was marked throughout by his acknowledgment of the existing powers of the land, even though the authority had been won by cruel conquest, and was exercised unjustly. When the tax-collector called for the dues demanded by an alien king, Christ, while privately protesting against the injustice of the claim, directed that it be paid, and even invoked a miraculous circumstance whereby the money could be provided. Of Peter he asked:—"What thinkest thou, Simon? of whom do the kings of the earth take custom or tribute? of their own children, or of strangers? Peter saith unto him, Of strangers. Jesus saith unto him, Then are the children free. Notwithstanding, lest we should offend them, go thou to the sea, and cast an hook, and take up the fish that first cometh up; and when thou hast opened his mouth, thou shall find a piece of money; that take, and give unto them for me and thee."

9. At the instigation of certain wicked Pharisees, a treacherous plot was laid to make Christ appear as an offender against the ruling powers. They sought to catch him by the hypocritical question,—"What thinkest thou? Is it lawful to give tribute unto Caesar or not?" His answer was an unequivocal indorsement of submission to the laws. To his questioners he replied:—"Show me the tribute money. And they brought unto him a penny. And he saith unto them, Whose is this image and superscription? They say unto him, Caesar's. Then saith he unto them, Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's." (See note 1.)

10. Throughout the solemnly tragic circumstances of his trial and condemnation, Christ maintained a submissive demeanor even toward the chief priests and council who were plotting his death. These officers, however unworthy of their priestly power, were nevertheless in authority, and had a certain measure of jurisdiction in secular as in ecclesiastical affairs. When he stood before Caiaphas, laden with insult and accused by false witnesses, he maintained a dignified silence. To the high priest's question—"Answereth thou nothing? What is it these witness against thee?" he deigned no reply. Then the high priest added:—"I adjure thee by the living God, that you tell us whether thou be the Christ, the Son of God." To this solemn adjuration, spoken with official authority, the Savior gave an immediate answer; thus recognizing the office of the high priest, however unworthy the man.

11. A similar respect for the high priest's office was shown by Paul while a prisoner before the tribunal. His remarks displeased the high priest, who gave immediate command to those who stood near Paul to smite him on the mouth. This angered the apostle, and he cried out—"God shall smite thee, thou whited wall; for sittest thou to judge me after the law, and commandest me to be smitten contrary to the law? And they that stood by said, Reviletst thou God's high priest? Then said Paul, I wist not, brethren, that he was the high priest; for it is written, Thou shall not speak evil of the ruler of thy people."

12. Teachings of the Apostles.—Paul, writing to Titus, who had been left in charge of the church among the Cretans, warns him of the weakness of his flock, and urges him to teach them to be orderly and law-abiding:—"Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work." In another place, Paul is emphatic in declaring the duty of the Saints toward the civil power, such authority being ordained of God. He points out the necessity of secular government, and the need of officers in authority, whose power will be feared by evil-doers only. He designates the civil authorities as ministers of God; and justifies taxation by the state, with an admonition that the Saints fail not in their dues.

13. These are his words addressed to the church at Rome:—"Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power, do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. For, for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. Render therefore to all their dues; tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor."

14. In a letter to Timothy, Paul teaches that in the prayers of the Saints, kings and all in

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authority should be remembered, adding that such remembrance is pleasing in the sight of God: "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peacable life in all godliness and honesty. For this is good and acceptable in the sight of God our Savior."

15. The duty of willing submission to authority is elaborated in the epistles to the Ephesians and the Colossians; and illustrations are applied to the relations of social and domestic life. Wives are taught to be submissive to their husbands. "For the husband is the head of the wife, even as Christ is the head of the church;" but this duty within the family is reciprocal, and therefore husbands are instructed as to the manner in which authority ought to be exercised. Children are to obey their parents; yet the parents are cautioned against provoking or otherwise offending their little ones. Servants are told to render willing and earnest service to their masters, recognizing in all things the superior authority; and masters are instructed in their duty toward their servants, being counseled to abandon threatening and other harsh treatment, remembering that they also will have to answer to a Master greater than themselves.

16. Peter is not less emphatic in teaching the sanctity with which the civil power should be regarded (see note 2), he admonishes the Saints in this wise:—"Submit yourselves to every ordinance of man for the Lord's sake; whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evil doers, and for the praise of them that do well. For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men; as free, and not using your liberty for a cloak of maliciousness, but as the servants of God. Honor all men. Love the brotherhood. Fear God. Honor the king."

17. These general rules, relating to submission to authority, he applies, as did Paul, similarly, to the conditions of domestic life. Servants are to be obedient, even though their masters be harsh and severe:—"For this is thank-worthy, if a man for conscience toward God endure grief, suffering wrongfully. For what glory is it, if, when ye be buffeted for your faults, ye take it patiently? but if, when you do well, and suffer for it, ye take it patiently, this is acceptable with God." Wives also, even though their husbands be not of their faith, are not to vaunt themselves and defy authority, but to be submissive, and to rely upon gentler and more effective means of influencing those whose name they bear. He gives assurance of the judgment which shall overtake evil doers, and specifies as fit subjects for condemnation, "chiefly them that walk after the flesh in the lust of uncleanness, and despise government. Presumptuous are they, self-willed, they are not afraid to speak evil of dignities."

18. Doubtless there existed excellent reason for these explicit and repeated counsels against the spirit of revolt, with which the apostles of old sought to lead and strengthen the church. The Saints rejoiced in their testimony of the truth that had found place in their hearts—the truth that was to make them free—and it would have been but natural for them to regard all others as inferior to themselves, and to rebel against all authority of man in favor of their allegiance to a higher power. There was constant danger that their zeal would lead them to acts of indiscretion, and thus furnish excuse, if not reason, for the assaults of persecutors, who would have denounced them as law-breakers and workers of sedition. Even half-hearted submission to the civil powers would have been unwise at least, in view of the disfavor with which the new sect had come to be regarded by their pagan contemporaries. The voice of their inspired leaders was heard, therefore, in timely counsel for humility and submission. But there were then, as ever have there been, weightier reasons than such as rest on motives of policy, requiring submission to the established powers. Such is no less the law of God than of man. Governments are essential to human existence; they are recognized, given indeed, of the Lord; and his people are in duty bound to sustain them.

19. Book of Mormon teachings concerning the duty of the people as subjects of the law of the land are abundant throughout the volume. However, as the civil and the ecclesiastical powers were usually vested together, the king or chief judge being also the high priest, there are comparatively few admonitions of allegiance to the civil authority as distinct from that of the priesthood. From the time of Nephi, son of Lehi, to that of the death of Mosiah—a period of nearly five hundred years, the Nephites were ruled by a succession of kings; during the remaining time of their recorded history,—more than five hundred years, the people were subject to judges of their own choosing. Under each of these varieties of government, the secular laws were rigidly enforced, the power of the state being supplemented and strengthened by that of the church. The sanctity with which the laws were regarded is illustrated in the judgment pronounced by Alma upon Nehor, a murderer, and an advocate of sedition and priestcraft:—"Thou art condemned to die," said the judge, "according to the law which has been given us by Mosiah, our last king; and they have been acknowledged by this people; therefore, this people must abide by the law."

20. Modern revelation requires of the Saints in the present dispensation a strict allegiance to the civil laws. In a communication dated August 1, 1831, the Lord said to the church:—"Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land: Wherefore, be subject to the powers that be, until he reigns whose right it is to reign, and subdues all enemies under his feet." At a later date, August 6, 1832, the voice of the Lord was heard again on this matter, saying:—"And now, verily I say unto you concerning the laws of the land, it is my will that my people should observe to do all things whatsoever I command them; and that law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me; Therefore I, the Lord, justify you, and your brethren of my church, in befriending that law which is the constitutional law of the land."

21. A question has many times been asked of the church and of its individual members, to this effect:—In the case of a conflict between the requirements made by the revealed word of God, and those imposed by the secular law, which of these authorities would the members of the church be bound to obey? In answer, the words of Christ may be applied:—it is the duty of the people to render unto Caesar the things that are Caesar's, and unto God the things that are God's. At the present time, the kingdom of heaven as an earthly power, with a reigning king exercising direct and personal authority in temporal matters, has not been established upon the earth; the branches of the church as such, and the members composing the same, are subjects of the several governments within whose separate realms the church organizations exist. In this day of comparative enlightenment and freedom, there is small cause for expecting any direct interference with the rights of private worship and individual devotion; in all civilized nations the people are accorded the right to pray, and this right is assured by what may be properly called a common law of humankind. No earnest soul is cut off from

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communication with his God; and with such an open channel of communication, relief from burdensome laws and redress for grievances may be sought from the power that holds control of the nations.

22. Pending the overruling by Providence in favor of religious liberty, it is the duty of the Saints to submit themselves to the laws of their country. Nevertheless, they should use every proper method, as citizens or subjects of their several governments, to secure for themselves and for all men the boon of freedom in religious duties. It is not required of them to suffer without protest imposition by lawless persecutors, or through the operation of unjust laws; but their protests should be offered in legal and proper order. The Saints have practically demonstrated their acceptance of the doctrine that it is better to suffer evil than to do wrong by purely human opposition to unjust authority. And if by thus submitting themselves to the laws of the land, in the event of such laws being unjust and subversive of human freedom, the Saints be prevented from doing the work appointed them of God, they are not to be held accountable for the failure to act under the higher law.

The word of the Lord has been given explicitly defining the position and duty of the people in such a contingency:—"Verily, verily, I say unto you, that when I give a commandment to any of the sons of men, to do a work unto my name, and those sons of men go with all their might, and with all they have, to perform that work, and cease not their diligence, and their enemies come upon them, and hinder them from performing that work; behold, it behooveth me to require that work no more at the hands of those sons of men, but to accept of their offerings; and the iniquity and transgression of my holy laws and commandments, I will visit upon the heads of those who hindered my work, unto the third and fourth generation, so long as they repent not and hate me, saith the Lord God." (See note 3.)

23. An illustration of such suspension of divine law is found in the action of the church regarding the matter of plural or polygamous marriage. The practice referred to was established as a result of direct revelation, and many of those who followed the same felt that they were divinely commanded so to do. For ten years after polygamy had been introduced into Utah, as a church observance, no law was enacted in opposition to the practice. Beginning with 1862, however, Federal statutes were framed declaring the practice unlawful and providing penalties therefor. The church claimed that these enactments were unconstitutional, and therefore void, inasmuch as they violated the provision in the national constitution which denies the Government power to make laws respecting any establishment of religion, or prohibiting the free exercise thereof. Many appeals were taken to the national court of final resort, and at last a decision was rendered sustaining the anti-polygamy law as constitutional and therefore binding. The church, through its chief officer, thereupon discontinued the practice of plural marriage, and announced its action to the world; solemnly placing the responsibility for the change upon the Nation by whose laws the renunciation had been forced. This action has been approved and confirmed by the official vote of the church in conference assembled. (See note 4.)

24. Teachings of the Church Today.—Perhaps there can be presented no more proper summary of the teachings of the Church of Jesus Christ of Latter-day Saints regarding its relation to civil power, and the respect due to the laws of the land, than the official declaration of belief which was issued by the Prophet Joseph Smith, and which has been incorporated in the Doctrine and Covenants,—one of the standard works of the church, adopted by vote of the church as one of the accepted guides in faith, doctrine, and practice. It reads as follows:

"OF GOVERNMENTS AND LAWS IN GENERAL.

"1. We believe that governments were instituted of God for the benefit of man, and that he holds men accountable for their acts in relation to them, either in making laws or administering them, for the good and safety of society.

"2. We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

"3. We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same, and that such as will administer the law in equity and justice, should be sought for and upheld by the voice of the people (if a republic), or the will of the sovereign.

"4. We believe that religion is instituted of God, and that men are amenable to him, and to him only, for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

"5. We believe that all men are bound to sustain and uphold the respective governments in which they reside, while protected in their inherent and inalienable rights by the laws of such governments; and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgment are best calculated to secure the public interest, at the same time, however, holding sacred the freedom of conscience.

"6. We believe that every man should be honored in his station: rulers and magistrates as such, being placed for the protection of the innocent, and the punishment of the guilty; and that to the laws, all men owe respect and deference, as without them peace and harmony would be supplanted by anarchy and terror; human laws being instituted for the express purpose of regulating our interests as individuals and nations, between man and man, and divine laws given of heaven, prescribing rules on spiritual concerns, for faith and worship, both to be answered by man to his Maker.

"7. We believe that rulers, states, and governments have a right, and are bound to enact laws for the protection of all citizens in the free exercise of their religious belief; but we do not believe that they have a right in justice, to deprive citizens of this privilege, or proscribe them in their opinions, so long as a regard and reverence are shown to the laws, and such religious opinions do not justify sedition nor conspiracy.

"8. We believe that the commission of crime should be punished according to the nature of the offense; that murder, treason, robbery, theft, and the breach of the general peace, in all respects, should be punished according to their criminality, and their tendency to evil among men, by the laws of that government in which the offense is committed; and for the public peace and tranquillity, all men should step forward and use their ability in bringing offenders against good laws to punishment.

"9. We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered, and another proscribed in its spiritual privileges,

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and the individual rights of its members as citizens, denied.

"10. We believe that all religious societies have a right to deal with their members for disorderly conduct according to the rules and regulations of such societies, providing that such dealing be for fellowship and good standing; but we do not believe that any religious society has authority to try men on the right of property or life, to take from them this world's goods, or to put them in jeopardy of either life or limb, neither to inflict any physical punishment upon them; they can only excommunicate them from their society, and withdraw from them their fellowship.

"11. We believe that men should appeal to the civil law for redress of all wrongs and grievances, where personal abuse is inflicted, or the right of property or character infringed, where such laws exist as will protect the same; but we believe that all men are justified in defending themselves, their friends, and property, and the government, from the unlawful assaults and encroachments of all persons, in times of exigency, where immediate appeal cannot be made to the laws, and relief afforded.

"12. We believe it just to preach the gospel to the nations of the earth, and warn the righteous to save themselves from the corruption of the world; but we do not believe it right to interfere with bond servants, neither preach the gospel to, nor baptize them, contrary to the will and wish of their masters, nor to meddle with or influence them in the least, to cause them to be dissatisfied with their situations in this life, thereby jeopardizing the lives of men; such interference we believe to be unlawful and unjust, and dangerous to the peace of every government allowing human beings to be held in servitude.

Notes.

1. Insults to Paul and to Christ.—See Acts xxiii, 1-5. "Scarcely had the apostle uttered the first sentence of his defense, when, with disgraceful illegality, Ananias ordered the officers of the court to smite him on the mouth. Stung by an insult so flagrant, an outrage so undeserved, the naturally choleric temperament of Paul flamed into that sudden sense of anger which ought to be controlled, but which can hardly be wanting in a truly noble character. No character can be perfect which does not cherish in itself a deeply-seated, though perfectly generous and forbearing, indignation against intolerable wrong. Smarting from the blow, 'God shall smite thee,' he exclaimed, 'thou whitewashed wall! What! Dost thou sit there judging me according to the law, and in violation of law biddest me to be smitten?' The language has been censured as unbecoming in its violence, and has been unfavorably compared with the meekness of Christ before the tribunal of his enemies. (See John xviii, 19-23.) 'Where,' asks St. Jerome, 'is that patience of the Savior, who—as a lamb led to the slaughter opens not his mouth—so gently asks the smiter, "If I have spoken evil, bear witness to the evil; but if well, why smitest thou me?"'

" 'We are not detracting from the apostle, but declaring the glory of God, who, suffering in the flesh, reigns above the wrong and frailty of the flesh.' Yet we need not remind the reader that once or twice only did Christ give the rein to righteous anger, and blight hypocrisy and insolence with a flash of holy wrath. The by-standers seemed to have been startled by the boldness of St. Paul's rebuke, for they said to him, 'Dost thou revile the high priest of God?' The apostle's anger had expended itself in that one outburst, and he instantly apologized with exquisite urbanity and self-control. 'I did not know,' he said, 'brethren, that he is the high priest:' adding that, had he known this, he would not have addressed to him the opprobrious name of 'whited wall,' because he reverenced and acted upon the rule of scripture, 'Thou shalt not speak ill of a ruler of thy people.' "—Farrar, The Life and Work of St. Paul, pp. 539-540.

2. Peter's Teachings regarding submission to Law.—A special "duty of Christians in those days was due respect in all things lawful to the civil government. * * * Occasions there are—and none knew this better than an apostle who had himself set an example of splendid disobedience to unwarranted commands (Acts iii, 19, 31; v 28-32; 40-42)—when 'We must obey God rather than men.' But those occasions are exceptional to the common rule of life. Normally, and as a whole, human law is on the side of divine order, and, by whomsoever administered, has a just claim to obedience and respect. It was a lesson so deeply needed by the Christians of the day that it is taught as emphatically by St. John (John xix, 11) and by St. Peter as by St. Paul himself.

"It was more than ever needed at a time when dangerous revolts were gathering to a head in Judea; when the hearts of the Jews throughout the world were burning with a fierce flame of hatred against the abominations of a tyrannous idolatry; when Christians were being charged with 'turning the world upside down' (Acts xvii, 6); when some poor Christian slave, led to martyrdom or put to the torture, might easily relieve the tension of his soul by bursting into apocalyptic denunciations of sudden doom against the crimes of the mystic Babylon; when the heathen, in their impatient contempt, might wilfully interpret a prophecy of the final conflagration as though it were a revolutionary and incendiary threat; and when Christians at Rome were, on this very account, already suffering the agonies of the Neronian persecution.

"Submission, therefore, was at this time a primary duty of all who wished to win over the heathen, and to save the church from being overwhelmed in some outburst of indignation which would be justified even to reasonable and tolerant pagans as a political necessity. * * * 'Submit, therefore,' the apostle says, 'to every human ordinance, for the Lord's sake, whether to the emperors as supreme (the name "King" was freely used of the emperor in the provinces) or to governors, as commissioned by him for punishment of malefactors, and praise to well-doers; for this is the will of God, that by your well-doing yet should gag the stolid ignorance of foolish persons; as free, yet not using your freedom for a cloak of baseness, but as slaves of God.' 'Honor all men,' as a principle; and as your habitual practice, 'love the brotherhood. Fear God. Honor the King.' " (See I Peter ii, 13-17.)—Farrar, Early Days of Christianity, pp. 89-90.

3. The Law of God, and the Law of Man.—The teaching of the Church of Jesus Christ of Latter-day Saints, respecting the duty of its members in obeying the laws of the land wherein they live, is more comprehensive and definite than is that of many other Christian sects. In January, 1899, an association of the free evangelical churches of England officially published "A Common Statement of Faith in the Form of a New Catechism." Touching the relation between church and state, the following formal questions and prescribed answers occur:

"36. Q. What is a free church? A. A church which acknowledges none but Jesus Christ as head, and, therefore, exercises its right to interpret and administer his laws without restraint or control by the state.

"37. Q. What is the duty of the church to the state? A. To observe all the laws of the state unless contrary to the teachings of Christ," etc.

According to the report of the committee in charge of the work of publication, the cate-

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chism "Represents, directly or indirectly, the beliefs of not less, and probably many more, than sixty millions of avowed Christians in all parts of the world."

4. Discontinuance of Plural Marriage.—The official act terminating the practice of plural marriage among the Latter-day Saints was the adoption by the church, in conference assembled, of a manifesto proclaimed by the president of the church. The language of the document illustrates the law-abiding character of the people and the church, as is shown by the following clause: "Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I (President Wilford Woodruff) hereby declare my intention to submit to those laws, and to use my influence with the members of the church over which I preside to have them do likewise." In the course of a sermon immediately following the proclaiming of the manifesto, President Woodruff said regarding the action taken: "I have done my duty, and the Nation of which we form a part must be responsible for that which has been done in relation to that principle" (i. e., plural marriage).

Senator Hoar. May I inquire at that point what time elapsed between what they speak of as the final decision of the Supreme court and——

Plural Marriage.

Mr. Worthington. If you will pardon me, Senator, I am coming to that in a few minutes. It will require a little time to go over those decisions.

Senator Hoar. Very well; whenever it will be convenient for you to get to it.

Mr. Worthington. After that paragraph there is a reference to a note. Each of these chapters is followed by a note, and the note there referred to is this:

"Discontinuance of plural marriage.—The official act terminating the practice of plural marriage among the Latter-day Saints was the adoption by the church, in conference assembled, of a manifesto proclaimed by the president of the church. The language of the document illustrates the law-abiding character of the people and the church, as is shown by the following clause: 'Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I (President Wilford Woodruff) hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.' In the course of a sermon immediately following the proclaiming of the manifesto President Woodruff said, regarding the action taken: 'I have done my duty, and the Nation of which we form a part must be responsible for that which has been done in relation to that principle (i. e., plural marriage.)'"

That book was issued, I understand, not only by authority of the church, but was revised, before it was published, by a committee appointed by the first presidency and composed in part of a member of the first presidency.

Mr. Smith. Yes, sir.

Mr Worthington. It has been in the hands of your missionaries and everywhere on sale from the time it was first published, which appears to have been, as has already been shown, April 3, 1899.

Mr. Smith. And in addition to that, Mr. Chairman, if you please, in direct line with this remark permit me to say that in every church school in our church——

Mr. Worthington. That is what I was coming to.

Mr. Smith. I may be premature.

Mr. Worthington. Go on. I was just coming to that.

Mr. Smith. I thought it would be proper to state that fact, that in all our church schools——

Mr. Worthington. If you please, before you do that, when you say "our church schools" you know what that means, but we do not. What is your church school system, so that we will know how far this goes?

Church Schools.

Mr. Smith. We have established quite a number of church schools.

Mr. Worthington. Where?

Mr. Smith. We have the Latter-day Saints university, established at Salt Lake City; we have Brigham Young university, established at Provo, in Utah county; we have Brigham Young college, established in Logan, Cache county; we have another large and flourishing school in Oneida county, Idaho; we have another extensive school, called Snow academy, in Sanpete county; we have still another in Snowflake, Ariz.; we have another at St. Johns, in Arizona; we have another at Thatcher, in Graham county, Arizona, and also others of a smaller character—that is, of an inferior grade—that are conducted by the church, in which the principles and doctrines of the church are inculcated, and in each of which there is a missionary class. This book is the textbook of that class, so adopted by the church; and the manifesto included in this is made a part of the instructions to our missionaries in all these schools.

Mr. Worthington. Now, as to missionaries. You said something as to the general instructions which are given them, but I want to ask you if you yourself are ordinarily present when missionaries are instructed, or whether that is done by somebody else?

Apostles Instruct Missionaries.

Mr. Smith. It is done by the apostles.

Mr. Worthington. Who, then, could give us the most direct and certain information on that subject?

Mr. Smith. Well, Mr. Lyman could.

Mr. Worthington. He is the president of the quorum of the apostles?

Mr. Smith. He is president of the apostles.

Mr. Worthington. And he is here?

Mr. Smith. He is here.

Mr. Worthington. Now I come to a line of inquiry as to which Senator Hoar made inquiry a moment ago. Prior to 1862 there was, I believe, no law in force in Utah against either polygamy or polygamous cohabitation?

Mr. Smith. No, sir.

Mr. Worthington. And your people arrived there from Nauvoo about 1847?

Mr. Smith. Yes, sir.

Mr. Worthington. So that they had been there about fifteen years?

Mr. Smith. That is correct.

Mr. Worthington. The formal proclamation of polygamy as an article of faith and practice was made by Brigham Young in 1852?

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Mr. Smith. Yes, sir.

Mr. Worthington. So it was publicly proclaimed and practiced for ten years before Congress did anything?

Mr. Smith. Yes, sir.

Mr. Worthington. Then, in 1862 there was passed an act which made bigamy an offense?

Mr. Smith. Yes, sir.

Mr. Worthington. That act, however, I believe, did not in any way relate to polygamous cohabitation?

Mr. Smith. No, sir.

Mr. Worthington. It punished only the offense of a man taking another wife?

Mr. Smith. That is right.

Mr. Worthington. And as to those who had already taken wives, it did not make it unlawful for them to continue to live with them and each of them as husband and wife?

Mr. Smith. That was our understanding.

Mr. Worthington. Then that act was declared constitutional in 1878.

Decided by U. S. Supreme Court.

Senator Hoar. By what authority?

Mr. Worthington. By the Supreme court of the United States, in what is called the Reynolds case, which is here. Then, in 1882 there was passed a law, which is called the Edmunds law.

Mr. Smith. Yes, sir.

Mr. Worthington. And that, for the first time, made polygamous cohabitation an offense?

Mr. Smith. That is according to my understanding.

Mr. Worthington. So that your people had been living there and practicing polygamous cohabitation or plural cohabitation for thirty years before there was any law passed making it an offense?

Mr. Smith. Yes, sir.

Mr. Worthington. In the meantime you had acquired several wives, I believe?

Mr. Smith. Yes, sir.

Mr. Worthington. And many others of your people had?

Mr. Smith. Yes, sir.

Mr. Worthington. Then there were other decisions of the Supreme court, beginning in 1885 and running down to 1889, which related to that law and other subsequent laws?

Mr. Smith. That is my understanding.

Mr. Worthington. The last of which decisions was made in May, 1890?

Mr. Smith. Yes, sir.

Mr. Worthington. And then came the proclamation, or manifesto, as it is called here?

Mr. Smith. That is correct.

Mr. Worthington. The acts of Congress then had made a clear distinction between polygamy——

Senator Hoar. What is the date of the manifesto? That will make my notes complete.

Mr. Worthington. September 26, 1890, is the date of the manifesto, and the date of submission of it to the conference for approval was the 6th of October, 1890.

I think you said after the manifesto your people, as a general rule, ceased polygamous cohabitation, even?

Mr. Smith. That is correct, sir.

Mr. Worthington. And finally the State was admitted in 1896, under the enabling act of 1894?

Mr. Smith. Yes, sir.

Condition of Enabling Act.

Mr. Worthington. And the enabling act made it a condition of Utah coming into the Union that polygamy should be forbidden, but did not prohibit polygamous cohabitation or make forbearance from that offense a condition?

Mr. Smith. That is a correct statement.

Mr. Worthington. Then your people adopted the Constitution which has been read here, in which they did make it an offense, and provided that the clause should be irrevocable without the consent of the United States that polygamy or plural marriages should be forever prohibited?

Mr. Smith. Yes, sir.

Mr. Wortington. And there was nothing in the constitution prohibiting polygamous cohabitation?

Mr. Smith. That is correct.

Mr. Worthington. Continuing to live with wives already married?

Mr. Smith. Yes, sir.

Mr. Worthington. If I remember rightly, you said that seemed to you to be an implication by the Congress of the United States that perhaps you people who had married in these old times might continue to live with your wives and nothing would be said about it?

Mormons in Majority.

Mr. Smith. But that is a fact, and also the liberal sentiment that exhibited by all people, both Mormons and Gentiles.

Mr. Worthington. Is it a fact—it has been stated here several times—that the great majority of the inhabitants of Utah belong to the Mormon church?

Mr. Smith. Yes, sir.

Mr. Worthington. It has been so during all these years?

Mr. Smith. All these years.

Mr. Worthington. And it has been said here that the body of fifteen men who are charged here with being conspirators control the church?

Mr. Smith. That is the charge, I believe.

Mr. Worthington. You have told us your views as to their authority?

Mr. Smith. Yes, sir.

Mr. Worthington. What I want to know is, if Congress had decided that Utah might come into the Union on the condition solely that they would not have any more plural marriages, and there is a law there which makes polygamous cohabitation a crime also, where did that come from?

Mr. Smith. It was pasesd by the Utah Legislature. In other words, the Edmunds-Tucker bill was enacted by the Legislature of the Territory or of the State.

Mr. Worthington. That was in 1892, was it?

Mr. Smith. Counsel Richards says it was first enacted under the Territorial statute, and then it was continued or reenacted under the State government.

Law as to Unlawful Cohabitation.

Mr. Worthington. Is this, then, the law which makes polygamous cohabitation un

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offense? Section 4209 has already been read by Mr. Tayler, but I will read it here:

"If any male person hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more three hundred dollars or by imprisonment in the county jail for not more than six months, or by both said punishments, in the discretion of the court."

That is the only law, then, is it, that makes polygamous cohabitation an offense in Utah?

Mr. Smith. In force in Utah.

Mr. Worthington. And the law was passed by a Legislature which was——

Mr. Smith. Largely Mormon.

Mr. Worthington. Overwhelmingly Mormon?

Mr. Smith. Yes, sir.

Senator Hoar. I would like to inquire at that point of the witness——

Mr. Worthington. Certainly, Senator.

Senator Hoar. Whether there is any law which constitutes such cohabitation an offense on the part of the woman?

Mr. Smith. Yes.

Senator Hoar. I understood that the law against adultery which was read a while ago did apply to an unmarried woman living in adultery with a married man. Where is the law about the woman?

Mr. Worthington. There seems to be none, Senator. Any man or woman who commits adultery is punishable.

Senator Hoar. The law which was read provided that any woman committing the offense with a man commits adultery and is punishable, but there is no law applicable to a married woman in the ordinary offense as it exists everywhere. I understand in this anti-polygamy law there is no provision except affecting males.

Does Not Punish Women.

Senator Hoar. Yes; in other words, whether it is an oversight or whether there is reason for it, there is no law punishing women who disobey this injunction, if I am correct. Is not that true?

Mr. Worthington. I did not catch that.

Senator Hoar. I say, in other words, there is no law punishing a woman who lives in polygamous relation with a man?

Mr. Worthington. I think not. Mr. Van Cott can answer that question better than I can, perhaps.

Senator Dubois. When did you say this law was passed?

Mr. Worthington. The statute says 1892.

Senator Dubois. That was how long before statehood was passed?

Mr. Worthington. Four years.

Senator Dubois. That was in Territorial days?

Mr. Worthington. Yes.

Senator Hoar. I do not know whether this question has any peculiar significance or not.

Mr. Tayler. I think the Edmunds law did not punish the woman.

Mr. Worthington. This is simply the Edmunds law repeated, which the Legislature re-enacted. It is enforced there both as an act of Congress and as an act of the Legislature of the Territory.

Senator Beveridge. Was that re-enacted after it became a State?

Mr. Worthington. Yes, sir.

Mr. Van Cott. Senator Hoar, did your question, which you put to Mr. Worthington just now, relate to adultery.

Senator Hoar. I did not specify adultery.

Mr. Van Cott. I will read this section, because I did not quite catch all the question, to see if it covers your question:

"Section 4210. Whoever commits adultery shall be punished by imprisonment in the State prison for not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery."

Senator Bailey. When was that law re-enacted or enacted by the Legislature of Utah?

Mr. Van Cott. In 1898.

Bailey Seeks Information.

Senator Bailey. Was there ever an act passed through the Legislature of Utah repealing that?

Mr. Worthington. I was coming to that, Senator. I was going to ask him about that in one moment. It is the very next thing I had on my notes. I had, however, asked a question and I do not know whether it was answered. It appears that the only law in force in Utah which prohibits polygamous cohabitation as distinguished from polygamy is an act which was passed by this Legislature which was largely or overwhelmingly Mormon.

Mr. Smith. Yes; that is correct.

Senator Bailey. Just before you pass from that, was this act a single enactment of the Legislature or did the Legislature of Utah, after the State was admitted to the Union, adopt all the laws of the Territory applicable to the condition of a State?

Mr. Smith. I think that is the case—that after the State was admitted all the laws of the Territory were adopted by the State.

Senator Bailey. All of the laws of the Territory applicable to the condition of a State?

Mr. Smith. All the laws applicable. That is what I mean.

Mr. Richards Explains.

Mr. Richards. Mr. Chairman, may I make a statement in regard to this matter to make it still more clear? This section that has been referred to is in a compilation or codification of the laws which was made in 1898 by a code commission and adopted by the State.

Mr. Worthington. Did not the constitution provide that the laws already existing should continue?

Mr. Richards. Yes, sir; they continued in force until that codification.

Senator Bailey. It really required an act of the Legislature repealing it, did it not, or else it came by force of the constitutional provision?

Mr. Smith. Certainly; it continued in force, and finally the law, as it now stands, was enacted in 1898.

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Mr. Worthington. The act was adopted by the Territorial Legislature in 1892?

Mr. Smith. In 1892.

Mr. Worthington. And then in the constitutional convention the acts then in force were carried forward?

Mr. Richards. They continued until 1898. Then they were re-enacted by the Revised Statutes.

Mr. Worthington. As to the constitutional convention, Mr. Smith, how did the number of Mormons in that compare with the number of Gentiles?

Mr. Smith. I could only tell you from a general impression. I could not tell you as to the exact number. My impression is that the body was composed very largely of Mormons.

Mr. Worthington. So that if there is any law there prohibiting polygamous cohabitation, it is the act of a Legislature composed largely of Mormons?

Mr. Smith. Yes, sir.

Senator Beveridge. What about the act repealing this?

Mr. Worthington. That is the question I am going to ask him.

Mr. Smith, reference was made in your direct examination to what is called the Edmunds bill. That bill is in the record here. We may as well have the language of it in this connection.

Mr. Tayler. It is on page 11 of the protest.

Law Not Repealed.

Mr. Worthington. That is what I mean. There never was any bill offered to repeal it, but it was to affect its operation. When I speak of the Edmunds bill I refer to the bill which is on page 11 of the printed record of this case, as follows:

"Section 1. That Section 4611 of the Revised Statutes of Utah, 1898, be, and the same is hereby, amended to read as follows:

Now, what is Section 4611? That is not the section we have been dealing with at all.

Mr. Tayler. The words before the proviso are Section 4611 as they now stand.

Mr. Worthington. Yes; I see. So that the act originally stood:

"Every person who has reason to believe that a crime or public offense has been committed may make complaint against such person before some magistrate having authority to make inquiry of the same."

This bill proposes to amend that by making specific reference to this particular offense in this way:

"Provided, that no prosecution for adultery shall be commenced except on complaint of the husband or wife, or relative of the accused within the first degree of consanguinity, or of the person with whom the unlawful act is alleged to have been committed, or of the father or mother of said person, and no prosecution for unlawful cohabitation shall be commenced except on complaint of the wife or alleged plural wife of the accused; but this proviso shall not apply to prosecutions under section 4208 defining and punishing polygamous marriages."

So there was an attempt made to provide that polygamous cohabitation should not be punished unless the prosecution was instituted by a plural wife. Will you tell us what you know about that act, Mr. Smith?

Questioned by Beveridge.

Senator Beveridge. Is that the act you refer to as repealing?

Mr. Worthington. No; it never became a law, Senator.

Senator Hoar. What is the date of the Edmunds law?

Mr. Worthington. March 22, 1882.

Senator Hoar. What is the date when the Supreme court held the Edmunds act unconstitutional?

Mr. Worthington. As I remember, it was 1885, in the case of Snow and in the case of Cannon.

Mr. Tayler. Angus M. Cannon?

Mr. Worthington. Yes; Angus M. Cannon, 116 U. S. I should say, Senator, not to be misleading—this is an important thing that the committee should know—that it is rather assumed than decided there that that act was unconstitutional. There the question was raised, in order to convict a man of polygamous cohabitation under that act, to show that he occupied the bed of the plural wife, whether he had sexual intercourse with her, and they expressly decided that if a man simply held her out as his wife—"flaunting" is the expression used in the opinion—that was sufficient.

Senator Hoar. They sustained the conviction?

Mr. Worthington. They sustained the conviction; yes. Let me say that three years later there came up the case of Snow, which is in 118 U. S., and in that case somebody suggested that the court did not have jurisdiction, because it was not an appealable judgment, and they took that view of it. They went back and set in the Cannon case and let the judgment of the lower court in both cases stand, on the ground that there was no appeal to the Supreme court in that class of cases.

Senator Beveridge. If it will not interrupt the order of your examination, Mr. Worthington, what about that statute repealing this, which was inquired about? I am interested in that.

Mr. Worthington. There has been no repeal, so far as I know.

Senator Beveridge. I thought you said there had been.

Senator Bailey. I was asking if there was not a bill passed through the Legislature to repeal it.

Evans Bill.

Mr. Worthington. That is what I am asking about now, and this is the statute referred to. After the provision that any person may make complaint about a crime, which I have already read:

"Provided, that no prosecution for adultery shall be commenced except on complaint of the husband or wife, or relative of the accused within the first degree of consanguinity, or of the person with whom the unlawful act is alleged to have been committed, or of the father or mother of said person, and no prosecution for unlawful cohabitation shall be commenced except on complaint of the wife or alleged plural wife of the accused; but this proviso shall not apply to prosecutions under section 4208 defining and punishing polygamous marriages."

What became of that act?

Mr. Smith. It was passed by both branches of the Legislature, and it was repealed; that is, I would say it was rejected by the Governor.

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Mr. Worthington. You mean vetoed?

Mr. Smith. Vetoed; yes, sir.

Mr. Worthington. Was the Governor a Gentile or a Mormon?

Mr. Smith. The Governor was a Mormon.

Mr. Worthington. What is his name?

Mr. Smith. Heber M. Wells.

Mr. Worthington. I presume that you had the usual provision of law that the Legislature might pass it over the Governor's veto?

Mr. Smith. Yes, sir.

Mr. Worthington. What did they do?

Mr. Smith. They never attempted anything of the kind.

Mr. Worthington. It never became a law?

Mr. Smith. No, sir.

Smith Favored Bill.

Mr. Worthington. You say you favored that bill. At that time, I believe, you were not president of the church?

Mr. Smith. No.

Mr. Worthington. What position did you hold then?

Mr. Smith. I was counsel to the president.

Mr. Worthington. One of the three constituting the first presidency?

Mr. Smith. One of the three.

Mr. Worthington. You said you favored the bill and that you had spoken to some of your friends about it, but not to any member of the Legislature?

Mr. Smith. Yes, sir.

Mr. Worthington. In justice to you, I will ask you why you favored it?

Mr. Smith. It was rather personal, so far as I was concerned. I was one of those unfortunate, or otherwise, men who had a numerous family, and there were certain parties in the State who were making it their special business to pry into the private domestic affairs of men like myself, who were in the status of polygamy. Without any reference to any other crimes or offenses under the law, we were made the special targets for this individual, who was constantly seeking information and giving information in relation to our marital relations and our associations with our families; and it occurred to me that it would be not only a boon to myself, but a great relief to those who were in a similar condition to myself if a law like this should be passed, and thereby put an end to a professional business of espionage and spotting by this individual upon the privacy of our people. Therefore, I was in favor of the law. I spoke to friends of mine. The gentleman who is here, who is my counsel now, was, I think, about the only person. I do not recall that I spoke to any other person.

Mr. Worthington. You mean Mr. Richards?

Mr. Smith. Mr. Richards. I spoke to Mr. Richards about it, and I intimated to him that I was very much in favor of the passage of the law. Further than that I took no interest in that and had nothing to do with it.

Mr. Worthington. Now I pass to another subject for a moment.

Old Revelation in Force.

Senator Hoar. Before you pass to another subject, as I suppose we are going to adjourn about this time, I would like to ask Mr. Smith a question in that connection. The date of the Edmunds bill was in 1882, and the conviction in the Snow case was confirmed by the Supreme court in 1885. The old revelation—

Mr. Worthington. In the Cannon case, Senator.

Senator Hoar. In the Cannon case, in 1885. The old revelation continued in force, that is, it was not interrupted by the new one, or modified, until 1890.

Mr. Smith. Until 1890.

Senator Hoar. Now, between 1882 and 1885 and 1890, which was binding upon the conscience of the members of the Mormon church, the old revelation or the statute?

Mr. Smith. I think the leading authorities of the church felt that the statute was binding.

Senator Hoar. Over the revelation?

Mr. Smith. Over the revelation, because it had become the confirmed law of the land. In other words, the Constitutional law of the land, having been so declared by the Supreme court; but younger fellows like myself, Senator, were a little more difficult to control, I suppose—

Senator Hoar. You may say that, if you like. I did not put that with a view to going into any inconsistency.

Mr. Smith. I presume I am the greatest culprit.

Senator Hoar. I put that question not with any view to inquire into your personal conduct or anybody's, but you will see in a moment that it has a very particular and important significance on this question. That is, suppose in regard to a matter of personal conduct, like polygamy, the revelation stands on one side unrepealed and the law of the land on the other, which, in your judgment, is binding upon the consciences of your people?

Who Obeyed the Law.

Mr. Smith. If you please, I will state, having been intimate with these gentlemen, that President Woodruff and George Q. Cannon and President Lorenzo Snow, who afterwards succeeded Wilford Woodruff in the presidency of the church, absolutely obeyed the law of the land.

Senator Hoar. That does not fully answer the question.

Mr. Smith. Excuse me, then. I perhaps do not understand it.

Senator Hoar. You are the head of the Mormon church?

Mr. Smith. Today.

Senator Hoar. You are the head of the Mormon church

Mr. Smith. Today.

Senator Hoar. I will not use the word "Mormon" if you do not like it.

Mr. Smith. That is all right. I will accept that, Senator.

Senator Hoar. You are the head of your church, and I ask you, as the most authoritative and weighty exponent of its doctrine and belief, when, in regard to personal conduct, the law of the land comes in conflict with the divine revelation received through you or your predecessor, which is binding upon the conduct of the true son of the church.

Mr. Smith. In this case—and I think, perhaps, you will accept it as the answer to your question—under the manifesto of President Woodruff the law of the land

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is the binding law on the consciences of the people.

Senator Hoar. Before the manifesto of Mr. Woodruff, is my question.

Mr. Smith. We were in something of a state of chaos about that time.

Senator Hoar. That is not the point. The point is, which, as a matter of obligation, is the prevalent authority, the law of the land or the revelation?

Mr. Smith. Well, perhaps the revelation would be paramount.

Senator Hoar. Perhaps?

Mr. Smith. I am simply expressing a view.

Senator Hoar. Do you think "perhaps" is an answer to that?

Mr. Smith. I am simply trying to illustrate it.

Senator Hoar. Yes; I will not interrupt you.

Mr. Smith. With another man the law would be accepted, and this was the condition the people of the church were in until the manifesto settled the question.

Mr. Worthington. Let me ask you a question in that connection.

Senator Hoar. I had not quite gotten through, Mr. Worthington.

Mr. Worthington. I beg your pardon, Senator.

Mr. Smith. Does that answer the question, Senator?

Obeying Revelations.

Senator Hoar. I think it does, so far; but I want to go a little farther. Suppose you should receive a divine revelation, communicated to and sustained by your church, commanding your people tomorrow to do something forbidden by the law of the land. Which would it be their duty to obey?

Mr. Smith. They would be at liberty to obey just which they pleased. There is absolutely no compulsion.

Mr. Worthington. Have you finished your answer to that question, Mr. Smith?

Mr. Smith. I do not think I have quite. One of the standard principles of our faith, and one that has been read here today, is that we shall be obedient to the law. This is the word:

"Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land. Wherefore, be subject to the powers that be until he reigns whose right it is to reign, and subdues all enemies under his feet. Behold the laws which ye have received"—this is speaking to the church—"from my hand are the laws of the church, and in this light ye shall hold them forth."

Not in conflict with the laws of the land, but simply as the laws of the church.

Senator Beveridge. Suppose them to be in conflict, Mr. Smith, which would control the conduct of the members of your church, the law of the land or the revelation?

Mr. Smith. I think under the discipline that we have had for the last twenty years our people would obey the law of the land.

Smith's Position.

The Chairman. Which would control you?

Mr. Smith. I should try with all my might, Mr. Chairman, to obey the law of the land, but I would not like to be put in a position where I would have to abandon my children. I could not do that very well. I would rather stand anything than to do that.

Senator Hoar. I was not referring in my question to that particular thing. I would like to ask one question which is flatly curiosity, for this is a most interesting matter. Did I understand you correctly that there has been no revelation since this revelation of Woodruff's for the general government of the church?

Mr. Worthington. He said there had been none for twenty-one years except that. That is the only one in twenty-one years.

Senator Hoar. Then there has been none since, so that you have received no revelation yourself?

Mr. Smith. No, sir.

Senator Hoar. Now, if this question is in the least trespassing on any delicacy in your mind I do not want to press it. I ask it solely for curiosity. If a revelation were to come to you, or if you have a belief it would come to you, in what way does it come? By an inward light, by an audible voice, by a writing, or in what way? Have you anything you can tell us about that?

How Revelation Comes.

Mr. Smith. It might come by an audible voice or it might come by an inspiration known and heard only by myself.

Senator Hoar. Or by writing, I suppose, as in the case of Joseph Smith?

Mr. Smith. In the case of the Book of Mormon; yes, sir.

Senator Hoar. That is all.

Senator Bailey. One word about this document which you call the manifesto. As a matter of fact, that does not purport to have been a revelation at all, if what I have before me is a correct copy of it. It seems to have been provoked—I do not use that in any offensive sense—by a report made to the Congress of the United States, in which report it was charged that the church continues the practice of polygamy and that they have found something like forty cases; and in response to the press dispatches conveying a copy of that report, the president of the church issues an official declaration. That, I take it, is what you call the manifesto?

Mr. Worthington. Yes, that is it.

Mr. Smith. But the manifesto really—that is, the estoppal of plural marriages—was issued before that.

Mr. Richards. He is talking of the manifesto.

Mr. Smith. Oh, yes; the manifesto.

Senator Bailey. When you speak of the manifesto, you speak of this document?

Mr. Smith. I speak of that; yes, sir.

Senator Bailey. That is the manifesto [handing witness a pamphlet].

Contains Manifesto.

Mr. Smith. This contains the manifesto.

Senator Bailey. The pamphlet contains it, but the particular document, the form of words to which I have called attention there, is the manifesto itself, is it not?

Mr. Smith. The form of words that contains the manifesto, or is the mani-

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festo, is a declaration by Wilford Woodruff, the head of the church, that he will abstain from plural marriages and use his influence to prevent all others from entering into it.

Senator Bailey. I think, if I correctly read it, it declares that he has not encouraged it, but, on the contrary, has reproved those who taught it. But what I am trying to do is to draw, at least in my own mind, the distinction between the manifesto and a revelation. A revelation, as I understand it, comes from on high. That manifesto seems to have been merely a way of reaching and denying a report made to the American Congress; and while it does establish a code of conduct, I do not understand that to be religious in its character at all.

Says It Was Religious.

Mr. Smith. It was essentially religious for the reason that it was a specific estoppel of plural marriages by the head of the church.

Senator Bailey. Well, in obedience of the law. Of course, it might have been communicated to the secret conferences or to the conferences of the church that he had prayed for light and had received a revelation.

Mr. Smith. That is it.

Senator Bailey. But so far as that document is concerned, it nowhere indicates that there has been any light from heaven on the subject. It appears that it is in obedience to the law, and I rather think it puts the responsibility for discontinuing the practice of polygamy on the law of the land. I would not be sure, but I think maybe the concluding sentence indicates that it is a pure matter of obedience to the law; and while obeying the law is commendable, and I have no criticism about it, I am simply trying to——

Mr. Smith. It is certainly in pursuance of the decision of the Supreme court declaring the law against plural marriages and against unlawful cohabitation constitutional, that the church was brought to the adoption of the rule of the church not to allow or permit any further plural marriages.

Senator Bailey. I understand; but that is a matter of law and not of religion.

Matter of Religion.

Mr. Smith. Oh, no; it is a matter of religion.

Senator Bailey. At this time that the official declaration was made, it was not even the law of the church, I believe, until it was what you call sustained.

Mr. Smith. It was submitted to the entire church.

Senator Bailey. I was going to say, it could not have been the law, because on the next page I find that President Lorenzo Snow offered the following, which seems to have been a written resolution, approving and adopting this manifesto.

Mr. Smith. Before the whole conference; yes, sir.

Senator Bailey. Yes. The very last sentence of it is:

"And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land."

He does not say that he has received a revelation that changes the law of the church. He simply says that he has come to a resolution to obey the law of the land.

Mr. Smith. Does he not say that he has prayed and obtained light?

Senator Bailey. I think not, in this.

Mr. Richards. Mr. Chairman, may I make a word of explanation?

Senator Bailey. I should be glad to have it.

Mr. Richards Explains.

Mr. Richards. I see Mr. Smith is confused about the contents of this instrument and other instruments. It does appear in other instruments, in a sermon delivered by President Woodruff, and in a petition to the President of the United States, and also, I think, in some of the testimony that was given before the master in chancery, what the circumstances were under which this document was promulgated, and by reason of which he claimed it to have been the force of inspiration and revelation; but it does not appear here.

Mr. Tayler. Does the divine origin of it appear in this manifesto you send out?

Mr. Richards. No, sir; it does not, and that is why I say the witness is confused. He is cognizant of its appearing somewhere, but he is confused as to whether it is in that paper.

Senator Bailey. The instrument itself negatives that idea. The paragraph of it preceding the one from which I read the concluding sentence of the document is this:

"Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the church over which I preside to have them do likewise."

Now, I take it, if it had been a revelation, he would have used the language of a prophet rather than the language of a lawyer, and instead of declaring that inasmuch as Congress had passed laws forbidding this he would have declared he had received a revelation.

Given to Head of Church.

Senator Dillingham. May I be permitted, Senator Bailey, to call your attention to the record here, on page 18. The petition to the President of the Unoted States contains this clause:

"According to our creed, the head of the church receives from time to time revelations for the religious guidance of his people"——

Mr. Worthington. It is signed by Woodruff.

Senator Dillingham. Yes. "In September, 1890, the present head of the church in anguish and prayer cried to God for help for his flock, and received permission to advise the members of the church of Jesus Christ of Latter-day Saints that the law commanding polygamy was henceforth suspended."

Mr. Smith. Now permit me to say that the presentation of this to the general conference of the church, and the resolution that was adopted by the entire

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church made this binding upon the whole church.

Senator Bailey. Yes; I understand that. I have no disposition to engage in any debate as to matters of faith. I hardly consider myself competent for that kind of discussion; and if it were made a matter of inspiration I would feel foreclosed against any argument. But so far as this question is concerned—so far as this official declaration is concerned—it is purely a question of law and not of conscience. Now, one other question, and that other question is suggested by that idea.

I noticed in response to Senator Hoar's question, Mr. Smith, you said as between a conflicting law and a conflicting revelation, the law would be binding on some and the revelation on others?

Mr. Smith. It might be, I said.

How It Would Bind.

Senator Bailey. Do you mean by that that it would be binding as a matter of conduct or as a matter of conscience?

Mr. Smith. As a matter of conscience.

Senator Bailey. I cannot understand how a man who has any Christian faith can yield his conscience to the law, though I do understand how he can conform his conduct to it. I can not quite understand how, if the revelation comes from on high, you could, as a matter of conscience, yield it to a law that is made by ordinary, everyday lawmakers, either in Utah or at Washington, though I understand perfectly well that as a question of good citizenship you would, in temporal affairs, yield to the law of the land. I would like to know, for my own satisfaction—and it is not a matter with which this committee has much concern, but just for my own satisfaction—would your church people make any distinction between conforming as a matter of law and non-conforming as a matter of conscience?

Smith Repeats Idea.

Mr. Smith. I tried to illustrate that some time ago, and I will repeat my idea. To my conscience the revelation conflicting with the law might appeal and be paramount, but to my brother and to my associate member of the church it might not appeal to his conscience, and he would not be affected by it at all.

Senator Bailey. I did not make myself entirely plain, evidently, from your answer. I can conceive easily how a man's conscience might remain the same, although his conduct would differ. I could conceive how you and your associates in the first presidency might have precisely the same conscience in respect to a matter, and yet your conduct might differ. You might feel that you could not yield your conscience to the law, and they might feel that, reserving to themselves the same conscientious regard for institutions, still they would yield it to the commands of the State; and what I was trying to ascertain was whether your people as a church would still adhere to their conscientious beliefs in a given institution, although, as a matter of law, they might yield to it.

Mr. Smith. Yes, sir; I think that is correct. I think they would do that as a general thing.

The Chairman. You think what, Mr. Smith?

Mr. Smith. I think that our people—the Mormon people—would as a rule, while they might retain their convictions or their conscience, conform to the law, that is, their acts.

Senator Hoar. May I put one question right there, Mr. Bailey.

Senator Bailey. Certainly.

Senator Hoar. Could a man remain in good standing as an apostle, who, if the divine command were in conflict with the command of the human lawgiver, disobeyed God and obeyed man?

Mr. Smith. I did not catch the last, Senator.

Senator Hoar. Could a man, in your judgment, remain in good standing as an apostle, who, if the divine command by revelation enjoining one thing and the human law the contrary, disobeyed God and obeyed man?

Mr. Smith. Would he remain in good standing?

Senator Hoar. Yes. Would he remain in good standing?

Would Be Out of Harmony.

Mr. Smith. I rather think he would be considered as a little out of harmony with his associates if he did that.

Senator Beveridge. Mr. Smith, as a matter of conduct, where there is a conflict between revelation—or by whatever term it is called—and the law of the land, which, as a church matter, does your church direct the members to obey?

Mr. Smith. To obey the law of the land. That is what we have done absolutely.

Senator Dubois. I would like to ask one question.

Senator Dillingham. It is half-past 4. I move the committee adjourn.

Senator Dubois. I will ask this question and I will stop there for the time being. I want to supplement the question made by Senator Hoar. You said that if you received a revelation your people could obey it or not, as they saw fit. Now, presume that revelation had been submitted to your people and all of them in their conference had held up their hands. Do you still think it would not be the duty of your people to obey that revelation, and that they would not obey that revelation?

Mr. Smith. That they would not obey that revelation?

Senator Dubois. Yes.

Mr. Smith. I think that when the people hold up their hands to accept a principle, and they do accept a principle, they are honest enough to carry it out.

Senator Dubois. They will all carry it out?

Mr. Smith. I think so.

Would Accept Revelation.

Senator Dubois. They would accept your revelation, then?

Mr. Smith. Yes.

Senator Dubois. Some of them would and some would not?

Mr. Smith. Some would and some would not, to be sure.

Senator Dubois. Would it not be obligatory upon every member of your organization to accept that revelation, if sustained by the holding up of hands?

Mr. Smith. No, sir; only those who

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were disposed to do it would do it. Those who were not disposed to do it would not do it.

Senator Dubois. Then, of course, any one is at liberty to refuse a revelation?

Mr. Smith. That is right.

Senator Dubois. It is not binding at all upon any of your people?

Mr. Smith. How is that?

Senator Dubois. It is not binding at all upon any of your people?

Mr. Smith. Not at all; only the binding of conscience. It never was.

Senator Dubois. It has no effect or force or authority which must be obeyed according to your church organization and laws?

Mr. Smith. Not in the least. There is not a man in the Church of Jesus Christ of Latter-day Saints that is under any more obligation to obey the doctrines of the church and the laws of the church than you are, Senator—not one particle.

Senator Dubois. When promulgated by the head of the church?

Mr. Smith. Yes, sir.

Senator Dubois. You promulgate, then, a revelation to your apostles to start with, and they do not have to accept it?

Mr. Smith. Not unless they choose.

Senator Dubois. They are not under any sort of obligation, then, to obey?

Mr. Smith. Not unless they choose to. They have their volition, their free agency, and the church does not interfere with the conscience or the free agency of men at all.

Senator Bailey. Could you not make use of a better word and say "unchurched" if they refuse to obey the ordinances of the church?

Mr. Smith. Oh, yes.

Senator Bailey. I think they do that with the Baptist church and the Methodist church and all the rest of them.

Mr. Smith. Yes; we do that.

Senator Bailey. If they did not receive it, you would withdraw membership, or fellowship, as you call it?

Mr. Smith. That would depend on whether they committed overt acts of un-Christianlike conduct.

Senator Bailey. The rejection of the creed is, in the eyes of the church, I suppose, un-Christianlike, is it not? Of course, you understand about the creeds of the other churches. Suppose a member of the Baptist church should reject, say, the doctrine of baptism. I suppose they would unchurch him, would they not? Would not your organization—your church would be the better term—do the same?

Mr. Smith. Certainly.

Mr. Bailey. So would you not do an exact obedience to your doctrine that far?

Mr. Smith. Permit me to put it this way, if you please, with exact language: We preach our doctrine. We submit it to the judgment of men. They either receive it or reject it on their own volition. If they receive it and are initiated into the church as members of the church, then they are amenable to the laws and rules of the church; and if they do not obey the laws and observe the rules of the church after becoming members of it, and commit overt acts or transgress the laws of the church, then they are dealt with for their fellowship in the church, and the hand of fellowship is withdrawn from them unless they repent.

The Chairman. The committee will stand adjourned until tomorrow morning at half-past 10.

The committee (at 4 o'clock and 35 minutes p. m.) adjourned until Saturday, March 5, 1904, at 10:30 o'clock a. m.

Corrects a Question.

WASHINGTON, D. C., March 5, 1904.

The committee met at 10:30 o'clock a. m.

Present: Senators Burrows (chairman), Hoar, Foraker, Dillingham, Hopkins, Pettus, Dubois, Bailey and Overman; also Senator Smoot; also Robert W. Tayler, counsel for the protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for Joseph F. Smith, and other witnesses.

Mr. Tayler. Before we proceed I wish to say that on page 172 of the printed testimony Mr. C. W. Penrose was the subject of a question in connection with what is called the Moses Thatcher pamphlet, and I appear as asking Mr. Smith a question respecting Mr. Penrose as the "owner" of the Deseret News. I would not, of course, question the accuracy of these very accurate reporters, but rather my own. Of course, the word "owner" ought to be "editor." That is what I want to say, and I ask that proper steps may be taken to have that correction made.

The Chairman. That correction will be noted and made.

Mr. Worthington. I should like to say that I have observed other errors, either of the speaker or of the stenographer, in the report; and I now ask that the committee direct that when a witness has finished his testimony whatever errors may be agreed upon may be corrected or attention be called to them.

The Chairman. The testimony will be printed from day to day, and before its final print any correction of the kind suggested will be made to correspond to the fact.

Smith Continues.

Joseph F. Smith, having previously affirmed, was examined, and testified as follows:

Mr. Worthington. You have testified in regard to the effect upon a member of the church or one of the apostles who would run for office without getting the consent which is indicated by the rule put in evidence here yesterday. I will ask whether or not the same rule would apply in case of his disobeying a regulation of the church in other matters?

Mr. Smith. The same exactly.

Mr. Worthington. For instance, what other matters?

Mr. Smith. I do not know.

Mr. Worthington. What about drinking and gambling and swearing and things of that sort. Do they come within your prohibition?

Mr. Smith. Yes, sir. It would involve all un-Christianlike conduct.

Mr. Worthington. I mean whether the same consequences would follow in case of any un-Christianlike conduct that would follow in case a man should run for office in violation of the rule?

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Mr. Smith. We should consider acts of un-Christianlike conduct of very much more serious consequence than merely disregarding our wish with respect to running for office, because we consider that these principles are vital. The other is simply a matter of free will.

Mr. Worthington. There has been a good deal said here about the proportion of polygamists to the Mormon population. Have you any statistics on that subject?

Mr. Smith. I have not any in my possession, but some years ago the facts were published, and I think they were reached by the Utah commission, and as near, Mr. Chairman, as my recollection goes—it is a long time ago and it is a matter which has not been brought to my attention since, although I have some recollection of it—when the Utah commission, was created and sent to Utah to administer the government there, they excluded all polygamists from the elective franchise, and as women held the elective franchise the same as men they were excluded of course as well as the men.

Mr. Worthington. The women who were in polygamy?

Number of Polygamists.

Mr. Smith. All women were voters in Utah. Afterward, however, the women were disfranchised by act of Congress, I believe, in the Territory. But I understand that the Commissioners, after excluding all polygamists, ascertained that there had been excluded some 12,000—in the neighborhood of that, I would not say just what—out of a population of some 250,000 or 300,000. Of course these were polygamists, including the men and the women; and as it took two women to one man to make polygamy, two-thirds of that number of the population excluded from voting would be women, leaving only one-third, or practically about 4000 men. And reckoning that it takes a man especially to create the status of plural marriage, it was supposed that 4000 male voters represented the actual polygamists of the church, which was something less, I believe, in reality, than 2 per cent of the entire membership of the church.

Now, Mr. Chairman, this statement of mine may be subject to some correction from the record. I do not pretend to state it as absolutely correct, but that is my recollection of it, to the best of my understanding.

Questioned by Dubois.

Senator Dubois. Mr. Chairman, there has been a controversy between the president and myself——

Mr. Worthington. Allow me to finish this subject.

Senator Dubois. Mine comes in here. It is right in point.

Mr. Worthington. On this particular subject I have some other questions.

Senator Dubois. On the matter of statistics?

Mr. Worthington. Yes, sir; on the proportion.

Senator Dubois. Very well.

The Chairman. Mr. Worthington, conclude.

Senator Dubois. I want the committee to understand my position.

Mr. Smith. May I be permitted to say, Mr. Worthington, if you please, that all that I have stated is on record. That is to say, I merely quote from what I recollect of the record.

Mr. Worthington. In the answer of Reed Smoot, found on the bottom of page 38 of the record, it is set forth that the returns of subordinate officers of the church show the number of polygamists at certain times. Do you have records of that kind?

Mr. Smith. I have.

Mr. Worthington. Have you any information——

Senator Dubois. I beg your pardon, but I rather think it is my right——

Mr. Worthington. Certainly, Senator, it is your right.

Senator Dubois. And I think it is a courtesy due to the president and myself that I should make my statement here.

I am willing to accept the statement which the president has made. I think it is altogether likely that we reason from different premises, and, of course, if we do we will reach different conclusions.

The Chairman. What is the point?

Dubois Corners Witness.

Senator Dubois. As to the proportion of polygamists.

The Chairman. Do you desire to question him at this point?

Senator Dubois. I desire to make a statement. He says that by the Utah commission there were 12,000 polygamists excluded from voting, and he assumes there are two women to each man. There must of necessity have been two women to each man.

Mr. Worthington. At least two.

Senator Dubois. At least two.

Mr. Smith. Yes, sir.

Senator Dubois. I should think very likely the percentage would be larger than two. In his calculation he includes suckling babes. How can a child two years old be in polygamy?

Mr. Smith. I beg pardon, I am talking about voters.

Senator Dubois. There were about 220,000 persons in Utah of voting age. Now, how many of those were Gentiles?

Mr. Smith. At that time, I do not know.

Senator Dubois. Well, about a third to a fourth?

Mr. Smith. I would, at a guess, at that time—that was in—

Senator Dubois. We will have the full statistics pretty soon.

Mr. Smith. I would not wish to undertake to make a guess at it. I would rather refer right to the statistics themselves.

Senator Dubois. We will say a fourth.

Mr. Smith. No, sir; I do not think there was a fourth at that time.

Senator Dubois. Say a fifth.

Mr. Smith. I could not say anything about it because I do not know, but I do not think there was a fourth.

Senator Dubois. All right. Then I will assume that there were 50,000 gentiles in Utah. That would leave 170,000?

Mr. Tayler. Of all ages.

Senator Dubois. A hundred and seventy thousand Mormons of all ages.

Mr. Smith. I wish to state, Mr. Chairman, to the chairman and to the Senators, that I suppose you mean by all ages, infants.

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Senator Dubois. I beg pardon.

Mr. Smith. Infants?

Senator Dubois. Infants.

Mr. Smith. We never take any account of any child under 8 years old, so far as our church records are concerned—that is, as being reckoned a part of our church membership.

Thousands of Polygamists.

Senator Dubois. I know; but there were 12,000 male polygamists—

Mr. Smith. No, sir.

Senator Dubois. Twelve thousand polygamists excluded.

Mr. Smith. No, sir; I did not intend to convey that idea. That was a supposition. It was ascertained that there were about 12,000—

Senator Dubois. I thought you accepted that statement?

Mr. Smith. I said if that was the case at least two-thirds of that number would be women. That is a supposition. That would leave, of course, but one-third males. Now, I contend, if I have permission to contend with the Senator.

Senator Dubois. Certainly.

Mr. Smith. I do not wish to be disrespectful in any way.

Senator Dubois. Not at all. The controversy between you and me is because you include all and I include only those of sufficient age.

Three Women to One Man.

Mr. Smith. I would be rather inclined to think that at that time probably three women to one man might have been the average. I could not say.

The Chairman. Right there, at what date was that?

Mr. Smith. That was in 1882.

Senator Dubois. Then you would have had 12,000—

Mr. Worthington. One-fourth would have been men.

Senator Dubois. Twelve thousand polygamists out of a Mormon population, including everybody, of 170,000.

Mr. Smith. There were over 200,000, considerably.

Senator Dubois. There is a discrepancy, but we will figure it at 200,000. Now, with the large families in Utah, I think it would be fair to assume that there were four children to each family. I think there are seven children to a family in Minnesota and some of those other States. Ordinarily I think it is one to five. But here there are plural wives. Taking it all together, I should think, including the polygamous families and all, there were four children to a family. What would you say to that?

Mr. Smith. I have no objection to that.

Cannot Count Children.

Senator Dubois. Then you would exclude from the 170,000 as being below the age of 18 considerably more than one-half, of necessity?

I am getting at it roughly. Of necessity you would exclude considerably more than one-half. You can not count children as being in polygamy.

Mr. Worthington. Do the census returns give the number of Mormons, males and females?

Senator Dubois. Yes.

Mr. Worthington. I think it is a matter we can get at, then.

Senator Dubois. I want to put this in here.

Senator Dillingham. Senator, you had better make your statement of what you claim, so that we will have both statements on the record.

Senator Dubois. I stated the other day that in my judgment the convictions showed that there were more than 2 or 3 per cent, and that in my judgment there were a great many more than 3 or 4 per cent in polygamy at this time.

Senator Hoar. What is the date?

Dubois Proves Contention.

Senator Dubois. 1890. I have already proven my contention, because at the least there were 80,000 people who were of sufficient age to go into polygamy and out of that number there were about 15,000 polygamists.

The Chairman. Is there any further question on that point, Mr. Senator?

Senator Dubois. That is my statement. I can put in the more exact figures if necessary. I did not want that statement to go to the country unchallenged. The difference between the president and myself is that we were reasoning from different premises. He included all the members of the church. I exclude, of course, those who are not in condition to be in polygamy. I do not question the veracity of the president's statement at all. I simply wish to call attention to the fact that our premises being so totally at variance, of course, our conclusions would be very much at variance.

The Chairman. Now, Mr. Worthington.

Mr. Worthington. Mr. Smith, have you any statistics as to the number of polygamists in the year 1890 in the Mormon church, and at any different dates since that down approximately to this time? If you have, please give us the result.

Smith Presents Statement.

Mr. Smith. I have. I have a statement here, if you please, which was gotten up a short time ago, giving the present status of polygamists in Utah, and I can vauch for its accuracy up to the date that is here named. If I may be permitted, I should like to read the whole paper. It is not very long.

"Mr. Copp, local agent of the Associated Press, called upon President Smith this afternoon desiring information as to the status of polygamy, and the following questions and answers were put into form for that gentleman, at his request, for publication:

"Q. Does the church solemnize or permit plural marriages? A. Certainly not. The church does not perform, or sanction, or authorize marriage in any form that is contrary to the laws of the land."

Mr. Tayler. These questions were addressed to you?

Mr. Smith. Yes, sir; I had this interview between the reporter and myself.

Mr. Tayler. Exactly. That is what you did not say at the beginning, and I did not catch the connection.

Mr. Smith. I intended to do so.

Mr. Tayler. You may have done so.

The Chairman. The answers are by yourself?

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Mr. Smith. Yes, sir; by myself.

The Chairman. Who was the gentleman who interviewed you?

Mr. Smith. Mr. Copp is the agent of the Associated Press.

The Chairman. Living in Salt Lake?

Mr. Smith. Living in Salt Lake. The statement continues:

Interview With Associated Press.

"Q. Why then is it asserted that prominent Mormons practice polygamy? A. That is done evidently to mislead the general public. Polygamy, under the law, is the marrying of a husband or wife while the legal husband or wife is living and undivorced. There is no such offense committed by sanction of the Mormon church. But when the prohibition of polygamy was proclaimed by the president of the Mormon church there were many persons who had contracted plural marriages, and that relation has been continued in many instances because the men in that position determined not to abandon their families, but to care for and provide for them and educate and cherish their children. This is erroneously construed as practicing 'polygamy,' and creates the impression that polygamous marriages are still permitted in and by the church.

Q. To what extent are these relations of polygamous families sustained? A. It was ascertained by careful census in 1890, when President Woodruff issued his manifesto against further polygamous marriages, there were 2451 such families belonging to the Church of Jesus Christ of Latter-day Saints in the United States. In October, 1899, by another count, it was found that the number had been reduced, by death, 750; by removals beyond the confines of the Republic, 63; by divorce, 95; leaving then but 1543. In May, 1902, a complete and thorough inquiry showed that the original number in 1890 had been reduced 63 per cent, leaving then only 897, and the great majority of whom were of advanced age, and many of them have since departed this life. It is evident that with no additions to this total, but a rapid and continual decrease, the number of polygamous families will soon be reduced to zero.

That is my statement.

Don't Know Number in Utah.

Mr. Worthington. Now, of the 897 polygamists in the United States belonging to the church in 1902, can you give us approximately how many of them live in Utah?

Mr. Smith. No, sir. The statement covers every church organization that we have in the United States. I do not know how many of these are in Utah, or how they are divided. However, I could get that information—

Mr. Worthington. Very well.

Mr. Smith. In a little time.

Mr. Worthington. Do these figures, for instance the figures for 1902, 897 polygamists, include men and women or only men?

Mr. Smith. That includes, I think, the families—the heads of families.

Mr. Worthington. The men only?

Mr. Smith. The men, in other words.

Mr. Worthington. And can you tell us whether or not, since the date of that census in 1902, the decrease has gone on in about the same proportion to the present time?

Mr. Smith. I think, Mr. Chairman, that the decrease has gone on in greater ratio, for the reason that these elderly men are continually getting older and they are more rapidly passing away.

Mr. Worthington. Take your own case as an illustration of what the situation is. You have five families and they all live in Salt Lake City?

Mr. Smith. Yes, sir.

Mr. Worthington. You have had children. How old is your oldest child?

Talks of His Families.

Mr. Smith. My oldest child is probably about 35 or 36 years of age.

Mr. Worthington. You have a son, I believe, who is one of the apostles?

Mr. Smith. Yes, sir.

Mr. Worthington. What is his name?

Mr. Smith. Hyrum M. Smith.

Mr. Worthington. Is he here?

Mr. Smith. He is here.

Mr. Worthington. How old is he?

Mr. Smith. My recollection—

Mr. Hyrum Smith. Thirty-two.

Mr. Smith. Thirty-two; that is my recollection, although I was not quite sure.

Mr. Worthington. Is he married?

Mr. Smith. Yes, sir.

Mr. Worthington. Has he any more than one wife?

Mr. Smith. No, sir.

Mr. Worthington. He has little children?

Mr. Smith. Yes, sir.

Mr. Worthington. And a separate household in Salt Lake City?

Mr. Smith. Yes, sir.

Mr. Worthington. They are your grandchildren?

Mr. Smith. Yes, sir.

Mr. Worthington. I should like to have it noted on the record that all these children born prior to 1888 are legitimate, having been made legitimate by act of Congress. The Edmunds act, as it was called, which was passed on the 22d of March, 1882 provided that all children of these polygamous relations born before the 1st day of January following should be legitimate.

The Chairman. That will go in the record.

Would Insert Edmunds Act.

Senator Foraker. It occurs to me that in this connection it might be convenient to have the Edmunds act inserted right into the record. Is there objection to that?

The Chairman. I will either have that done or have it published by itself.

Senator Foraker. Let it come right in here.

Mr. Worthington. It would be very convenient if instead of doing that we could have a compilation made, which counsel on both sides could prepare, giving the different acts and Presidential proclamations which either side may think bears upon this question, and have them printed by themselves.

The Chairman. What the counsel agree upon will be done.

Mr. Worthington. I will also state here that the Edmunds-Tucker act, passed in 1887, provided that all issues born within a year of the passage of the act should be legitimate.

You visit you son's house, Mr. Smith, and visit your little grandchildren?

Mr. Smith. Yes, sir.

Mr. Worthington. Is the mother of that son still there?

Mr. Smith. Yes, sir.

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Mr. Worthington. With her household?

Mr. Smith. Yes, sir; still living in her home.

Mr. Worthington. These are her grandchildren?

Mr. Smith. Yes, sir.

Mr. Worthington. And she visits them, too?

Mr. Smith. Yes, sir.

Mr. Worthington. She goes to see them in sickness and in health?

Mr. Smith. Yes, sir.

Mr. Worthington. You do, too?

Mr. Smith. Yes, sir.

Mr. Worthington. You have amongst your issues funerals and marriages?

Mr. Smith. Yes, sir.

Mr. Worthington. And at times family reunions?

Mr. Smith. Yes, sir.

Mr. Worthington. You acknowledge in those gatherings these women to be your wives?

Mr. Smith. Yes, sir; I have done so.

Law Against Unlawful Cohabitation.

Mr. Worthington. It came out yesterday, if the committee will allow me to keep up the thread of this matter, that the only provision of law in Utah today forbidding polygamous cohabitation is the law enacted by the Legislature composed very largely of Mormons, and that the only revelation which has come to them for twenty-one years is the revelation forbidding polygamy. I will now come down to the time when you became the president.

I want to see what you have done since that time which indicates that this committee of fifteen is a conspiracy to inculcate and perpetuate polygamy.

The Chairman. What is the date?

Mr. Worthington. When did you become president?

Mr. Smith. On the 10th of November I was sustained. Prior to that I acted as senior president. On the 10th of November, 1901. Is that correct?

Senator Smoot. 1901.

The Chairman. May I ask right here, in this connection, so as to have it appear, when did you become an apostle?

Mr. Smith. In 1867.

The Chairman. Now go on.

Mr. Worthington. Who was your predecessor?

Mr. Smith. Lorenzo Snow.

Mr. Worthington. Do you remember the date of his death?

Mr. Smith. I think it was on the 10th day of October, 1901.

When Smith Became President.

Mr. Worthington. Then under your rule you became acting president until the vacancy should be filled?

Mr. Smith. Yes, sir.

Mr. Worthington. When was it filled?

Mr. Smith. On the 10th day of November following.

Mr. Worthington. Then you were presented and sustained and confirmed by the general assembly?

Mr. Smith. By the whole church in general conference assembled.

Mr. Worthington. When President Snow died, or just prior to his death, what office did you hold?

Mr. Smith. I was his second councilor.

Mr. Worthington. Who was the first councilor?

Mr. Smith. George Q. Cannon when living, but he was then dead. He had died previously.

Mr. Worthington. Was no other councilor living at the time President Snow died.

Mr. Smith. I do not quite understand your question.

Mr. Worthington. I mean just at the time of his death.

Mr. Smith. At the time of his death he had chosen me as first councilor, and he had chosen Rudger Clawson his second councilor.

Mr. Worthington. Was Mr. Clawson a polygamist?

Mr. Smith. No, sir.

Mr. Worthington. He was a monogamist?

Mr. Smith. He was a monogamist.

First Presidency Polygamists.

Mr. Worthington. So, at the time Lorenzo Snow died a majority of the first presidency, the highest tribunal in your church, were polygamists?

Mr. Smith. Yes, sir; that is right.

Mr. Worthington. I want to find out what you did about having that body constituted—the first presidency. Who became your councilor?

Mr. Smith. I selected Hon. John R. Winder as my first councilor.

Mr. Worthington. Is he a polygamist or a monogamist?

Mr. Smith. A monogamist.

Mr. Worthington. Who was your second councilor?

Mr. Smith. My second councilor was Anthon H. Lund.

Mr. Worthington. What was his status as to the marriage relation?

Mr. Smith. He is reputed to have but one wife, and that he never had any other.

Mr. Worthington. Have those gentlemen remained your councilors?

Mr. Smith. Yes, sir.

Mr. Worthington. So that from the time you became president a majority of the highest tribunal have been monogamists?

Mr. Smith. Yes, sir.

Mr. Worthington. Now, what vacancies, if any, have been filled in the twelve since you became president?

Mr. Smith. Since I became president there have been two vacancies filled in the council of twelve.

Mr. Worthington. How were they filled; by whom were they filled?

Mr. Smith. They were filled in the usual manner by the nomination or suggestion of members of the council and confirmation by the presidency of the church.

Mr. Worthington. Who are the persons who were selected?

Mr. Smith. Who were the persons selected?

Mr. Worthington. Yes, sir.

Hyrum Smith Chosen.

Mr. Smith. My son, Hyrum M. Smith.

Mr. Worthington. You have already said that he is a man with but one wife?

Mr. Smith. Yes, sir.

Mr. Worthington. He never had but one wife?

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Mr. Smith. Yes, sir; that is correct. And the second was George A. Smith, who is also a monogamist, and always has been a monogamist.

Senator Overman. Is he any relation to you?

Mr. Smith. He is my cousin's son. He is the son of John Henry Smith, and his father is my cousin.

Mr. Tayler. He is an apostle?

Mr. Smith. Yes, sir.

Senator Dubois. Who is John Henry Smith. What official position in the church does he hold?

Mr. Smith. He is one of the twelve.

Mr. Worthington. Have I asked you whether he is a polygamist or monogamist?

Mr. Smith. Which—George A?

Mr. Worthington. I mean those who filled the vacancies.

Mr. Smith. George A. is a monogamist and always has been.

Mr. Worthington. Then if I understand you correctly, you have appointed since you became president two councilors and two of the twelve apostles?

Mr. Smith. Yes, sir.

Mr. Worthington. And all have been monogamists and are?

Mr. Smith. Yes, sir; all of them.

Mr. Worthington. As to Apostle Teasdale, you were asked something about whether he had more than one wife. How was that at the time you became president?

Mr. Smith. At the time I became president he was a monogamist.

Mr. Worthington. He has been ever since?

Mr. Smith. He has been ever since.

Mr. Worthington. Then, as to the other apostles, you were asked as to most of them, and perhaps all of them, whether they were not polygamists, and you answered yes?

Mr. Smith. Oh, no.

Mr. Van Cott. He was not asked that.

Mr. Worthington. You were asked the question as to each of them, and you said "yes" as to some. I ask you what you mean by that?

Six of the Twelve Polygs.

Mr. Smith. I mean only that today there are six of the twelve who are reputed to be polygamists.

Mr. Worthington. I want to know what you mean by the word "polygamists" in that connection?

Mr. Smith. I mean that they are in the status of polygamy; that they are reputed to have more than one wife. That is what I desire to have understood.

Mr. Worthington. Are they also reputed to acknowledge and hold out the plural wives as their wives?

Mr. Smith. That I am not able to say; I do not know.

Mr. Worthington. What is your knowledge, obtained personally or by reputation, as to whether or not as to the others they, like you, actually live and cohabit with more than one woman? What do you know about that?

Mr. Smith. All I know about it, sir, is that these men who are in the polygamous status with myself take their own chances individually as to the consequences of living with or abstaining from living with their families. They are amenable to the law.

Mr. Worthington. That does not answer my question.

Mr. Smith. Excuse me.

Mr. Worthington. My question is what knowledge you have—I include knowledge acquired in any way—as to whether or not they are actually cohabiting with more than one woman?

Mr. Smith. Not having inquired into the matter at all, I am really not in a position to say. I do not know.

What He Means.

Mr. Worthington. When you say they are polygamists, do you mean they are living with more than one woman, just as you are?

Mr. Smith. No, sir; I do not mean that. I mean they are represented to be the husband of more than one wife each. That is all I know about it.

Mr. Worthington. As to one, you said on your direct examination that he is a neighbor of yours.

Mr. Smith. Oh; my cousin.

Mr. Worthington. And a relative.

Mr. Smith. My cousin.

Mr. Worthington. And that you knew all about him. What is his name?

Mr. Smith. John Henry Smith. We are related and we are neighbors. His family associates with my families and my families with his, and we are very intimate.

Mr. Worthington. Do you know whether or not, as a matter of fact, he does cohabit with more than one wife?

Mr. Smith. I am very strongly inclined to believe that he does.

Mr. Worthington. Let me go back to the matter of the first presidency and the three who constitute it.

Senator Dubois. Before you leave this question I should like to ask a question.

Mr. Worthington. Centainly, Senator.

No Statistics Now.

Senator Dubois. You have stated the number of polygamists now in the church. Does the United States at the present time gather any statistics in regard to that matter, to your knowledge?

Mr. Smith. Not that I know of. I do not know anything about that.

Senator Dubois. There is no Utah commission now?

Mr. Smith. I am very happy to say there is not, sir.

Senator Dubois. And there is no other body of men appointed by the United States whose duty it is to ascertain how many Mormons are now living in polygamous relations?

Mr. Smith. I should be very happy sir, if there were.

Senator Dubois. I want to know whether there is or not?

Mr. Smith. I do not know that there is.

Senator Dubois. You think not?

Mr. Smith. I think not.

Senator Dubois. So your statement, of course, is one collected by your church?

Senator Foraker. For information, let me ask whether the Census Director was not required to gather information on that subject?

Senator Dubois. Not in regard to their polygamous status.

Mr. Worthington. Is that all?

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Senator Dubois. That is all.

Manifesto as a Revelation.

Mr. Worthington. I observe that Senator Bailey is here, and I will put a question which I deferred until he came in. That is whether the manifesto is taken to be a revelation. You spoke yesterday, I think, of a sermon that had been delivered by President Woodruff after the manifesto. Is that the manifesto which is published in connection with the proceedings before the Committee on Territories of the House of Representatives when Utah was knocking at the door for admission as a State?

Mr. Smith. President Woodruff himself declares—

Mr. Worthington. No; I asked you—

Mr. Smith. I beg pardon.

Mr. Worthington. I asked whether the sermon is the one printed in connection with the proceedings? Look at it. It is on page 85. It will speak for itself. I want first to identify it. [Handing witness pamphlet.] You need not read it clear through.

Mr. Smith (after examining pamphlet). I have not any doubt but that it is correctly stated, just as he stated it.

Mr. Worthington. That is a sermon which was delivered by President Woodruff on November 1, 1891, a little over a year after the manifesto. He refers to the manifesto. I will not read it all, but I will ask the stenographer—

Mr. Van Cott. Read it all.

The Chairman. It can be inserted in the record.

Mr. Worthington. Yes; I will read only the concluding portion of it. It is quite long.

"I should have let all the temples go out of our hands; I should have gone to prison myself and let every other man go there had not the God of heaven commanded me to do what I did do; and when the hour came that I was commanded to do that, it was all clear to me. I laid it before my brethren, such strong men as Brother George Q. Cannon, Brother Joseph F. Smith, and the twelve apostles. I might as well undertake to turn an army with banners out of its course as to turn them out of a course that they considered to be right. These men agreed with me, and 10,000 Latter-day Saints also agreed with me. Why? Because they were moved upon by the spirit of God and by the revelations of Jesus Christ to do it."

The preceding portion shows it is the manifesto referred to. Now I was about to ask you—

The Chairman. What year was that?

Mr. Worthington. November 1, 1891; a little over a year after the manifesto was issued.

The matter referred to is as follows:

"The following extract from a sermon delivered by President Woodruff at Logan, November 1, 1891, will further explain the position of the church on this subject.

Sermon by Woodruff.

"President Woodruff said:

"I have had some revelations of late, and very important ones to me, and I will tell you what the Lord has said to me. Let me bring your minds to what is termed the manifesto. The Lord has told me by revelation that there are many members of the church throughout Zion who are sorely tried in their heart because of that manifesto, and also because of the testimony of the presidency of this church and the apostles before the master in chancery. Since I received that revelation I have heard of many who are tried in these things, though I had not heard of any before that, particularly. Now, the Lord has commanded me to do one thing, and I fulfilled that commandment at the conference at Brigham City last Sunday, and I will do the same here today.

"The Lord has told me to ask the Latter-day Saints a question, and he also told me that if they would listen to what I said to them and answer the question put to them by the spirit and power of God, they would all answer alike, and they would all believe alike with regard to this matter. The question is this: Which is the wisest course for the Latter-day Saints to pursue; to continue to attempt to practice plural marriage, with the laws of the Nation against it and the opposition of sixty millions of people, and at the cost of the confiscation and loss of all the temples, and the stopping of all the ordinances therein, both for the living and the dead, and the imprisonment of the first presidency and twelve and the heads of families in the church, and the confiscation of personal property of the people (all of which of themselves would stop the practice), or after doing and suffering what we have through our adherence to this principle to cease the practice and submit to the law, and through doing so leave the prophets, apostles, and fathers at home, so that they can instruct the people and attend to the duties of the church, and also leave the temples in the hands of the saints, so that they can attend to the ordinances of the gospel, both for the living and the dead?

"The Lord showed me by vision and revelation exactly what would take place if we did not stop this practice. If we had not stopped it you would have had no use for Brother Merrill, for Brother Edlefsen, for Brother Roskelley, for Brother Leishman, or for any of the men in this temple at Logan; for all ordinances would be stopped throughout the land of Zion. Confusion would reign throughout Israel, and many men would be made prisoners. This trouble would have come upon the whole church, and we should have been compelled to stop the practice. Now the question is whether it should be stopped in this manner or in the way the Lord has manifested to us and leave our prophets and apostles and fathers free men and the temples in the hands of the people, so that the dead may be redeemed. A large number has already been delivered from the prison house in the spirit world by this people, and shall the work go on or stop? This is the question I lay before the Latter-day Saints. You have to judge for yourselves. I want you to answer it for yourselves. I shall not answer it; but I say to you that that is exactly the condition we, as the people, would have been in had we not taken the course we have.

"I know there are a good many men, and probably some leading men, in this church who have been tried and felt as though President Woodruff had lost the spirit of God and was about to apostatize. Now, I want you to understand that he has not lost the spirit, nor is he about to apostatize. The Lord is with him and with his people. He has told me exactly what to do and what the result would be if we did not do it. I have been called upon by friends outside the church and urged to take some steps with regard to this matter. They knew the course which the Government were determined to take. This feeling has also been manifested more or less by members of the church. I saw exactly what would come to pass if there was not something done. I have had the spirit upon me for a long time.

"But I want to say this: I should have let all the temples go out of our hands, I should have gone to prison myself and let every other man go there, had not the God of

Heaven commanded me to do what I did do; and when the hour came that I was commanded to do that, it was all clear to me. I went before the Lord, and I wrote what the Lord told me to write. I laid it before my brethren, such strong men as Brother George Q. Cannon, Brother Joseph F. Smith, and the twelve apostles. I might as well undertake to turn an army with banners out of its course as to turn them out of a course that they considered to be right. These men agreed with me, and 10,000 Latter-day Saints also agreed with me. Why? Because they were moved upon by the spirit of God and by the revelations of Jesus Christ to do it."

Mr. Worthington. Also in the petition submitted to the President asking for amnesty, the same thing was averred and signed by President Woodruff and all the other apostles. I understand that the first presidency is composed of the president and his two councilors.

Bailey Seeks Information.

Senator Bailey. Before you leave that, if you do not intend yourself to ask any further questions about it, I would like to ask a question. The sermon says these 10,000 members of the church were moved upon by a revelation. I do not still see that the head of the church declares that he received a revelation. He does say that he went to God in anguish and prayer, just as Christians of various denominations do when their duty is not plain, and they rise from it more or less instructed. But that was an instruction to obey the law. I, myself, think a Christian would go to the stake before he would abandon his creed; and if that is a revelation, contradicting a former revelation—

Mr. Smith. It is not contradicting it.

Senator Bailey. I think it is. The former revelation undoubtedly permitted plural marriages, if it did not command them, and this revelation forbids them.

Mr. Smith. It simply forbids the practice.

Senator Bailey. That is a distinction without a difference—

Mr. Smith. Oh, no.

Senator Bailey. Because the other undoubtedly permitted its practice. This forbids the practice. Now, if there is not a conflict between these two I am unable to comprehend what a conflict is. Under one state of the case they were permitted to enter into plural marriage and in another state of the case they were forbidden to do it. Now, from what I can understand—

Mr. Smith. Will the Senator allow me to say a word just there?

The Chairman. Let the Senator complete his statement.

Mr. Smith. I beg your pardon.

Senator Bailey. I will pause to hear the witness.

The Chairman. Very well.

Evades Question.

Mr. Smith. The one is no more emphatic than the other. President Woodruff declares that he himself will stop and that he will use all his influence to have all the people stop the continuance of plural marriages, and all the people assembled in conference agreed with him that they would stop th practice of plural marriage.

Senator Bailey. That does not touch the question which I have in mind.

Mr. Smith. All right.

Mr. Smith. I do not understand the chairman.

The Chairman. I understood you to say you were not teaching the doctrine of polygamy to your people.

Mr. Smith. That is right, and I should like to add in connection with the Senator's remarks here that I am not openly and obnoxiously practicing unlawful cohabitation.

The Chairman. Right in this connection—

Mr. Smith. I have avoided that.

The Chairman. Right in this connection, you say you are not teaching polygamy?

Mr. Smith. Yes, sir.

The Chairman. How more forcibly could you teach it than by practicing it openly as the head of the church?

Mr. Smith. I am not practicing it openly.

The Chairman. Are you practicing it secretly?

No Patience With Doctrine.

Senator Bailey. I will say to you very frankly that I do not have much patience with a doctrine which does not receive a revelation until there is a statute and where the revelation happens to conform to the statute. What I have been trying to fix in my mind is whether you taught that this was a revelation or merely a submission to the law. If it were a submission to the laws, then it would be a question whether the Christian would submit to the laws of the land or to the laws of God. I do not pretend to judge about that, but when a sect teaches that an inspiration comes just after a statute has been passed and a report made to Congress, I do not quite understand that anybody is required to accept it as a revelation.

Senator Foraker. All of that is a matter of opinion.

Senator Bailey. Hardly, if the Senator please.

Senator Foraker. I mean so far as the sense of duty is concerned.

Senator Bailey. Not precisely that. I have been compelled to submit to many a law that I thought a vicious one, and which I would have voted to repeal, but as a good citizen I submitted to it. But just how far I would have submitted if I had been otherwise commanded by a revelation from God is a question that I am not now deciding.

Mr. Smith. May I please try to explain this matter a little to the Senator? I will try to be brief.

Senator Bailey. Very well.

Mr. Smith. Mr. Senator, the facts are these: When the laws against plural marriage were passed by the Congress of the United States we held to the idea that they were unconstitutional laws. We are compelled by our doctrines—the doctrines of our church—to obey and observe the constitutional laws of our land.

Senator Bailey. I have heard such a statement read here.

Mormons Fought Law.

Mr. Smith. We fought the validity of those laws in court all the way from the first and lower court to the highest court of our land, and when the subject finally came before the Supreme court of the

United States and was settled and the law was sustained as a constitutional law, then we, to be obedient to our own doctrines and faith, were naturally inclined to obey the law.

But we had a revelation on our statute books, commanding us, or at least not commanding us—yes, commanding us to enter into a certain covenant for eternity as well as for time, which is mandatory, with reference to the blessings that are promised in the law; they cannot be received without it; and, with reference to the plural part of it, permissive, and we had the alternative before us as to whether we should observe even the constitutional law of the land that was so pronounced by the Supreme court of the United States or to continue to practice the law of the church.

President Woodruff, as president of the church, entitled, as we hold, as you may not hold, and as everybody is free to have his own opinion about it, to receive revelations and inspiration from Almighty God for the guidance of the church and that he is the final arbitrator for the church on matters of doctrine, sought to the Lord, and, as he says himself in the language which has been read here, the Lord made manifest to him clearly that it was his duty to stop plural marriages, and he received that revelation and that commandment from the Lord to stop it. He published it; announced it. It was submitted first to the officials of the church and accepted by them, and then it was submitted to the entire church in conference assembled and it was accepted by them, and thus it became binding upon the church; and the church has from that day to this kept the law so far as plural marriages are concerned.

Smith Boasts of Defying Law.

I should like to draw a distinction in the Senator's mind that there is a great difference in our judgment, in our feelings, between the law prohibiting plural marriages and the law prohibiting what is termed in the law unlawful cohabitation—a very great difference. Plural marriage has stopped; but I choose, rather than to abandon my children and their mothers, to run my risks before the law. I want to say, too, that it is the law of my State—it is not the law of Congress—under which I am living and by which I am punishable. It is the law of my State, and the courts of my State have competent jurisdiction to deal with me in my offenses against the law, and the Congress of the United States has no business with my private conduct any more than it has with the private conduct of any citizen of Utah or any other State. It is the law of my State to which I am amenable, and if the officers of the law have not done their duty toward me I cannot blame them. I think they have some respect for me.

The Chairman. I wish to ask you a question right here. You speak of your unwillingness to abandon your children.

Mr. Smith. Yes, sir.

The Chairman. Why is it necessary, in order to support your children, educate and clothe them, that you should continue to have children by a multiplicity of wives?

Mr. Smith. Because my wives are like everybody else's wife.

The Chairman. I am not speaking of them.

Mr. Smith. I understand.

The Chairman. I am speaking of the children now in existence born to you.

Mr. Smith. Yes.

Burrows's Pointed Question.

The Chairman. Why is it necessary to continue to have issue by five wives in order to support and educate the children already in existence? Why is it necessary?

Mr. Smith. It is only to the peace and harmony and good will of myself and my wives; that is all.

The Chairman. Then you could educate your children and clothe them and feed them without having new issue?

Mr. Smith. Well, yes; I possibly could, but that is just exactly the kernel in the nut.

The Chairman. Yes.

Mr. Smith. I have chosen not to do that, Mr. Chairman.

The Chairman. You have chosen not to do it?

Mr. Smith. That is it. I am responsible before the law for my action.

The Chairman. And in not doing it you are violating the law?

Mr. Smith. The law of my State?

The Chairman. Yes.

Mr. Smith. Yes, sir.

Senator Overman. Is there not a revelation published in the Book of Covenants here that you shall abide by the law of the State?

Mr. Smith. It includes both unlawful cohabitation and polygamy.

Senator Overman. Is there not a revelation that you shall abide by the laws of the State and of the land?

Mr. Smith. Yes, sir.

Senator Overman. If that is a revelation, are you not violating the laws of God?

Mr. Smith. I have admitted that, Mr. Senator, a great many times here.

Senator Overman. I did not know that you had.

Will Defy the Law.

Mr. Smith. And I am amenable to the law for it. But I see the point of the Senator's question. Gentlemen, you have shown a great deal of leniency in permitting me to express my views here, and I do not wish to be offensive, and I do not wish to take more time than I need to. But the church itself—I understand your point, that the church forbids me to violate the law, certainly it does—but the church gave me those wives, and the church cannot be consistent with itself and compel me to forsake them and surrender them.

Senator Bailey. "The Lord giveth and the Lord taketh away," and when the Lord gave this second revelation forbidding it—

Mr. Smith. He did not forbid it.

Senator Bailey. Well, he did, if the manifesto is based upon a revelation, because the manifesto declares against it.

Mr. Smith. The manifesto declares positively the prohibition of plural marriages, and in the examination before the master in chancery the president of the church and other leading members of the church agreed before the master in chancery that the spirit and meaning of that revelation

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applied to unlawful cohabitation as well as to plural marriages.

Senator Bailey. That's what I was coming to now, Mr. Smith. Then, as I understand you, both plural marriage and unlawful cohabitation are forbidden by the statutes of Utah and by the revelations of God. Is that true?

Mr. Smith. That is the spirit of it, sir.

Defies Human and Divine Law.

Senator Bailey. And yet you, as the head of the church, are defying both—

Mr. Smith. Oh, no.

Senator Bailey. The statutes of Utah and the ordinance of the church—

Mr. Smith. Not the ordinance at all.

Senator Bailey. Perhaps you have another and better expression to describe them?

Mr. Smith. If you say the manifesto—

Senator Bailey. I should say that a revelation once communicated to the church and sustained by the church would become an ordinance of the church.

Mr. Smith. If the Senator please—

Senator Bailey. If you will provide me with a better expression than that I shall be glad to adopt it. We will call it the law of the church.

Mr. Smith. No, sir; call it the rule.

Senator Bailey. Does not a revelation become the law of the church?

Mr. Smith. Call it the rule of the church, and I will understand.

Senator Bailey. Law, after all, is but a rule of conduct prescribed by the supreme power. What I am trying now to emphasize is that the manifesto is a revelation, or that it is based upon a revelation; that the revelation—

Mr. Smith. If the Senator will permit me, it is inspired. It is the same thing. I admit what you say.

Senator Bailey. I do not know much about these nice distinctions in the Gospel as I hope I do in the law. I am amenable to correction on those. But at any rate, it is a revelation forbidding alike plural marriage and unlawful cohabitation; and that revelation from the Lord is supplemented and re-enforced by the statutes of the State of Utah.

Mr. Smith. Yes, sir

Proclaims Defiance Statutes.

Senator Bailey. I agree with you entirely, that for your individual conduct you are amenable to the State of Utah and not to the Federal Government. I concur in that statement; but is it true that the head of the church in Utah is living in open and proclaimed defiance of the statutes of that State, and also in defiance of a revelation received by your predecessor—not your immediate predecessor, I believe, but a predecessor—and communicated to the church and sustained by it? Am I correct in that?

Mr. Smith. You are correct so far—that I have confessed here openly, and it has gone to the world—that I have not observed the law against cohabitation with my wives. That is all there is to it.

Senator Bailey. What I am trying to make clear is that it is a law not only of the State of Utah, but also a law of the church.

Mr. Smith. It is a rule of the church.

Senator Bailey. That is what I want to make clear.

Mr. Smith. Yes, sir.

Senator Overman. There is one question I wish to ask. You may have stated it before. This manifesto, which was published, I understand you to say is sent broadcast?

Mr. Smith. Yes, sir.

Manifesto Not Published.

Senator Overman. What I want to know is this: This manifesto does not tell about how the revelation came or that it is a revelation. Is this revelation published in any of your standard works?

Mr. Smith. I informed the committee yesterday that it has been an oversight, that it had not been published in the latest edition of the Doctrine and Covenants, and that I would see to it that it should be incorporated in the next edition of the Doctrine and Covenants to meet this objection.

The Chairman. You are speaking of the manifesto?

Mr. Smith. Yes, sir.

The Chairman. Pardon me a question right in the line of what Mr. Smith has been testifying about—speaking about the care of his children. Another statement you made is that you do not teach polygamy.

Mr. Smith. No, sir.

The Chairman. Then, how are you practicing it?

Mr. Smith. I am not practicing polygamy at all.

The Chairman. You are not?

Mr. Smith. I have prohibited polygamy.

The Chairman. You are not living in polygamous cohabitation?

Practices Polygamy.

Mr. Smith. Oh, yes; but not in polygamy. Polygamy means the marrying of more wives than one, but I am not living in polygamy. I am not practicing it or permitting it.

The Chairman. Then, your idea is, after the marriage is consummated, to live with a woman is not polygamy?

Mr. Smith. It is not polygamy inasmuch as the marriage occurred before the manifesto.

Mr. Worthington. The statute makes the same distinction.

The Chairman. I think I understand.

Mr. Van Cott. The Congressional acts make that distinction.

Senator Foraker. What acts?

Mr. Van Cott. The Edmunds-Tucker act and the Edmunds act.

Senator Overman. I have not read the manifesto through to know exactly what it is. Does the manifesto state in its anywhere that it is a revelation from God? You say you intend to publish it hereafter. But does the manifesto anywhere state that it was a revelation from God?

Mr. Smith. The attorney read before the committee this morning that President Woodruff himself announced that it was a revelation.

Senator Overman. I mean the manifesto itself.

Mr. Smith. That comes in connection with the manifesto.

Senator Overman. But it is not published in the pamphlet?

Mr. Smith. It was presented before the conference.

Senator Overman. I understand.

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Senator Hopkins. That matter has been presented here and it speaks for itself.

Senator Overman. The manifesto speaks for itself.

Manifesto Not Introduced.

Senator Bailey. The manifesto as a whole has not been introduced. I presume it will be.

Mr. Worthington. It will be published in full in the record.

Mr. Van Cott. It has been put in the record in full.

Mr. Tayler. If I may be excused, in the interest of economy of time, there is a pamphlet which has been published by the church entitled, "A manifesto," and declared by the president of the church to be its official proclamation of the manifesto. But the question which Senator Overman asked goes to the point as to whether or not that official declaration as to the rule of the church contained in the manifesto is accompanied by a statement that it was a revelation or is accompanied by the statement which Mr. Worthington read a few moments ago, and I understand it is not contained in that official paper.

Senator Overman. That is what I was getting at. The witness states that there are certain standard works, and that this pamphlet has been sent out broadcast as the rule of the church, and it nowhere states that it was a revelation from God.

Mr. Van Cott. That is right.

Senator Foraker. The pamphlet has been put in evidence.

Mr. Van Cott. The manifesto does not say in terms that it is a revelation.

Mr. Tayler. Or the pamphlet which is sent out. Does that contain it?

Mr. Van Cott. I have not read it, Mr. Tayler. I do not know.

Senator Overman. The question is whether or not the pamphlet he described as a manifesto, which is sent broadcast by your missionaries and is used by your missionaries, contains a statement that this is a revelation from God?

Mr. Smith I could not tell just from memory without examining the pamphlet, but I will say that the contents of this pamphlet embrace the prohibition of plural marriage, and it also gives a statement of the fact that it was presented before the church and approved and became binding upon the church to stop plural marriages, which is in effect—

Senator Overman. Which is in effect what?

Mr. Smith. As complete and as perfect as it could possibly have been couched under any other terms or words.

Senator Overman. The question is whether it so stated in terms.

Says It Is Not Revelation.

Mr. Smith. It does not state in terms that it was a revelation, and it is not necessary that it should, inasmuch as the object is accomplished by it.

Senator Overman. The question is whether it did?

Mr. Van Cott. Has any gentleman got the pamphlet here?

Senator Overman. I have never seen it. That is the reason why I have been asking about it.

Senator Foraker. The pamphlet was here the other day. Mr. Tayler had it. I think he offered it in evidence, or intended to.

Mr. Van Cott. Just a moment and I think I will be able to answer the question. [A pause.] Here [exhibiting] is the manifesto as it is contained in this pamphlet as issued, and it goes along with the statement and with this manifesto that the Senator asked if it contained the words, in effect, that it was a revelation, and which I answered that it did not in effect.

Then on page 3 of this pamphlet will be found the following:

"President Lorenzo Snow offered the following:"

And I think if I read that it will answer the question.

Mr. Worthington. It has already been read.

What Was Done.

Mr. Van Cott. I will read it.

"I move that recognizing Wilford Woodruff as the president of the Church of Jesus Christ of Latter-day Saints, and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized by virtue of his position to issue the manifesto which has been read in our hearing and which is dated September 24, 1890, and that as a church in general conference assembled we accept his declaration concerning plural marriages as authoritative and binding."

Then a vote was taken. That is contained in the pamphlet.

Senator Overman. Is that pamphlet in evidence?

Mr. Worthington. The portion he read was introduced yesterday.

Mr. Van Cott. I think Mr. Tayler put in the whole manifesto.

Mr. Worthington. Let me ask you whether anything which is intended for the government of the church and proceeds from the president and has first been approved by the apostles—

Mr. Smith. How is that?

Mr. Worthington. When it has been introduced by the president, submitted to the apostles and approved by them, and is then submitted to the body of the church and in general conference approved by the church, whether it is binding upon the members of the church—whether it is a revelation or a rule.

Mr. Smith. It is equally binding on the church, whether it is a revelation or a rule.

Mr. Worthington. And a man who disobeys it would be just as much out of harmony if it were a rule as if it were a revelation?

Mr. Smith. Just the same.

Bailey Wants Manifesto.

Senator Bailey. I would suggest that one side or the other now offer in evidence the manifesto. Of course, it is in this statement, but not in as evidence.

Senator Foraker. Let me make an inquiry. I understood Mr. Tayler to put this entire pamphlet in evidence—

Mr. Tayler. Not that one.

Senator Foraker. In connection with his documentary evidence.

Mr. Tayler. But I will consider this pa-

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per as being put in evidence concerning which Mr. Smith has testified.

Senator Foraker. The whole pamphlet?

Mr. Tayler. Yes, sir; Mr. Smith produced that.

Mr. Worthington. I thought it was yours.

Mr. Tayler. I think that is the one Mr. Smith had in his hand yesterday.

Senator Foraker. I thought you exhibited it the first day.

Mr. Tayler. Not that one. Mr. Smith produced it and testified respecting it. The pamphlet referred to is as follows:

President Woodruff's manifesto—Proceedings at the semi-annual general conference of the Church of Jesus Christ of Latter-day Saints, Monday forenoon, October 6, 1890:

President Woodruff said: I will say, as the question is often asked, "What do the Latter-day Saints believe in?" we feel disposed to read the articles of faith of the Church of Jesus Christ of Latter-day Saints, and should there be any strangers present they may understand our faith in this respect. The question is often asked, "Do the Mormon people believe in the Bible?" So the principles that are read will show our faith and belief appertaining to the gospel of Christ.

The articles were then read by Bishop Orson F. Whitney. They are here introduced:

Articles of Faith.

ARTICLES OF FAITH OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

"1. We believe in God, the Eternal Father, and in his son, Jesus Christ, and in the Holy Ghost.

"2. We believe that men will be punished for their own sins and not for Adam's transgression.

"3. We believe that through the atonement of Christ all mankind may be saved by obedience to the laws and ordinances of the gospel.

"4. We believe that these ordinances are: First, faith in the Lord Jesus Christ; second, repentance; third, baptism by immersion for the remission of sins; fourth, laying on of hands for the gift of the Holy Ghost.

"5. We believe that a man must be called of God by 'prophecy and by the laying on of hands' by those who are in authority to preach the gospel and administer in the ordinances thereof.

"6. We believe in the same organization that existed in the primitive church, viz., apostles, prophets, pastors, teachers, evangelists, etc.

"7. We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.

"8. We believe the Bible to be the word of God, as far as it is translated correctly; we also believe the Book of Mormon to be the word of God.

"9. We believe all that God has revealed, all that he does now reveal, and we believe that he will yet reveal many great and important things pertaining to the kingdom of God.

"10. We believe in the literal gathering of Israel and in the restoration of the ten tribes; that Zion willl be built upon this continent; that Christ will reign personally upon the earth, and that the earth will be renewed and receive its paradisic glory.

"11. We claim the privilege of worshiping Almighty God according to the dictates of our conscience and allow all men the same privilege, let them worship how, where or what they may.

"12. We believe in being subject to kings, presidents, rulers, and magistrates in obeying, honoring, and sustaining the law.

"13. We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul. 'We believe all things, we hope all things,' we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things."—(Joseph Smith.)

Apostle Franklin D. Richards said: Beloved brethren and sisters, I move that we as members of the Church of Jesus Christ of Latter-day Saints in general conference assembled do accept and adopt these articles of faith which Bishop Whitney has now read as the rule of our faith and of our conduct during our mortal lives.

It may be thought that it is superfluous to offer it; but it must be borne in mind that we have a rising generation since this was last presented to us that are coming to years of judgment and understanding; and we wish to have all, old and young, rich and poor, bond and free, that have faith in the Lord Jesus Christ and in these articles to have a chance to express it by their vote, if they wish.

The vote to sustain Brother Richard's motion was unanimous.

President George Q. Cannon said: President Woodruff, as doubtless the members of the conference are aware, has felt himself called upon to issue a manifesto concerning certain things connected with our affairs in this Territory, and he is desirous to have this submitted to this conference, to have their views or their expressions concerning it, and Bishop Whitney will read this document now in your hearing.

Following is the manifesto as read:

Official Declaration.

"To whom it may concern:

"Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

"I, therefore, as president of the Church of Jesus Christ of Latter-day Saints, do hereby in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have, during that period, been solemnized in our temples or in any other place in the Territory.

"One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony; whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

"Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

"There is nothing in my teachings to the church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used

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language which appeared to convey any such teachings he has been promptly reproved. And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land. WILFORD WOODRUFF.

"President of the Church of Jesus Christ of Latter-day Saints."

President Lorenzo Snow offered the following:

"I move that recognizing Wilford Woodruff as the president of the Church of Jesus Christ of Latter-day Saints and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized, by virtue of his position, to issue the manifesto which has been read in our hearing and which is dated September 24, 1890, and that as a church in general conference assembled, we accept his declaration concerning plural marriages as authoritative and binding."

The vote to sustain the foregoing motion was unanimous.

President George Q. Cannon: On the 19th of January, 1841, the Lord gave his servant Joseph Smith a revelation, the forty-ninth paragraph of which I will read:

"Verily, verily, I say unto you, that when I give a commandment to any of the sons of men to do a work unto my name, and those sons of men go with all their might and with all they have to perform that work, and cease not their diligence, and their enemies come upon them and hinder them from performing that work, behold, it behoveth me to require that work no more at the hands of those sons of men, but to accept of their offerings."

The Lord says other things connected with this, which I do not think it necessary to read; but the whole revelation is profitable, and can be read by those who desire to do so.

It is on this basis that President Woodruff has felt himself justified in issuing this manifesto.

I suppose it would not be justice to this conference not to say something upon the subject; and yet every one knows how delicate a subject it is, and how difficult it is to approach it without saying something that may offend somebody. So far as I am concerned, I can say that of the men in this church who have endeavored to maintain this principle of plural marriage I am one. In public and in private I have avowed my belief in it. I have defended it everywhere and under all circumstances, and when it was necessary have said that I considered the command was binding and imperative upon me.

But a change has taken place. We have, in the first place, endeavored to show that the law which affected this feature of our religion was unconstitutional. We believed for years that the law of July 1, 1862, was in direct conflict with the first amendment to the Constitution, which says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." We rested upon that, and for years continued the practice of plural marriage, believing the law aginst it to be an unconstitutional one, and that we had the right, under the Constitution, to carry out this principle practically in our lives. So confident was I in relation to this view that in conversations with President Grant and with his Attorney-General, ex-Senator Williams of Oregon, I said to them that if my case were not barred by the statute of limitations I would be willing to have it made a test case in order that the law might be tested.

We were sustained in this view, not only by our own interpretation of the amendment to the Constitution, but also by some of the best legal minds in the country, who took exactly the same view that we did—that this law was an interference with religious rights, and that so long as our practices did not interfere with the happiness and peace of society or of others we had the right to carry out this principle. In fact, it is within six or eight months that, in conversation with two United States Senators, each conversation being separate from the other, both of them expressed themselves, though not in the same language, to this effect: "Mr. Cannon, if this feature that you practice had not been associated with religion it might have been tolerated, but you have associated it with religion and it has aroused the religious sentiment of the Nation, and that sentiment cannot be resisted.

"So far as the practice itself is concerned, if you had not made it a part of your faith and an institution sanctioned by religion it might have gone along unnoticed." I do not give the exact language; but these are the ideas that they conveyed to me. Now, we were very confident that this law was an unconstitutional one. President Daniel H. Wells will remember how he and I tried to get a case to test the constitutionality of the law during the lifetime of President Brigham Young. We wanted to get Brother Erastus Snow. It is the last thing that we should have thought to put a man like he was in the gap if we had not been firmly convinced that the law was unconstitutional and would we declared so by the United States Supreme court. We telegraphed to Brother Erastus in the South, thinking that his case would not be barred by the statute of limitations. He replied to us concerning it, and we found that it was barred.

Brother A. M. Musser proposed himself, if I remember aright, to be a test case; but there was a defect in his case. We wanted this case whenever it was presented, to be presented fairly, that there should be no evasion about it, but that it should be a case that could be tested fairly before the courts of the country. Finally Brother George Reynolds was selected. I said to myself, when I learned the result, "It is the last time that I will ever have anything to do with a test case again which will involve the liberty of any body." I was promised when he was sentenced, by one high in authority and who had the right to make the promise, that he should be released when the circumstances were told to him, for they were laid fairly before him, and he was told that the evidence had been furnished by Brother Reynolds himself, and that everything had been done to make it a test case. The Government had been aided in the securing of witnesses, and no difficulty thrown in the way.

Afterward, on the second trial, I believe, Brother Reynolds's lawyers got frightened, and there was something occurred then that gave it a different appearance; but when the facts were related, as I stated, to one high in authority, he promised me that George Reynolds should be pardoned. There were those, however, in this city, who were determined that he should not escape imprisonment, and the prosecuting attorney wrote a letter which changed the mind of this high official, as he afterward told me, and he declined to carry out that which I had received as a promise; but even then there were circumstances connected with this decision that made us reluctant to accept it.

Since that time the history of proceedings is before you and before the world. We have felt as though this command of God was of such importance to us, involving so many serious consequences, that we should do all in our power to have the world know the position that we occupied. There may be men among us who believed they would be damned if they did not obey this, accepting it as a direct command from God. Therefore you can understand how tenaciously we have pro-

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tested and how vigorously we have endeavored, as far as we could, to make public our views upon this subject.

I suppose there are two classes here today in this congregation—one class who feel to sorrow to the bottom of their hearts because of the necessity of this action that we have now taken; another class who will say: "Did I not tell you so?" "Did I not tell you it would come to this?" "Did I not say to you that you ought to take advantage of and comply with this years ago, instead of enduring that which you have suffered since that time?" There may be men here today who pride themselves on their foresight, and to take credit to themselves because they foresaw, as they allege, that which we have done today, and would lead others to believe that if their counsel had been adopted, if the views that they presented had been accepted by the people, it might have saved very serious consequences to us all and left us in a better position than that which we occupy today.

But I, for one, differ entirely with this view. I believe it was necessary that we should witness unto God, the Eternal Father, unto the heavens, and unto the earth, that this was really a principle dear to us—dearer it might be said, in some respects, than life itself. We could not have done this had we submitted at the time that those of whom I speak suggested submission. We could not have left our own Nation without excuse. It might have been said, "Had we known all that you tell us now concerning this we should have had very different views upon this feature of your religion than we did have." But, now, after the occurrences of the past six years have been witnessed by this entire Nation and by the world, and by God, the Eternal Father, and the heavenly hosts, no one can plead as an excuse that they have been ignorant of our belief and the dearness of this principle to us.

Upward of thirteen hundred men have been incarcerated in prison, going there for various terms from one or three months up to years. They have gone there willingly, as martyrs to this principle, making a protest that the heavens and the earth should bear record that they were conscientious in espousing this principle, and that it was not for sensual indulgence, because if sensual indulgence had been the object we could have obtained it without such sacrifices as were involved in obedience to this law, without going to prison, without sustaining wives and children, without the obloquy that has been heaped upon us because of this action of ours. If licentious motives had prompted us we could have secured the results in a cheaper way and in a way more in consonance with universal custom throughout our own land and all Christendom.

But the sacrifices that we have made in this respect bear testimony to the heavens and to the earth that we have been sincere and conscientious in all that we have done and that we have not been prompted by a desire to use women for lustful purposes, but to save them, to make them honorable and to leave no margin of women in our society to become a prey to lust, so that every woman in our land should have the opportunity of becoming a virtuous wife and an honored mother, loved and respected by her offspring and by all her associates.

If no other result has attended what may be termed our obstinacy, these results are at least upon record, and they never can be blotted out. The imprisonment of these men, the sufferings—the untold, yea, the unwritten, yea, the unmentionable, it may be said, sufferings of wives and children, they are recorded in heaven and are known to men upon the earth, and they form a chapter that will never be blotted out.

Latter-day Saints, there has been nothing lost in the five years that have just passed. We have lost no credit. There has been no honor sacrificed. We can look God in the face; that is, if we are permitted to do so, so far as this is concerned, we can; we can look the holy angels in the face; we can look mankind in the face without a blush or without feeling that we have done anything unworthy of our manhood or of our professions, and the faith that God has given unto us. This all of us can do; and if no other result has followed what may be called our obstinacy than these which I now describe they are grand enough to pay us for all that we have gone through.

But the time has come when, in the providence of God, it seemed necessary that something should be done to meet the requirements of the country, to meet the demands that have been made upon us, and to save the people. President Woodruff and others of us have been appealed to hundreds of times, I might say; I can say for myself that I have been appealed to many scores of times to get out something and to announce something. Some of our leading brethren have said: "Inasmuch as we have ceased to give permission for plural marriages to be solemnized, why cannot we have the benefit of that? Why cannot we tell the world it, so as to have the benefit of it? Our enemies are alleging constantly that we still practice this in secret, and that we are dishonest and guilty of evasion. Now, if we have really put a stop to granting permissions to men to take more wives than one, why should not the world know it and we have the advantage of it?

These remarks have been made to us repeatedly. But at no time has the spirit seemed to indicate that this should be done. We have waited for the Lord to move in the matter; and on the 24th of September President Woodruff made up his mind that he would write something, and he had the spirit of it. He had prayed about it and had besought God repeatedly to show him what to do. At that time the spirit came upon him, and the document that has been read in your hearing was the result. I know that it was right, much as it has gone against the grain with me in many respects, because many of you know the contest we have had upon this point. But when God speaks, and when God makes known his mind and will, I hope that I and all Latter-day Saints will bow in submission to it. When that document was prepared it was submitted. But, as is said in this motion that has been made, President Woodruff is the only man upon the earth who holds the keys of the sealing power. These apostles all around me have all the same authority that he has.

We are all ordained with the same ordination. We all have had the same keys and the same powers bestowed upon us. But there is an order in the church of God, and that order is that there is only one man at a time on the earth who holds the keys of sealing, and that man is the president of the church, now Wilford Woodruff. Therefore, he signed that document himself. Some have wondered and said, "Why didn't his counselors sign? Why didn't the others sign?" Well, I will give you the reason—because he is the only man on earth that has this right, and he exercised it, and he did this with the approval of all of us to whom the matter was submitted, after he had made up his mind, and we sustained it; for we had made it a subject of prayer also that God would direct us.

There never was a time in this church when I believe the leading men of this church have endeavored to live nearer to God, because they have seen the path in which we walked environed with difficulties, beset with all man-

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ner of snares, and we have had the responsibility resting upon us of your salvation to a certain extent. God has chosen us, not we ourselves, to be the shepherds of his flock. We have not sought this responsibility. You know Wilford Woodruff too well to believe that he would seek such an office as he now fills. I trust you know the rest of us sufficiently to believe the same concerning us. I have shrunk form the apostleship. I have shrunk from being a member of the first presidency. I felt that if I could get my salvation in any other way I prayed God that he would give it to me, after he revealed to me that I would be an apostle, when I was comparatively a child; and I have had that feeling ever since. These apostles, all of them, feel the responsibility which rests upon them as leaders of the people, God having made us, in his providence, your shepherds.

We feel that the flock is in our charge, and if any harm befall this flock through us we will have to answer for it in the day of the Lord Jesus; we shall have to stand and render an account of that which has been intrusted to us; and if we are faithless and careless and do not live so as to have the word of God continually with us and know his mind and will, then our condemnation will be sure and certain and we cannot escape it. But you are our witnesses as to whether God is with us or not, as well as the Holy Ghost. You have received, and it is your privilege to receive, the testimony of Jesus Christ as to whether these men who stand at your head are the servants of God, whom God has chosen, and through whom God gives instructions to his people. You know it because the testimony of the spirit is with you, and the spirit of God burns in your bosoms when you hear the word of God declared by these servants, and there is a testimony living in your hearts concerning it.

Now, realizing the full responsibility of this, this action has been taken. Will it try many of the Saints? Perhaps it will; and perhaps it will try those who have not obeyed this law as much as any others in the church. But all we can say to you is that which we repeatedly say to you—go unto God yourselves if you are tried over this and cannot see its purpose; go to your secret chambers and ask God and plead with him, in the name of Jesus, to give you a testimony as he has given it to us, and I promise you that you will not come away empty, nor dissatisfied; you will have a testimony and light will be poured out upon you and you will see things that perhaps you cannot see and understand at the present time.

I pray God to bless all of you, my brethren and sisters; to fill you with his holy spirit; to keep you in the path of exaltation which he has marked out for us; to be with us on the right hand, and on the left in our future as he has been in the past.

Before I sit down I wish to call attention to one remarkable thing, and it may be an evidence to you that the devil is not pleased with what we have done. It is seldom I have seen so many lies and such flagrant, outrageous lies, told about the Latter-day Saints as I have quite recently. I have not time to read the papers, but I have happened to pick up two or three papers and glance at them, and the most infernal (pardon me for using that expression) lies ever framed are told. It seems as though the devil is mad every way. "Now," says he, " they are going to take advantage of this, and I am determined they shall have no benefit of it; I will fill the earth with lies concerning them and neutralize this declaration of President Woodruff's." And you will see in all the papers everything that can be said to neutralize the effect of this. To me it is pretty good evidence that the devil is not pleased with what we are doing. When we kept silence concerning this, then we were a very mean and bad people; and now that we have broken the silence and made public our position, why, we are wicked in other directions and no credence can be attached to anything that we say. You may know by this that his satanic majesty is not pleased with our action. I hope he never will be.

President Wilford Woodruff: I want to say to all Israel that the step which I have taken in issuing this manifesto has not been done without earnest prayer before the Lord. I am about to go into the spirit world, like other men of my age. I expect to meet the face of my Heavenly Father—the father of my spirit. I expect to meet the face of Joseph Smith, of Brigham Young, of John Taylor, and of the apostles, and for me to have taken a stand in anything which is not pleasing in the sight of God or before the heavens I would rather have gone out and been shot. My life is no better than other men's. I am not ignorant of the feelings that have been engendered through the course I have pursued. But I have done my duty, and the Nation of which we form a part must be responsible for that which has been done in relation to this principle.

The Lord has required at our hands many things that we have not done, many things that we were prevented from doing. The Lord required us to build a temple in Jackson county. We were prevented by violence from doing it. He required us to build a temple in Far West, which we have not been able to do. A great many things have been required of us, and we have not been able to do them, because of those that surrounded us in the world. This people are in the hands of God. This work is in the hands of God, and he will take care of it. Brother George Q. Cannon told us about the lies that are abroad. It is a time when there have been more lies told about Mormonism than almost any other subject ever presented to the human family. I often think of what Lorenzo Dow said with regard to the doctrine of election. Says he: "It is like this: You can and you can't; you will and you won't; you shall and you shan't; you'll be damned if you do and you'll be damned if you don't."

That is about the condition we, as Latter-day Saints, are in. If we were to undertake to please the world, and that was our object, we might as well give up the ship; we might have given it up in the beginning. But the Lord has called us to labor in the vineyard, and when our Nation passes laws, as it has done, in regard to this principle which we have presented to the conference, it is not wisdom for us to make war upon sixty-five millions of people. It is not wisdom for us to go forth and carry out this principle against the laws of the Nation and receive the consequences. That is in the hands of God and he will govern and control it. The church of Christ is here; the Zion of God is here in fulfillment of these revelations of God that are contained in these holy records in which the whole Christian world profess to believe.

The Bible could never have been fulfilled had it not been for the raising up of a prophet in the last days. The revelations of St. John could never have been fulfilled if the angel of God had not flown through the midst of heaven, "having the everlasting gospel to preach to them that dwell on the earth, and to every nation, and kindred, and tongue, and people, saying with a loud voice, 'Fear God and give glory to him, for the hour of his judgment is come.'" Was that angel going to visit New York, Philadelphia, Boston, and the world and call the people together and preach to them? Not at all. But the Lord raised up a prophet. The angel of God delivered that gospel to that prophet. That prophet organized a church, and all

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that he has promised in this code of revelations (the Book of Doctrine and Covenants) has been fulfilled as fast as time would admit. That which is not yet fulfilled will be.

Brethren and sisters, it is our duty to be true to God and to be faithful. Make your prayers known unto the Lord. The Lord has told us what he will do concerning many things. He will fulfill his word. Let us be careful and wise, and let us be satisfied with the dealings of God with us. If we do our duty to one another, to our country, and to the church of Christ, we will be justified when we go into the spirit world. It is not the first time that the world has sought to hinder the fulfillment of revelation and prophecy. The Jewish nation and other nations rose up and slew the son of God and every apostle but one that bore the priesthood in that day and generation. They could not establish the kingdom; the world was against them.

When the apostles asked Jesus whether he would at that time restore again the kingdom to Israel, he replied: "It is not for you to know the times or the seasons, which the Father hath put in his own power." He did not say it would be established then; but he taught them to pray: "Our Father which art in heaven, hallowed be thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven." It is a long time since that prayer was offered, and it has not been fulfilled until the present generation. The Lord is preparing a people to receive his kingdom and his church, and to build up his work. That, brethren and sisters, is our labor.

I want the prayers of the Latter-day Saints. I thank God that I have seen with my eyes this day that this people have been ready to vote to sustain me in an action that I know, in one sense, has pained their hearts. Brother George Q. Cannon has laid before you our position. The Lord has given us commandments concerning many things, and we have carried them out as far as we could. But when we cannot do it, we are justified. The Lord does not require at our hands things that we cannot do.

This is all I want to say to the Latter-day Saints upon this subject. But go before the Lord and ask him for light and truth, and to give us such blessings as we stand in need of. Let your prayers ascend into the ears of the God of Sabaoth, and they will be heard and answered upon your heads, and upon the heads of the world. Our Nation is in the hands of God. He holds their destiny. He holds the destinies of all men. I will say to the Latter-day Saints, as an elder in Israel and as an apostle of the Lord Jesus Christ, we are approaching some of the most tremendous judgments God ever poured out upon the world. You watch the signs of the times, the signs of the coming of the Son of Man. They are beginning to be made manifest both in heaven and on earth. As has been told you by the apostles, Christ will not come until these things come to pass. Jerusalem has got to be rebuilt. The temple has got to be built. Judah has got to be gathered, and the house of Israel. And the Gentiles will go forth to battle against Judah and Jerusalem before the coming of the Son of Man.

These things have been revealed by the prophets; they will have their fulfillment. We are approaching these things. All that the Latter-day Saints have to do is to be quiet, careful and wise before the Lord, watch the signs of the times, and be true and faithful, and when you get through you will understand many things that you do not today. This work has been raised up by the power of Almighty God. These elders of Israel were called from the various occupations of life to preach as they were moved upon by the Holy Ghost. They were not learned men; they were the weak things of this world, whom God chose to confound the wise, "and things which are not, to bring to naught things that are."

We are here on that principle. Others will be gathered on that principle. Zion will be redeemed, Zion will arise, and the glory of God will rest upon her, and all that Isaiah and the other prophets have spoken concerning her will come to pass. We are in the last dispensation and fullness of time. It is deep interest for your welfare, and our prophets who were slain and sealed their testimony with their blood are mingling with the gods, pleading for their brethren. Therefore, let us be faithful and leave events in the hands of God, and He will take care of us if we do our duty.

I pray God that he will bless these apostles, prophets and patriarchs, these seventies, high priests and elders of Israel, and these latter-day saints, who have entered into covenant with our God. You have a great future before you. You have kept the commandments of God, so far as you have had the opportunity, and by receiving the Gospel of Christ and being faithful your reward is before you. Your history is written, and is before you. I will say that this Nation, and all nations, together with presidents, kings, emperors, judges, and all men, righteous and wicked, have got to go into the spirit world and stand before the bar of God. They have got to give an account of the deeds done in the body. Therefore we are safe as long as we do our duty. No matter what trials or tribulations we may be called to pass through, the hand of God will be with us and will sustain us.

I ask my Heavenly Father to pour out His Spirit upon me, as His servant, that in my advanced age, and during the few days I have to spend here in the flesh, I may be led by the inspiration of the Almighty. I say to Israel, the Lord will never permit me nor any other man who stands as the president of this church to lead you astray. It is not in the programme. It is not in the mind of God. If I were to attempt that the Lord would remove me out of my place, and so He will any other man who attempts to lead the children of men astray from the oracles of God and from their duty. God bless you. Amen.

Suggestion by Dillingham.

Senator Dillingham. Would it not be well to have the petition to the President of the United States, found on page 18 of the record, because in it is the statement of the church as to what they claim for this document, appear in the record in connection with this testimony?

Senator Bailey. Let us put in the sermon.

Mr. Worthington. That has already been put in. I put it in.

Senator Bailey. I should be very glad if you would put in the date when the sermon was delivered.

Mr. Worthington. That is in.

Senator Foraker. There is the pamphlet [exhibiting] and here is the petition to the President [exhibiting].

Senator Hopkins. I suggest that those separate pieces come in connectedly.

Mr. Tayler. And the application for amnesty to which Senator Dillingham refers. That is one of the things I meant to put in yesterday.

Senator Bailey. I suggest, in order to save a multiplication of documents, that counsel agree that this manifesto as it appears in this document and the petition to the President are correct. That would save reprinting them.

Mr. Worthington. I suggested that

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counsel together should get up a pamphlet containing the statutes and proclamations and have them printed in separate form.

Senator Foraker. That will do.

Mr. Tayler. So that they are a part of this case.

At 11 o'clock and 55 minutes a. m. the committee adjourned until Monday, March 7, 1904, at 10:30 o'clock a. m.

Dubois Makes Statement.

Washington, D. C., March 7, 1904.

The committee met at 10:30 o'clock a. m.

Present: Senators Burrows (chairman), Hoar, McComas, Foraker, Dillingham, Pettus, Dubois and Overman; also Robert W. Tayler, counsel for the protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for Joseph F. Smith and other witnesses.

The Chairman. Mr. Worthington, will you proceed?

Mr. Worthington. Certainly.

Senator Dubois. Mr. Counsel, before you proceed, if you will pardon me for just a moment, I wish to make a statement.

Mr. Worthington. Certainly.

Senator Dubois. I wish to get the record straight. There was some controversy between the president and myself as to the number of polygamists in 1890. I spoke from memory, and it was thirteen years ago, but I find I was quite accurate. I wish to put in the record what I have taken from the census of 1890, which, of course, no one will question.

The Chairman. 1890 or 1900?

Senator Dubois. 1890. The president said there were 3 or 4 per cent in polygamy, and I contended that there were 20 to 25 per cent.

The total population of Utah in 1890 was 207,905; the Mormon population, 118,201; Gentile, 89,704. So it is much larger than I stated.

The commissioner's report of the school census of 1890 shows that there were white children, between the ages of 6 and 18, of Mormon parentage to the number of 50,-045.

Now I will assume, which is not violent, that 33 1-3 per cent of the children were below the age of 6 years. When you take in connection with them the Gentiles, and they have not nearly so many children as the Mormons, I think any one will admit that that is approximately correct. That makes 16,682 below the age of 6. The total Mormon population of Utah under 18 years of age was approximately 66,727. The Mormon population of the entire State over 18 years of age was approximately 51,474. Based upon the estimate of 12,000 polygamists, upon which we agree, in 1890, who were disfranchised, this represented 23¼ per cent of the Mormon population of Utah over 18 years of age and who were in polygamy.

Now, the president says further on that there are about 897 Mormons in polygamy now.

Mr. Worthington. Not now.

Mr. Van Cott. The heads of families?

Senator Dubois. The heads of families.

Mr. Worthington. Not now, but in May, 1902.

Senator Dubois. The year 1902. There are no statistics other than church statistics. I give it as my opinion that there has been no material reduction in the number of polygamists. So it is my opinion that his statement as regards that is just as misleading as his statement that there were 3 or 4 per cent in polygamy in 1900.

The Chairman. Is that all?

Senator Dubois. That is all.

Mr. Worthington. You say in 1900?

Senator Dubois. Or in 1902, whenever the statement was made. There has been no very material reduction in the number.

The Chairman. Gentlemen, proceed.

Mr. Worthington. Mr. Smith, will you resume the stand.

Mr. Smith Resumes.

Joseph F. Smith, having previously affirmed, was examined, and testified as follows:

Mr. Worthington. I want this morning first to get at a little more clearly than he have the machinery of your church. We all understand that the first presidency, composed of yourself and your two councilors, is the supreme tribunal, and we have also learned, I think, that your largest geographical divisions are called "stakes," and that they correspond in a general way to counties, but sometimes a large county has more than one stake.

Mr. Smith. Yes, sir.

The Chairman. It is impossible to hear your answer, Mr. Smith.

Mr. Worthington. He simply nodded his head.

Mr. Smith. My answer is "yes."

The Chairman. We are not all perfect in our eyesight.

Mr. Worthington. And the stakes are again divided into wards?

Mr. Smith. Yes, sir.

Mr. Worthington. What is the supreme authority of your church in the wards in the first place?

Mr. Smith. The bishop and his two councilors.

Mr. Worthington. What constitutes the supreme authority in the stake?

Mr. Smith. A presidency, consisting of a president and two councilors, and twelve high priests.

Mr. Worthington. Corresponding to the situation as to the government of the church at large?

Mr. Smith. Yes, sir.

The Chairman. That is the government in the stake?

Mr. Smith. Yes, sir.

Mr. Worthington. Yes, sir. They have a president and two councilors, and twelve assistants.

The Chairman. I understand.

How Proceedings Originate.

Mr. Worthington. Suppose a charge is made against some member of the church looking to his being disciplined or excommunicated. Where would the proceeding begin and who would have jurisdiction in the first instance?

Mr. Smith. It begins with the bishop. That is, the complaint for un-Christian-like conduct is made to the bishop and his councilors, who constitute what is called by us the common judges in the church.

Mr. Worthington. You mean the bishop and the councilors in charge of the ward?

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Mr. Smith. Yes, sir.

Mr. Worthington. Where the alleged offender belongs?

Mr. Smith. Yes, sir; where he belongs.

Mr. Worthington. Suppose that tribunal decides it one way or the other. Does an appeal lie?

Mr. Smith. Yes, sir.

Mr. Worthington. What appeal, and to whom?

Mr. Smith. To the presidency of the stake and his councilors.

Mr. Worthington. Consisting of how many?

Mr. Smith. Of three.

Mr. Worthington. And the twelve high councilors?

Mr. Smith. Yes, sir.

Mr. Worthington. Suppose they have rendered a decision. Does any further appeal lie?

Mr. Smith. Yes, sir.

Mr. Worthington. Where?

Mr. Smith. From the decision of the high council—the presidency and the high council?

Mr. Worthington. Of the stake.

Mr. Smith. Of the stake. To the presidency of the church.

Mr. Worthington. Composed of the president and his councilors?

Mr. Smith. Yes, sir.

Mr. Worthington. What have the apostles to do with those proceedings?

Mr. Smith. Nothing, whatever.

Amenable to Bishop.

Mr. Worthington. Suppose a charge is made, not against one of the ordinary members of the church, but is made against a member of the first presidency itself? Suppose you were charged with an offense or one of your two councilors, you being the court of last resort, what is the proceeding in that case? What would it be, according to the laws of your church?

Mr. Smith. According to the laws of the church there is not a member of the church who is not amenable to the bishop for his fellowship in the church.

Mr. Worthington. Take yourself. Do you pertain to some particular ward of the church?

Mr. Smith. I still live in a particular ward. I now have my membership in the Sixteenth ward.

Mr. Worthington. Where is that?

Mr. Smith. Of Salt Lake stake.

Mr. Worthington. If some member of the church were to charge you with violating a law of the church in cohabiting with plural wives, where would his complaint properly be made.

Mr. Smith. He would make the complaint to my bishop.

Mr. Worthington. Of your ward?

Mr. Smith. Yes, sir.

Mr. Worthington. And then an appeal could be taken from the decision there?

Mr. Smith. To the high council.

Mr. Worthington. The high council of the stake?

Mr. Smith. Yes, sir.

Mr. Worthington. To which you belong?

Mr. Smith. Yes, sir.

Mr. Worthington. What stake is that?

Mr. Smith. Salt Lake stake.

Mr. Worthington. That decision having been rendered, would there be any further appeal—in the case, I mean, of a charge against yourself?

Mr. Smith. Myself? Yes; there is provision made for an appeal in my own case to the three general presiding bishops of the church, with twelve high priests chosen for that express purpose.

Mr. Worthington. Who are those three high priests?

Mr. Smith. Bishops.

Mr. Worthington. Who are the people who hold those positions now, I mean?

Presiding Bishopric.

Mr. Smith. The present presiding bishopric of the church is William B. Preston, Robert T. Burton and Orrin P. Miller.

Mr. Worthington. Have any of those persons, so far as you know, plural wives at present? I do not mean personal knowledge, but reputation. Do you know anything about it?

Mr. Smith. Robert T. Burton, by common repute, is a polygamist.

Mr. Worthington. Do you mean by that that he has more than one wife, or is cohabiting with more than one wife?

Mr. Smith. I know nothing about his cohabition at all. I think he is reputed to have more than one wife, but I could not tell you that he has more than one. He is a very old man. His wives, if they are living, must be very old women, and I do not know that he has more than one wife living. I could not say that he has more than one, but he is reputed to have lived in plural marriage.

Mr. Worthington. You have given us what appears to be the machinery of the church and you have not mentioned the apostles or the seventies. What have they to do with the organization?

Mr. Smith. They have nothing whatever to do with the judicial affairs of the church.

Mr. Worthington. What are their duties?

Duties of Seventies.

Mr. Smith. Their duties are to preach the gospel and to send elders to preach it to all the nations of the earth.

Mr. Worthington. Their duties correspond in a general way to those of the apostles of old, then?

Mr. Smith. Exactly.

Mr. Worthington. You have also said somewhere in your examination by Mr. Tayler that the apostles are your advisers I think something of that kind was said; but, without reference to whether you said it or not, what is the fact?

Mr. Smith. I do not know that I quite understand the question.

Mr. Worthington. Are the quorum of the apostles in any way advisers of the first presidency or the members thereof?

Mr. Smith They are frequently consulted by the presidency of the church on important matters pertaining to the church, and I believe that I stated in my testimony here on that subject that I asked advice and counsel from every good, honorable man member of the church with regard to my duties as the president of the church.

Duty of Apostles.

Mr. Worthington. I wish to find out, without reference to what you do in that way, what is the duty of these apostles—what are their duties and powers as distinguished from those of the members of the church in general? You say they do

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missionary work. What else do they do, if anything?

Mr. Smith. When they are appointed they act under the direction of the presidency of the church, and when they are appointed to preach and to labor and to set in order matters in the stakes of Zion they are appointed to do that by the presidency of the church.

Mr. Worthington. Now as to the body of fifteen. We find that the first presidency is composed of three persons and the quorum of apostles of twelve.

Mr. Smith. Yes, sir.

Mr. Worthington. Reference is made in the protest here to a body of fifteen. Do the fifteen persons composing those two bodies meet conjointly at any time?

Mr. Smith. Yes, sir; we meet from time to time.

Mr. Worthington. What is the nature of those meetings? What are they for?

Senator Overman. How often do you meet?

Mr. Worthington. Yes; how often do you meet?

Mr. Smith. Our rule is to meet once a week, but we do not always meet once a week. But that is the rule.

Purposes of Conferences.

Mr. Worthington. What is the purpose of these conferences, and what are they for?

Mr. Smith. The principal purpose is for prayer.

Mr. Worthington. For what?

Mr. Smith. For prayer.

Mr. Worthington. What are the subordinate purposes?

Mr. Smith. Also for consultation in matters generally pertaining to the church.

Senator Dubois. Just a moment, if you please, about the meeting of the apostles. You are supposed to meet once a week.

Mr. Smith. I said it is the rule to meet once a week.

Senator Dubois. You frequently meet oftener than once a week?

Mr. Smith. No, sir.

Senator Dubois. You say you do not always meet once a week?

Mr. Smith. We do not always meet once a week; and furthermore, it is very seldom the case that there are more than four or five or six of the council present. Most generally the apostles are out in the missionary field and do not meet with us on that day.

Senator Dubois. But the rule is that there shall be a meeting of the apostles once a week. Do those who do meet transact business just the same as though all of them were there?

Mr. Smith. We consult together and counsel together in regard to church matters; yes, sir.

Senator Dubois. Just the same. Does it happen that long intervals elapse ever without any meeting of the apostles according to rule?

Mr. Smith. I think it does; yes, sir.

Senator Dubois. Sir?

Mr. Smith. Very frequently.

Senator Dubois. Long intervals?

Mr. Smith. Yes, sir.

Senator Dubois. So that these consultations between the apostles are sometimes deferred for some considerable length of time?

Mr. Smith. Very frequently.

Senator Dubois. In whom, then, is the power for the guidance of the church solely vested?

Presidency Is Supreme.

Mr. Smith. The presidency of the church.

Mr. Worthington. Is not the power vested in the presidency whether you hold conferences or not? Have the apostles any power to do anything more than to advise?

Mr. Smith. No, sir; only as advisers and councilors.

Mr. Worthington. They advise the president of the church in a general sense, very much like the Cabinet here advises the President of the United States?

Mr. Smith. I presume it is very much in the same way.

First Presidency Supreme.

Mr. Worthington. The first presidency have the authority to do as they please in church matters, even against the advice of all the apostles?

Mr. Smith. That is the law of the church.

Mr. Worthington. That is the law of the church.

Mr. Smith. And the rule.

Mr. Worthington. Now, about the power of the governing body of your church. I understand it to be charged here that they are practically despots. I wish to find out whether you can give us any illustration in respect to what has happened which shows whether or not that is correct. Do you remember, for instance, the Jacob Weiler case about 1875?

Mr. Smith. It is a long time ago.

Mr. Worthington. Do you know of it?

Mr. Smith. I knew of it at the time; but my recollection of it is——

Mr. Worthington. Who was the president then?

Mr. Smith. Of the church?

Mr. Worthington. Yes.

Mr. Smith. Brigham Young.

Mr. Worthington. Proceed.

Mr. Smith. Bishop Weiler was one of the oldest bishops in the church, really one of the most respected of men, but he was getting along somewhat in years, and it was thought by the presidency of the stake that a change would be beneficial to the ward over which he presided. The presidency of the stake called a special meeting of the members of the ward for the purpose of making the change, and as it happened, President Young, and one or both of his councilors, were present at their general meeting of the ward, and there it was proposed to depose, or rather to honorably excuse and relieve Bishop Weiler from the bishopric of the ward, and put in some other man; but when the proposition was made to the people they voted it down; they preferred their old, trusted and tried bishop, and voted down the proposition to remove him and put in a new one.

Those are the facts in the case, and President Young and his councilors were present at that meeting—that is, one or both of his councilors.

Mr. Worthington. And they were supporting the movement to have the bishop removed?

Mr. Smith. Yes, sir.

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Mr. Worthington. What was the upshot of it? Did he stay or did he go?

Mr. Smith. He stayed.

Case From Parowan.

Mr. Worthington. Do you remember a case of the same general nature at Parowan, in Iron county?

Mr. Smith. I remember of a case somewhat parallel, but it was not in relation to a bishop.

Mr. Worthington. By the way, where is Parowan?

Mr. Smith. It is 250 miles or so south of Salt Lake City.

Mr. Worthington. It is in Utah?

Mr. Smith. In the southern part of Utah.

Mr. Worthington. About when did this incident which you are about to relate occur?

Mr. Smith. I could not tell the date, but it was during the lifetime of Brigham Young.

Mr. Worthington. Very well.

Mr. Smith. Brigham Young attempted, or proposed, rather, in a general conference of the stake, a certain man who was very prominent in the community for the president of that stake. When his name was presented to the conference they voted him down; they rejected him; and of course that is a matter that pertains to the presidency of the church. They preside over all these matters, and it is their duty to install presidents of stakes. But President Young's proposition was voted down. The people were consulted as to their choice for president, and another man was chosen and sustained as president of the stake, and not the one who was proposed by President Young.

Mr. Worthington. Was the man who was proposed and became the official the choice of the people as against the wishes of Brigham Young?

Mr. Smith. He was the choice of the people against the wish of Brigham Young, and President Young felt somewhat offended about it, because he was much in favor of the other man.

Sanpete Case Cited.

Mr. Worthington. Do you remember the Sanpete stake case recently?

Mr. Smith. I remember a case at Sanpete that occurred a little while ago.

Mr. Worthington. How long ago?

Mr. Smith. Probably two months ago.

Mr. Worthington. Where is Sanpete stake?

Mr. Smith. Sanpete stake is southeast of Salt Lake City about ninety miles, I think; between seventy-five and ninety; I do not know the distance. We reach it by different routes.

The presidency of the North Sanpete stake had a vacancy in the bishopric of one of the wards, and he and his councilors and the high council consulted together and decided upon a man for the bishopric, and after they decided upon him they submitted the matter to the presidency of the church—to us—and we approved of their selection. One or two of the apostles were sent down to Sanpete to attend the conference and to attend to the installment of the new bishop, and at the conference, when the name of this man was put before the conference, they rejected him, and for several weeks afterwards the ward remained unorganized, without a bishop. Later—some weeks later—the presidency consulted the people and decided upon another person, who was finally installed as the bishop.

Mr. Worthington. He was satisfactory to the people of the stake?

Mr. Smith. Yes, sir; he was satisfactory to the people.

Appointment of the Twelve.

Mr. Worthington. Now, I wish to ask you also whether or not by the revelation of January 19, 1841, given through Joseph Smith, being section 124 of the Doctrine and Covenants, the section beginning on page 429, and the part to which I refer being pages 445 and 447, verses 127 to 144—I ask you whether that is not the revelation which provided for the original appointment of the twelve?

Mr. Smith. Sir?

Mr. Worthington. I ask whether that is not the revelation which authorized the appointment of the twelve as the traveling council, in these words, being verses 127, 128 and 129:

"127. I give unto you my servant Brigham Young, to be a President over the Twelve traveling Council,

"128. Which Twelve hold the keys to open up the authority of my kingdom upon the four corners of the earth, and after that to send my word to every creature;

"129. They are—Heber C. Kimball, Parley P. Pratt, Orson Pratt, Orson Hyde, William Smith, John Taylor, John E. Page, Wilford Woodruff, Willard Richards, George A. Smith."

Mr. Smith. That is a revelation given at the date you mentioned, naming or nominating all the general officers of the church.

Mr. Worthington. I will ask you whether or not, as a part of the same revelation, there was not this clause, referring to these appointments or nominations. I read from page 447, section 144:

"144. And a commandment I give unto you that you should fill all these offices and approve of those names which I have mentioned, or else disapprove of them at my general conference."

Mr. Smith. Yes, sir; that is correct.

Mr. Worthington. So that under the original revelation if the people had chosen to refuse to accept any of these officers they never would have become officers of the church?

Mr. Smith. That is correct.

Mr. Worthington. And what would have happened is what did happen in these two cases to which you have referred?

Mr. Smith. Yes, sir.

Mr. Worthington. That would be the law of the church?

Mr. Smith. Yes, sir; that would be the law of the church.

Mr. Worthington. Now, your general conferences are held every six months.

Mr. Smith. Yes, sir.

Tenure Six Months.

Mr. Worthington. And for how long a term do the members of the first presidency and of the twelve apostles hold their offices after they have been submit-

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ted to a conference and sustained, or confirmed, as we say?

Mr. Smith. It is the rule of the church to submit the names of all the general authorities of the church to the conference twice a year for their acceptance or rejection.

Mr. Worthington. When was your last conference held?

Mr. Smith. Our last conference was held on the 3rd to the 6th of October.

Mr. Worthington. And the next will be held when?

Mr. Smith. It will be held from the 3rd, probably, to the 6th of April next.

Mr. Worthington. At the conference held last October was your name and that of the other councilors and of the twelve presented to the people to see whether they would be sustained for another six months?

Mr. Smith. Every one.

Mr. Worthington. And at the next conference they will be submitted again?

Mr. Smith. Yes, sir.

Mr. Worthington. So every six months since you have held the office and since the other people have held their office it has been within the power of the people to turn them out at any time they chose?

Mr. Smith. At any time they chose.

Quarterly Conferences Held.

Senator Dubois. Allow me to state that there are quarterly conferences held in each stake.

Mr. Smith. That is correct.

Senator Dubois. Not only in Utah but in other States, and at those quarterly conferences your name and the names of the apostles are also sustained?

Mr. Smith. Yes, sir.

Mr. Worthington. At the quarterly conferences?

Senator Dubois. At the quarterly conference of every stake in the country. Not only do they have the two conferences, but they have quarterly conferences in every stake, and at each of those quarterly conferences their names are also sustained. That is right. I simply wanted to make the argument stronger than it is.

Mr. Smith. I should like merely to say, in relation to that, that it is according to the rule of the church that quarterly conferences be held in each stake of Zion, for the reason that a very large proportion of the members of the church are unable to attend the general conferences.

Mr. Worthington. Are these quarterly conferences, to which Senator Dubois refers, conferences of the stakes?

Mr. Smith. Yes, sir.

Mr. Worthington. And not of the whole body?

Mr. Smith. Of the stakes.

Senator Dubois. Which are geographical subdivisions?

Mr. Worthington. Yes. We have just been covering that. But what I do not understand is how one of these subdivisions—one of the numerous subdivisions—can confirm him in his office. Suppose one of the stakes, at their general conferences, should not sustain you. What would be the effect of it?

Mr. Smith. The effect of it would be that so far as that stake of Zion is concerned I would not be sustained by them.

Mr. Worthington. You mean as to that stake you would no longer be president?

Would Be Out of Harmony.

Mr. Smith. I mean as to that stake they would not fellowship me or sustain me as president of the church.

Mr. Worthington. So any one of the subdivisions can oust you from its jurisdiction?

Mr. Smith. So far as their stake authority is concerned; but they could not, of course, remove me out of office without a general action of the general church.

Mr. Worthington. I understand, in addition, that the wards have similar conferences every few months.

Mr. Smith. They are every quarter, I think—the ward conferences.

Senator Dubois. So that you are being pretty constantly sustained.

Mr. Worthington. And you are not being kept in office by Senator Smoot and his associates?

Mr. Smith. No, sir.

I should like to state that there is a general principle laid down in our church organization that nothing shall be done affecting the church generally or locally without the common consent of the people of the church.

Senator Overman. Have the people of the church ever refused to sustain any of the twelve apostles?

Mr. Smith. I just told you of several instances where they have refused.

Mr. Worthington. You do not understand the question.

Senator Overman. The twelve apostles. Has the church ever refused to sustain the presidency or the twelve apostles?

Are Always Sustained.

Mr. Smith. I do not think the church generally has, but I think there has been individuals who have.

Senator Overman. That is the question—whether the church has?

Mr. Smith. No; I think not.

Mr. Worthington. He stated the other day that they had not done it, but they can do it.

You said something a moment ago about the apostles being consulted as advisers. I do not clearly understand whether you said that they were the advisers of you in your official position, or whether they are your personal advisers. Have they anything to do with advising you as to your conduct personally any more than any other member of the church has?

Mr. Smith. No, sir; not in the least.

When Smoot Was Chosen.

Mr. Worthington. At the time Senator Smoot became an apostle which was—I do not know whether it appears in the record—the 9th day of April, 1900, was it not?

Mr. Smith. The 9th or 10th; I am not sure which.

Mr. Worthington. Let me ask you right there, while I think of it, when was your last child born? Do you remember the exact date?

Mr. Smith. I do not know that there is any particular coincidence about it. I think it was born on the day that he was sustained as one of the twelve.

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Mr. Worthington. That part of the complaint has stopped since he became an apostle?

Mr. Smith. There has been none since.

Mr. Tayler. Is there any relation of cause and effect between them?

Mr. Worthington. I do not pretend to have any revelation on that subject.

The Chairman. You seem, then, to be in harmony.

Mr. Worthington. You were not president at the time he became an apostle?

Mr. Smith. No, sir.

Mr. Worthington. You became president on what day?

Mr. Smith. The 10th day of November, 1901.

Mr. Worthington. Since that date, of course, he has not been present when the members of the first presidency have met officially.

Mr. Smith. No, sir.

Mr. Worthington. And you have not been present. I presume, when the quorum of apostles met officially.

Mr. Smith. Since that time?

Mr. Worthington. Yes; since you became president. The apostles are not present when the members of the first presidency hold their meetings?

Mr. Smith. No, sir.

Mr. Worthington. And the members of the first presidency are not present when the apostles hold their meetings?

Mr. Smith. No, sir.

Mr. Worthington. But you are all present at the general councils which are held for prayer and advice?

Mr. Smith. Yes, sir.

No Reference to Polygamy.

Mr. Worthington. Now, at any conference of that kind when you have been present, has the subject of your relations with reference to living with plural wives been touched upon in any way? Do you understand the question?

Mr. Smith. I hardly think I do.

Mr. Worthington. The question is whether at any joint meetings which have been held of the first presidency and the twelve apostles since you became president, and when you were present, has anything been said on this subject of your living and continuing to live in polygamous cohabitation with several wives?

Mr. Smith. Not that I know of.

Mr. Worthington. Have you any recollection?

Mr. Smith. No, sir; I have no recollection of anything having been said about it.

Mr. Worthington. So far as you know has there come up the subject whether members of the church should or should not, or were right or wrong in continuing to live in polygamous cohabitation?

But Law Is Broken.

Mr. Smith. I do not think anything has been said about it in any of our meetings. It has been generally conceded and generally understood, as I have frequently stated before, I think, that the plural marriages which occurred before the manifesto, many, many years ago in many instances, were not to be disturbed by the church; that the church was a party to the entering in of that marriage status, and that it would be inconsistent for the church to undertake to interrupt it, and the consequence has been that there has not been anything said to my knowledge against that principle. But I do know that when we have heard rumors, such as have been published by the anti-Mormon press, that there were marriages going on, the question has been broached many times in our councils, and invariably it has been resolved in our councils that all such things must stop, if they had not stopped, and so far as we were concerned, we knew of no such things occurring, and if anything of the kind did occur, it was without our knowledge or consent or approval. Those things have been mentioned.

Mr. Worthington. That is a digression, and something you have already stated several times.

Mr. Smith. I understand.

Mr. Worthington. What I want to know particularly, Mr. Smith, is whether at any of these joint meetings of the first presidency and the quorum of the apostles when you were present and since you became president this subject of polygamous cohabitation has been discussed at all?

Not Discussed by Quorum.

Mr. Smith. I do not think it has.

Mr. Worthington. Either in the way of advisory talk or in taking official action?

Mr. Smith. I do not recall anything that has been said in relation to it.

Mr. Worthington. When you became president you were then, as I understand, living with your five wives, as you have stated here?

Mr. Smith. Yes, sir.

Mr. Worthington. And you had made up your mind long before that, that you would continue to do it, as I understand?

Mr. Smith. Yes, sir.

Mr. Worthington. So that when Reed Smoot became an apostle, and you became president, your status in that respect had been fixed?

Mr. Smith. It had been fixed long years before.

Mr. Worthington. Had Senator Smoot anything to do with that status?

Mr. Smith. No, sir.

Mr. Worthington. Or with bringing you to that conclusion?

Mr. Smith. No, sir.

Mr. Worthington. Or did he advise you—

Mr. Smith. No, sir.

Mr. Worthington. Or encourage you?

Mr. Smith. No, sir.

Mr. Worthington. Or connive at your sustaining that relation?

Smoot Never Protested.

Mr. Smith. Not to my knowledge.

The Chairman. Has he at any time protested to you against it?

Mr. Smith. No, sir; he never has had any conversation with me on the subject at all.

Senator Dubois. Has he ever publicly protested anywhere, to your knowledge, against your living in this relation?

Mr. Smith. Not within my knowledge. I know nothing about it.

Mr. Worthington. Now about the number of polygamists, to which reference has been made this morning; can you give any information as to what proportion of your people who have been polygamists

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became such before the decision of the Supreme court in the Reynolds case in 1878, in which for the first time it was held that the act of Congress making the taking of plural wives a crime was constitutional?

Mr. Smith. A very large proportion of those who had entered into plural marriages did so before the law of 1862.

Mr. Worthington. Do you mean—

Mr. Smith. And a number of them are still living.

Mr. Worthington. My question is as to what proportion of them became polygamists, not before the act of 1862 was passed, but before it was sustained by the Supreme court, which was in 1878, sixteen years later.

Mr. Smith. I have no idea how many, but there was a lapse of a great many years, nearly twenty years, that the statute laid as a dead letter.

Many Men Convicted.

Mr. Worthington. In the next place, it has appeared here that there were a great many convictions for this crime of polygamy or polygamous cohabitation. When was it that these convictions were so prevalent?

Mr. Smith. Those convictions occurred under the Edmunds-Tucker law.

Mr. Worthington. But when—before or after the manifesto?

Mr. Smith. Oh, it was long before the manifesto.

Mr. Worthington. Long before the manifesto?

Mr. Smith. Yes, sir.

Mr. Worthington. Were those convictions, as a general thing, for taking plural wives or for polygamous cohabitation?

Mr. Smith. They were for polygamous cohabitation; very, very few, indeed, for marriage.

Mr. Worthington. I do not ask for the number, but in proportion to the number that had gone before, how many convictions, either for taking plural wives or for polygamous cohabitation, were there after the manifesto?

Mr. Worthington. After the manifesto.

Mr. Smith. After the manifesto?

Mr. Smith. I do not recall any. There may have been some, but I do not remember any at all.

Mr. Worthington. When the manifesto was proclaimed and down to the year 1896 you were a Territory. It was a Territory, not a State?

Mr. Smith. Yes, sir.

Mr. Worthington. You were not admitted until 1896?

Mr. Smith. Yes, sir.

Mr. Worthington. So that from 1890 to 1896 the prosecution of such offenses was in the hands of the prosecuting officers appointed by the President and confirmed by the Senate of the United States?

Mr. Smith. Yes, sir.

Mr. Worthington. And the cases were heard before Judges appointed by the President of the United States and confirmed by the Senate?

Mr. Smith. Yes, sir.

Mr. Worthington. That continued until 1896?

Mr. Smith. Yes, sir.

Mr. Worthington. And you say that during that period of six years there were very few convictions compared with what had gone before?

Mr. Smith. If I understand your question, that is so.

What Question Is.

Mr. Worthington. My question is whether from the time of the manifesto down to the time the State was admitted into the Union the convictions in the courts of the Territory were very few compared with what they had been before.

Mr. Smith. I do not remember any. There may have been a few, a very few. I do not recall that there were any.

Mr. Worthington. Any?

Mr. Smith. No, sir; I do not recall any, although there may have been one or two or such a matter.

Mr. Worthington. So that the practice had either stopped of being openly married or the officers appointed by the President were not doing their duty?

Mr. Smith. Yes, sir.

Senator Dubois. The prosecutions stopped after 1890, did they not, practically?

Mr. Smith. I believe that the prosecutions—I do not know whether I understand the force of your question.

Senator Dubois. I am merely repeating the question of your counsel.

Mr. Worthington. I beg your pardon, I am not counsel for Mr. Smith. I am counsel for Senator Smoot. If I were counsel for Mr. Smith the examination would be very different from what it is.

Senator Dubois. There were no prosecutions by the Federal authorities after the manifesto was issued?

Mr. Smith. I have so stated two or three times. I do not say there were no prosecutions, but I say there were very few, if any at all.

Questioned by Dubois.

Senator Dubois. In order to make it perfectly clear, I wish to ask this question: Did not the court proclaim publicly, and was it not thoroughly understood by all those who had been contending against polygamy and unlawful cohabitation, that after the manifesto was issued it was the duty of those who had previously contracted plural marriages to support and maintain their families?

Mr. Smith. Yes, sir.

Senator Dubois. I so understood it. I was in that conflict, as you will remember, and that was my understanding.

Mr. Smith. Yes, sir.

Were Few Convictions.

Senator Dubois. That was the reason for my question, whether the prosecutions did not cease practically after manifesto. I should like to ask another question, if you please. I did not quite understand the answer. How many convictions were had for polygamy between 1882, the year of the passage of the Edmunds act, and September 25, 1890, the date of the issuance of the manifesto? How many convictions were had in Utah during that period for polygamy?

Mr. Smith. Very few, Senator.

Senator Dubois. Not more than a half dozen?

Mr. Smith. I could not just tell you.

Senator Dubois. I should say about three.

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Mr. Smith. I know there were very, very few indeed.

Senator Dubois. They were mostly for unlawful cohabitation?

Mr. Smith. Yes, sir; unlawful cohabitation.

Mr. Worthington. Now in order to cover the period between the manifesto and the admission of the State into the Union, it having been shown that plural marriages were prohibited and that nearly all of the prosecutions were for unlawful cohabitation and not for polygamy, when the State was admitted into the Union, we have seen here that it was admitted by Congress upon condition that you should forever give up polygamy?

Mr. Smith. Yes, sir.

Polygamous Cohabitation.

Mr. Worthington. Nothing was said of giving up polygamous cohabitation?

Mr. Smith. No, sir.

Mr. Worthington. The offense which was the basis of most of these prosecutions?

Mr. Smith. That was the provision in the enabling act.

Mr. Worthington. And the Constitution embodied that as an irrevocable provision?

Mr. Smith. Yes, sir; and it was to have the force of law.

Mr. Worthington. And President Cleveland then sent out his proclamation that all the conditions upon which the State was to be admitted into the Union had been complied with, and she was admitted?

Mr. Smith Was it President Cleveland?

Mr. Worthington. Yes; President Cleveland.

Mr. Smith. I do not remember that. I think that is correct, though.

Mr. Worthington. So that the United States let go of the situation——

Mr. Smith. Yes, sir.

Mr. Worthington. Upon the condition that the people of Utah should not practice polygamy any more?

Mr. Smith. Yes, sir.

Mr. Worthington. That left it to the State to deal with polygamous cohabitation?

Mr. Smith. That is my understanding.

Mr. Worthington. Now, when the State was admitted into the Union, I presume you at once, or about that time, had to have an election to elect officers?

Mr. Smith. Yes, sir.

Mr. Worthington. Before you were admitted you elected your officers?

Mr. Smith. I think the State elected their officers; yes, sir.

Mr. Worthington. Now, prosecutions for polygamous cohabitation, after the State was admitted into the Union, would be conducted before your own State Judges?

Mr. Smith. Yes, sir.

Judicial System of Utah.

Mr. Worthington. What was your judicial system there? What was the title of your Judge of original jurisdiction before whom jury trials would be had? Do you call him a District Judge?

Mr. Smith. We have District Judges and the Supreme court.

Mr. Worthington. Do you know how many District Judges? [A pause.] It is nine, is it not?

Mr. Smith. It is nine, I think. I do not know.

Mr. Worthington. It is nine.

Mr. Van Cott. It was nine then. It is ten now.

Mr. Worthington. You had a Supreme court of three Judges?

Mr. Smith. Yes, sir.

Mr. Worthington As to the Supreme Judges, how many of them have sat in that tribunal since the State was admitted into the Union? The court is composed of three Judges?

Mr. Smith. Yes, sir.

Mr. Worthington. And who were the first three elected?

Mr. Smith. According to my recollection, although I may not be able to state it correctly, but I will give it to the best of my recollection——

Mr. Worthington. That is a matter of common knowledge. I can correct you if you make any mistake.

Mr. Smith. I am willing to be corrected.

Mr. Worthington. Who were they?

Mr. Smith. The first three Judges, according to my best recollection, elected by the vote of the people of the State of Utah were Judge C. S. Zane and Judge Bartch and Judge Miner. That is according to my recollection——

Mr. Worthington. I will ask whether those three men had not been United States Judges under the Territory.

Mr. Smith. I believe they had.

Mr. Worthington. And whether they had not all sent members of your church to prison or had punished them for polygamous cohabitation.

Mr. Smith. I believe they had; all of them.

Mr. Worthington. They are all Gentiles?

Mr. Smith. Yes, sir.

Mr. Worthington. So the first thing that was done in the State where the Mormons were in control, was to elect as your Supreme Judges three men who had been Federal Judges, appointed by the President and confirmed by the Senate, all of whom were Gentiles, and all of whom had punished your people for the crime of polygamous cohabitation?

Mr. Smith. That is correct.

Mr. Worthington. Has there been any change in that court since then?

Mr. Smith. Yes, sir; I think there have been some changes.

Zane's Successor.

Mr. Worthington. What was the first change?

Mr. Smith. I believe that the—

Mr. Worthington. Who succeeded Judge Zane, for instances?

Mr. Smith. At the expiration of Judge Zane's term—I think Judge Baskin—Robert Baskin.

Mr. Worthington. That is right.

Mr. Smith. He was elected to succeed him.

Mr. Worthington. Is he a Mormon or a Gentile?

Mr. Smith. He is a pretty strong Gentile.

Mr. Worthington. A strong Gentile. What do you mean by being a strong Gentile?

Mr. Smith. He is a good Gentile; that is all.

Mr. Worthington. He was a lawyer in Salt Lake City?

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Mr. Smith. He was a very prominent lawyer there, and had been for years.

Mr. Worthington. And very prominent in having members of your church prosecuted for unlawful cohabitation?

Mr. Smith. Yes, sir; very prominent.

Mr. Worthington. One of the leaders?

Mr. Smith. Yes, sir.

Mr. Worthington. In opposition to the church and in this respect?

Mr. Smith. Yes, sir.

Mr. Worthington. He was elected to fill this vacancy?

Mr. Smith. Yes, sir.

Mr. Worthington. Is he still on the bench?

Mr. Smith. Yes, sir.

Mr. Worthington. Do you remember another vacancy on the bench which has been filled.

Mr.. Smith. Yes, sir; I believe so.

McCarthy Elected.

Mr. Worthington. What is the name of the Judge? [A pause.] Is it McCarty? It is a matter of common knowledge. There is no harm in my suggesting it.

Mr. Smith. I think it is.

Mr. Worthington. Is he a Gentile or a Mormon?

Mr. Smith. He is a Gentile.

Mr. Worthington. So that all of the Judges of the Supreme court since the State has been admitted into the Union have been Gentiles?

Mr. Smith. Yes, sir.

Mr. Worthington. Now as to the nine Judges of the inferior courts. I presume you are not competent to give us the names of the persons who have occupied these offices from the beginning?

Mr. Smith. I do not think I could.

Mr. Worthington. Can you tell us whether they have all been Mormons, or Gentiles, or partly one and partly the other, and about the proportion of each?

Mr. Smith. I do not know of any of the nine who have been Mormons except two. I know of two of them who are Mormons, but I do not think there have been any others who ever have been Mormons at all.

Mr. Worthington. I wish to state, so that it may appear of record, that Mr. Van Cott, who is familiar with these matters, says that the witness is mistaken; that three have been Mormons.

Mr. Smith. Three? I did not know of any more than two

Prosecuting Officers.

Mr. Worthington. Now as to the prosecuting officers generally. Each jurisdiction where there is a Judge has a prosecuting officer, I suppose?

Mr. Smith. How is that?

Mr. Worthington. I suppose in each jurisdiction over which one of the District Judges presides there is a prosecuting officer?

Mr. Smith. My understanding of our State Government is that there is a county prosecuting attorney—

Mr. Van Cott. Just a moment.

Mr. Smith. Very well.

Mr. Worthington. Mr. Chairman, as to the matter of prosecuting officers, if the committee please, I will withdraw the question for the present, and also as to the District Judges. We will get that before the committee by something that will be authentic and definite.

Senator Dubois. Would you include the Sheriffs in that also?

Mr. Worthington. I did not.

Senator Dubois. Would you?

Congressional Delegation.

Mr. Worthington. Well, of course, if the Senator desires it, and also State and municipal officers generally.

Now, as to the matter of persons who have been sent here to represent the State in either House of Congress. Of course we know who they were, but I will ask you whether they were Mormons or Gentiles? The first two Senators were Frank J. Cannon and Arthur Brown.

Mr. Smith. Yes, sir; I believe so.

Mr. Worthington. Is Mr. Cannon a Mormon or a Gentile?

Mr. Smith. I am sorry to say he is classed as a Mormon; but a very poor one.

Mr. Worthington. What do you say as to Arthur Brown?

Mr. Smith. He is a non-Mormon. He never has been connected with the Mormon people at all.

Mr. Worthington. The next one was Joseph L. Rawlins. Is he a Mormon or a Gentile?

Mr. Smith. He is a Gentile.

Mr. Worthington. Of course, the others are the present Senators—Senator Smoot, who is a Mormon, and Senator Kearns, who is—

Mr. Smith. Who is not a Mormon.

Mr. Worthington. He is a Gentile. Now, as to the Representatives, your first Representative was C. E. Allen.

Mr. Smith. A Gentile

Mr. Worthington. The next one was William H. King. What was he?

Mr. Smith. A Mormon.

Mr. Worthington. Then, I believe, came B. H. Roberts, who was sent here and excluded because he was a polygamist?

Mr. Smith. A polygamist.

Mr. Worthington. And was living, as you are, with more than one wife?

Mr. Smith. Yes, sir; that is correct. That is the reputation he has.

Mr. Worthington. Then came George Sutherland.

Mr. Smith. Who is not a Mormon.

Mr. Worthington. And then Joseph Howell?

Mr. Smith. He is a Mormon.

Mr. Worthington. Now, as to the business corporations to which reference was made in your direct examination. How many of them—

The Chairman. Mr. Worthington, will you be able to conclude on this subject before 12 o'clock?

Mr. Worthington. I am informed by counsel that there are some other questions, but the rest of our examination will be very short and counsel had better be prepared with another witness.

Thereupon (at 11 o'clock and 55 minutes a. m.) the committee took a recess until 2 o'clock p. m.

The committee reassembled at the expiration of the recess.

Worthington Asks Question.

Mr. Worthington. Mr. Chairman, before going on with the examination of the witness, I would like to say that just before

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the recess I made a remark which has been misinterperted by some, and perhaps by the committee. I remarked, when Senator Dubois had, by accident, referred to me as counsel for the witness, that I was not his counsel, and I said if I were his counsel that there would have been some difference in his testimony, or something to that effect. I only meant by that to say that as I understood the law he had a right to refuse to answer a great many of the questions which have been asked him here, and if I had been in his place I would have refused to answer them.

I did not, in the slightest degree, of course, mean to reflect upon any person who may have advised him, because we all know he is represented here by very able, conscientious, and distinguished counsel. I am advised, however, that even, in so far as that is concerned, I was mistaken, because—and in this the witness can answer whether it is true or not—I am informed he was fully advised in the premises, and decided of his own motion that he would answer everything, whether he was compelled to answer it or not.

How is that, Mr. Smith?

Mr. Smith. That is correct, sir.

The Chairman. The statement of Mr. Worthington will go into the record.

Mr. Worthington. Mr. Smith, about the matter of rewarding those who have persistently violated the law by giving them high office. I want to ask a few questions bearing upon that charge. At the time of the manifesto President Woodruff was at the head of your church?

Mr. Smith. Yes, sir.

Mr. Worthington. Let me ask you whether or not, so far as either your personal knowledge or the reputation of the matter goes, he complied with his own manifesto in the matter of polygamous cohabitation, as well as in the matter of polygamy proper?

Mr. Smith. He did, according to my best understanding.

Mr. Worthington. How long did he live after the manifesto, about, and continue to be president?

Mr. Smith. He lived a number of years, quite a number of years. I could not tell you from memory.

Mr. Worthington. His successor, you have told us, was Snow.

Mr. Smith. Yes, sir.

Mr. Worthington. And what is the fact, as you understand it, as to whether or not he complied with the prohibition against polygamous cohabitation?

Mr. Smith. My understanding is that he complied strictly with it.

Smith Takes Control.

Mr. Worthington. Then you succeeded him?

Mr. Smith. Yes, sir.

Mr. Worthington. I wish you would explain a little more fully than you have about this matter of promotion—how it was you came to take the place of Lorenzo Snow. I think you have told us there has been a custom, at least, of promotion.

Mr. Smith. It has been the custom, since the death of Joseph Smith that the president of the twelve succeeded to the presidency of the church.

Mr. Worthington. That has been from the beginning—that has been a rule that has been followed?

Mr. Smith. It was the case with Brigham Young and his successors.

Mr. Worthington. How is the apostle who becomes president of that quorum selected? Is that by selection or seniority, or how?

Mr. Smith. It is by seniority.

Mr. Worthington. So that the last apostle takes the foot of the list?

Mr. Smith. Yes, sir.

Mr. Worthington. And as vacancies occur he moves up?

Mr. Smith. Yes, sir.

Mr. Worthington. Has there, so far as you know, from the beginning been any other rule followed?

Mr. Smith. No.

Mr. Worthington. Or has that been universally followed?

Mr. Worthington. So that all the rewards that have come in that way have been by simply following the custom of the church?

Mr. Smith. That is correct, sir.

Mr. Worthington. I understand you to say, however, that there is no law—no revelation or command—of the church in any way which requires that.

Mr. Smith. No; it is just simply a custom.

Mr. Worthington. And that if a vacancy should occur tomorrow it would be competent for any member of the church to be selected as president?

Mr. Smith. That is quite right.

Rewards for Crime.

Mr. Worthington. Now, still further on this subject of rewards for crime. Since the manifesto I want to find out how many persons have been made apostles.

Mr. Smith. Since the manifesto?

Mr. Worthington. Since the manifesto.

Mr. Smith. I think at least six.

Mr. Worthington. Let me ask you as to one whose name has been mentioned here, Mr. Cowley.

Mr. Smith. Mr. Cowley is one that has been added to the quorum since the manifesto.

Mr. Worthington. And there was another named Woodruff, I believe.

Mr. Smith. No, sir.

Mr. Worthington. Was he a son of the president?

Mr. Smith. He was a son of the president.

Mr. Worthington. Who appointed those two? I mean in whose time did they become apostles? We know how they are appointed.

Mr. Smith. They became apostles in the time of Wilford Woodruff.

Mr. Worthington. Were they polygamists or not?

Cowley a Polygamist.

Mr. Smith One of them was and one of them was not.

Mr. Worthington. Which one was?

Mr. Smith. Cowley.

Mr. Worthington. When you say he was a polygamist, do you mean he was living with more than one wife or had more than one wife?

Mr. Smith. He is reputed to have had two wives.

Mr. Worthington. Do you know what is

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reputed as to his living with them since the manifesto?

Mr. Smith. No, sir; I do not know anything about that.

Mr. Worthington. Who was the next?

Mr. Smith. After Cowley?

Mr. Worthington. I mean after Woodruff, the son of the president.

Mr. Smith. The next one after Woodruff was Rudger Clawson, I believe.

Mr. Worthington. And was he a monogamist or a polygamist?

Mr. Smith. He was a monogamists.

Mr. Worthington. The next was Senator Smoot?

Mr. Smith. Yes, sir.

Mr. Worthington. Who, it is admitted, is a monogamist?

Mr. Smith. Yes, sir.

Mr. Worthington. Who was the next?

Mr. Smith. Hyrum M. Smith.

Mr. Worthington. Your son?

Mr. Smith. Yes, sir.

Mr. Worthington. And he, you have told us, is a monogamist?

Mr. Smith. He is a monogamist.

Mr. Worthington. And lastly?

Mr. Smith. Lastly, George A. Smith.

Mr. Worthington. Whom you also say is a monogamist?

Mr. Smith. So I understand.

Mr. Worthington. So, that out of the six apostles who have come into office since the manifesto, five have been monogamists, one had two wives, and whether he actually lived with more than one wife after that you do not know?

Mr. Smith. No, sir; I do not know.

Tanner's Appointment.

Mr. Worthington. In that line something has been asked of you about the appointment of a man named Tanner. What is his full name?

Mr. Smith. Joseph M. Tanner, I suppose.

Mr. Worthington. And he was appointed to what office in the church?

Mr. Smith. He was appointed by the general board of education as general superintendent of the church schools.

Mr. Worthington. When did that happen?

Mr. Smith. That happened directly or soon after the death of Carl G. Maeser—probably two or three years ago.

Mr. Worthington. You cannot tell us with exactness whether it was before or after Senator Smoot became an apostle?

Mr. Smith. No, sir.

Mr. Worthington. Which was in April, 1900?

Mr. Smith. No, sir; I could not say.

Mr. Worthington. Senator Smoot says it was after.

Mr. Smith. I do not remember that.

Mr. Worthington. What position had he held before he took that place?

Mr. Smith. Immediately before he was practicing law. He was an attorney at Salt Lake City.

Mr. Worthington. But he had had some official position, I believe?

Mr. Smith. Prior to that he held the position of president of the faculty of the Agricultural college, Utah.

Mr. Worthington. Is that a State institution?

Mr. Smith. A State institution.

Mr. Worthington. How long had he held that position?

Mr. Smith. He had held it a number of years.

Mr. Worthington. And so far as you know, was his status, while he held that office, as to polygamous cohabitation, the same as it was when he took this office in the church?

Mr. Smith. Just the same.

Mr. Worthington. Who was the president of the board of the Agricultural college?

Mr. Smith. The president of the board was then and still is William S. McCornick.

Mr. Worthington. Who is he?

Mr. Smith. He is a very prominent banker in Salt Lake City.

Mr. Worthington. Is he a Mormon or a Gentile?

Mr. Smith. He is a Gentile—an outsider, as we call them.

Mr. Worthington. Do you remember whether on that board of the Agricultural college who retained Tanner in that position there were any other Gentiles—prominent people?

Mr. Smith. Yes, sir.

Mr. Worthington. Who?

Mr. Smith. There was a gentleman by the name of Hill, I believe.

Mr. Richards. Adams.

Mr. Smith. Yes, sir; Mr. Adams, a very prominent gentleman there in business, a non-Mormon. He was a member of the board, and there was also another member of the board who was not a Mormon.

Smith's Connection With Tanner.

Mr. Worthington. Did you have anything to do with having Tanner given this office in the church, or appointed to it?

Mr. Smith. Only as a member of the Board of Education.

Mr. Worthington. So far as your action in that case was concerned, and so far as the motives which influenced the others who acted with you in that matter are concerned, so far as you know, why was Tanner given that office?

Mr. Smith. Because he was the best qualified man that we knew of as an educator and thoroughly posted in relation to the methods of church schools, having been educated under Carl G. Maeser in church schools.

Mr. Worthington. Now, finally, on that subject, so far as I am concerned, let me ask you whether, to your knowledge, in any case, any man in the church has been given any office whatever because he was a polygamist or lived in polygamous cohabitation, or whether, so far as you know, such appointments have gone by merit and deserts?

Mr. Smith. They have gone by merit entirely.

Mr. Worthington. Oh, as you have stated, by promotion, where that was the custom?

Mr. Smith. Yes; of course.

Mr. Worthington. As to this episode of Mr. Thatcher, which has been referred to, do you know whether that was before or after Senator Smoot became an apostle?

Mr. Smith. My recollection is that it was before.

Mr. Worthington. You have been asked as to the status of women in the church. Are women among your missionaries who are sent out to teach your gospel?

Mr. Smith Yes, sir.

Mr. Worthington. Few or many?

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Mr. Smith. There are not so very many, but quite a number.

Church in Commercial World.

Mr. Worthington. Just one other question, and I think I am through. You were asked about your connection with a great many business corporations. I wish to ask in how many of those busineess corporations, if any of them, the church has a controlling interest?

Mr. Smith. The church has not a controlling interest in any one of them, except it may be the theater. Brigham Young built the theater—that is, the church did under his administration, for theatrical amusements, and with the exception of a short period it has remained mostly in the possession of the church. The church today owns a little more than one-half of the stock. There is a company called the Dramatic association that holds the title to the property, and the church owns a little over half of the stock.

Mr. Worthington. One corporation particularly was mentioned—Zion's Co-operative Mercantile Institute or Institution.

Mr. Smith. Institution.

Mr. Worthington. The Z. C. M. I., as it is commonly called?

Mr. Smith. Yes, sir.

Mr. Worthington. What proportion of the stock in that corporation does the church own or hold in any way?

Mr. Smith. It owns now a very small proportion of it. Many years ago the church sold out to a syndicate this stock. It did own a large amount of it in the beginning. It helped to establish the institution, but it sold out to a syndicate of young men that bought the stock of the church; and lately the church has bought a little of the stock back. As it has been on the market it has bought it in.

Mr. Worthington. May I ask you, Senator Dubois, as to whether the figures you gave us this morning referred to the Territory of Utah?

Senator Dubois. It was the Territory of Utah, the census of 1890.

Mr. Worthington. I mean they referred only to Utah, whether a Territory or a State.

Senator Dubois. That is right.

Refers to Entire Church.

Mr. Worthington. Mr. Smith, do the figures you gave the other day refer to the Mormons in your church in Utah, or to the whole body of the church?

Mr. Smith. They referred to the whole church.

Senator Overman. I want to ask this question: Do you teach the Book of Mormon in your schools? Is it taught in the schools?

Mr. Smith. It is taught in one class of all our schools—the missionary class.

Senator Overman. Do you have what we call Sunday-schools?

Mr. Smith. Yes, sir.

Senator Overman. Do you have catechism for the children?

Mr. Smith. Yes, sir.

Senator Overman. Do you teach in these Sunday-schools that there is divine authority for polygamy?

Mr. Smith. No, sir; there is nothing of that included in our catechisms or Sunday-school work at all.

Senator Overman. Nothing about polygamy in the catechism?

Mr. Smith. Nothing.

Senator Overman. Can you furnish us with a copy of your catechism that you use in your Sunday-schools?

Mr. Smith. You mean that is used in the Sunday-schools?

Senator Overman. Yes.

Mr. Smith. Yes; I could. I will have to have a little time, though. If I had known a little sooner I might have had them here now.

Senator Overman. You teach in your schools the Book of Mormon and the Bible, both?

Mr. Smith. We teach the Book of Mormon and the Bible and the Doctrine and Covenants and the Pearl of Great Price.

Mr. Worthington. Do you mean the Book of Mormon, Senator? That has not been here at all.

Senator Overman. The Book of Mormon was introduced here, was it not?

Mr. Worthington. No; the Doctrine and Covenants. The book that contains the revelation of Joseph Smith as to polygamy is in the Doctrine and Covenants. That is the book you probably had in mind.

Missionary Classes.

Senator Overman. Yes. That is taught in your schools?

Mr. Smith. It is taught in that one class. We have what is called a missionary class established in each of our church schools, in which young men who are called to go on missions meet and go through a course of instruction for several months on the duties and necessities of a missionary.

Mr. Worthington. Those are church schools, not public schools?

Mr. Smith. Absolutely church schools.

Mr. Worthington. The witness testified the other day very fully, Senator, that these missionary classes are all carefully instructed; and he also said that Mr. Lyman, who was the president of the quorum of the apostles, is the man who has that matter of instruction particularly in charge, and he could give more definite instruction than the witness himself can; and Mr. Lyman is here.

Tayler Takes a Hand.

Mr. Tayler. Mr. Smith, how many trustees are there of this Agricultural college?

Mr. Smith. Seven, I believe.

Mr. Tayler. A majority of them are Mormons, are they not?

Mr. Smith. Four, I think, are Mormons.

Mr. Tayler. And two of those four are reputed to be polygamists, are they not?

Mr. Smith. No, sir; not any of them.

Mr. Tayler. Never?

Mr. Smith. I can not tell you as to never, but not now.

Mr. Tayler. Is Merrill a trustee now?

Mr. Smith. No, sir.

Mr. Tayler. He was when?

Mr. Smith. Many years ago.

Mr. Tayler. Many years ago?

Mr. Smith. Yes, sir.

Mr. Tayler. At the time that Joseph M. Tanner was president?

Mr. Smith. I would not be surprised if that was about the time.

Mr. Tayler. And was Morrell a trustee at that time?

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Mr. Smith. No, sir; I think Morrell is now a trustee, but not at that time.

Mr. Tayler. Is he a polygamist?

Mr. Smith. Not that I know of.

Mr. Tayler. Is that his reputation?

Mr. Smith. I never heard that he had any reputation of being a polygamist.

Mr. Tayler. I do not know that that is quite what I wanted. Is he reputed to be a polygamist?

Mr. Smith. I just said, Mr. Tayler, that I did not think he was. I do not know that he was ever reputed to be a polygamist. I do not know anything about the status of his family at all.

Mr. Tayler. You were raised to the presidency of the church while Mr. Smoot was an apostle?

Mr. Smith. Yes, sir.

As to Judges.

Mr. Tayler. You testified respecting the Judges. I believe you stated that originally two of these Circuit Judges out of nine were Mormons?

Mr. Smith. Yes, sir.

Mr. Van Cott. Just a moment. I understood that Mr. Worthington withdrew all that testimony, for the reason—

Mr. Worthington. I did state that as to that I would withdraw it, because we could give better information.

Mr. Van Cott. The information I gave Mr. Worthington had been mixed originally and now, so it was all withdrawn.

Mr. Tayler. It reminded me of something, so I thought I would take it up.

Then, shortly after, the proportion became three out of nine, did it not?

Mr. Smith. I have not kept track of those things.

Mr. Tayler. And shortly after that it became four out of nine, did it not?

Mr. Smith. I have no knowledge in regard to that matter.

Mr. Tayler. And is it not true that now six out of ten are Mormons—adherents of your church?

Mr. Smith. I have no knowledge.

Mr. Tayler. You do not know anything about that now?

Mr. Smith. No; I do not know anything at all about that now.

Polygamy in Utah.

Mr. Tayler. Mr. Smith, you testified on Friday or Saturday respecting the prevalence of polygamy in Utah, and of the number of polygamists there, using an interview which you had given out to the representative of the Associated Press.

Mr. Smith. Yes, sir.

Mr. Tayler. Did you have the interview, or a copy of it, in full, in your hand at the time you testified.

Mr. Smith. I brought it with me.

Mr. Tayler. Was that the whole interview?

Mr. Smith. I think that was the whole interview at that time.

Mr. Tayler. Did not the interview that you gave out at that time and which was published in the Deseret News, your church's newspaper, contain also a very strong declaration in favor of the election of Mr. Smoot as Senator?

Mr. Smith. I do not know of anything of the kind. Perhaps it did. I do not remember anything of that kind.

Mr. Tayler. You do not recall that, while the controversy was on respecting the election of a Senator, you put out this interview which you have described, saying that it was not true that polygamous marriage ceremonies had been performed in Utah by the church, and giving the figures showing the number of polygamists then in Utah, and then follow that with an argument in very vigorous terms in favor of the election of Mr. Smoot as Senator before the Legislature that was about to convene?

Mr. Smith. No, sir—

Mr. Van Cott. Just a moment, Mr. Smith. Mr. Chairman, we suggest that the custom that was suggested the other day be followed, of showing Mr. Smith that interview, to refresh his recollection.

Mr. Worthington. Have you it here?

Mr. Tayler. I have it not right by me. I had it Saturday; but I wanted to know of the witness whether he gave out any interview of that sort, and I asked him if he had given us all of the interview.

Mr. Smith. I can tell the chairman and the committee that I have not given out any interview at all that I know of except that which I read here the other day.

The Chairman. Mr. Tayler asks you if you gave out the whole of the interview to the committee.

Interview With Press.

Mr. Smith. That is all that I know anything about. It was given to the Associated Press man. It was necessarily brief, as an Associated Press dispatch, and—

Senator Hoar. Did you give it to him in writing or did he take it down from your lips?

Mr. Smith. Who?

Senator Hoar. The man to whom you gave it.

The Chairman. The correspondent?

Mr. Smith. He was there, and he asked the questions and I answered his questions, and furnished him the data that is contained—

Senator Hoar. All I want to know is this. Sometimes a person comes to a public man for an interview, and he writes down what he wants to say, and hands it to him for greater certainty. Did you give him what you gave in writing, or did he report it, you giving it orally?

Mr. Smith. We gave it to him together. We sat down together, he and I, and we made out that report from the data we had.

Senator Hoar. You do not answer my question yet. I want to know whether you gave him a manuscript which he took or whether you spoke to him and he took down the substance of your conversation. That is all.

Mr. Smith. He was in our office, Senator, if you please. A gentleman called upon us in our office—

Senator Hoar. That does not answer the question.

Mr. Smith. We sat down together—

Mr. Worthington. Did you write the paper or did he write it?

Smith Wrote Replies.

Mr. Smith. We wrote it together. He wrote his questions to me and I wrote my replies.

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The Chairman. You wrote the answers yourself?

Mr. Smith. I wrote the answers myself.

The Chairman. After the paper was completed, did you examine it?

Mr. Smith. I did.

Mr. Tayler. Mr. Critchlow had the paper, and he is not here today. That is why I haven't it.

Mr. Worthington. You mean the newspaper?

Mr. Tayler. I have a Deseret News interview, verbatim ad literatim, what Mr. Smith read, save and except this indorsement of Mr. Smoot.

Mr. Worthington. I mean you have not here the paper which was written at that time?

Mr. Tayler. No; and I do not intend to depend upon that. I will take the Deseret News account of it. If that is not reliable, it is up to you to show that it is not.

Smith Favored Smoot.

Senator Foraker. Let me ask, before you pass from that, is there any doubt that the witness was in favor of Mr. Smoot's election to the Senate?

Mr. Tayler. Not the slightest.

Mr. Van Cott. I think Mr. Smith ought to answer the question. I do not think Mr. Tayler ought to furnish the information.

Mr. Tayler. The question was asked me, Mr. Van Cott, and I have no objections to answering questions.

Senator Foraker. I was not addressing myself to any one in particular, but rather to the witness. I did not know but that some question had arisen. I have not been here in attendance all the while. I understood he favored the election of Mr. Smoot as Senator.

Mr. Smith. I never had any question in my mind in regard to it.

The Chairman. That does not answer the question directly, Mr. Smith. Did you favor his election, is the question?

Mr. Smith. I gave my consent as an individual and a fellow-laborer to him that he should become a candidate if he chose. I certainly had no objections. If I had I would have made them known to him.

Mr. Tayler. Does that answer your question satisfactorily, Senator?

Senator Foraker. Yes; I was simply led to believe by this question that there might possibly have been something said when I was out that had given rise to a question as to whether or not he did favor his election to the Senate. I wanted to clear that up.

Mr. Tayler. I hope you feel it is cleared up, Senator.

Senator Foraker. It was clear in my mind until you asked the question. It is now clear, just as it was before.

Gave Consent to Smoot.

The Chairman. I want to ask you this, Mr. Smith, to make that clear. You say you gave your consent to Mr. Smoot to be a candidate for the United States Senate. Did you do anything toward his election beyond that?

Mr. Smith. No more than you did, Senator.

The Chairman. That is not the question.

Mr. Smith. Well, I did not then, if you please.

The Chairman. You did nothing, then?

Mr. Smith. I did nothing.

The Chairman. Well, why did you regard your consent as necessary?

Mr. Smith. Because he was one of our general authorities, and the rule of the church is that one of our general authorities desiring to engage in any business contrary to the business he is strictly engaged in as general authority of the church comes to his associates and asks their permission to thus engage in something else.

The Chairman. In any business?

Mr. Smith. In any business; it makes no difference what. It is simply, if I may be permitted to make an explanation—

The Chairman. That covers it.

Mr. Worthington. The rule is in the record.

Mr. Smith. The rule is in the record.

The Chairman. That covers it.

Rule of Church.

Senator Dubois. Allow me, just there. As I understand it, there was a special rule promulgated by the church in regard to politics, in regard to high officers of the church asking and receiving the consent of the authorities before they could aspire to a high position. That was a distinct rule, an isolated rule, standing by itself.

Mr. Smith. No, sir; it was not.

Mr. Van Cott. It is here in the record, Senator.

Mr. Worthington. It is here on page 168 of the record.

The Chairman. The record will show what that is.

Senator Dubois. What I want to know is this. I may have missed it. I thought of it the other day. If that rule of the church is not in the record I would like to have it put in the record—the political rule.

Mr. Van Cott. On page 168 that rule is quoted in full, every word of it.

The Chairman. Proceed, Mr. Tayler.

Prosecuting Members.

Mr. Tayler. Mr. Smith, you testified this morning respecting the method by which any member of the church might be prosecuted for any violation of his churchly duties or unchristian conduct, and stated that each member was first triable before the bishop of his ward?

Mr. Smith. That is correct.

Mr. Tayler. And in the event of your violation of the rule as the law against cohabitation you would be triable before the bishop of your ward in Salt Lake?

Mr. Smith. As a member of my ward I am subject to my bishop.

Mr. Tayler. That does not answer my question. I am only trying to repeat what I understood you to testify to this morning.

Mr. Smith. Yes.

Mr. Tayler. That for any offense you may commit, for instance—you fix it that way yourself—for unlawful cohabitation, as a violation of the rule of the church, you could be brought and tried before the bishop of your ward?

Mr. Smith. Yes, sir; I could.

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Mr. Tayler. Who is the bishop of your ward?
Mr. Smith. George R. Emery.
Mr. Tayler. He is a polygamist, is he not?
Mr. Smith. I do not know.
Mr. Tayler. Is not that his reputation?
Mr. Smith. I do not know.
Mr. Tayler. You do not know?
Mr. Smith. No, sir; I do not know.

Would Refuse to Say.

Mr. Tayler. Have you any idea whether he is a polygamist or not?
Mr. Smith. If I had I should decline to tell you.
Mr. Tayler. You should decline to tell us?
Mr. Smith. Yes, sir; I do not know anything about George R. Emery's family.
Mr. Tayler. Is Mr. Emery's status so different from that of the other persons—
Senator Hoar. One moment. You said this rule was at page 167?
Mr. Worthington. 168 of the printed record.
Senator Hoar. Of these hearings?
Mr. Worthington. Yes, sir.
Mr. Tayler. You say you have no information or belief respecting this man, as to whether he is living with more than one wife or not?
Mr. Smith. No, sir.
Mr. Tayler. You stated in your examination in chief that you have had eleven children born since the manifesto?
Mr. Smith. Yes.
Mr. Tayler. Are you sure of the number?

Thought He Was Right.

Mr. Smith. I can not say that I was absolutely sure, but I think I am about right.
Mr. Tayler. Is it not a fact—and I do not put this in an offensive way, but only to get at the fact as quickly as possible—that you have had twenty children born since the manifesto?
Mr. Smith. No, sir; I have not.
Mr. Tayler. Who are the children by your wife Alice?
Mr. Smith. Who are the children by my wife Alice?
The Chairman. Do you mean their names?
Mr. Tayler. Their names.
Mr. Smith. The names of the children born, since the manifesto, of my wife Alice are, Fielding, Jesse and Andrew.
Mr. Tayler. Have you a child Robert by her?
Mr. Smith. No, sir.
Mr. Tayler. How old is the youngest child by her?
Mr. Smith. He is 4 years old.
Mr. Tayler. Is that the one that was born on the day of Mr. Smoot's accession?
Mr. Smith. That is the one, sir.
Mr. Tayler. How many children have you had by Mary since 1890?
Mr. Smith. Since the manifesto?
Mr. Tayler. Yes.
Mr. Smith. I have had Silas, Rachel and James.
Mr. Tayler. Whose child is Agnes?
Mr. Smith. I meant to have said Agnes. It was a slip of the tongue. Silas, Agnes and James.
Mr. Tayler. Whose child is Samuel?
Mr. Smith. He is her child.
Mr. Tayler. How old is he?
Mr. Smith. I could not tell you from memory.
Mr. Tayler. He is only 10 or 11 years old, is he not?
Mr. Smith. Well, I do not know exactly what his age is.
Mr. Taylor. How old is Calvin?
Mr. Smith. Calvin is about 14—or 15.
Mr. Tayler. That is, do you say 15 because—
Mr. Smith. Fourteen or 15, along there. I could not tell you from memory.
Mr. Tayler. And there are four younger than him?
Mr. Smith. Four younger than Calvin; yes.
Mr. Tayler. All of the other wives have had at least two children since the manifesto, have they not?
Mr. Smith. I think they have; yes. If you desire to have me—
The Chairman. Suppose you inquire in regard to the others, Mr. Tayler. It may aid the witness.

Could Furnish the List.

Mr. Smith. I can furnish the committee a correct statement of exactly the ages and dates of my children, if I have time to do it.
Mr. Tayler. You were subpoenaed to bring with you a family record?
Mr. Smith. No, sir; I was not.
Mr. Tayler. You were not?
Mr. Smith. No, sir.
Mr. Tayler. There was no instruction to you to bring any record of your marriages and of the births of your children?
Mr. Smith. No, sir.
Mr. Worthington. Is not the subpoena here, Mr. Chairman?
Mr. Tayler. I presume it did not go out. The press statement was to that effect.
Mr. Smith. I have the subpoena in my pocket here.
The Chairman. There is no question about it. It was not a subpoena duces tecum.
Mr. Tayler. What is your best recollection now, Mr. Smith, as to the number of your children since the manifesto?

His Children Since Manifesto.

Mr. Smith. My recollection is that I have had eleven born since the manifesto.
Mr. Tayler. Who are the children of your other three wives, born since that time, if you can recall them?
Mr. Smith. May I ask a question, Mr. Chairman?
The Chairman. Certainly.
Mr. Smith. Is it understood that the children of my legal wife are to be numbered in this category?
The Chairman. I suppose counsel alludes to the five wives.
Mr. Smith. Am I to understand, then, that I am not lawfully permitted to have children by my first and legal wife?
The Chairman. That is not the question.
Mr. Smith. I would like to know, in order that I may give a correct answer.
The Chairman. Let the question be repeated by the reporter.
The reporter read the question, as follows:
"Mr. Tayler. Who are the children of you other three wives, born since that time, if you can recall them?"
Mr. Smith. Then, if I may be permit-

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ted, I shall decline to give the children of my first wife.

The Chairman. What do you mean by your first wife?

Has a Legal Wife.

Mr. Smith. My legal wife. I have a legal wife, if you please.

The Chairman. May I ask you, so as to identify that—you mean the wife you married at what time?

Mr. Smith. My first wife, that I married many, many years ago; thirty-eight years ago.

The Chairman. You will pardon me, Mr. Smith. Is that the wife I understood was dead?

Mr. Smith. No, sir; she is living.

The Chairman. But from whom there was a divorce?

Mr. Smith. No, sir; she is living, and she is my wife today, and the mother of eleven of my children.

The Chairman. I simply inquired for information.

Mr. Richards. Give the names of all the children.

Mr. Tayler. I would rather that question should be answered.

Mr. Van Cott. It will be answered.

The chairman. Read the question, Mr. Reporter.

The reporter again read the question, as follows:

"Mr. Tayler. Who are the children of your other three wives, born since that time, if you can recall them?"

Children by First Wife.

Mr. Smith. My question is, am I to give the children of my first wife?

The Chairman. Born since the manifesto; yes.

Senator Hoar. I would like to inquire whether you included in the number you gave the other day the children of your first wife?

Mr. Smith. I gave the number the other day offhand, Senator, and I may not have been exactly accurate as to the number, but I think I was.

Senator Hoar. You do not understand my question. I will repeat it. You gave a number the other day of your children by all your wives. Did you include or exclude, in giving that number, the children of your first wife, or, as you now speak of her, as your lawful wife?

Mr. Smith. They all were included.

Senator Hoar. You meant to include them all?

Mr. Smith. I meant to include them all; yes.

The Chairman. Now, Mr. Smith, can you answer the question?

Mr. Smith. Am I to understand, Mr. Chairman, that I have got to include my first wife's children?

The Chairman. You have already said you included your first wife's children in the eleven?

Mr. Smith. I think it will make some difference, now, if I state just simply the children of my plural wives.

Gives Names of Wives.

The Chairman. Your statement the other day, you say now, included those of what you call your legal wife. Perhaps you had better state the children of all of the wives.

Mr. Smith. The children of my first wife, born since the manifesto, are Edith and Rachel.

Mr. Richards. Give me the name of your first wife.

Mr. Smith. Julina L. Smith.

The Chairman. Now the next one.

Mr. Smith. The children of my second wife, Sarah, are Asinith and Jenetta. The child of my third wife is Martha.

Mr. Van Cott. And her name, Mr. Smith.

Mr. Smith. Her name is Edna.

The Chairman. As I understand you, that is the only child born of that woman.

Mr. Worthington. Since the manifesto?

Mr. Smith. Since the manifesto.

The Chairman. You said "living." I did not know but that there were others born, but not living?

Mr. Smith. She lost a child, but I think he was born before the manifesto. I could not tell you from memory.

The Chairman. Very well. Now, the fourth wife.

Mr. Richards. Mr. Chairman, he has already testified as to the children of all the wives.

The Chairman. He will conclude with them in a moment, right along in order.

Mr. Smith. What is the question, please?

The Chairman. The fourth wife.

Mr. Smith. I have given the others.

The Chairman. Please repeat the name of the fourth wife, and the children.

Mr. Smith. The fourth wife is Alice K.

The Chairman. And the names of the children.

Mr. Smith. The children are Fielding, Jesse and Andrew.

The Chairman. Now, the fifth.

Mr. Smith. I gave them also. The fifth is Mary. The children are Silas, Agnes and James, and I am not sure about the age of the one older.

The Chairman. Now, may I ask you right there, if any children have been born to you from these wives since the manifesto, who are not living, aside from the ones who are living?

Mr. Smith. None, except the one I have named, and I do not remember about that date.

The Chairman. Go on, Mr. Tayler.

Mr. Tayler. Whose child is Robert? Have you a son Robert?

Has a Son Robert.

Mr. Smith. I have a son Robert that was born—if he was living he would be 18 years old today.

Mr. Tayler. That is the only Robert?

Mr. Smith. Yes, sir.

Mr. Tayler. And a daughter Lucy?

Mr. Smith. I have a daughter Lucy, and she is living, but she was born before the manifesto.

Mr. Smith. I think she is 15 years of age.

Mr. Tayler. How old are Edith and Rachel?

Mr. Smith. I could not tell you from memory. I think Rachel is about 12 years old.

Mr. Tayler. She is younger than Edith?

Mr. Smith. No, sir.

Mr. Tayler. How old is Edith?

Mr. Smith. She is nearly 8.

Mr. Tayler. Nearly what?

Mr. Smith. Nearly 8 years old; between

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7 and 8, I think. I am not positive about that. I am not in the habit of carrying the dates of the births of my children in my mind.

Mr. Tayler. I understand. So Edith was born to your wife Julina when you had been married over thirty years?

Mr. Smith. Yes, sir; quite so. I think she was over 45 years of age when the child was born.

Mr. Tayler. How old was she when you married her?

Mr. Smith. Between 16 and 17 years of age.

Mr. Worthington. Mr. Chairman, what in the world has that to do with whether Senator Smoot should hold his seat in the Senate or not—asking him whether a child was begotten when his wife was 45 years old?

Mr. Tayler. Well, I do not know. Some things might be important. When did you marry her?

Mr. Smith. I married her on the 5th day of April, 1866.

Mr. Tayler. You then had a wife?

Mr. Smith. Yes, sir.

Mr. Tayler. She was, then, your plural wife?

Mr. Smith. This one was my plural wife.

Married His Plural Twice.

Mr. Tayler. Have you been married to her since?

Mr. Smith. Yes, sir.

Mr. Tayler. When?

Mr. Smith. After the divorce of my first wife.

Mr. Tayler. When did she get that divorce?

Mr. Smith. I cannot tell you from memory.

Mr. Tayler. I mean was it a short time after your plural marriage?

Mr. Smith. Yes, sir.

Mr. Tayler. Or a long time?

Mr. Smith. No, sir; it was a short time after the marriage of the second wife.

Mr. Tayler. Mr. Smith, you stated that Apostle Teasdale told you that when he married Marian Scoles he thought his first wife was not living.

Mr. Smith. No, sir; I did not say so.

Mr. Tayler. I did not mean to do anything but quote you as I thought you spoke. What was it you said?

Mr. Smith. I said he told me that he understood at the time of his marriage with Marian Scoles that he had no legal wife living.

Mr. Tayler. No legal wife living?

Mr. Smith. Yes, sir.

Mr. Tayler. Where was he married?

Mr. Smith. I do not know where he was married.

Mr. Tayler. Where could he have been married.

Mr. Van Cott. I object to that, Mr. Chairman.

Mr. Tayler. You seem to laugh a good deal, and still object strenuously.

Mr. Van Cott. I did not laugh, Mr. Tayler.

Mr. Worthington. I did all the smiling. He did the objecting.

Teasdale-Scoles Marriage.

Mr. Tayler. This apostle said to the president of the church that he had been married, and that when he was married to Marian Scoles, who was in fact his plural wife, taken some years after the manifesto, he took that plural wife because he thought he did not have a legal wife living. I want to know where, according to the rites of the Mormon church, he could have been married. He said he did not know where he was married. Now, as the head of the Mormon church, I want to know where an apostle could have been married to Marain Scoles?

Mr. Smith. He could have been married—

Mr. Van Cott. Just a moment, Mr. Smith. Mr. Chairman, I want to call the attention of counsel on the other side to the fact that I do not think it is proper for him to make those statements. I do not do it in any offensive way, but that goes into the record and will probably be read by Senators and taken for proof of the fact. Mr. Tayler may be right in his statement; I do not know; but I do not think it is proper for Mr. Tayler to make those statements, and I think he should withdraw from the record the statement he makes. He made it voluntarily, and it should not go on the record.

Mr. Worthington. The statement that Teasdale was married after the manifesto?

Mr. Van Cott. Yes.

The Chairman. I think the statement of counsel ought not to be and will not be considered as evidence in the matter. Mr. Tayler, you can frame your questions so as to draw out the facts you desire, probably.

Mr. Tayler. I have not been suspecting that my statement of what I was trying to prove would be taken by the committee as testimony, but it is impossible to escape stating the fact.

Mr. Van Cott. It seems to me, Mr. Chairman—

The Chairman. I think we will have no trouble about it.

Van Cott Objects.

Mr. Van Cott. Mr. Chairman, I object to the question, and just so that it will be clearly understood I ask to have the reporter read the last questions, so that the committee can understand the question that is objected to.

The reporter read as follows:

"Mr. Tayler. Where was he married?

"Mr. Smith. I do not know where he was married.

"Mr. Tayler. Where could he have been married?"

Mr. Van Cott. That is the question we object to. The witness says he does not know where he was married. And he is asked: "Where could he have been married?" That is an improper question to ask.

The Chairman. I suppose Mr. Tayler means by that to inquire of the witness where it would have been proper for the church to have performed the ceremony.

Mr. Tayler. Undoubtedly, Mr. Chairman.

The Chairman. I think the question is in order. You may answer, Mr. Smith.

Mr. Smith. I do not know, sir.

The Chairman. Go on, Mr. Tayler.

Mr. Tayler. I am just about through, but I am waiting for something I called attention to before. (A pause.) I do not

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think, Mr. Chairman, I have anything further to ask. I desire, however, to call the attention of the witness later on to the particular interview to which reference has been made, printed in the Deseret News.

Has Forty-Two Children.

The Chairman. Mr. Smith, I will not press it, but I will ask you if you have any objection to stating how many children you have in all.

Mr. Smith. Altogether?

The Chairman. Yes.

Mr. Smith. I have had born to me, sir, 42 children, 21 boys and 21 girls, and I am proud of every one of them.

The Chairman. Where is your official residence? You spoke of the official residence. Where is that?

Mr. Smith. My official residence is in the Beehive House, Salt Lake City.

The Chairman. Where is that?

Mr. Smith. It is adjoining my office.

The Chairman. The Beehive House. How long has that been the official residence of the various presidents?

Mr. Smith. It was purchased by the church during the administration of Lorenzo Snow, and fitted up by him.

The Chairman. And you live with one of your wives in that official residence?

Mr. Smith. Yes, sir.

Mr. Worthington. With his legal wife, he says.

Belongs to Church.

The Chairman. You say that this property belongs to the church?

Mr. Smith. Yes, sir; that is the Beehive House.

The Chairman. Where is that in relation to the Tabernacle?

Mr. Smith. It is just east of the Tabernacle, on the next block.

The Chairman. Is it in an obscure portion of the city or the central portion?

Mr. Smith. It is in the central portion

The Chairman. Is it in any way protected from the public? I mean by a high fence?

Mr. Smith. No, sir.

The Chairman. Is it open?

Mr. Smith. It is open, absolutely, on--I was going to say on four sides, but it is open on three sides.

The Chairman. Now, where are the residences of your other wives?

Mr. Smith. Three of them reside in the Sixteenth ward.

The Chairman. As to this official residence, I want to know where they are?

Mr. Smith. Sir?

The Chairman. As to the official residence, how far are these residences of the other wives from the official residence?

Mr. Smith. By the nearest road, about one mile.

The Chairman. And these residences of your other wives are not connected, then, with the grounds of the official residence?

Mr. Smith. No, sir.

The Chairman. In passing from the official residence to the residences of the three you have spoken of, you of course pass through the usual streets—the highways of the city?

Mr. Smith. Yes, sir.

Smoot Lives in Provo.

The Chairman. Where does Senator Smoot reside?

Mr. Smith. He resides in Provo.

The Chairman. Not in the city of Salt Lake?

Mr. Smith. No, sir.

The Chairman. Where is the Tabernacle? That is your chief place of worship, I understand.

Mr. Smith. The Tabernacle?

The Chairman. Yes; how far from your official residence?

Mr. Smith. Just one block.

The Chairman. In sight of the official residence?

Mr. Smith. Yes, sir.

The Chairman. Do you have services there weekly?

Mr. Smith. Yes, sir.

The Chairman. What is the capacity of the Tabernacle?

Mr. Smith. It will comfortably seat between 8000 and 9000 people, and we can put from 10,000 to 12,000 people in it by crowding.

The Chairman. Do you attend these services yourself?

Mr. Smith. Yes, sir.

Mr. Tayler. Can you crowd that many in, sitting?

Mr. Smith. No, sir.

The Chairman. Do you attend these services, Mr. Smith.

Mr. Smith. When I can.

The Chairman. And when present do you conduct the services?

Mr. Smith. No, sir.

The Chairman. Who conducts them?

Who Conducts Service.

Mr. Smith. The president of the stake, except in our general conferences.

The Chairman. At the regular meetings on the Sabbath?

Mr. Smith. That is the presidency of the stake; yes, sir.

The Chairman. And you sometimes attend?

Mr. Smith. I sometimes attend; yes, sir.

The Chairman. And you sometimes preach at that time?

Mr. Smith. Yes, sir.

The Chairman. Do the apostles attend?

Mr. Smith. Sometimes they attend.

The Chairman. In what numbers? All of them or only a portion?

Mr. Smith. Oh, no; occasionally one or two.

The Chairman. Where do you attend service on the Sabbath?

Mr. Smith. My duties call me to attend the quarterly conferences of the church, and nine-tenths of the time, nearly, during the year, I am absent from Salt Lake City, attending conferences of the people.

The Chairman. Do your families attend this Tabernacle?

Mr. Smith. They attend it sometimes, and sometimes their ward meetings.

The Chairman. But they attend every Sabbath one meeting or the other?

Mr. Smith. I could not say. I wish they would, Mr. Chairman, but sometimes they do not go to meeting.

The Chairman. And with their children?

Mr. Smith. Oh, yes; they sometimes take their children.

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Homes Belong to Wives.

The Chairman. These other residences in which your wives live, do those belong to the church?

Mr. Smith. No, sir; they belong to my wives.

The Chairman. Purchased by them?

Mr. Smith. No, sir; purchased by me and given to them.

The Chairman. Oh, yes; I see.

Mr. Smith. They own their own homes.

The Chairman. You purchased them, and then—

Mr. Smith. Deeded them to the mothers.

The Chairman. Mr. Smith, is there an organization known as the Reform Church of Jesus Christ of Latter-day Saints?

Mr. Smith. I do not know of any organization of that name.

The Chairman. I may be mistaken in the name. There is a Mormon organization, separate from the organization to which you belong?

Mr. Smith. Yes, sir.

The Chairman. What is that called?

Mr. Smith. It is called the Reorganized Church.

The Chairman. Were you ever a member of that?

Mr. Smith. No, sir.

Acquainted in Plano.

The Chairman. Are you acquainted at Plano, Ill.?

Mr. Smith. Some twenty years ago I called there and visited with my cousin, who was then residing there, but he is not living there now.

The Chairman. Did this organization of which you speak have an existence in that place?

Mr. Smith. It did at that time. There was a branch of it at that time there.

The Chairman. Who was at the head of that organization then?

Mr. Smith. Joseph Smith, my cousin.

The Chairman. He was a cousin of yours?

Mr. Smith. Yes, sir.

The Chairman. And he is living?

Mr. Smith. Yes, sir.

The Chairman. And a lineal descendant, I suppose, of Joseph Smith?

Mr. Smith. He is a son of Joseph Smith.

The Chairman. Is he still at the head of that organization, do you know?

Mr. Smith. Yes, sir.

The Chairman. I understood you to say that the prophet Joseph Smith—I mean the original revelator—

Mr. Smith. Yes, sir.

He Was a Polygamist.

The Chairman. I understood you to say, somewhere in your testimony, that he was in his lifetime a polygamist?

Mr. Smith. Yes, sir.

The Chairman. Can you name any person to whom he was married?

Mr. Smith. Yes, sir.

The Chairman. Or any child born to him—

Mr. Smith. Oh, no; I can not tell you anything about the children. I can tell you one or two of his wives.

The Chairman. If you will be kind enough to give them to me, I will be obliged to you.

Mr. Smith. Eliza R. Snow.

The Chairman. When did he marry her?

Mr. Smith. He married her in 1842, I think.

The Chairman. Well, another?

Mr. Smith. Eliza Maria Partridge was one of his wives.

The Chairman. When was that?

Mr. Smith. Somewhere in the forties; I do not know just when; I could not tell from memory.

The Chairman. Was his first wife alive at that time?

Mr. Smith. Yes, sir.

The Chairman. Whom else, that you know of?

Mr. Smith. It would be very difficult for me to tell you who else from memory.

Mr. Worthington. Mr. Chairman, pardon me for making the suggestion, but I understood the committee to decide that the inquiry was to be limited to what happened after the manifesto, in relation to the violation of the laws.

The Chairman. It is not for that purpose. He has testified to the fact that the original prophet, Joseph Smith, was a polygamist, which is denied by some people; and I want to find out the fact. That is all.

Could Give the Names.

Mr. Smith. I was going to say to you, Mr. Chairman, that I can give you the names of the ladies that were married to Joseph Smith, and the dates on which they were married, and the name of the person officiating, if I have the time to do it. I did not bring any data of that kind with me here.

The Chairman. Are these women living, any of them, now?

Mr. Smith. Sir?

The Chairman. Are any of these several wives you speak of, of Joseph Smith, living now?

Mr. Smith. I do not think any of them are living now.

Mr. Worthington. How far is Provo from Salt Lake City?

Mr. Smith. It is about fifty miles.

Mr. Worthington. Did you ever see Senator Smoot at church at the Tabernacle?

Mr. Smith. At conference, I have.

Mr. Worthington. On Sunday, I mean. You speak of Sunday meetings.

Mr. Smith. I do not recollect that I ever saw him there except during our conference.

As to Teasdale.

Mr. Worthington. Now as to Mr. Teasdale. Does he live in Salt Lake City?

Mr. Smith. No, sir.

Mr. Worthington. Where does he live?

Mr. Smith. He lives at Nephi.

Mr. Worthington. Do you know what is his present condition, physically, as to age?

Mr. Smith. About three or four weeks ago he came to me and informed me that he was suffering very severely with an attack of grip, and asked for permission to go away from home and from duties for a little while to recuperate. I said to him, "Go and take care of yourself." He is a very aged man. He is a very slender built man and very feeble.

The Chairman. Mr. Smith, are these conferences largely attended?

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Mr. Smith. Do you mean the general conferences?

The Chairman. Yes.

Mr. Smith. All the way from 10,000 to 15,000 people attend them.

The Chairman. Do the apostles attend?

Mr. Smith. Yes, sir.

The Chairman. Does Mr. Smoot attend?

Mr. Smith. When he can he does, I suppose.

The Chairman. Well, he does not attend when he can not.

Mr. Smith. No, sir.

The Chairman. But he attends sometimes.

Mr. Smith. Yes, sir.

The Chairman. You have seen him?

Mr. Smith. At the general conferences; yes.

The Chairman. Do your wives attend?

Mr. Smith. I could not swear that they do nor that they do not.

The Chairman. You have no knowledge about it?

Mr. Smith. I think some of my people generally go to meeting.

The Chairman. The women generally attend?

Mr. Smith. What, my wives?

Mormons as Church-Goers.

The Chairman. No; the women generally belonging to the Mormon church.

Mr. Smith. Our people generally are very good churchgoers.

The Chairman. Can you not answer the question?

Mr. Smith. I do not understand. I do not know, Mr. Chairman, how to answer it. I could not tell you.

The Chairman. I am talking about the conferences. You say you attend conferences, do you not?

Mr. Smith. I attend there in my official capacity as the president of the conference.

The Chairman. You attend conferences?

Mr. Smith. Yes, sir.

The Chairman. Do you preside?

Mr. Smith. Yes, sir.

The Chairman. And the apostles attend?

Mr. Smith. Yes, sir.

The Chairman. You have seen Mr. Smoot there?

Mr. Smith. I have seen him there occasionally; yes, sir.

The Chairman. Now, what I asked you was whether your wives attend also at these conferences?

Mr. Smith. I think likely they do.

Mr. Worthington. How far is Nephi from Salt Lake City?

Mr. Smith. It is a little over ninety miles.

Mr. Worthington. How far from Provo?

Mr. Smith. It is forty-odd miles—a little over forty miles from Provo, south of Provo.

Ages of Presidents.

Senator Dubois. How old was President Woodruff when he died?

Mr. Smith. I am not quite sure, but I think he was somewhere about 94 or 95—somewhere along there.

Senator Dubois. He was 80-odd then when the manifesto was issued by him?

Mr. Smith. Yes; I should suppose he was.

Senator Dubois. How old was Lorenzo Snow, the next succeeding president, when he died?

Mr. Smith. When he died?

Senator Dubois. Yes.

Mr. Smith. He was 84—82, I think.

Senator Dubois. He would have been considerably over 70 then when the manifesto was issued, necessarily.

Mr. Smith. Necessarily, I think.

Senator Dubois. You testified that they did not continue their polygamous relations after the manifesto. That was all.

The Chairman. Is there anything further, Mr. Tayler?

Mr. Tayler. That is all.

Senator Hoar. How old are you, Mr. Smith?

Mr. Smith. I was 65 last November.

Senator Hoar. I wish to ask one thing, Mr. Smith. When you took the chair you declined to take the oath, but took an affirmation. Is that same view of duty personal to you, or it is a part of the doctrine in your church, as it is with the Quakers and Shakers?

Swear Not at All.

Mr. Smith. We believe in the Scriptures, "swear not at all."

Senator Hoar. Then that is a doctrine of your church?

Mr. Smith. Yes, sir.

Senator Hoar. I have asked that because it has been said by the counsel opposed to you that they conceded that Mr. Smoot had taken no oath, I think, inconsistent with his obligation as a Senator. I do not think there is any doubt, but I think it ought to be made clear that that phrase "taking no oath" applies in Mr. Smoot's mind and in the mind of the counsel to having taken no affirmation.

Mr. Smith. Just the same.

Mr. Worthington. The sworn answer says "no oath or no obligation."

Senator Overman. Let me ask a question for my own satisfaction. I have a little pamphlet which states that you teach that our Savior was a polygamist. Is that so?

Mr. Smith. We do not teach any such doctrine. We simply teach the historical fact that Jesus Christ descended through a line of polygamists from David to Abraham.

Senator Overman. You do not teach that he had polygamous relations?

The Chairman. Call your next witness, Mr. Tayler.

Mr. Tayler. I will call Mrs Kennedy.

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TESTIMONY OF FRANCIS M. LYMAN.

The Chairman. Mr. Lyman ,will you be sworn?

Mr. Van Cott. Just a moment, if you please, Mr. Chairman, before you swear him. (A pause.) All right, Mr. Chairman.

Francis Marion Lyman, being duly sworn, was examined and testified as follows:

Mr. Tayler. Your name is Francis M. Lyman?

Mr. Lyman. Francis Marion Lyman is my full name.

Mr. Tayler. You are one of the apostles of the Church of Jesus Christ of Latter-day Saints?

Mr. Lyman. Yes, sir.

Mr. Tayler. That is the correct designation of your church, is it?

Mr. Lyman. How is that?

Mr. Tayler. That is the correct description or name of the church?

Mr. Lyman. Yes, sir.

Mr. Tayler. How long have you been an apostle?

Mr. Lyman. Since 1880.

Mr. Tayler. Have you always been in the church?

Mr. Lyman. Ever since I was baptized.

Mr. Tayler. I mean you were born——

Mr. Lyman. I was born of Latter-day Saints parents.

Mr. Tayler. That is what I mean. Are you the child of a plural wife?

Mr. Lyman. No, sir.

Mr. Tayler. How old are you?

Mr. Lyman. I was 64 years old the 12th day of last January.

Is a Polygamist.

Mr. Tayler. Are you a polygamist?

Mr. Lyman. Yes, sir.

Mr. Tayler. How many wives have you?

Mr. Lyman. Three.

Mr. Tayler. Where do they live?

Mr. Lyman. One of them lives in Salt Lake City; one of them lives in Fillmore, and the other died about twelve years ago.

Mr. Tayler. You are living with two wives now?

Mr. Lyman. Yes, sir.

Mr. Tayler. Have you children by both of them?

Mr. Lyman. Yes, sir.

Mr. Tayler. Was the wife who died the first wife you married?

Mr. Lyman. No, sir; she was the second.

Mr. Tayler. So that one of your living wives is the one to whom you were married originally?

Mr. Lyman. In 1857.

Mr. Tayler. She was the only wife when you married her?

Mr. Lyman. In 1857.

Mr. Tayler. When were you married to your second wife—the one who is living, I mean—the present second wife?

Mr. Lyman. When was I married to her?

Mr. Tayler. Yes.

Mr. Lyman. On the 9th day of October, 1884.

Mr. Tayler. Where were you married to her?

Mr. Lyman. Where?

Mr. Tayler. Yes.

Mr. Lyman. Salt Lake City.

Mr. Tayler. In the temple?

Mr. Lyman. In the endowment-house.

Mr. Tayler. You have children by her?

Mr. Lyman. Yes, sir.

Mr. Tayler. How many?

Mr. Lyman. Five.

Mr. Tayler. What are their ages?

Mr. Lyman. The first was born in 1891; the last was born in 1900.

Mr. Tayler. What time in 1891 was the first child born?

Mr. Lyman. On the 4th day of July.

Petition for Amnesty.

Mr. Tayler. Were you a signer of the prayer for amnesty?

Mr. Lyman. Yes, sir.

Mr. Worthington. Which one?

Mr. Tayler. I think there was but one.

Mr. Worthington. Yes; that is true.

The Chairman. What page of the record is it?

Mr. Tayler. I am just trying to find it.

Mr. Worthington. Page 18.

Mr. Tayler. And in that prayer for amnesty did you pledge yourself to obey the law?

Mr. Lyman. I do not remember exactly what the article contains. I pledged myself to all it says. I have not read it for a long time.

Mr. Tayler. Did you, as a matter of fact, pledge yourself, by that plea for amnesty, to obedience to the law, not only respecting the taking of plural wives, but the other laws respecting the plural marriage relation?

Mr. Lyman. Whatever the article contains I signed.

Mr. Worthington. I object Mr. Chairman. It is asking the witness to give a construction to a paper which can be produced.

Senator Foraker. Is it not the correct

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way to call his attention to what it says? He has stated that he signed the paper and that he pledged himself to everything that is in the paper.

Mr. Lyman. Yes, sir.

Mr. Tayler. I know; but the Senator will understand that all sorts of constructions have been given to this paper. We have heard the president of the church himself make a declaration on that subject, and I want to know whether this man claims that he did not understand he was to obey the law on other subjects than as to taking plural wives, or whether he agrees that he is violating the promise he then made.

The Chairman. Suppose, Mr. Tayler, you read to the witness that portion of the application for amnesty?

Mr. Worthington. To that I have no objection, and then ask him how he construes it.

The Chairman. And ask him in regard to it.

Senator Foraker. The witness says he has not seen the paper or read it for a long time——

Mr. Tayler. But they are all pretty familiar with this paper.

Senator Foraker. That is no reason why all the ordinary rules of examination should be violated.

Mr. Worthington. Why do you say he is familiar with it?

The Chairman. Read that portion of the petition to which you wish to call his attention.

Mr. Tayler. It is quite long, so that I do not wish to read it all.

The Chairman. No.

Mr. Tayler. In this prayer for amnesty there is this sentence:

"As shepards of a patient, suffering people we ask amnesty for them and pledge our faith and honor for their future."

Do you recall that statement?

Disobeyed Divine and Human Laws.

Mr. Lyman. Yes, sir; I do.

Mr. Tayler. Did you interpret that as meaning that you would obey the law respecting polygamous cohabitation?

Mr. Lyman. I intended to do everything that was right in the observance of the law.

Mr. Tayler. Did you think it would be right to abstain from polygamous cohabitation with your plural wife?

Mr. Lyman. I think it would have been right.

Mr. Tayler. You did not do that, though?

Mr. Lyman. No, sir.

Mr. Tayler. Then you did wrong?

Mr. Lyman. Yes, sir; according to the law.

Mr. Tayler. According to the law?

Mr. Lyman. Yes, sir.

Mr. Tayler. It was wrong according to the church law as well?

Mr. Lyman. It was wrong according to the rule of the church.

Mr. Tayler. So you violated both laws?

Mr. Lyman. Yes, sir.

Mr. Tayler. The law of the land and the rule of the church?

Mr. Lyman. Yes, sir.

Continues Polygamous Relation.

The Chairman. I wish to ask a question right here. You are now continuing in this polygamous relation?

Mr. Lyman. Yes, sir.

The Chairman. And intend to?

Mr. Lyman. I had thought of nothing else, Mr. Chairman.

The Chairman. And you are the next in succession to the presidency?

Mr. Lyman. Yes, sir.

Senator Hoar. Let me see if I understand you. You used the phrase, or the counsel used the phrase, in the question which you answered affirmatively—

Mr. Lyman. Excuse me. I am a little hard of hearing.

Senator Hoar. You used the phrase, or the counsel used the phrase, which you accepted by an affirmative answer, "The rule of the church"; that you were violating a rule of the church, as you understand it. Do you understand the rule of the church to be the law of God?

Mr. Lyman. Yes, sir.

Senator Hoar. Very well. Then, do I understand you to say that you are living and intend to live in violation of the law of God and of the law of man, as you understand them?

Intends Living in Violation of Law.

Mr. Lyman. Mr. Chairman, I fully intend to be true to my obligations and covenants with the Lord and with my wives and children, and to the Government of the United States. I have lived in all good conscience before the Lord, and I have never done a thing wilfully against the church nor my God nor my country. If I may be allowed, Mr. Chairman, to make a remark, my case is possibly a little different from the case of other men generally. I was born in 1840. I can hardly remember when my father was not a polygamist. He married a number of wives in 1845, the next year after the death of Prophet Joseph. He was taught that doctrine by the prophet, and he was charged that it was important for him that he should embrace that principle. He was selected at one time as a councilor to the prophet. He entered into that principle and married six plural wives in 1845 and 1846, so that as my earliest recollections I remember my father's wives and families as I remember my father and my own mother. I was taught the truthfulness of that principle from the very beginning, and I lived in that plural family till I married and had a family of my own. I have never been able to see but that that principle is correct and true. I have always felt that it was, in my heart and soul, and hence when I became a man I married, in 1857. I married again in 1869 and had families by both wives. I married again in 1884, and I have greatly regretted—my soul has been very much pained—to find myself in opposition to the law of my country and the rule of my church. But I covenanted with those wives most solemnly to love and respect and revere them as my own heart and soul, and I felt I could not separate from them so long as they were true to me.

Senator Hoar. Now, I think I clearly understand; and I come back to the question. Do I not correctly understand you

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to say that the revelation requiring the future abstaining from polygamy by your people comes from God?

Mr. Lyman. I did not catch that question.

Senator Hoar. Do you not understand that the revelation requiring you to abstain from polygamy comes from God?

Mr. Lyman. Yes, sir.

Acquainted With Smoot.

Senator Hoar. Do you not understand that you are disobeying the commands of God in disobeying that revelation?

Mr. Lyman. So far, Mr. Chairman, as my disobeying the law in regard to polygamy is concerned, I have not. I have most earnestly and faithfully, from the adoption of the manifesto, done all in my power to prevent polygamous marriages in the church.

Senator Hoar. That is not my question.

Mr. Lyman. I have been most faithful in that.

Senator Hoar. I am not asking you about that. You have said more than once that in living in polygamous relations with your wives, which you do and intend to do, you knew that you were disobeying this revelation?

Mr. Lyman. Yes, sir.

Senator Hoar. And that in disobeying this revelation you were disobeying the law of God?

Mr. Lyman. Yes, sir.

Senator Hoar. Very well. So that you say that you, an apostle of your church, expecting to succeed, if you survive Mr. Smith, to the office in which you will be the person to be the medium of Divine revelations, are living and are known to your people to live in disobedience of the law of the land and of the law of God?

Mr. Lyman. Yes, sir.

Senator Hoar. And that in disobeying this revelation you were disobeying the law of God?

Mr. Lyman. Yes, sir.

Senator Hoar. He says "yes." That is all.

Senator Dubois. You think it is your duty now to live with these plural wives and protect them, etc.? You think that is your duty now?

Mr. Lyman. Yes, sir.

Acquainted With Smoot.

The Chairman. Senator Dubois was about to make some inquiry of the witness.

Senator Dubois. Mr. Lyman, I believe you stated it, but I have forgotten. When did you become an apostle of the church?

Mr. Lyman. In October, 1880.

Senator Dubois. Are you acquainted with Reed Smoot?

Mr. Lyman. Am I what?

Senator Dubois. Acquainted with him?

Mr. Lyman. Yes, sir.

Senator Dubois. When did he become an apostle?

Mr. Lyman. I can tell you in a moment.

Senator Dubois. About when?

Mr. Worthington. The date is April 9, 1900. It was brought out here the other day.

Mr. Lyman (after examining a paper.) In 1900.

Senator Dubois. You voted to make him an apostle, did you?

Mr. Lyman. I voted for him?

Senator Dubois. Yes.

Mr. Lyman. Yes, sir.

Never Reproved by Smoot.

Senator Dubois. In your apostolic meetings did Mr. Smoot ever reprove you for living in polygamous cohabitation?

Mr. Lyman. No, sir.

Senator Dubois. To your knowledge, did he ever take you to task in public?

Mr. Lyman. Did he ever take me to task in public?

Senator Dubois. Yes; for living in polygamous relations?

Mr. Lyman. No, sir.

Senator Dubois. When did you marry your second wife, Mr. Lyman?

Mr. Lyman. On the 4th of October, 1869.

Senator Dubois. Then, when did you marry your third wife?

Mr. Lyman. On the 9th of October, 1884.

Senator Dubois. 1884?

Mr. Lyman. Yes, sir.

Senator Dubois. It is immaterial, but I understood him to say 1882 this morning. That was after the passage of the Edmunds law?

Mr. Lyman. It was in 1884, on the 9th day of October.

Senator Dubois. Do you know when the Edmunds law was passed?

Mr. Lyman. I think it was in 1882.

Senator Dubois. I wish you would describe this marriage ceremony with your third wife, in 1884.

Mr. Lyman. It was just the same as with the first wife.

Mr. Worthington. Just one moment. I understood the committee had decided we were not to go back of 1890, the date of the manifesto, Mr. Chairman.

Senator Dubois. Well, you were married in 1884?

Mr. Lyman. Yes, sir.

Senator Dubois. How many children did you say you had by this third wife?

Mr. Lyman. Five by the third wife.

Senator Dubois. When was the first one born?

Mr. Lyman. 1891.

Senator Dubois. There was no issue, then—

Mr. Lyman. No, sir; not until 1891.

Senator Dubois. Could you furnish the marriage certificate with this third wife?

Mr. Lyman. Did I what?

Had No Marriage Certificate.

Senator Dubois. Can you furnish the marriage certificate with this third wife?

Mr. Lyman. I do not understand what he said.

Mr. Worthington. Can you furnish the marriage certificate with the wife you married in 1884?

Mr. Lyman. No, sir; I did not have any. I do not think the law required it.

Senator Dubois. What time in 1891 was your first child born?

Mr. Lyman. On the 4th day of July.

Presiding Officer of Quorum.

Senator Dubois. Mr. Lyman, I understand you are the presiding officer of the quorum of apostles?

Mr. Lyman. Yes, sir.

Senator Dubois. In accordance with the rules and precedents of your organization, should you survive the president,

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would you become the president of the organization?

Mr. Lyman. If I was found worthy.

Senator Dubois. Who is the next apostle to you?

Mr. Lyman. John Henry Smith.

Senator Dubois. Is he a polygamist?

Mr. Lyman. I believe he is.

Senator Dubois. How old is he?

Mr. Lyman. He is eight years younger than I am.

Senator Dubois. That would make him 56?

Mr. Lyman. Yes, sir.

Senator Dubois. Who is the next to John Henry Smith in the apostolic order?

Mr. Lyman. George Teasdale.

Senator Dubois. Is he a polygamist?

Mr. Lyman. I do not know, sir. I do not think he is; that is, I understnad that he is not.

Senator Dubois. How old is he?

Mr. Lyman. He must be 72.

Senator Dubois. Is he not 75?

Mr. Lyman. How is that?

Senator Dubois. Is he not 75?

Mr. Lyman. Possibly; I am only approximating.

Lives of Leaders Introduced.

Senator Dubois. Would you take this book as authority? "Lives of our Leaders. Character Sketches of Living Presidents and Apostles of the Church of Jesus Christ of Latter-day Saints. The Deseret News Company, Salt Lake City, 1901."

Mr. Van Cott. Who is the author, Senator?

Senator Dubois. Let me hand him the book and see if he will accept that as authority.

Senator Hopkins. As authority for what?

Senator Dubois. As to the age of the president and as authority for the questions I ask. It is a biographical sketch of the leading men of the Mormon church.

Mr. Lyman (after examining the book.) Why do you submit it to me, Senator?

Senator Dubois. I ask you if you will accept that as authority for your age, for instance. Look at your own age stated there and see.

Mr. Lyman. Yes, sir.

Senator Dubois. Whether you will accept it as authority as a biographical sketch of your leaders?

Mr. Worthington. I submit his acceptance of it would not bind Senator Smoot as to everything in it.

Senator Hopkins. Is the question in regard to authority as to what is said about each man there?

Mr. Lyman. This is correct, where it says "he was born at the town of Goodhope, McDonough county, Ill., on January 12, 1840."

Mr. Worthington. That is yourself?

Mr. Lyman. That is myself.

Senator Dubois. That is correct. Now, look at the biographical sketch of Mr. Teasdale.

Mr. Lyman. Look at what?

Senator Dubois. Mr. Teasdale.

Mr. Lyman. Oh, yes; I will. That is a very good picture of him.

Senator Dubois. I assume, Apostle Lyman—

Mr. Lyman. It says he was born in London, England, on the 8th of December, 1831.

Senator Dubois. Do you think that is correct?

Mr. Lyman. I should think so.

Objection by Worthington.

Mr. Worthington. Mr. Chairman, I do not know that what is in that book is of any consequence, but I certainly object to attempting to prove facts by producing a book and having a witness read it who knows nothing about the matter, and says he presumes it is correct.

The Chairman. I do not think his answer is of any consequence.

Senator Dubois. I am simply asking as to the age of Apostle Teasdale.

Mr. Worthington. My objection is that you can not prove it by a witness who simply sees it stated in a book and says he does not know anything about it.

The Chairman. The witness states he does not know.

Senator Dubois. I will ask you if that biographical sketch of yours was not published with your knowledge and consent?

Mr. Lyman. If what?

Senator Dubois. Did you not give the facts in regard to your own age to the biographer of that book?

Mr. Lyman. I do not understand.

Senator Dubois. He must have gotten the facts somewhere. You say it is correct as to yourself?

Mr. Worthington. He says it is correct as to his age.

Mr. Lyman. I do not know where they got it. I do not know who wrote it. I have no idea.

Other Polygamist Apostles.

Senator Dubois. What is the apostle next to Mr. Teasdale?

Mr. Lyman. Heber J. Grant.

Senator Dubois. Is he a polygamist?

Mr. Lyman. I believe he is.

Senator Dubois. How old is he?

Mr. Lyman. He must be about 46.

Senator Dubois. That is right. He is 47. Who is the next apostle?

Mr. Lyman. John W. Taylor.

Senator Dubois. Is he a polygamist?

Mr. Lyman. I believe he is.

Senator Dubois. How old is he?

Mr. Worthington. What do you mean, Mr. Lyman, when you say you believe they are polygamists?

Mr. Lyman. That he has more than one wife.

Senator Dubois. How old is he?

Mr. Lyman. I do not know. He must be near 50.

Senator Dubois. Is he not 46?

Mr. Lyman. Well, I do not know. I would not know his age exactly.

Senator Dubois. It is easy to imagine he is 46, is it? You would not dispute the fact if I should state it that he is 46?

Mr. Lyman. I should think he is 46; yes, sir.

Senator Dubois. Who is the next apostle?

Mr. Lyman. Mr. Merrill.

Senator Dubois. How old is he?

Mr. Lyman. He is about 70.

Senator Dubois. He is 72, I think. That is all.

Questioned by Burrows.

The Chairman. I desire to ask you one or two questions, Mr. Lyman. You are president of the quorum of the twelve?

Mr. Lyman. Yes, sir.

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The Chairman. How often does that quorum of the twelve apostles meet?

Mr. Lyman. Our regular meeting is once a week. That is—yes, once a week.

The Chairman. Do the apostles generally attend?

Mr. Lyman. They always attend when they are in Salt Lake City. If they are abroad of course they are excused.

The Chairman. If they are out of the country?

Mr. Lyman. Yes; or out of the country.

The Chairman. But if they are in the country they are expected to attend?

Mr. Lyman. If they are in reach they are expected always to be there.

The Chairman. Mr. Smoot became an apostle, when?

Mr. Lyman. In 1890.

The Chairman. You mean 1900?

Mr. Lyman. 1900; yes, sir.

The Chairman. Who presides at those meetings?

Mr. Lyman. The president of the church.

The Chairman. At the meetings of the apostles?

Mr. Lyman. That is, they meet together; yes, sir.

The Chairman. They meet with the president?

Mr. Lyman. The weekly meeting.

Always Attended Meetings.

The Chairman. Have you attended those meetings since 1900?

Mr. Lyman. Oh, yes, sir.

The Chairman. Every week?

Mr. Lyman. I never failed when I was in Salt Lake City, or could reach there.

The Chairman. You never failed?

Mr. Lyman. No; I never failed.

The Chairman. Have you ever seen Mr. Smoot at one of those meetings?

Mr. Lyman. Well, a very few times. I have been away, Mr. Chairman, for three years.

The Chairman. Then during the three years you were not present at these meetings?

Mr. Lyman. No, sir.

The Chairman. During the time you have been here and attended these meetings, have you seen Mr. Smoot there?

Mr. Lyman. I do not think Mr. Smoot has been there since I came home.

The Chairman. Since 1900, at any time?

Mr. Lyman. I saw him a few times before I went away since 1900. He met with us.

Smoot Participated.

The Chairman. I am not particular about the time, but what I want to get at is whether he has met with you?

Mr. Lyman. Yes; he did.

The Chairman. Since 1900?

Mr. Lyman. Yes, sir.

The Chairman. And the president of the church presided?

Mr. Lyman. Questions were discussed?

The Chairman. No; I ask you if the president of the church presides at these weekly meetings?

Mr. Lyman. Yes, sir.

The Chairman. Does anyone attend these meetings save the apostles and the president?

Mr. Lyman. And the clerk.

The Chairman. And the clerk?

Mr. Lyman. That is all.

The Chairman. Nobody else?

Mr. Lyman. No one else.

The Chairman. Has Mr. Smoot taken part in the exercises?

Mr. Lyman. Yes, sir.

The Chairman. At these weekly meetings?

Mr. Lyman. Yes, sir.

The Chairman. And mingled with the other apostles, of course?

Mr. Lyman. Yes, sir.

Smoot Never Questioned Him.

The Chairman. I understood you to say that Mr. Smoot has never, at any of these meetings or in private, questioned your course in regard to polygamous cohabitation?

Mr. Lyman. No, sir; it was never mentioned.

Mr. Worthington. It has not appeared yet that Senator Smoot knew of his course.

The Chairman. Not yet, only in a general way. Have you ever introduced any of your wives to Mr. Smoot?

Mr. Lyman. Have I what?

The Chairman. Have you introduced or presented any of your wives to Mr. Smoot?

Mr. Lyman. Never.

The Chairman. Where are these meetings held?

Mr. Lyman. In the temple at Salt Lake City.

The Chairman. In the temple?

Mr. Lyman. Yes, sir.

The Chairman. Not in the tabernacle?

Mr. Lyman. No, sir; in the temple.

Married in Endowment House.

The Chairman. You were married, I think you said, in the temple—I mean in the endowment house.

Mr. Lyman. In the endowment house.

The Chairman. What is the difference between the endowment house and the temple?

Mr. Lyman. The endowment house was a temporary building for the purposes for which it was built—sacred purposes; but it was not a substantial building like the temple. It was just for the time being until we could build the temple. Our temple was forty years in building.

The Chairman. This ceremony was performed in the endowment house?

Mr. Lyman. In the endowment house; yes, sir.

The Chairman. You went through the endowment house, as it is commonly spoken of, did you?

Mr. Lyman. Yes sir.

Refuses to State Ceremony.

The Chairman. Will you please state what the ceremony is in going through the endowment house?

Mr. Lyman. I could not do so.

Mr. Worthington. I object to that, Mr. Chairman, on the ground that it is inquiring into a matter prior to 1890, and I understood, or we were informed, that the committee had decided that would not be done.

The Chairman. One of the charges is that Mr. Smoot has taken an oath or obligation incompatible with his obligation as a Senator. The object of this question is to ascertain from this witness, who went through the endowment house—of

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course I know nothing about it—whether any such obligation is taken.

Mr. Lyman. Is that the question you asked me, Mr. Chairman?

The Chairman. No; that was not my question. It was a statement to counsel.

Mr. Worthington. I had understood, Mr. Chairman, that that was expressly disclaimed by counsel here the other day.

The Chairman. Counsel stated that they did not propose, as far as they were concerned, to offer any proof upon that question; but the Chair did not understand that therefore the committee was precluded from showing it. Is there any objection to the question?

Mr. Worthington. I do object to it, for the reasons already stated; and further because it does not follow at all that because the witness went through certain ceremonies or took certain obligations, if you please, Senator Smoot took them.

The Chairman. That would not follow of itself. If nothing further than this can be shown, of course it will have no bearing upon Mr. Smoot at all. Read the question, Mr. Reporter.

The reporter read as follows: "The Chairman. Will you please state what the ceremony is in going through the endowment house?

"Mr. Lyman. I could not do so."

Mr. Worthington. I do insist upon my objection. I understood the Chair to ask me whether I had any further objection.

The Chairman. The Chair thinks it is permissible; and as the Chair stated, if nothing appears beyond this to connect Mr. Smoot with it, of course it will have no bearing upon the case. Can you state what that ceremony was?

Again Refuses to Give Ceremony.

Mr. Lyman. I could not, Mr. Chairman; I could not do so if it was to save my life.

The Chairman. You could not?

Mr. Lyman. No, sir.

The Chairman. Can you state any portion of it?

Mr. Lyman. I might approximate something of it that I remember.

The Chairman. As nearly as you can.

Mr. Lyman. I remember that I agreed to be an upright and moral man, pure in my life. I agreed to refrain from sexual commerce with any woman except my wife or wives as were given to me in the priesthood. The law of purity I subscribed to willingly, of my own choice, and to be true and good to all men. I took no oath nor obligation against any person or any country or government or kingdom or anything of that kind. I remember that distinctly.

The Chairman. Of course the charge is made, and I want to know the facts. You would know about it, having gone through the endowment house?

Mr. Lyman. Yes.

The Chairman. There was nothing of that kind?

Mr. Lyman. Nothing of that kind.

The Chairman. No obligation or oath?

Mr. Lyman. Not at all; no, sir.

The Chairman. Who was present at this ceremony?

Mr. Lyman. Daniel H. Wells—when I was married?

The Chairman. Yes.

Daniel H. Wells Officiated.

Mr. Lyman. Daniel H. Wells and others. I could not tell how many. Sometimes there are a hundred people go through and receive their endowments—a large company.

The Chairman. Of course you do not know about that?

Mr. Lyman. No, sir.

The Chairman. Is that all you can remember of the ceremony?

Mr. Lyman. Yes, sir. The marriage ceremony was performed by Daniel H. Wells.

The Chairman. What position did he hold at that time?

Mr. Lyman. He was counselor.

The Chairman. Yes.

Mr. Lyman. In fact, he married my three wives to me. He officiated in each case. The first time he was counselor to President Brigham Young—counselor in the presidency of the church. The last time I believe he was counselor to the twelve apostles.

The Chairman. How long are these monthly meetings of the apostles? How long do they continue?

Mr Lyman. The weekly meetings?

The Chairman. Yes, sir.

Mr. Lyman. Two hours.

The Chairman. Yes.

Mr. Lyman. Sometimes more, if there is much business to consider.

The Chairman. At these meetings you become acquainted, of course? The apostles became acquainted with each other?

Mr. Lyman. Oh, yes, sir.

The Chairman. Are there any further questions?

Live in Defiance of Law.

Mr. Tayler. Mr. Lyman, since 1890 the charge has persistently and constantly been made in print in Utah, has it not, that many of the apostles were living in polygamous cohabitation?

Mr. Lyman. State that again, Mr. Tayler, and speak a little louder.

Mr. Tayler. I will ask the reporter to read the question.

The reporter read the question.

Mr. Lyman. Possibly it has been made.

Mr. Tayler. Have you not seen it so in print?

Mr. Lyman. I do not remember particularly. I know that some of them have so lived. That is, I believe they have, including myself.

Mr. Tayler. Yes, I know; but have you not heard of the charge being made constantly that such was the fact, apart from your knowledge of that fact of polygamous cohabitation?

Mr. Lyman. I do not remember that I have heard it constantly.

Mr. Tayler. Frequently?

Mr. Lyman. Frequently, possibly.

No Action by Hierarchy.

Mr. Tayler. Have the first presidency and the twelve apostles ever, to your knowledge, taken any action looking to the disciplining or prosecuting of persons who were charged with living in polygamous cohabitation.

Mr. Lyman. I think not.

Mr. Tayler. Do you mean you may have discussed whether you would or would not prosecute such persons?

Mr. Lyman. No, sir.

Mr. Tayler. Did you know the wife of George Teasdale who died in 1898?

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Mr. Lyman. I never saw her until she was dead. I was at the funeral.
Mr. Tayler. Was she a young woman?
Mr. Lyman. I think so. I believe she was. I do not know her age at all.
Mr. Tayler. Do you know when he married her?
Mr. Lyman. No, sir; I never saw her.
Mr. Tayler. Did you have any talk with him about his marriage of her?
Mr. Lyman. No, sir.
Mr. Tayler. Do you know where he married her?
Mr. Lyman. No, sir.
Mr. Tayler. When did you first hear that she was married to him?
Mr. Lyman. I do not remember. I never met her. I never was in her house, nor in his house--that is, where she lived; that is, until the funeral.
Mr. Tayler. Until the funeral.
Mr. Lyman. At Nephi; yes, sir.
Mr. Tayler. Did you know she became his wife since 1890?
Mr. Lyman. No, sir. No; I did not know that.
Mr. Tayler. Did you know his first wife?
Mr. Lyman. I never saw her.

Saw Lillian Hamlin Once.

Mr. Tayler. Do you know Mrs. Lillian Hamlin Cannon?
Mr. Lyman. I have seen her since Abraham's death.
Mr. Tayler. Since Abraham's death?
Mr. Lyman. Yes. I never saw her before.
Mr. Tayler. You never saw her before that?
Mr. Lyman. I saw her in Provo.
Mr. Tayler. When?
Mr. Lyman. I forget. It was some years after. She was teaching school, as I remember—teaching in the academy.
The Chairman. Just one question more. At these weekly gatherings of the apostles do you have any social function in connection with the gathering?
Mr. Lyman. Have what?
The Chairman. Some social function—that is, after the meeting?
Mr. Lyman. No, sir.
The Chairman. A social conference?
Mr. Lyman. Oh, no, sir.
The Chairman. Of meeting at the president's house?
Mr. Lyman. No, sir.

Apostles at President's House.

The Chairman. Do the apostles ever go to the president's house?
Mr. Lyman. Oh, we do sometimes; yes.
The Chairman. At these weekly meetings?
Mr. Lyman. Oh, no, sir; never.
The Chairman. The apostles go there sometimes?
Mr. Lyman. They go to his office.
The Chairman. Have you been in his residence?
Mr. Lyman. Oh, yes; yes, sir.
The Chairman. With the other apostles?
Mr. Lyman. With some of them; yes, sir.
The Chairman. With Mr. Smoot?
Mr. Lyman. I do not think I was ever in with Mr. Smoot.
The Chairman. Do you know?
Mr. Lyman. I do not remember that I was ever in with him.

Attends Quarterly Conference.

The Chairman. You attended the quarterly conferences?
Mr. Lyman. Yes, sir.
The Chairman. They are largely attended, I understand?
Mr. Lyman. Yes; well, those are stake conferences.
The Chairman. I understand; but they are very largely attended?
Mr. Lyman. Yes, sir.
The Chairman. Do the apostles attend those meetings?
Mr. Lyman. Yes, sir; as far as they possibly can.
The Chairman. How long do those meetings last, generally?
Mr. Lyman. They generally last two days.
The Chairman. Two days?
Mr. Lyman. Two days.
The Chairman. Senator Smoot attends those gatherings?
Mr. Lyman. He used to do so before I went away.
The Chairman. Was there any social function in connection with these gatherings?
Mr. Lyman. No, sir; not usually.
The Chairman. Well, sometimes?
Mr. Lyman. I do not remember one, Mr. Chairman. I do not remember one, and I have attended a great many.
The Chairman. And do the apostles at that time, or at the weekly gatherings, call on the president in a body sometimes?
Mr. Lyman. No, sir.
The Chairman. And at the general conferences, quarterly conferences, do your wives attend?
Mr. Lyman. The quarterly conferences?
The Chairman. Yes, sir.
Mr. Lyman. They do when the conferences are held in the stake where they live.
The Chairman. Then the wives attend?
Mr. Lyman. Yes, sir.

As to General Conference.

The Chairman. And then the general conference—when is that held?
Mr. Lyman. The general conference is held twice a year.
The Chairman. When is that held?
Mr. Lyman. In April and October.
The Chairman. Where is that held?
Mr. Lyman. That is held in the Tabernacle in Salt Lake City.
The Chairman. Is that largely attended?
Mr. Lyman. Very largely; yes, sir.
The Chairman. How many people attend?
Mr. Lyman. I suppose from 12,000 to 15,000 people, and then lots of them can not get in—can not get room
The Chairman. Do the apostles attend those meetings?
Mr. Lyman. Always, when they are at home.
The Chairman. And their families?
Mr. Lyman. And what?
The Chairman. And their wives?
Mr. Lyman. I do not know about their wives. I never saw an apostle with his wives at one of them.
The Chairman. You never took your wife?
Mr. Lyman. Never.

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The Chairman. To one of those gatherings?

Mr. Lyman. No; I never went there with my wife. She has been there. She goes when she has a mind to, but I am generally with my brethren, and we go together.

The Chairman. But you have discovered her there sometimes?

Mr. Lyman. Yes, sir; I have seen her.

The Chairman. Do you know the wives of the president of the church personally?

Mr. Lyman. Well, I believe I do. That is, I believe I am acquainted with them.

The Chairman. That is all.

Church Chronology.

Mr. Tayler. Mr. Lyman, your church publishes a book called Church Chronology, does it not?

Mr. Lyman. Yes, sir.

Mr. Tayler. Under the direction of your assistant church historian, who is here, Mr. Jensen?

Mr. Lyman. Mr. Jensen; yes, sir.

Mr. Tayler. And it is intended to contain an account of the various things as they occur, from time to time, of interest to the church and its people?

Mr. Lyman. Yes, sir.

Mr. Tayler. You were an apostle during the controversy that they had with Moses Thatcher?

Mr. Lyman. Yes, sir.

Mr. Tayler. I find in this Book of Chronology—which I will identify later on, but it saves trouble to not do it here—under the year 1896, at page 211 of the edition of 1889, under date of Saturday, April 4, the following:

Thatcher Not Upheld.

"The sixty-sixth annual conference of the church convened in Salt Lake City. It was continued for three days. In voting for the general church authorities on the 6th, Charles W. Penrose was sustained as an assistant church historian. Moses Thatcher was not upheld as one of the twelve apostles because of his refusal to sign a manifesto issued by the general authorities of the church to the saints, in which the leading men of the church were requested to seek counsel before accepting political offices which would interfere with their ecclesiastical duties."

Does that accurately describe what occurred with respect to Mr. Thatcher on that occasion?

Mr. Lyman. Does that what?

Mr. Tayler. Does that accurately describe what occurred respecting Mr. Thatcher at that time?

Mr. Lyman. I believe it does.

Mr. Van Cott. Does that say "manifesto," Mr. Tayler?

Mr. Tayler. Well, I read it.

Mr. Van Cott. You said "manifesto." I was wondering if you mispronounced the word. It is manifesto, is it?

Mr. Tayler. "Moses Thatcher was not upheld as one of the twelve because of his refusal to sign a manifesto issued by the general church authorities to the saints, in which the leading men of the church were requested to seek counsel before accepting political offices which would interfere with their ecclesiastical duties."

Mr. Van Cott. You know that is erroneous, do you not, Mr. Tayler, in saying "manifesto?" Is not that erroneous, in saying "manifesto?"

Mr. Tayler. I would not think to question this book.

Mr. Van Cott. I just ask the question.

Mr. Lyman. It does not mean the other manifesto.

Mr. Tayler. I would be criticised if I did question it.

Mr. Van Cott. I did not mean to criticise you at all, Mr. Tayler. I asked because I had an idea that Mr. Thatcher did sign the manifesto, but refused to sign the rule. That is the reason I ask about it.

Smoot's Candidacy.

Mr. Tayler. I do not know. I, of course, assumed this was a correct statement of fact, as I doubt not almost everything is. It has been called the manifesto. When did Mr. Smoot first speak to you respecting his becoming a candidate for the United States Senate?

Mr. Lyman. He never spoke to me.

Mr. Tayler. Were you here at the time?

Mr. Lyman. No, sir.

Mr. Tayler. That was during your mission abroad?

Mr. Lyman. Yes, sir; in Europe.

Mr. Worthington. You said your last child was born in 1900. Can you give us the date?

Mr. Lyman. Yes, sir; November 2.

Mr. Worthington. You have said you are next in succession to the presidency?

Mr. Lyman. Yes, sir.

Mr. Worthington. Has that been simply by virtue of the fact that you have been longer in the quorum of the apostles than any other member of it?

Mr. Lyman. Yes, sir.

Mr. Worthington. And your turn comes in rotation

Mr. Lyman. Yes, sir.

Mr. Worthington. Which, I understand, has been the universal practice from the beginning?

Mr. Lyman. Yes, sir.

Two Polygamists in Family.

Mr. Worthington. How many children had your father—how many male children?

Mr. Lyman. My father?

Mr. Worthington. Yes.

Mr. Lyman. He had twenty-two.

Mr. Worthington. How many of them are polygamists, and how many monogamists?

Mr. Lyman. There is only myself living. I have a brother who had two wives. He is dead. He died a few years ago.

Mr. Worthington. And were all the rest monogamists, or men who did not marry at all?

Mr. Lyman. Yes; my brother next to me has had three wives, but only one at a time. He lost two.

Mr. Worthington. As to your own children—how many male children have you who are grown up, old enough to have wives of their own, I mean?

Mr. Lyman. Four or five.

Mr. Worthington. How many of your sons are married?

Mr. Lyman. Three are married.

Mr. Worthington. Are they monogamists or polygamists?

Mr. Lyman. They are monogamists.

Mr. Worthington. As to these other

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apostles who come next in order to you, are they also there by virtue simply of the rule of seniority?

Mr. Lyman. Yes, sir.

Mr. Worthington. They have come into their places by that rule?

Mr. Lyman. Yes, sir.

Mr. Worthington. And not because they were polygamists?

Mr. Lyman. Oh, no.

Mr. Worthington. Have you known of any instance of any man being appointed or coming into high place in your church because he was a polygamist?

Mr. Lyman. Never.

Mr. Worthington. By virtue of what is it they get into those offices?

Mr. Lyman. His merit and the designation of the Lord.

Mr. Worthington. You have said the president of the church presides at the meetings of the apostles?

Mr. Lyman. That is the council, when we all meet together.

Apostles Meet Alone.

Mr. Worthington. Do the apostles have meetings of their own?

Mr. Lyman. Yes, sir.

Mr. Worthington. When the president is not there?

Mr. Lyman. Yes, sir.

Mr. Worthington. That is what I understood from the president. How often do the apostles meet by themselves?

Mr. Lyman. Four times a year.

Mr. Worthington. Only quarterly meetings?

Mr. Lyman. Quarterly meetings.

Mr. Worthington. At any of those quarterly meetings, has this question of polygamous cohabitation been raised or discussed or acted upon?

Mr. Lyman. No, sir.

Mr. Worthington. So far as you know, does Senator Smoot know, or has he known, that you have been living with more than one woman since he became an apostle?

Mr. Lyman. He never knew.

The Chairman. You say he never knew?

Mr. Lyman. He never knew; Apostle Smoot never knew that I was doing wrong.

Mr. Worthington. These quarterly conferences are conferences of the stake, I believe?

Mr. Lyman. Yes, sir.

Mr. Worthington. To what stake do you belong?

Mr. Lyman. Tooele stake.

The Chairman. Is that the same stake to which Senator Smoot belongs?

Mr. Lyman. No, sir.

Mr. Worthington. When you say the apostles generally attend the meetings, do you mean all the apostles attend the quarterly meetings of all the stakes?

Mr. Lyman. They do, as nearly as they can; one at a time, or two, as the case may be.

Mr. Worthington. Are the quarterly conferences held at the same time for the different stakes?

Mr. Lyman. Yes, sir; that is, there will be perhaps three or four on the same Saturday and Sunday.

Mr. Worthington. So far as you know, since Senator Smoot became an apostle, has he ever been at any of those quarterly conferences where your wives were present.

Mr. Lyman. Never.

Wives Not Present.

Mr. Worthington. Have your two wives ever been present at the same quarterly conference at all?

Mr. Lyman. Never.

Mr. Worthington. Now, about these meetings at the tabernacle—these large meetings. Do the apostles go to these meetings in a body?

Mr. Lyman. Not necessarily.

Mr. Worthington. When they get there, where do they sit?

Mr. Lyman. They sit in a body.

Mr. Worthington. They sit together?

Mr. Lyman. They sit together; yes, sir.

Mr. Worthington. They sit somewhere, I suppose, near the president, do they—near the head of the church?

Mr. Lyman. Yes, sir; they sit right by him.

Never Saw Smith's Wives.

Mr. Worthington. President Smith has told us he has five wives. Have you ever seen his five wives go in there together with their children?

Mr. Lyman. I never saw one of them there.

Mr. Worthington. And if an apostle is there and has several wives and children in the audience, is there any way for anybody who does not know that they are his wives, being able to designate them?

Mr. Lyman. Oh, no. There are 10,000 people there.

Mr. Worthington. Do you have pews there where every man has his place?

Mr. Lyman. No, sir.

Mr. Worthington. Everybody goes in and sits where he pleases?

Mr. Lyman. Yes; only the presidency and the twelve. They have their seats that they occupy regularly.

Mr. Worthington. That does not apply to your families?

Mr. Lyman. No, sir.

Mr. Worthington. I understand you might go there a hundred times, where another apostle has two or three wives present, and you would have no means of knowing they were his wives?

Mr. Lyman. I would not know anything about it.

Mr. Worthington. You spoke of the visits to the president's office, you said?

Mr. Lyman. Yes, sir.

Mr. Worthington. Are his office and his house combined in one building?

Mr. Lyman. His house—his official residence, as he spoke of it—adjoins the office.

Mr. Worthington. When you have gone there on business, do you go into the part of the building in which his family resides?

Mr. Lyman. No, sir.

Mr. Worthington. So far as you know, has he at any time lived there with anybody except his legal wife—his first wife?

Mr. Lyman. I do not know. I have not known it.

Mr. Worthington. Have you ever seen there any of his other wives in that building?

Mr. Lyman. Yes, sir.

Mr. Worthington. That is, at the residence?

Mr. Lyman. Yes, sir.

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Mr. Worthington. On any of those occasions was Senator Smoot present?
Mr. Lyman. No, sir.

Apostles and Missionary Work.

Mr. Worthington. You have not been asked anything particularly today about the missionary work of the church. I understand that is the principal work of the apostles?
Mr. Lyman. Yes, sir.
Mr. Worthington. And you are their head?
Mr. Lyman. Yes, sir.
Mr. Worthington. I want to ask you as to the books which you use of late years. I will confine my inquiry on this subject to the time since Senator Smoot became an apostle, about four years ago. During that time, what books have been used or have been most used by your church in its missionary work?
Mr. Lyman The Book of Mormon. We have taken great pains to publish that extensively in the United States and in foreign countries; and of the commentaries, the Articles of Faith, by Talmage, is the most popular work. If a man asks for a book, a comprehensive work, from which to learn something of the doctrines of the Latter-day Saints, we always recommend the Articles of Faith.
Mr. Worthington. That is the book that has been here?
Mr. Lyman. I do not know whether there has been one here or not. It has been spoken of.
Mr. Worthington. Yes; it has been identified.
Mr Lyman. Yes.
Mr. Worthington. That is the book which announces that polygamy was prohibited in 1890, and refers to the manifesto?
Mr. Lyman. I believe it does.
Mr. Worthington. You have not mentioned the Doctrine and Covenants. Is that circulated, too?
Mr. Lyman. How is that?
Mr. Worthington. You have not mentioned the Doctrine and Covenants. Is that circulated, too?
Mr. Lyman. No; not so much.
Mr. Worthington. In what proportion do you circulate the Doctrine and Covenants and the Book of Mormon?

Books in Use.

Mr. Lyman. Oh, the Doctrine and Covenants is not circulated as a book to make converts with. It is not circulated at all. If anybody wants it—we do not put it forward; but the Book of Mormon and the Articles of Faith. Then, there is the Voice of Warning, by Parley P. Pratt, and Key to Theology, by Parley P. Pratt, and works of that kind.
Mr. Worthington. The Book of Mormon, I understand, was the original book. It is the Mormon Bible, if I may use that expression?
Mr. Lyman. That is what it is called in the world; yes, sir.
Mr. Worthington. It was first promulgated about 1820—
My Lyman. 1830.
Mr. Worthington. In that book polygamy was prohibited, I believe?
Mr. Lyman. Yes, sir; in that day. It is a history of ancient times.
Mr. Worthington. In wnat proportion is the Doctrine and Covenants circulated, compared with the Articles of Faith, the Talmage book, which we have here?
Mr. Lyman. We do not look upon the Doctrine and Covenants as a book to circulate at all. It is a law of the church, the word of the Lord to the church, and the law and discipline, but for the doctrines of the church we take the commentaries more.
Mr. Worthington. Now, say in the last four years, what has been the custom about instructing the missionaries who go out on their work—the last four years, since Senator Smoot became an apostle? I do not care to go back farther than that now.
Mr. Lyman. Of course, the last four years I have not been at home—that is, three years.
Mr. Worthington. Take the last fourteen years then, since the manifesto.

Instruct the Elders.

Mr. Lyman. We always instruct the elders that they are sent out to preach the first principles of the gospel.
Mr. Worthington. Who instructs them?
Mr. Lyman. The twelve, and the first seven presidents of seventies.
Mr. Worthington. They personally instruct them, do they?
Mr. Lyman. Yes, sir.
Mr. Worthington. And do you participate in that instruction, so that you know what it is?
Mr. Lyman. Oh, yes, sir.
Mr. Worthington. Just tell us what it is.
Mr. Lyman. We instruct them particularly to go into the world and preach the first principles of the gospel. That is what they are sent out for, and particularly to leave the mysteries alone.
Mr. Worthington. Are those first principles reduced to writing or print?
Mr. Lyman. Is what?
Mr. Worthirgton. Are those first principles reduced to writing or print? Look at this card, for instance, and tell me whether that is something you have been using in this work.
Mr. Lyman. This is the Articles of Faith.

Articles of Faith.

Mr. Worthington. Are your missionaries instructed to promulgate those articles?
Mr. Lyman. Yes, sir. "We believe in God the Eternal Father, and in his Son Jesus Christ, and in the Holy Ghost."
Mr. Worthington. That is the first.
Mr. Lyman. "We believe that men will be punished for their own sins, and not for Adam's transgression.
"We believe that through the atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the Gospel.
"We believe that the first principles and ordinances of the Gospel are:—(1) Faith in the Lord Jesus Christ; (2) Repentance; (3) Baptism by immersion for the remission of sins; (4) Laying on of hands for the gifts of the Holy Ghost.
"We believe that a man must be called of God, by prophecy, and by the laying on of hands, by those who are in authority, to preach the Gospel and administer in the ordinances thereof.
"We believe in the same organization that

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existed in the Primitive Church, viz.: Apostles, prophets, pastors, teachers, evangelists, etc.

"We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.

"We believe the Bible to be the Word of God, as far as it is translated correctly; we also believe the Book of Mormon to be the Word of God.

"We believe all that God has revealed, all that he does now reveal, and we believe that he will yet reveal many great and important things pertaining to the Kingdom of God.

"We believe in the literal gathering of Israel and in the resurrection of the ten tribes; that Zion will be built upon this continent; that Christ will reign personally upon the earth; and that the earth will be renewed and receive its paradisaical glory.

"We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.

"We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.

"We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul. We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things."

Mr. Worthington. You have been reading from a printed card, and I notice on the other side of it the words "Elder Nunham Stanford, Egin, Idaho." Is he one of your elders?

Mr. Lyman. He is an elder; yes sir.

Mr. Worthington. Is this a sample of the way you do that part of your work?

Mr. Lyman. Yes, sir.

As to Polygamy.

Mr. Worthington. To what extent, if at all, since 1890, in instructing your missionaries and sending them out to their work, have you told them to inculcate or encourage the practice of polygamy?

Mr. Lyman. They are always thoroughly warned, Mr. Chairman, to avoid the discussion of that subject, and prohibited from discussing it or advocating and defending or putting it forth, because we have yielded that requirement to the law and have ceased plural marriages entirely and they never refer to it. They never advert to it at all unless they are approached and compelled to.

The Chairman. And then what, if they are assailed?

Mr. Lyman. If they are compelled, we always advise that they should not listen, should not yield.

The Chairman. But if compelled, then what?

Mr. Lyman. How is that?

The Chairman. If compelled to, by an assault?

Mr. Lyman. I suppose they do, likely.

The Chairman. Do what?

Mr. Lyman. I very much regret that they should answer at all in regard to it.

Mr. Worthington. They do what?

The Chairman. What do they do?

Mr. Lyman. They speak of the principle, I presume, when they are compelled.

The Chairman. They denounce it or defend it?

Mr .Lyman. Defend it. They would not denounce it.

Mr. Worthington. What are they instructed to say about the practice of it as distinguished from the theory?

Mr. Lyman. Forbid it entirely, and to instruct the people that nothing of the kind is tolerated in the church.

Mr. Worthington. That is, you defend it as a belief?

Mr. Lyman. Yes.

Mr. Worthington. But instruct that it is not to be pursued as a practice?

Mr. Lyman. They are entirely forbidden to handle it or do anything with it, and what they do of course I am unable to say.

Mr. Worthington. Of course you can only say what they are told to do.

Mr. Lyman. Yes.

Mr. Worthington. But so far as you personally are concerned, you can tell what to do? You go out as a missionary?

Mr. Lyman. And I always advise people that we are not practicing or teaching that doctrine at all.

The Chairman. Right there just a moment. If your theory upon that is assailed in regard to polygamy, do you then defend it?

Mr. Lyman. How is that? If I am assailed?

The Chairman. Yes; upon that doctrine; do you then defend it?

Mr. Lyman. If I was assailed, I should tell that we have let that doctrine go. We have let go of it.

The Chairman. Do you, as a missionary, defend its rightfulness?

Mr. Lyman. Do I what?

The Chairman. Do you defend its rightfulness?

Would Defend Polygamy.

Mr. Lyman. If I did anything I would have to.

The Chairman. You would have to do that?

Mr. Lyman. I would have to if I did anything.

Mr. Worthington. Do you mean defend its rightfulness as a principle or as a practice?

Mr. Lyman. As a principle of faith.

Mr. Worthington. I understand. You always instruct and tell everybody it is forbidden—the practice of it.

Mr. Lyman. Entirely; always. We never fail.

Mr. Worthington. I was about to ask you if you knew President Woodruff, who issued the manifesto.

Mr. Lyman. I knew him well; yes, sir.

Mr. Worthington. Was he the president in 1894?

Mr. Lyman. Yes, sir; I believe he was as late as 1894.

Mr. Worthington. At the time of this alleged marriage of Mrs. Kennedy in Mexico, I mean?

Mr. Lyman. Yes, sir.

Mr. Worthington. He was the president?

Mr. Lyman. Yes, sir.

Mr. Worthington. If any elder or preacher of the church had desired to have authority to perform a plural marriage ceremony at that time, from whom could he have obtained that authority?

Mr. Lyman. I am sure he could not

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have obtained it from anyone, but President Woodruff would have been the only man that could have given it.

Mr. Worthington. Do you know what President Woodruff's instructions were at that time, and what he was doing about that?

Mr. Lyman. Yes, sir; he forbade it entirely.

Smith Has Power.

Senator Overman. Right there; has the president power to confer that now upon any of the apostles?

Mr. Lyman. How is that?

Senator Overman. Has the president now power to confer upon any of the apostles that right?

Mr. Lyman. Has he the power?

Senator Overman. Yes.

Mr. Lyman. Oh, yes, sir; that is, he is the man who holds the keys, and the only man.

Senator Overman. He holds the keys, and he has power now to confer upon the elders and apostles that right, notwithstanding the manifesto?

Mr. Lyman. He has all the power in that regard.

Senator Overman. Notwithstanding the manifesto, then, he has the right?

Mr. Lyman. He has the power.

Senator Overman. He has the power to authorize elders to perform marriage with plural wives? Is that the way I understand you?

Mr. Lyman. He has that authority.

Mr. Worthington. Why do you say he has the authority when the manifesto, which is a revelation, forbids it? I want to understand you

Mr. Lyman. Because the authority is in abeyance just as the law is in abeyance.

Mr. Worthington. You mean by that that he might receive another revelation commanding or authorizing him to allow it?

Mr. Lyman. No; not that, necessarily. His power has not been shortened and his authority has not been shortened.

Mr. Worthington. I want to see that I understand you. I understand you all claim that the manifesto is a revelation?

Mr. Lyman. Yes, sir.

Mr. Worthington. That is, a direction from the Almighty not to practice polygamy further?

Mr. Lyman. Yes, sir; that is what it is.

Mr. Worthington. If that is so, I do not understand how the president, without a further revelation, can give anybody authority to violate that direction.

Mr. Lyman. Well, he is the only man who has any authority in that regard.

Smith Holds the Keys.

The Chairman. He says he holds the keys.

Mr. Lyman. He tolds the keys of that authority and power.

The Chairman. What do you mean by his holding the keys?

Mr. Lyman. And he has the power and authority to exercise it.

The Chairman. Do you mean he is above the Lord?

Mr. Lyman. No, sir; he gets them from the Lord.

The Chairman. If the order of the Lord is one thing, how can he give an order contrary to it if he is not above the Lord?

Mr. Lyman. He cannot. He cannot do it.

Senator Overman. I understand you, Mr. Lyman, to state that this manifesto or revelation was only holding in abeyance the law as to plural marriages?

The Chairman. Suspending it.

Senator Overman. Suspending it for the time, but that the president still has the authority to confer that upon the elders and aposles?

Mr. Lyman. Yes; but he is not at liberty to exercise it.

Senator Overman. He is not at liberty to exercise it?

Mr. Lyman. He is not at liberty to exercise it, because the Lord has forbidden it.

The Chairman. If he had a revelation to suspend the suspension, then he would be authorized?

Mr. Lyman. I do not think there is any —I would not think there was any probability of that at all, Mr. Chairman.

The Chairman. I am not speaking of the probabilities.

Mr. Lyman. No.

Suppose Lord Should Appear?

The Chairman. Suppose the Lord should appear to him and direct him to suspend the suspension; he would then have to obey it?

Mr. Lyman. He has obeyed the law in—

The Chairman. I say he would then have to obey that latest revelation?

Mr. Lyman. He has obeyed the law wherein the Lord forbade plural marriages.

The Chairman. That revelation suspended it. That was the language?

Mr. Worthington. Not in the manifesto, Mr. Chairman.

Mr. Lyman. Not in the manifesto.

Mr. Worthington. The manifesto does not say "suspended."

Senator Dubois. Look at the revelation. Does not that say it?

Mr. Worthington. No.

Mr. Tayler. What is the language?

Mr. Worthington. The language of the manifesto is "prohibited," not "suspended."

Mr. Tayler. Let us have the revelation.

The Chairman. I think the language is "suspend."

Mr. Worthington. No. You are mistaken, Mr. Chairman.

The Chairman. I may be in error.

What Manifesto Contains.

Mr. Worthington. You will find that elsewhere, but not in the manifesto. Beginning at the top of page 18, it reads:

> Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the church over which I preside to have them do likewise.
>
> There is nothing in my teachings to the church, or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used

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language which appeared to convey any such teachings he has been promptly reproved. And now I publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land. It does not say it is suspended.

Mr. Tayler. That is advice.

Mr. Worthington. I merely say the word "suspended" is not there.

Senator Overman. Did you read the revelation itself? That is the manifesto.

Mr. Worthington. The revelation is the manifesto.

The Chairman. I will pass that for the present. I understood you to say that no question is made of an apostle because he is a polygamist?

Mr. Lyman. That is what I said; yes, sir.

Polygamy No Bar.

The Chairman. Is the apostleship within your knowledge denied to any man because he is a polygamist?

Mr. Lyman. No, sir.

The Chairman. That is no bar to apostleship?

Mr. Lyman. No, sir.

The Chairman. On the contrary, is it a commendation?

Mr. Lyman. It would be nothing against him.

The Chairman. You say that—

Mr. Lyman. That is, Mr. Chairman, would you allow me to explain, that would be nothing against him if his marriage occurred before the manifesto.

Senator Dubois. If it occurred after the manifesto, would it be anything against him?

Mr. Lyman. Yes, sir.

Senator Dubois. How was that with Apostle Cowley?

Mr. Van Vott. I object to the assumption that Apostle Cowley married since the manifesto, Mr. Chairman.

Senator Dubois. He was made an apostle after the manifesto, and was a polygamist, as has been admitted here.

Mr. Van Cott. The point I make, Senator, is this, that there is no proof in the record that Apostle Cowley became a polygamist since 1890, and that is what Mr. Lyman has stated.

Mr. Worthington. That is what he said. He said if he had taken plural wives since 1890, it would be a very serious objection to his becoming an apostle.

All Meet in Conference.

The Chairman. Just one word more. You say at these large gatherings of the apostles the president and the apostles sit together?

Mr. Lyman. Yes, sir.

The Chairman. In the Temple?

Mr. Lyman. Yes, sir.

The Chairman. There is a platform there?

Mr. Lyman. Yes, sir; in the Tabernacle.

The Chairman. In the Tabernacle?

Mr. Lyman. Yes, sir.

The Chairman. A platform or pulpit?

Mr. Lyman. It is a stand; yes, sir.

The Chairman. And the first president and the apostles occupy that pulpit or stand together?

Mr. Lyman. Yes, sir.

The Chairman. Have you seen Mr. Smoot there?

Mr. Lyman. Yes, sir.

The Chairman. You say Mr. Smoot does not know you are a polygamist?

Mr. Lyman. No, sir.

The Chairman. How do you know he does not know it?

Mr. Lyman. Because I do not know that he knows it. (Laughter.)

The Chairman. You will not undertake to say what he knows or what he does not know, will you?

Mr. Lyman. I know some things; yes, sir.

The Chairman. On that point?

Mr. Lyman. Yes; I think on that point I would be perfectly competent.

Never Talked Polygamy With Smoot.

The Chairman. You never discussed it with him, you say?

Mr. Lyman. Oh, never.

The Chairman. Never in the world?

Mr. Lyman. No, sir.

The Chairman. And still you know that he does not know that?

Mr. Lyman. I think I could prove it by him. (Laughter.)

The Chairman. Undoubtedly; but you do not want to say, do you, that you know he does not know? You have said what the apostles are instructed to do, or the missionaries?

Mr. Lyman. Yes, sir.

The Chairman. And they are instructed not to go into the mysteries?

Mr. Lyman. Yes, of the kingdom.

The Chairman. Is polygamy one of the mysteries?

Mr. Lyman. Yes, sir; it would be now. (Laughter.)

The Chairman. But if that doctrine is assailed, then you would be called upon to defend it as a faith, would you?

Mr. Lyman. No; I do not think I would say anything about it. I would let them assail.

The Chairman. You would let them assail and you would walk off?

Mr. Lyman. Yes.

The Chairman. But you would defend the faith, would you not?

Mr. Lyman. No; I think I would let the faith take care of itself.

The Chairman. But you would attend to the practice?

Mr. Lyman. No, sir. (Laughter.)

Who Ask Consent.

Senator Pettus. Mr. Lyman, I desire to know whether an apostle or any officer of the church could become a candidate without the consent of the church for a civil office?

Mr. Lyman. Or any other officer; yes, sir.

Senator Pettus. Sir?

Mr. Lyman. Other officers; yes, sir; many other officers. There are only a few officers that are expected to ask consent if they want to leave their fields.

Senator Pettus. Who are they?

Mr. Lyman. The presidency and the twelve apostles, the first seven presidents of seventies, the general authorities, and particularly the men who are entirely engaged in the ministry.

Senator Pettus. Bishops?

Mr. Lyman. A president of a stake. If a president of a stake wanted to go to Congress or anywhere else he would consult with his file leaders and ask to be released or relieved, furlonged, or some-

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thing of the kind, so that the field shall not be left unoccupied by some one responsible to take care of the flock, just as a man taking care of his flock of sheep would not leave his sheep until somebody else was there to take care of the sheep. That is the principle only—nothing else.

Senator Pettus. In the Legislature of your State what proportion of the body is composed of Mormons?

Mr. Lyman. I have no idea, Mr. Senator, at all.

Senator Pettus. None at all?

Mr. Lyman. No, sir; I pay but very little attention to the Legislature—very little.

Senator Pettus. You have never attended the meetings of that body?

Mr. Lyman. No; I have not lately. I used to sit with them in early days, but not latterly.

Senator Pettus. Were you ever a legislator yourself?

Mr. Lyman. How is that?

Senator Pettus. Were you ever a member of the Legislature?

Mr. Lyman. Yes, sir; many times.

Senator Pettus. When was that; how long ago?

Mr. Lyman. First, in 1868.

Senator Pettus. You have no idea how many of them are Mormons?

Keeps Away From Legislature.

Mr. Lyman. No; I have not now; no sir. I could not tell at all. There are other men here perhaps who could give an idea, but I do not think I have been in the Legislature since the organization of the State since the State was admitted into the Union.

Senator Pettus. You have not been at the Legislature at all?

Mr. Lyman. No; I think not; no sir.

Senator Pettus. I do not mean as a member, but as a visitor.

Mr. Lyman. No, sir; not as a visitor. I do not remember that I have.

Senator Pettus. You say it is only the principal officers of the church who are prohibited, in substance, from becoming candidates without the consent of the church?

Mr. Lyman. That is all.

Senator Pettus. Does it apply to the local ministers of the church?

Mr. Lyman. Does it apply to?

Senator Pettus. The local ministers, the preachers, the bishops?

Mr. Lyman. Well, it would apply to a bishop, yes. A bishop is the father of his ward and is expected to be on duty every day. A president of a stake the same.

Senator Pettus. Who gives this permission to run?

Mr. Lyman. In a stake it would be the presidency of the stake.

Who Consented to Smoot's Candidacy.

Senator Pettus. For instance, when Mr. Smoot wanted to become a member of the Senate, who gave him permission to run?

Mr. Lyman. It was according to where he was located and what position he held. If he was an apostle, he would obtain his permission from the president of the church.

Mr. Van Cott. One moment, Mr. Lyman. I think you said Senator Smoot, did you not, Senator?

Senator Pettus. Yes, sir.

Mr. Van Cott. Mr. Lyman, Senator Pettus asked you about Senator Smoot—if he ran for the Senate.

Senator Pettus. I say, when he ran, from whom did he get his permission?

Mr. Lyman. I was not here, Mr. Senator, but I believe it would be from President Joseph F. Smith.

Senator Pettus. According to the rules of the church, from whom was it his duty to get permission?

Mr. Lyman. From the president of the church, being an apostle.

Mr. Worthington. The rule governing that subject, Senator, is in the record. It is a written rule, and it is in the record.

The Chairman. Is there anything further desired of Mr. Lyman?

Mr. Van Cott. Just one thing, Mr. Chairman, if they are all through.

Mr. Tayler. No; I want to ask a question.

Senator Hoar. Mr. Lyman, I would like to ask one question. Do you take interest, as ordinary citizens do, in the political elections in your State?

Always Votes.

Mr. Lyman. I take great pains to vote, but otherwise I do not.

Senator Hoar. That is not precisely my question.

Mr. Lyman. Not otherwise. I attend religiously to my voting. I never fail to vote.

Senator Hoar. Did you ever know of Mormons, to any considerable extent, voting against Mormons who were candidates for office and for a person not belonging to your community—voting for a Gentile against a Mormon?

Mr. Lyman. Please read the question.

(The reporter read the question.)

Mr. Lyman. Oh, yes, sir. That is very common—very common, and the Gentile elected.

Senator Hoar. Do you say that the religious faith of the candidate makes no difference in the voting of the men of your church?

Mr. Lyman. No difference at all, sir.

The Chairman. Have you anything further, Mr. Tayler?

Mr. Tayler. Yes. Did I understand you correctly, Mr. Lyman, to say that the book of Doctrine and Covenants is rather kept in the background now?

Mr. Lyman. It is not used as a proselyting work at all.

As to Doctrine and Covenants.

Mr. Tayler. Do you not know that it is the one book that is so widely distributed that it has to have a fresh edition each year put out?

Mr. Lyman. It is not used as a proselyting book in this church, and has never been from the beginning.

Mr. Tayler. That is true. You have said that, but you have not answered my question. I will ask the reporter to read the question.

The reporter read the question as follows: Mr. Tayler. Do you not know that that is the one book that is so widely distributed that it has to have a fresh edition each year put out?"

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Mr. Lyman. No, sir; I do not know that.

Mr. Tayler. I understood you to say that some of your apostles have been chosen through revelations?

Mr. Lyman. Every one of them.

Mr. Tayler. Every one of them?

Mr. Lyman. Oh, yes.

Mr. Tayler. Mr. Smoot was chosen, then, through a revelation?

Mr. Lyman. Yes, sir.

Mr. Tayler. Who received that revelation?

Mr. Lyman. Lorenzo Snow—President Lorenzo Snow.

Mr. Tayler. What kind of a revelation was it?

Mr. Lyman. From the Lord.

Mr. Tayler. Was it written or—

Was Voice of the Lord.

Mr. Lyman. Oral. It was not written. It was the voice of the Lord to Lorenzo Snow.

Mr. Tayler. Speaking directly to him.

Mr. Lyman. To him.

Mr. Taylor. And specifically indicating Mr. Smoot?

Mr. Lyman. Yes, sir; it pointed him out exactly.

Mr. Tayler. You do not define it as being a desire of Lorenzo Snow?

Mr. Lyman. No, sir.

Mr. Tayler. To have Mr. Smoot one of the apostles, which he imagined would be approved by God?

Mr. Lyman. No, sir.

Mr. Tayler. But it is more specific and certain and substantive than that I have just stated.

Mr. Lyman. Yes, sir.

Lord Selected Smoot.

Senator Hoar. Do you know whether that voice was audible, in the sense of an ordinary sound?

Mr. Lyman. It was, no doubt, audible to him.

Senator Hoar. Audible as a sound rather than a light?

Mr. Lyman. Yes, sir.

Senator Hoar. How do you know?

Mr. Lyman. How do I know?

Senator Hoar. Yes.

Mr. Lyman. The Lord revealed it to me.

Senator Hoar. The Lord revealed it to you also?

Mr. Lyman. Yes; by his spirit.

Senator Hoar. How did He reveal it to you?

Mr. Lyman. By the spirit of the Lord.

Spoke by His Spirit.

Senator Hoar. Did He reveal it to you by an audible sound, as you hear the voice of an ordinary person speaking to you?

Mr. Lyman. He spoke to me by His spirit.

Senator Hoar. How?

Mr. Lyman. By His holy spirit.

Senator Hoar. How?

Mr. Lyman. To my soul.

Senator Hoar. How?

Mr. Lyman. And heart.

Senator Hoar. How?

Mr. Lyman. By the spirit of the Lord.

Senator Hoar. How did the spirit of the Lord speak by the spirit of the Lord to your soul? In what way was the speech made?

Mr. Lyman. I could tell you, Mr. Senator, how I obtained that spirit and testimony so that not only when Mr. Smoot has been chosen, but when every other apostle has been chosen, the spirit of the Lord has borne record to my spirit.

Senator Hoar. I understood Mr. Smith to testify that he had never had a revelation since he has been president of the church.

Mr. Lyman. Yes.

Senator Hoar. You have had some?

Mr. Lyman. What President Smith does as the president of this church he does by the direction of the spirit of the Lord, not a written revelation. Two of the apostles were chosen, and revelation was written when George Teasdale was chosen, and Heber J. Grant, but—

Always Obeyed Revelations.

Senator Hoar. Have you always obeyed those revelations in your actions about the selection of apostles?

Mr. Lyman. How is that?

Senator Hoar. Have you always obeyed those revelations?

Mr. Lyman. Yes, sir; in the selection.

Senator Hoar. Do you make any distinction in your mind between commands of the Lord, that you are at liberty to disobey, and commands that you are at liberty to obey?

Mr. Lyman. The commands of the Lord that I have disobeyed—that I presume the Senator refers to—in my life, I trust myself to the mercy of the Lord.

Senator Hoar. Have you repented of that disobedience?

Mr. Lyman. How is that?

Senator Hoar. Have you repented of that disobedience?

Mr. Lyman. Not yet; no, sir.

Senator Hoar. Not yet?

Mr. Lyman. Not yet. (Laughter.)

Smoot Chosen by Revelation.

The Chairman. You say that Mr. Smoot was chosen by revelation?

Mr. Lyman. Yes, sir.

The Chairman. To Mr. Snow?

Mr. Lyman. Yes, sir.

The Chairman. You voted for Mr. Smoot?

Mr. Lyman. Yes, sir.

The Chairman. As an apostle?

Mr. Lyman. Yes, sir.

The Chairman. Did you first communicate to Mr. Snow to ascertain what—

Mr. Lyman. Oh, yes, sir.

Mr. Chairman. And he told you what the Lord had told him?

Mr. Lyman. Yes, sir.

The Chairman. When did you get your revelation about Mr. Smoot?

Mr. Lyman. When he made the revelation to me.

The Chairman. Was it after Mr. Snow told you, or before?

Mr. Lyman. Oh, yes; after.

The Chairman. You got your revelation after Snow got his and told you what it was?

Mr. Lyman. Yes, sir; the Lord did not tell me first.

Questioned by Hoar.

Senator Hoar. I would like to ask one more question. Have you communicated to your associate apostles or any of them, what you have stated to me, namely, that

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you disobeyed the commands of the Lord and that you have not yet repented?

Mr. Lyman. No; I have not told them.

Senator Hoar. Any of them?

Mr. Lyman. No, I have not told them.

Senator Hoar. So far as you know and believe, is not the fact of your disobedience, which has been spoken of, well known in that community?

Mr. Lyman. Yes, sir.

Senator Hoar. You have no reason to doubt it is known to your associate apostles?

Mr. Lyman. Oh, yes; I think so.

Senator Hoar. You think it is well known?

Mr. Lyman. I think it is generally understood.

Senator Hoar. You have no doubt it is well known to Mr. Smoot. Do you know whether they approve or disapprove?

Mr. Lyman. I am speaking of the people. I do not think Mr. Smoot knows in regard to the matter.

Senator Hoar. What makes you think that if the people generally know it one of your associate apostles does not know it?

Mr. Lyman. He has never met one of my wives.

Senator Hoar. Have the people in general met one of your wives?

Mr. Lyman. They have met them some; yes, sir.

Senator Hoar. They have met them some?

Mr. Lyman. Yes, sir.

Senator Hoar. Do you mean to say, Mr. Lyman, that the fact that you are living in a state of polygamy is known to the people in general, as you believe, and yet that, as you believe, it is not known to Mr. Smoot, your associate apostle?

Know He Is a Polygamist.

Mr. Lyman. I mean that it is generally accepted as a fact. I do not—I perhaps ought not to have said that the people generally know it, but they generally accept it.

Senator Hoar. Do you mean to say that you believe that what the people generally accept as a fact on that subject is not known and accepted as a fact by Mr. Smoot, your associate apostle?

Mr. Lyman. I think it is accepted as a fact by Mr. Smoot, but I do not think he knows it. (Laughter.)

Senator Hoar. Well, in what sense do you declare you think that the people generally do know it, and at the same time declare that you think Mr. Smoot does not? What is the distinction between the general knowledge of the people and his, in your mind?

Mr. Lyman. I am so generally known, and my reputation is so wide that I think the church accept—

Senator Hoar. Are you not as well known to Mr. Smoot personally and by reputation as to the people in general?

Mr. Lyman. Yes, sir.

Senator Hoar. Then, why do you think he knows less about this matter than the people in general?

Mr. Lyman. I think he knows just as much as they do. (Laughter.)

Senator Hoar. I wish to remind you that you have just said exactly the contrary of that. You have just said that you thought people in general did know it, and you believed Mr. Smoot did not.

Mr. Lyman. I believe the people generally accept it as a fact, but they do not know it.

Senator Hoar. What did you mean just now when you said they did know it and Mr. Smoot did not? I asked you why, and you said because he had not met your wives.

Mr. Lyman. I presume they accept it as a fact, and I presume he does, but they do not know it.

Senator Hoar. You do not yet answer my question, which is why you said just now that you believed people in general did know it and that Mr. Smoot did not; and when I asked you why you thought your associate on the board of apostles did not know what the people knew, you said that he had not met your wives; and I asked you if the people generally had, and you made the answer which you will recall. Do you take back what you said just now?

Mr. Lyman. I did, Mr. Senator.

Senator Hoar. You did take it back?

Mr. Lyman. I did take it back, yes; and I intended to say that the people generally know—the people accept it as a fact.

Admonished by Hoar.

Senator Hoar. Do you not think, Mr. Apostle, that in this hearing it behooves you to be a little careful of your answers so that in so important a matter you do not have to take back in two or three minutes what you have said? Have you had any revelation or commandment in regard to the testimony you should give in this case?

Mr. Lyman. No, sir.

Senator Hoar. There is no inspiration of that or any part of it?

Mr. Lyman. As to the testimony I should give here?

Senator Hoar. As to the testimony you have given or are to give.

Mr. Lyman. No; I do not know that I have, particularly. I came here to answer the questions of the committee.

Senator Hoar. But I want to know whether you are answering them under the direction of the Lord, according to your belief, or merely in your human and uninspired capacity?

Mr. Lyman. I believe I shall answer the questions that are asked me here as the spirit of the Lord directs me, and truthfully.

Senator Hoar. Do you mean to say that the spirit of the Lord directs you in your answers here?

Mr. Lyman. I believe so.

Senator Hoar. You believe so?

Mr. Lyman. Yes, sir.

Senator Hoar. Then in your belief, did the spirit of the Lord direct you to make the answer which you just took back and said was a mistake? Well, if you can not answer it I will not press it. That is all.

The Chairman. That question was not answered.

Mr. Worthington. Did you hear that last question, Mr. Lyman?

Mr. Lyman. I think I did; yes. I think I understood what he said.

The Chairman. I want to ask you one question. In view of your testimony here today, do you think your associate, Sena-

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tor Smoot. knows now that you are a polygamist?

Van Cott Objects.

Mr. Van Cott. I object to that question. Mr. Chairman. I do not think it is proper to ask this witness that kind of a question. Senator Smoot is sitting in the room, and I do not think it is proper to ask that question under the circumstances.

Mr. Tayler. I think the question is proper, Mr. Chairman.

The Chairman. The witness has testified about his knowing things and not knowing things, and he has testified now, in the presence of Mr. Smoot, as to his conduct; that he is living in polygamous cohabitation. I ask him now, for the purpost of testing the witness, if, in his judgment, Mr. Smoot knows that fact now?

Mr. Van Cott. If that is the object I withdraw the objection, Mr. Chairman.

The Chairman. Oh, there is no other purpose, of course.

Mr. Lyman. In my judgment he does not know it. That would be my judgment.

The Chairman. He does not know it?

Mr. Lyman. Yes.

The Chairman. Then you mean by that to suggest that Mr. Smoot does not believe you?

Mr. Lyman. No; I believe he believes it.

The Chairman. You believe he believes it?

Mr. Lyman. Yes, sir.

The Chairman. And he believes you?

Mr. Lyman. Yes, sir.

The Chairman. But he does not know it?

Mr. Lyman. He does not know it. That is my judgment, Mr. Chairman.

Mr. Tayler. That is to say, Mr. Smoot is just as disqualified now to testify to the fact that you are living in polygamy as he was before you testified?

Mr. Lyman. That is just as competent, you say?

Mr. Tayler. No. I say he is just as incompetent now, except to testify to an admission of yours.

Mr. Lyman. Yes; he could testify to my admission.

Mr. Tayler. Exactly. I agree with you entirely in your answer to this question. I pursued briefly a line of inquiry.

Pointed Question.

Senator Overman. Let me ask this question: Do you think Mr. Smoot believed you were a polygamist and living in polygamous cohabitation while he was an apostle associated with you, prior to his coming to the Senate?

Mr. Lyman. Did he believe?

Senator Overman. Yes.

Mr. Lyman. I do not know.

Mr. Worthington. The question is whether he thought he believed it?

Senator Overman. Whether you thought he believed it? You say he believes it now. Did he believe it then? You say he did not know it then. Did he believe it then?

Mr. Lyman. I do not know whether he did or not. I never talked with him on the subject.

Senator Overman. How do you know now he believes it?

Mr. Lyman. I do not.

Mr. Tayler. I asked you two or three questions, Mr. Lyman, respecting the choice of apostles by revelation, and you stated they were all chosen by revelation.

Mr. Lyman. Yes.

Mr. Tayler. And therefore I did not ask you a question which I had intended to ask, because I supposed they were all, except the early ones, chosen by the same kind of revelation.

Mr. Lyman. Yes.

Revelation Regarding Teasdale.

Mr. Tayler. I understand that a different kind of revelation was the source of the choice of George Teasdale and Heber Grant?

Mr. Lyman. The revelation was written.

Mr. Tayler. That was written?

Mr. Lyman. Yes; it was a written revelation.

Mr. Tayler. Who received that written revelation?

Mr. Lyman. John Taylor.

Mr. Tayler. Who?

Mr. Lyman. President John Taylor.

Mr. Tayler. Did you see the writing—the revelation?

Mr. Lyman. Yes, sir.

Mr. Tayler. You saw it?

Mr. Lyman. Oh, it was published; yes.

Mr. Tayler. It was published?

Mr. Lyman. Yes, sir.

Mr. Tayler. In whose handwriting was the revelation?

Mr. Lyman. I do not remember.

Mr. Tayler. Were you an apostle at the time?

Mr. Lyman. Yes, sir.

Mr. Tayler. That that revelation came?

Mr. Lyman. Yes, sir.

Mr. Tayler. And the fact that this written revelation had been received by John Taylor, directing the choice of Heber Grant and George Teasdale as apostles, was communicated to you, was it?

Mr. Lyman. Yes, sir.

Mr. Tayler. And you obeyed that revelation?

Mr. Lyman. Yes, sir.

Mr. Tayler. No apostle since then has been chosen by means of a written revelation?

Mr. Lyman. No, sir; not that I know of.

Mr. Tayler. Mr. Smith testified respecting the subject of revelations and said that there had been no revelation since 1882 except that which is referred to in the manifesto of 1890?

Mr. Lyman. Yes.

Mr. Tayler. The 1882 revelation to which he referred was this one appointing these two apostles, was it?

Mr. Lyman. Yes, sir; that was one of them.

Mr. Tayler. Now, I do not think I misunderstood Mr. Smith in assuming that he meant by that, not that he himself had not received revelations for his own personal guidance, but that he had received no revelation for the general guidance of the church since 1882.

Mr. Lyman. None that was written.

Mr. Tayler. None that was written.

Mr. Lyman. Not a written revelation; no.

Mr. Tayler. But that he is in receipt of revelations from time to time from God that are not written. Is that right?

Mr. Lyman. Yes. I would like to ex-

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plain, Mr. Chairman, if you will allow me—

The Chairman. Certainly.

Lyman Explains.

Mr. Lyman. That we believe that in the organization of the church, and in all its departments, in conducting the missionary department of the church, all that work and labor is done under the inspiration of the Lord; that when an apostle is chosen, as was related here by President Smith, the names of men are presented, as in olden times, when, if there was a vacancy in the twelve, in the days of the Savior, two men, if you remember, were presented, and the lot fell to Matthias to fill the vacancy made by the death of Judas who betrayed Jesus. The lot fell to Matthias, as the Lord signified and indicated.

So when a vacancy occurs in the council of the twelve, two vacancies or three vacancies as sometimes occur, the names of men who have accompanied with the church, and have been long experienced and trained and known, are presented before the Lord and the Lord manifests through the president, the prophet, Lorenzo Snow, Wilford Woodruff, John Taylor, or Joseph F. Smith, the name of the man who is to fill that vacancy or those vacancies; and every apostle receives the witness to his heart and soul that that is the man for the position, and they are united. When those men or that man is taken before the general conference, every Latter-day Saint is entitled to feel the burning, warming influence of the spirit of the Lord is in his heart and soul when he votes for that man. The spirit of testimony and the spirit of the Lord touch the hearts of the people, and thus they are just as firm and established in their faith of the divine choice of that man as are the apostles themselves.

Mr. Tayler. They know the choice has been made by the apostles through revelation?

Mr. Lyman. Yes. It is the same in organizing our stakes and quorums of the priesthood. We seek the spirit of the Lord, and believe that we obtain it and listen to it, in the direction of the choice of men. Now, that is the course, Mr. Chairman, that is pursued by the Latter-day Saints in their organization.

Mr. Tayler When the son of Joseph F. Smith, Hyrum, and his nephew, George A.—

Mr. Lyman. Yes.

Mr. Tayler. Were selected apostles, it came through the revelation to Joseph F. Smith, just as the others did?

Mr. Lyman. Joseph F. Smith would be the man to announce the man to be chosen.

Mr. Tayler. The revelation?

Mr. Lyman. Yes, sir.

Burrows Not Satisfied.

The Chairman. I am not quite satisfied with the the answer you made about Mr. Smoot's knowledge. Do you say Mr. Smoot now does not know you are a polygamist, you having so stated?

Mr. Lyman. I do not think he knows?

The Chairman. You do not think he knows?

Mr. Lyman. That would be my judgment—that he does not know. He believes it, no doubt.

The Chairman. He would know, if you told the truth, would he not?

Mr. Lyman. I do not think so.

The Chairman. You do not think he would know that?

Mr. Lyman. No, sir.

The Chairman. You have told the truth about it?

Mr. Lyman. Yes, sir.

The Chairman. And Mr. Smoot is present?

Mr. Lyman. And Mr. Smoot, I presume, will believe every word I say.

The Chairman. And he is present?

Mr. Lyman. Yes, sir.

Reorganized Saints.

The Chairman. Is there a denomination or a portion of the Mormon faith called the reorganized church of Jesus Christ of Latter-day Saints?

Mr. Lyman. There is such a church; yes, sir.

The Chairman. There is such a church?

Mr. Lyman. Yes, sir.

The Chairman. Do you know where is its headquarters; who is at the head of that church?

Mr. Lyman. Joseph Smith.

The Chairman. Joseph Smith?

Mr. Lyman. A son of the prophet.

The Chairman. And he is a son of the original prophet?

Mr. Lyman. Yes, sir.

The Chairman. He is at the head of that church?

Mr. Lyman. Yes, sir.

The Chairman. Do you know where he resides?

Mr. Lyman. At Lamoni.

The Chairman. How does that organization differ from yours?

Senator Dubois. In what State is that?

The Chairman. In what State?

Mr. Lyman. In many particulars.

The Chairman. No. In what State does he reside?

Mr. Lyman. In Iowa.

The Chairman. He is president of that church now?

Mr. Lyman. Yes, sir.

The Chairman. Without going into it generally, in what respect does that organization differ from yours upon the question of polygamy?

Mr. Lyman. In what respect?

The Chairman. Yes.

Mr. Lyman. Why, in every respect?

The Chairman. They denounce it, do they not?

Mr. Lyman. Oh, they denounce it; yes, in strong terms, and almost provoke us to defend it sometimes. [Laughter.]

The Chairman. Yes; they almost provoke you to defend it. That is all.

Senator Dubois. Also, they do not teach absolute obedience to the leaders, do they?

Mr. Lyman. How is that?

Senator Dubois. They do not teach absolute obedience to their leaders?

Mr. Lyman. I think not. I think they are not very strenuous. Still, I am not very much of a judge of their doctrines.

Smith Gave Consent.

Senator Dubois. I understood you to say that President Smith gave his permission to Reed Smoot to be a candidate for the United States Senate?

Mr. Lyman. Well, I presume so. I was not there, Mr. Senator. I was away.

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Mr. Worthington. He says he was not here, Senator.

Mr. Lyman. I was not here to know about it. I was in Europe.

Senator Dubois. Would not that be the source from which he would get the consent, ordinarily?

Mr. Lyman. Yes; from President Smith, I would presume.

Senator Dubois. If he received the consent he got it from President Smith?

Mr. Lyman. I should think so; yes, sir.

Senator Dubois. Now, suppose President Smith had refused consent and Reed Smoot, notwithstanding, had insisted on being the candidate for the United States Senate. What position would Mr. Smoot have been in?

Mr. Lyman. I should say that he was insubordinate.

Senator Dubois. What would happen to him then?

Mr. Lyman. He would be very likely to be disciplined.

Senator Dubois. What does that consist of?

Mr. Lyman. Taken to task, and reproved and corrected.

Senator Dubois. What effect would it have had on the people if he had persisted in his candidacy?

Mr. Lyman. I do not know, I am sure.

Senator Dubois. Notwithstanding the refusal of the president of the church to give his consent?

Mr. Lyman. I do not know what effect it would have had.

Senator Dubois. Suppose the president had given his consent to some other apostle to be a candidate, and notwithstanding that, Reed Smoot, an apostle, had insisted on being a candidate against the apostle who had received the consent. Which one of those apostles or persons—

Would Have Been Confusion.

Mr. Lyman. I do not know; it would have made a whole lot of confusion. We would have to grapple with that question when it came to us.

Senator Overman. Do I understand you to say the difference between the reorganized Mormon church and yours is that they are not required to obey their leaders and your people are required to obey their leaders?

Mr. Lyman. No, I did not say that. Somebody suggested that. I do not criticise them in that regard. I believe they do not gather. We gather. I know of no other religious people that gather. They do not gather.

Mr. Worthington. What do you mean by "gather?"

Mr. Lyman. Gather together.

Mr. Worthington. In conference?

Mr. Lyman. Yes; from Europe to the United States and to the land of Zion. We gather together and they do not. We build temples and they do not. We marry for eternity and they do not, as I understand. I would not like to be taken to task. I may be mistaken in some of these ideas, but I believe those things make us differ. On the first principles of the gospel I think they agree pretty well with us, but they do not believe in the endowments, I understand, nor temple building, nor the gathering. I do not think they engage in the doctrine of salvation for the dead, which we do.

Mr. Worthington. Mr. Chairman, might I ask what the question of the reorganized church and the difference between that and this church has to do with the question we have here?

The Chairman. The question I propounded was simply to ascertain whether there was another organization than the Mormon church of which we have been speaking, so that we could know, whether there were two organizations.

Engaged in Investigation.

Senator Hoar. Mr. Chairman, I think the counsel should understand that while the committee will preserve carefully the right of his client so that he should not be affected by evidence that ought not to affect him—and being a committee of lawyers, they ought to be able to do that—the committee are engaged not only in trying an ordinary case, but to some extent are engaged in an investigation. A committee of the Senate is in part like a grand jury who would inquire into some fact not of itself bearing on the question to see whether it might demand a further investigation, and would do so. That is, we might ask for a hearsay answer in order to see where we can get other testimony. We are not simply controlled by agreements of the parties or by the narrow issue. While of course they are subject to the possible effect on any human mind, and such proceedings might bias them a little, yet, as I understand it, that is always the rule in legislative inquiries, and I suppose—I certainly have put questions myself which I should not have put if I had been a judge in an ordinary court of justice, trying simply the one issue.

Mr. Worthington. Mr. Senator, I should say that I understood that perfectly, and therefore I have made no objection to a great many things that I thought the Senators who asked them would not think of considering as against Senator Smoot; but this seems to me to be getting away so far from any possibility that could, either under the charges that are here or any charges that might arise, affect Senator Smoot that I felt justified in making the inquiry. It is a question about the doctrines of another organization to which he does not belong and never has belonged, and I did not see how it could be pertinent to the inqury here, either under the charges as they stand or any other against him. I therefore ask the question, not for the reason of suggesting any obstruction to the inquiry, but for the purpose of finding out whether it was supposed to have any bearing upon Senator Smoot, so that, if it was thought it might, we might pursue it.

Hierarchy Greater Than Government.

Senator Overman. I think my question was proper along that line. If they have to obey the orders of the president and the orders of the twelve apostles I think it bears directly upon this issue; and I had understood the witness to state, and he did state, that that was one of the differences between the reorganized church and his church; that the reorganized church did not believe in obeying their leaders. Now he says he did not intend to say that. You see how important that question would be. If Mr. Smoot has to obey the orders of that church we

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would have a hierarchy greater than the Government.

Mr. Worthington. I understand it was perfectly competent, Mr. Chairman, to inquire whether Senator Smoot was bound to obey the orders of his church, but I did not see what the fact that somebody belonging to another organization would not be bound to obey it would have to do with the question.

The Chairman. I suppose the main point to be reached was the power. Did he answer that question?

Senator Overman. I think he answered it.

Mr. Worthington. Yes, he answered it.

Senator Overman. And then counsel objected.

Mr. Worthington. I objected to the general line of inquiry, Senator.

Differences Between Churches.

Mr. Tayler. Mr. Chairman, I do not want to be foreclosed by the fact that this informal discussion has taken place from taking a different ground when the juncture comes than that which is stated by Mr. Worthington, for we shall argue that here are two branches said to be branches of the same church, in which the only difference is that one believes in the doctrine of plural marriages and in the subordination of its own people. That is the only distinction between the two. One of them has a history with which we are all familiar. I do not comment on that now at all. It has made great trouble in this country. The other is composed, so far as history tells us anything about it, of a peaceable, law-abiding orderly people; and it is in respect of those two things around which all of this case gathers—polygamy and the direction of the people by the apostolate—and if those two were eliminated this hearing would not be going on here.

Senator Dillingham. That being so, what does the other church have to do with this question? The Methodist church, the Congregational church, the Episcopal church do not believe in the authority of the church, nor do they believe in polygamy. Therefore, what has the other branch, as you call it, to do with this investigation?

Mr. Tayler. I will not argue about the Methodist church and the Congregational church. The argument would be analagous, but not forcible. But now we have undertaken to distinguish between these two church organizations and what they stand for, and we discover why it is that one of them is a menace, as it is claimed, to good government and to society and to civilization, and the other is not, both claiming under the same prophet and believing in the same thing save only those two items and elements of faith.

Senator Dillingham. It is not claimed, I suppose, that Reed Smoot is connected with the other branch?

Mr. Tayler. No, unfortunately; he is not.

Senator Dillingham. I was asking you how you made that apply to the issue in this case. That is what I did not understand. But you have made your explanation, and I am satisfied with it.

Smoot Woven in Fabric.

Mr. Tayler. Of course, we claim that Mr. Smoot is inextricably woven into this fabric, and he cannot extricate himself without cutting himself off with a knife, or scissors, or some other process that brings about separation.

Senator Hoar. I want to say this, Mr. Tayler. I have some little hesitancy whether I had better do it now, but I will. How do you distinguish this obligation of Mr. Smoot which you propose to show, and which you have put in a good deal of evidence tending to show, to obey, without regard to his own opinion or belief, the dictates of a hierarchy to which he belongs, from the obligation which is asserted by so many excellent citizens in both political parties to obey the behests of their party in regard to important public questions?

Mr. Tayler. I have a very well defined—

Senator Hoar. Perhaps you would rather not state that now?

Mr. Tayler. I would rather not state it now, because it would be so incomplete a statement of my position, but that reflection has passed through my mind and I am ready to answer it to my satisfaction, at any rate.

Senator Hoar. I should like to hear from you in regard to that. One of the best beloved of our statesmen told me, with tears in his eyes, that he was utterly opposed to a certain political party which he thought was going to bring the Republic to destruction. I said to him, "Why do you not oppose it then, publicly?" To which he answered, "I am going with my party."

Mr. Tayler. That was a party, however, not a church.

Senator Hoar. I will not go into the debate now. I rather think I was indiscreet in putting the question to you, but you were so near it. I shall like, when the proper time comes, to hear your distinction between the two cases.

Worthington Concedes Nothing.

Mr. Worthington. Let me say, Mr. Chairman, may I, that I do not want, by not saying anything on this point now, to let it be understood in the mind of any member of the committee for a moment that we concede, if it should appear, as we maintain it will not, that Senator Smoot is a member of an organization which is called a church, and that church is of the character in the power of its superior officers which has been maintained here, that that will be a cause for removing him from his seat in the Senate, that is a matter we can reach, however, when we come to the argument.

The Chairman. That is a matter of debate and consideration by the committee. Have you anything further to ask this witness, Mr. Tayler?

Mr. Tayler. Nothing.

The Chairman. Have you, Mr. Worthington?

Mr. Worthington. We have; yes.

The Chairman. May I ask how long you will take, Mr. Worthington?

Mr. Worthington. But a very few minutes, Mr. Chairman. I have but a few questions to ask. In reference to revelations by which new apostles have been put in the quorum of the twelve, I think it is a fact, Mr. Lyman, is it not, that since Reed Smoot became a member of the

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apostles, all who have succeeded him have been monogamists?

Mr. Lyman. Yes, sir.

As to Ready References.

Mr. Worthington. Now, as to the book called Ready References. This was a question I meant to have asked you before. To what extent, if at all, is that used in your missionary work? Do you know what the book is?

Mr. Lyman. Yes, sir; I know what it is. Of course it was put out many years ago in Liverpool and has been quite an assistance to the elders in years gone by, but since the "articles of faith" was put forth, and tracts have multiplied very greatly, that book is not in use as it was originally.

Mr. Worthington. Now, with reference to Senator Smoot running for Senator or doing anything else that the authorities did not want him to do. If he chose still to do it he could leave the church, could he not?

Mr. Lyman. Oh, yes.

Mr. Worthington. There is no compulsion—no punishment?

Mr. Lyman. No.

Mr. Worthington. If he wants to do anything and the church forbids it, he can say, "I will go out of the church," and he can do it, can he not?

Mr. Lyman. Oh, yes; he is at perfect liberty.

Mr. Worthington. You were asked how many Mormons—how many members of your church—are in your State Legislature. You say you do not know?

Mr. Lyman. No, sir; I do not know.

His Knowledge Limited.

Mr. Worthington. Do you know whether there is in it a single polygamist?

Mr. Lyman. No, sir; I do not know.

Mr. Worthington. You have already perhaps mentioned it, but any revelation, whether it be one as to an apostle, or anything else, it must be submitted to the conference and sustained, as you call it, by a majority of the conference?

Mr. Lyman. Yes.

Mr. Worthington. Before it becomes binding?

Mr. Lyman. It would have to be sustained by the apostles before it becomes binding.

Mr. Worthington. And then it has to be sustained again by the conference?

Mr. Lyman. By the people.

Mr. Worthington. So, unless it is sustained by a majority of one of those great gatherings, it goes for nothing?

Mr. Lyman. It is generally sustained by them all.

Mr. Worthington. I understand it is, but they have their right to object?

Mr. Lyman. Yes.

Mr. Worthington. So one who obeys a revelation of that kind obeys not only the voice of God, but obeys that of a majority of his church.

Mr. Lyman. Yes.

Mr. Worthington. There is one question that was asked here by Senator Dubois that we think may mean what perhaps he never intended. It appears that this man had been married to a woman for quite a number of years, and his first child by her was in 1901. Is it claimed, may I ask, by counsel or by anybody, that that may indicate that he was not married to the woman until after the manifesto?

Senator Dubois. I have asked for the marriage certificate.

Mr. Worthington. Very well; then I will ask the question. I will ask you this, Mr. Lyman. There was one wife who bore you a child first in 1901?

Mr. Lyman. Oh, no; 1891.

When He Married Plural.

Mr. Worthington. 1891, I mean. When did you marry that wife?

Mr. Lyman. In 1884.

Mr. Worthington. Was she suffering from any physical complaint or disability which prevented her from having children?

Mr. Lyman. I would not like to say that. I would not like to answer a question of that kind.

Senator Dubois. Why not get the marriage certificate? That is all I asked for.

Mr. Worthington I understood him to say there was no marriage certificate. That was before the Edmunds-Tucker act went into effect.

Senator Hoar. That question can not be very important.

Mr. Worthington. I did not consider it of importance; but we thought, especially after the question I asked of the Senator, that it might be intended to say that although he puts the marriage back to 1884, it must have taken place after the manifesto, because there was this long interval without any children. I had a delicacy about it, but I can not allow that delicacy to let the suspicion rest on the statement.

Senator Dubois. Oh, no; I would like to have the certificate of marriage.

Mr. Worthington. You know the law did not require these records of marriage until 1887.

The Chairman. The Chair thinks that ought not to be insisted upon.

Mr. Worthington. Since a question has been asked about this reorganized church I will ask you this question: One of the claims of that reorganized church, I believe, is that Brigham Young and not Joseph Smith, Jr., the original president, introduced polygamy. Is not that of their claims?

Mr. Lyman. I believe so; yes, sir.

Mr. Worthington. You say you remember as far back as 1840—what do you say?

Mr. Lyman. 1845.

Father a Polygamist.

Mr. Worthington. You remember, then, that your father had a polygamous household at that time?

Mr. Lyman. Yes, sir; he always had as long as I can remember my father. I was born in 1840.

Mr. Worthington. You have said that if Apostle Smoot wished to run for Senator he would have to get the consent of President Smith?

Mr. Lyman. Yes, sir.

Mr. Worthington. Is not the rule of your church, which refers to these higher officials getting consent to run for office or engage in business inconsistent with the duties of their office, a written rule?

Mr. Lyman. Yes, sir.

Mr. Worthington. And it is in evidence?

Mr. Lyman. Yes, sir.

Mr. Worthington. And what it means anybody can tell by reading it?

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Mr. Lyman. Oh, yes.

Mr. Worthington. As well as you can?

Mr. Lyman. Yes, sir.

Mr. Worthington. You have said to Senator Hoar that you think the people generally knew you were living with more than one wife?

Mr. Lyman. Well, I retracted that.

Mr. Worthington. I did not so understand. Did you mean to say that the people of the State of Utah generally have known that you have been living with both your wives?

Knew He Was Polygamist.

Mr. Lyman. I think they generally accepted it that I was a polygamist. I think it was generally understood in the State.

Mr. Worthington. It was generally understood that you had two wives, you mean?

Mr. Lyman. Yes.

Mr. Worthington. What I want to know is whether, when you say it was generally understood, you mean it was understood that you were living with both of them?

Mr. Lyman. No; I do not think it was.

Senator Dubois. Mr. Lyman, by what process do the people sustain a revelation submitted to them by the president and apostles?

Mr. Lyman. By raising their right hand.

Senator Dubois. That is at one of the general conferences?

Mr. Lyman. Yes; at their conferences.

Senator Dubois. Do you recollect any time when the people refused to sustain any revelation submitted to them by the president and apostles?

Mr. Lyman. Not any revelation.

Senator Dubois. That was my question.

Mr. Lyman. No.

Smoot Could Resign.

The Chairman. I just want to ask one question. Is there anything in the rules and practice of your church which prevents an apostle from severing his connection with the apostolate?

Mr. Lyman. No, sir.

The Chairman. Mr. Smoot could resign?

Mr. Lyman. Oh, yes, sir.

The Chairman. From the apostolate and still remain a member of the church?

Mr. Lyman. Oh, yes, sir; any man can resign.

Senator Hoar. Do you mean to say that if the revelations from the Lord had directed that he should be an apostle, he would be at liberty to resign, if he chose?

Mr. Lyman. Yes, sir.

Senator Hoar. And remain a member of the church in good and regular standing?

Mr. Lyman. Yes, sir; he has his agency.

Senator Hoar. Then he would be at liberty to disobey the word of the Lord and still remain?

Mr. Lyman. Oh, yes; all men are at liberty to do that.

Senator Hoar. And still remain a good member of your church?

Mr. Lyman. Yes.

Sustaining Revelation.

Senator Hoar. You said in reply to Mr. Worthington that if the conference or the people, in whatever mode they act, rejected a revelation, failed to sustain it, it would go for nothing. Did I understand you correctly?

Mr. Lyman. Did I answer you? A revelation, was it?

Mr. Worthington. You said if a revelation should be submitted to a conference——

Senator Hoar. I am asking the question now, Mr. Worthington.

Mr. Worthington. The witness asked me a question and I was answering him.

Senator Hoar. Would that revelation which had come through the president from the Lord and which the people had rejected, go for nothing? Did you mean to say that?

Mr. Lyman. If the people rejected it, it would go for nothing for them.

Senator Hoar. For them?

Mr. Lyman. Yes, sir.

Senator Hoar. Then, you would have a revelation. Would it still be binding upon the person to whom it was revealed —you, if it came to you, or Mr. Smith, if it came to him?

Mr. Lyman. It is not binding on people that will not submit to it.

Senator Hoar. I understand; I am speaking now of this: Suppose a revelation came to you or Mr. Smith and was rejected by the people; would it still be binding on you?

Mr. Lyman. Well, if it was to me——

Mr. Hoar. According to the doctrine of your church?

Mr. Lyman. If it was to me—I may explain, Mr. Chairman, if you will allow me——

Mr. Hoar. Certainly.

Mr. Lyman. To show that the occasions are when the people reject the counsel of their leaders in the choice, for instance, of a man to preside over them, chosen by the presidency of the church, and presented——

Senator Hoar. I am speaking of a man chosen by the Lord.

Mr. Lyman. If they reject him he is not their president, because the president has chosen him alone. It must have the common consent of the people over whom he is to preside.

Hard Question to Answer.

Senator Hoar. But my question is in regard to a revelation which I understood you said just now went for nothing, made by the Lord to his chosen instrument, and rejected by the people. Does the chosen instrument of the Lord then, according to the faith of your church, follow the direction of the people or the revelation of the Lord?

Mr. Lyman. If the people reject the law they would not be under it.

Senator Hoar. I do not ask that. I ask what he would be under, what he would do?

Mr. Lyman. He would not be under condemnation.

Senator Hoar. No; I do not ask about condemnation, but whether he would continue to obey the revelation as an existing authority or mandate?

Mr. Lyman. I presume he would. I presume he would.

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Senator Hoar. Then what did you mean when you said it went for nothing?

Mr. Lyman. I do not remember that question, Mr. Senator. I would like to be refreshed in my mind. I do not remember the answer. I do not remember the question.

Senator Hoar. I thought you said just now you did remember it? Very well. Mr. Worthington asked you what would happen if the revelations to the president, or to whomsoever it is made, were rejected by the conference or the people. He said would it go for nothing, and you said yes.

Mr. Lyman. Now, I think I can understand, Mr. Senator. We will take, for instance, the revelation given that called George Teasdale and Heber J. Grant to be apostles.

Senator Hoar. Yes.

Mr. Lyman. Now, if the church had rejected that revelation George Teasdale and Heber J. Grant would never have been apostles.

Senator Hoar. And you would not have treated them as apostles in your capacity as another apostle?

Mr. Lyman. No; they never would have been there at all. They never would have been apostles if they had been rejected by the church.

Senator Hoar. You would not have treated them as apostles?

Mr. Lyman. No.

Which Is the Greater?

Senator Hoar. Then, in your church, in conferring the apostolic authority, the voice or judgment of the people is of more authority than the mandate of the Lord, is it?

Mr. Lyman. The law of the Lord, as revealed to us, Mr. Senator, requires that whatever is done must be done by the common consent of the people--common consent of the people.

Senator Hoar. Yes. Then according to your faith the Lord submits his decree to the judgment of the people, and does not desire them to be obeyed by anybody unless the people approve?

Mr. Lyman. He desires them to be obeyed by everybody, but he lets everybody do just as they please.

Senator Hoar. You say you should not treat a man as an apostle whom the Lord has called to that sacred office unless the people also agree with the Lord, and the Lord would expect everybody to do as he pleased. You would then, as I understand you, please to follow the people and not the Lord under those circumstances. Is that true?

Mr. Lyman. Please repeat that.

The reporter read the question.

Mr. Lyman. The Lord has directed that in all our transactions of business everything must be done by common consent; that the president or the prophet or the apostles can not take matters in their own hands, even if it comes from the Lord, and carry it in spite of the people. We can not defy the people. They have their rights, and their rights are respected, and their agency is respected.

Senator Hoar. Their rights, then, are rights which the Lord has no power to interfere with, according to you, are they?

Mr. Lyman. The Lord seems not to have power to make people do right nor to accept his law.

Lord Is the Greatest.

Senator Hoar. One of the articles of the Mormon faith is, is it, that the Lord is a being of limited powers and in some respects of less power than the Mormon conference? Is that true?

Mr. Lyman. No; I do not think I want to put it that way.

Senator Hoar. I do not suppose you want to put it that way, but I ask you whether it is true?

Mr. Lyman. But we understand that every man is left to exercise his own agency in regard to religion as well as business or politics; that he is not compelled. He will persuade and exhort and talk and be long suffering and kind to man, but He never forces the human mind nor spirit.

Senator Hoar. But my question is a little different from that, Mr. Lyman. My question is what you, as an apostle, or if you were to succeed to the presidency, as president, consider to be your personal duty when the Lord tells you to recognize one man as an apostle and the people tell you not to recognize him. Have you not said, and said several times——

Mr. Lyman. He would not be sustained; no. He would not be made an apostle if the people rejected him.

No Apostle Rejected.

Senator Hoar. Then you would regard it, would you not, to be your duty in that particular case to obey the voice of the people in opposition to the expressed revealed will of the Lord?

Mr. Lyman. So far I believe the people have not rejected an apostle that the Lord has presented.

Senator Hoar. It is not what they have done, but what your faith requires you to do if they should. You undertook to tell us about that.

Mr. Lyman. Yes.

Senator Hoar. That is why I put my question.

Mr. Lyman. If they should, I have told you what I would do.

Senator Hoar. Obey the people and not the Lord.

Mr. Lyman. I do not think they will reject any that the Lord presents.

Senator Hoar. That is not the question. You told us, before I said anything about this subject, or put any questions, what would happen if the Lord gave a command and the people rejected it or refused to sustain it, and I am pursuing that and seeing whether I understand you correctly. It is not an answer to my question to say that you do not think they ever will do so. They are fallible like the rest of mankind. I want to find the authority of the church, and I understand you to say—and you have said in substance to Mr. Worthington—that if that contingency should arise, you, as an apostle or as president, would consider the will of the people manifested in the conference of superior authority to the revealed will of the Lord.

Veto Power Over Lord.

Mr. Lyman. The Lord has so ordered that when he appoints men, as he did do

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in the revelations here, and named the apostles and the other general authorities of the church, He commanded that they be presented to the church and sustained or rejected; and whenever the church has rejected a man he has stepped aside.

Senator Hoar. A sort of veto power over the Lord. [Laughter.]

Mr. Lyman. And they have sometimes rejected men.

Senator Hoar. Has any apostle selected by a revelation ever afterward proved unworthy and been disowned?

Mr. Lyman. He is cast out.

Senator Hoar. Has such a case ever happened?

Mr. Lyman. How is that?

Senator Hoar. Has such a case ever happened to as to an apostle?

Mr. Lyman. They have been cast out?

Senator Hoar. Yes.

Mr. Lyman. Numbers of them; yes, sir.

Senator Hoar. Numbers of apostles?

Mr. Lyman. Yes; when they have transgressed.

Senator Hoar. So persons who, according to your faith, have been selected by Omniscience and Omnipotence and who have turned out to be unworthy and unfit for office have been cast out?

Mr. Lyman. Yes, sir.

Senator Hoar. I was about to say, it is fair to you in regard to this question to say that the same thing happened in the early Christian church in regard to Judas.

The Chairman. Are there any further questions?

Senator Dillingham. I would like to ask a question.

The Chairman. Certainly.

Questioned by Dillingham.

Senator Dillingham. I understood President Smith to say that since he assumed the office of the first presidency he never had received a revelation in the sense in which the word "revelation" is used in the books.

Mr. Lyman. Yes; a written revelation.

Senator Dillingham. I understand you to say that in the selection of officers for the church the matter is revealed to you by the spirit of the Lord?

Mr. Lyman. Yes.

Senator Dillingham. That is, it comes in some way to your conscience that such a man in the one for that position?

Mr. Lyman. Yes.

Senator Dillingham. I understand you also have used that expression synonymously with the word "revelation." Now, do you make any distinction between a revelation such as is named in the books and the inspiration which comes to you by the Holy Spirit?

Mr. Lyman. Yes. President Smith no doubt referred to written revelations, such as the prophet Joseph received and such as President Taylor received. I think that was the last one before President Joseph was chosen. In that sense he has not received a revelation—a written revelation that will be placed in the Doctrine and Covenants, but through the inspiration of the Lord. It is indicated to him as the head of the church the men who are to fill positions and places in the church.

Senator Dillingham. Do I understand by what you have said that it is the doctrine of your church that before a person is elected or approved to the office the revelation of his fitness must be made to the officers of the church and to the people as well?

Mr. Lyman. Yes, sir.

Resignation of Apostles.

Mr. Tayler. Did any apostle ever resign?

Mr. Lyman. No, sir. Well, men have—

Mr. Tayler. I mean voluntarily separated themselves from the apostolate.

Mr. Lyman. I rather think some of the early apostles withdrew from their association with the church, and would finally be excommunicated.

Mr. Tayler. And finally excommunicated?

Mr. Lyman. Yes.

Mr. Tayler. They did it, however, only because they were out of harmony with the church and the apostolate?

Mr. Lyman. They had lost their faith.

Mr. Tayler. They had lost their faith?

Mr. Lyman. Yes, sir.

Mr. Tayler. In your time nobody has voluntarily saparted himself from it?

Mr. Lyman. No, sir.

Senator Pettus. Mr. Lyman, has there happened in your experience in the church any time when the people have overruled what the president and the apostles have agreed upon?

Mr. Lyman. That the people have overruled the action of the president and the twelve?

Senator Pettus. Yes.

Mr. Lyman. Yes, sir; a number of instances.

Senator Pettus. In what instance?

Mr. Lyman. In a number of instances.

Senator Pettus. Well, give us one.

One Instance Cited.

Mr. Lyman. Yes. In the case of the organization of a ward in the Sevier stake of Zion, the Thurber ward, it had been a branch for many years, and had been presided over for many years by a brother, William Meeks, who had been a very faithful man. When we came to organize a ward out of that branch, Elder John Henry Smith, with the presidency of the stake and the high council, selected Brother Meeks, who had been a very excellent man, to be their bishop. I joined Brother Smith the next week and we went there, the two apostles and the presidency of the stake, and presented Brother William Meeks to the people of that ward; and they rejected him, would not receive him, voted him down.

Senator Pettus. Were they informed he had been selected by the order—

Mr. Lyman. He had been selected by the apostle, and the presidency of the stake, and the high council.

Senator Pettus. Were they informed he had been selected by inspiration of the Master?

Mr. Lyman. Yes, sir; they were informed, and they voted the man down because they did not want him, and they wanted somebody else. I said to the people of that ward, "You won't agree with us; who do you want? and we will agree with you." "We want George Brinkerhoff"; and we gave them George Brin-

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kerhoff, because he was about as good a man as the other, only the other man had been in the harness, in the service, and was entitled to promotion.

Senator Overman. Who do you mean by "we" gave it. Do you mean the twelve apostles, or you and your associates at that meeting? Did the twelve apostles agree to it?

Mr. Lyman. There were two apostles there.

Senator Overman. Two apostles?

Mr. Lyman. Yes; two apostles.

Senator Overman. So it was not the action of the twelve apostles?

Mr. Lyman. No; it was in the country. It was out in the country.

Senator Dillingham. It was known that the people had manifested their wishes—

The Chairman. Mr. Lyman, I think you did not understand the Senator's question wholly. He asked you if at this meeting the people were informed that the gentleman you presented had been selected or chosen by the Lord—if the people were so informed?

Mr. Lyman. I do not think it was said in that way; no. I do not think that was said.

Senator Pettus. Have the people ever rejected—

Mr. Lyman. But the authorities, as we felt, under the inspiration of the Lord, had selected the right man. We so felt and presented him and they decided that they did not want him, but they wanted another brother that was just as good.

Senator Overman. What authority had selected him; the twelve apostles or the authorities of that ward? Who had selected him?

Mr. Lyman. They selected finally.

Senator Overman. Who selected the other man?

Mr. Lyman. Yes.

Mr. Worthington. Who selected Meeks?

Senator Overman. Who selected Meeks?

Mr. Lyman. We did.

Senator Overman. Who did?

Mr. Lyman. The apostles that were there and the presidency of the stake and the high council. They transacted the business in the stakes.

Senator Pettus. Mr. Lyman, have the people ever rejected what is called a revelation?

Case of Sidney Rigdon.

Mr. Lyman. I think not; not to my knowledge. I remember a case in our history—I was going to speak of a remarkable case, Mr. Chairman. It will not take but a moment. Sydney Rigdon was the councilor to the Prophet Joseph—

Mr. Worthington. Joseph Smith?

Mr. Lyman. Yes, Joseph Smith; and Sidney Rigdon got on the background, was something like a backslider, in a spirit of apostasy, and neglected his duties and went off from the church to Pittsburg from Illinois. The prophet got tired of keeping him in his place and he undertook to cast him out and cast him off, and he chose my father in his place; but when the case was presented to the church, in general conference assembled in Nauvoo, the church held to Sidney Rigdon, and the will of the prophet or the will of the Lord was not complied with in that instance. They held on to him in spite of the prophet—the people did; and he said: "I shall shake him off. You may have him and carry him if you want to, but I shall not carry him any longer." But the action of the people prevailed and he remained as a councilor to the Prophet Joseph.

Mr. Tayler. Was Rigdon one of the original apostles?

Mr. Lyman. Sidney Rigdon?

Mr. Tayler. Yes.

Mr. Lyman. No, sir; he never was one of the twelve; he was one of the first presidency.

The Chairman. Gentlemen, have you any further questions to ask this witness, and can he be discharged? Do either of you desire to call him in the morning?

Mr. Tayler. As far as I am concerned I do not care for anything further.

Mr. Worthington. And as far as we are concerned.

The Chairman. Then he will be discharged, and the committee will adjourn until half past 10 tomorrow morning.

Mr. Worthington. Mr. Chairman, when these witnesses are discharged, does that mean they are at liberty to go home, or go where they please?

The Chairman. Oh, yes.

Mr. Tayler. That is what I understand the purpose of the inquiry to be.

The Chairman. I want the Government to be relieved of the expense of their attendance.

The committee (at 4 o'clock and 30 minutes p. m.) adjourned until Wednesday, March 9, 1904, at 10:30 o'clock a. m.

The committee met at 10:30 o'clock a. m., March 9, 1904. Present: Senators Burrows (chairman), Hoar, McComas, Foraker, Depew, Dillingham, Pettus, Dubois, and Overman; also Senator Smoot; also Robert W. Tayler, counsel for the protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for Joseph F. Smith and other witnesses.

The Chairman. Mr. Tayler, have you anything further?

Mr. Tayler. I should like Mr. Smith to take the stand for a moment.

The Chairman. Mr. Smith, will you resume the stand, please?

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TESTIMONY OF JOSEPH F. SMITH,

RESUMED.

Joseph F. Smith, having previously affirmed, was examined and testified as follows:

Mr. Tayler. I called your attention, Mr. Smith, a day or two ago, to an interview from which you quoted, and in which you made a statement respecting the stand of the church since the manifesto, on the subject of plural marriage; and also as to the number of polygamists in Utah. And later I asked you if you had given us all of that interview, and if you did not add to it some observations in support of the candidacy of Mr. Smoot for the Senate. I make this statement merely to indicate the subject. You made some reply, that you did not recall what might have been said in addition, and that there have been some more of the interview. Without taking time further to identify this, I wish to say that I hold in my hand the Deseret News, of Wednesday, December 3, 1902, in which appears the interview which you quoted, in the words in which you quoted it, and there also appears what I am about to read. This is the question which the representative of the Associated Press submitted to you in writing—I believe you said his questions were submitted in writing?

Mr. Smith. Yes, sir.

Mr. Tayler. And your answers were in writing?

Mr. Smith. That is my recollection.

Mr. Tayler. This is the question:

It is widely asserted that Apostle Reed Smoot ought not to be elected Senator, because he is a high church dignitary, and his church position is compared to that of a cardinal or archbishop in other ecclesiastical bodies. *How do you regard this objection?*

And you appear as answering as follows:

"The two positions are not parallel," President Smith said. "An apostle or seventy or elder or bishop in the Church of Jesus Christ of Latter-day Saints is usually engaged in some secular vocation, or laboring in some capacity for his daily bread. He is ordained to the office he holds in the priesthood so that he may act in that calling when required. He gives his services gratuitously to the church.

"There are instances, of course, when a man's whole time is taken up with some church duty that he receives remuneration therefor, but as a rule men holding these positions in the priesthood are engaged in secular callings and are men of affairs.

"Reed Smoot is a banker, the manager of the largest manufacturing institution in the State, is interested greatly in mining operations and other temporal pursuits. He is recognized as a capable and enterprising citizen, and his position in the church need not interfere in any way with his services to the State or to the Nation in any political office to which he may be elected.

"It is not true that he has been put forward by the church as a candidate for public office, but he has the same right that any other American citizen enjoys to accept any office to which his fellow citizens may elect him to occupy. Mormon church officials have served in Congress for years, and no objection has been offered on that account. Every Mormon official has been one holding the priesthood, and that has never interfered with his official duties. The objection in the present case is without substantial reason or foundation."

Did you give that answer to that question?

Mr. Smith. That is correct, I believe, as far as I now recall. The portion of the interview which I introduced here came—I received notice that I was wanted here about in this way. Just before I left home one day and I had to leave the next—I asked my secretary to go back to that interview and give me a copy of it, and he handed me in typewriting the sheet that I put in here as my interview, and at the time he handed it to me, in fact since he gave it to me, I did not recall or remember that there was any more to it. But the newspaper report there is correct.

Benj. Cluff a Polygamist.

Mr. Tayler. Mr. Smith, do you know Benjamin Cluff, Jr.?

Mr. Smith. Yes, sir.

Mr. Tayler. Is he a polygamist?

Mr. Smith. He is reputed to be a polygamist, I believe.

Mr. Tayler. And has been so reputed for some years?

Mr. Smith. For a great many years; yes, sir.

Mr. Tayler. Where does he live?

Mr. Smith. He lives in Tobasco, Mexico.

Mr. Tayler. Where is Tobasco?

Mr. Smith. In Mexico.

Mr. Tayler. Has he lived in Provo?

Mr. Smith. Yes, sir.

Mr. Tayler. How long is it since he left there?

Mr. Smith. I think it is about six months since he left, or it may be less than that.

Mr. Tayler. What official position did he hold in Provo?

Mr. Smith. He was president of the Brigham Young academy; that is, of the board; of the faculty.

Mr. Tayler. President of the board of Brigham Young academy?

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Mr. Smith. No; I beg pardon. He was president of the faculty of Brigham Young academy.

Mr. Tayler. President of the faculty of Brigham Young academy at Provo?

Mr. Smith. Yes, sir.

Mr. Tayler. He had his several wives there?

Mr. Smith. I do not know anything about his wives.

Mr. Tayler. You do not know where they were?

Mr. Smith. No, sir.

Mr. Tayler. Only that he was generally understood to be a polygamist?

Mr. Smith. I do not know how the general understanding is, or was, I am sure; I had that understanding.

Mr. Tayler. Senator Smoot lives at Provo?

Mr. Smith. Yes, sir.

Smoot One of Trustees.

Mr. Tayler. Is Senator Smoot connected with that institution?

Mr. Smith. He is a director.

Mr. Taylor. How long has he been a director?

Mr. Smith. No; excuse me. He is a trustee.

Mr. Tayler. A trustee?

Mr. Smith. A trustee and not a director.

Mr. Tayler. The trustees elect the faculty, I suppose?

Mr. Smith. I could not tell you just what the custom is in regard to that. I think if they do not elect them they confirm them.

Mr. Tayler. They confirm them?

Mr. Smith. Yes.

Mr. Tayler. I want to ask you a question again, Mr. Smith, about Abraham H. Cannon. There was a great deal of talk about the time of his death, and afterward, in Utah, was there not, to the effect that it was claimed he had taken a plural wife, Lillian Hamlin?

Mr. Smith. I heard a good deal of it, I think, in the newspapers; yes.

Mr. Tayler. You heard a good deal of it?

Mr. Smith. Yes.

Mr. Tayler. Now, the church—I gather from your statement the officials of the church have been ever since 1890, and are now, very sensitive as to the charge that plural marriages have been solemnized.

Mr. Worthington. Since the manifesto?

Mr. Tayler. Since the manifesto.

Mr. Smith. Yes; I think we have been very sensitive about that.

Mr. Tayler. Very sensitive?

Mr. Smith. Yes. sir.

No Inquiry as to Teasdale.

Mr. Tayler. What inquiry did you make to find out whether Abraham H. Cannon, one of the twelve apostles of the church, had made a plural marriage?

Mr. Smith. I made no inquiry at all.

Mr. Tayler. Did you set on foot an inquiry?

Mr. Smith. No, sir; not myself.

Mr. Tayler. Did you have any interest in finding out whether there had been—

Mr. Smith. Not the least.

Mr. Tayler. Not the least?

Mr. Smith. Not the least.

Mr. Tayler. So that the public charge that an apostle of the church had married a plural wife as late as 1896 did not concern you at all?

Mr. Smith. The public charge, or what you call a public charge, is simply the charge made by the bitterest anti-Mormon publication in Salt Lake City, and its charges are of such a vicious character that I pay no attention to them. If I were to undertake to answer one-hundredth part of the vicious and vile charges that are made in the anti-Mormon papers against me and my people I would have nothing else to do in the world.

Mr. Tayler. Yes; but was not the charge respecting Abraham H. Cannon taking a plural wife made with much circumstance and detail?

Mr. Smith. Not that I know of, any more than it was newspaper talk.

Mr. Tayler. Was it not published in other papers outside of Utah?

Mr. Smith. Copied from the Salt Lake papers; yes; I presume it was.

Mr. Tayler. Do you remember an interview with Eugene Young on the subject?

Mr. Smith. I do not know anything about Eugene Young.

Mr. Tayler. However that may be, you did not yourself make any investigation or set on foot any investigation?

Mr. Smith. None whatever.

Mr. Tayler. Did you hear it said that Abraham H. Cannon claimed that he had a right to marry Lillian Hamlin, because she had been betrothed to his dead brother?

Mr. Smith. I never heard anything of the kind; only what the papers stated.

No Inquiry as to Charge.

Mr. Tayler. You also heard the charge made that George Teasdale had taken a plural wife?

Mr. Smith. Yes; in the papers.

Mr. Tayler. Yes.

Mr. Smith. I saw the account that was published in the papers; in some of them, at least. I do not know that I saw them all.

Mr. Tayler. He was and is an apostle of the church?

Mr. Smith. Yes, sir.

Mr. Tayler. Did you make any investigation as to that?

Mr. Smith. I did not feel called upon to do it.

The Chairman. The question is if you did it.

Mr. Smith. No, sir; I did not.

Mr. Tayler. Then you mean to say that as a general proposition, notwithstanding your sensitiveness on the subject of plural marriages having been authorized or performed under the sanction of the church, you do not investigate any charges that are made of that character?

Mr. Smith. It is not my business to investigate them. I have given to this honorable committee—

The Chairman. The question is, Do you make any investigation?

Mr. Smith. I have made the assertion and explanation here to this honorable committee that our courts of original jurisdiction in the church are the bishops' courts, and it is the duty of the bishops to inquire into the moral character and the moral standing and the good fellowship of members of the church who reside in the wards of the bishops.

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Senator Hoar. Including officials?
Mr. Smith. Yes, sir.
Senator Hoar. Including all officials?
Mr. Smith. They have jurisdiction over all members of the church, and all officials are members of the church.
Senator Hoar. I think I ought not to have interposed, and I am sorry I did, but I wanted to know whether you claim that it is not your business to exercise any superintendence, directly or indirectly, over the morals or the obedience to law of the other high officials of the church; whether your disclaimer of having anything to do with that question applies to them?
Mr. Smith. No; it does not apply to them.
Senator Hoar. That is all I want to know. I beg your pardon, Mr. Tayler.

Says Reports Were Malicious.

Mr. Tayler. Did you not feel any duty laid upon you to investigate this, in the interest of the church, apart from any personal lapse?
Mr. Smith. No; not in the way that these reports and rumors came to me. They were the reports and rumors of malicious persons.
Mr. Tayler. Malicious persons?
Mr. Smith. Yes, sir.
Mr. Tayler. Sometimes malicious persons tell the truth.
Mr. Smith. That may be.
Mr. Tayler. Or is it your assumption that they never do?
Mr. Smith. We become habituated to hearing reports of malicious persons until we pay no attention to them, even if they do tell the truth.
Mr. Tayler. Suppose it were charged that Francis M. Lyman, president of the twelve apostles, who does not, I believe, live in your ward, had performed a plural marriage ceremony at Provo; would that induce you to make an inquiry?
Mr. Smith. Mr. Chairman, I submit that it is not a supposable case.
The Chairman. Would you make the inquiry? That is the question.
Mr. Smith. It is not a supposable case, and if it were the case I could not tell you—
The Chairman. That is the only answer you desire to make?
Mr. Smith. It is the only answer I can give. It is not a supposable case. I suppose I am not required to answer suppositions?

Not His Business to Investigate.

The Chairman. May I ask just a question? In any instance where you have learned that these high officials, or anyone else, have been guilty of plural marriage, or of performing a ceremony of that kind, since 1890, have you made inquiry into it?
Mr. Smith. It has not, Mr. Chairman, been my business to do it.
The Chairman. Answer my question. Have you inquired?
Mr. Smith. No, sir; because it has not been my business.
The Chairman. I understand.
Mr. Smith. I wish to say further—
The Chairman. That covers it.
Mr. Smith. I wish to say in connection with that, Mr. Chairman, that the circumstances that are referred to by this gentleman occurred before I was president of the church, and before it was my duty to inquire into anything of the kind, if it was possible to be construed that the president of the church should interfere with the duties of the lesser authorities of the church.
The Chairman. I understand you to say, Mr. Smith, now, as president, it is not your duty to make inquiry?
Mr. Smith. It is not, because it belongs to the lesser authorities.
Mr. Chairman. I understand the reason you give.
Mr. Tayler. Did you ever have any conversation with George Q. Cannon respecting the marriage of Abraham H. Cannon to Lillian Hamlin?
Mr. Smith. No, sir.
Mr. Tayler. That is all.
Senator Dubois. I should like to ask the president a question. Did Lillian Hamlin take the name of Cannon after the death of the apostle?
Mr. Smith. You will have to ask somebody who knows about it, sir.
Senator Dubois. Very well. Did she have a child by the name of Cannon after that time?
Mr. Smith. You can not prove it by me, because I do not know.
Senator Dubois. Did this child share in the interest of Abraham H. Cannon in the estate of George Q. Cannon, and is that child now sharing in that estate?
Mr. Smith. I do not know anything about it.

Three Kinds of Marriages.

The Chairman. I should like to ask one or two questions. I am not clear with respect to your statement. I understand, according to the practice of the church, you formerly performed the marriage for life, the marriage for time and eternity, and also the marriage for eternity—three different kinds.
Mr. Smith. Yes, sir.
The Chairman. And the marriage for eternity was called sealing?
Mr. Smith. They were called sealings.
The Chairman. They were called sealings?
Mr. Smith. Yes, sir.
The Chairman. You will have to excuse my ignorance about it. I wish to get at the facts.
Mr. Smith. Yes, sir; I take great pleasure in enlightening you, Mr. Chairman.
Mr. Chairman. Is the sealing for eternity ever performed between two living mortals?
Mr. Smith. I have heard, Mr. Chairman, of one or two instances of that kind.
Mr. Worthington. Between two living persons?
Mr. Smith. Between two living persons.
Mr. Chairman. Could a person live in polygamy, married for time, be sealed to some other woman for eternity?
Mr. Smith. No, sir.
The Chairman. You have heard of instances where two living persons have been sealed for eternity?
Mr. Smith. Yes, sir.
The Chairman. According to the doctrines of your church, did that carry with it he right of earthly cohabitation?
Mr. Smith. It was not so understood.

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The Chairman. Then, what is your—

Mr. Smith. It does not carry that right.

The Chairman. Was it practiced, do you know?

Mr. Smith. Not that I know of.

Book of Mormon.

The Chairman. Now, Mr. Smith, one word more. I hold in my hand the Book of Mormon. I should like to have you look at it to see if it is the book. I want you to identify the book.

Mr. Smith (after examining the book.) I recognize the book.

The Chairman. That is the Book of Mormon?

Mr. Smith. Yes, sir; that is the Book of Mormon.

The Chairman. One of your—

Mr. Smith. One of our editions.

The Chairman. One of your authorized publications?

Mr. Smith. Yes, sir; authorized publications.

Mr. Chairman. It is the revelation of Joseph Smith?

Mr. Smith. Sir?

The Chairman. A revelation to Joseph Smith.

Mr. Smith. It was translated by Joseph Smith.

The Chairman. Is the doctrine of polygamy taught in that revelation?

Mr. Smith. Taught in it?

The Chairman. Yes.

Mr. Smith. It is emphatically forbidden in that book.

The Chairman. In this book it is emphatically forbidden?

Mr. Smith. It is.

The Chairman. Do you recognize these words? I read from page 132, verse 24:

Reads From the Book.

"24. Behold, David and Solomon truly had many wives and concubines, which thing was abominable before me, saith the Lord."

Mr. Smith. Yes, sir.

The Chairman. (Reading:)

"25. Wherefore, thus saith the Lord, I have led this people forth out of the land of Jerusalem, by the power of mine arm, that I might raise up unto me a righteous branch from the fruit of the loins of Joseph.

"26. Wherefore, I the Lord God, will not suffer that this people shall do like unto them of old.

"27. Wherefore, my brethren, hear me, and harken to the word of the Lord, for there shall not be any man among you save it be one wife, and concubines he shall have none."

Mr. Smith. Yes, sir.

The Chairman. You recognize that?

Mr. Smith. Yes, sir.

The Chairman. You recognize it as the teaching of your church?

Mr. Smith. Yes, sir. Will the chairman please read a little further?

The Chairman. Yes; I will be very glad to read the next verse:

"28. For I, the Lord God, delighteth in the chastity of women."

Mr. Smith. Yes, sir.

The Chairman. (Reading:)

"And whoredoms are an abomination before me; thus saith the Lord of Hosts."

Mr. Smith. A little further, please. There is still more in connection with that.

The Chairman. (Reading:)

"29. Wherefore, this people shall keep my commandments, saith the Lord of Hosts—"

Mr. Smith. That is right.

The Chairman. (Reading:)

"Or cursed be the land for their sakes."

Mr. Smith. Still further, if you please.

The Chairman. I do not want to read the whole book.

Mr. Smith. You have to read the context to find out what it means.

The Chairman. I will allow you to read it in explanation.

Mr. Smith. If you will be kind enough to pass me the book I will do so.

Doctrine Not Annulled.

The Chairman. Yes; in a moment. Was that doctrine overruled or annulled by the revelation of polygamy?

Mr. Smith. No, sir.

The Chairman. It was not?

Mr. Smith. No, sir. If you will be kind enough to let me have the book, I will show you.

The Chairman. I want to know when that doctrine of the Mormon Bible was repudiated.

Mr. Smith. It is not the Mormon Bible. It is the Book of Mormon.

The Chairman. Well, the Book of Mormon. You know what I mean. When was that repudiated or modified in any way, and by whom?

Mr. Smith. If you will permit me, I will read a little further.

The Chairman. Certainly.

Mr. Smith. It is this:

"29. Wherefore, this people shall keep my commandments, saith the Lord of Hosts, or cursed be the land for their sakes.

"30. For if I will, saith the Lord of Hosts, raise up seed unto me, I will command my people; otherwise they shall hearken unto these things."

All you need to do, sir, is to read the whole thing, and it explains itself. The revelation to Joseph Smith does not repeal this. It is simply a commandment of the Lord to him, and received by him and accepted by him to enter into plural marriage by his law and by his commandment and not by their own volition.

Command to Practice Polygamy.

The Chairman. Then you construe that which you have read as the commandment of the Lord to practice polygamy when—

Mr. Smith. He commands it.

The Chairman. When he commands it.

Mr. Smith. That is exactly what the words say.

The Chairman. But you have revelations from him frequently.

Mr. Smith. Yes, sir; that is correct.

Mr. Worthington. I think from the answer, that the witness did not hear the last part of the question—that he has revelations frequently.

Mr. Smith. I did not hear that.

The Chairman. He has already stated that the Lord revealed to him.

Mr. Worthington. He has stated that there has been no revelation in the sense of a revelation for twenty-one years.

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Mr. Tayler. He said written revelation.

Mr. Worthington. He said no revelation.

Senator Dubois. Let me understand that.

Mr. Worthington. He spoke of personal revelations to him—

Senator Dubois. I would rather have the witness interpret what he says than have the counsel do it.

Mr. Worthington. I am not interpreting it. I am simply saying what he testified to.

Senator Dubois. I understand there has been no general revelation to the church received by you which the people have sustained?

Mr. Smith. I do not understand your question, sir.

Senator Dubois. Have you received any revelation from God which has been submitted by you and the apostles to the body of the church in their semi-annual conference, which revelation has been sustained by that conference through the upholding of their hands?

Van Cott Objects.

Mr. Van Cott. I object to that question, and I wish to take this opportunity of stating rather fully why I object to it, so as to be thoroughly understood in regard to what has gone before. The Senator from Massachusetts last evening at the adjournment made a suggestion which on account of the short time that we were in session we deemed it inadvisable to reply to in any way. In substance it was this: That this was in one sense an investigation, and that the committee might even take hearsay testimony into consideration for the purpose of following it up and getting other information. In the first place it occurred to me in this way: There must be, as I assume, a number of Senators—I do not mean in the committee, because I am not informed, but in the Senate—who are not lawyers. When all those Senators take this testimony and read it, how are they going to tell what is competent testimony and what is incompetent? It seems to me—

Called to Time.

Senator Hoar. Mr. Chairman, I think I must object to this discussion. I do not think we can, within the time allowed to us, listen to arguments calculated to overthrow the established custom of the Senate and of Senatorial committees for many years. The gentlemen who are engaged in this investigation I hope will do entire justice and act justly and reasonably; but we must in an investigation, unless we are going to spend twelve months or more, keep within certain limits. The counsel are here simply in aid of the inquiry of the Senate, and not as trying a case in an ordinary court; and while everything ought to be allowed to them I do not think that the old established usages or practices of the Senate in investigations of this kind ought to be open to very much discussion. I wish to say that with great respect to the gentleman, and with the very eager, earnest desire on my part that nothing shall happen that will do any substantial injustice to his client.

Mr. Van Cott. Senator Hoar—

Senator Hoar. I should like to have that settled by the committee before counsel proceeds.

Mr. Van Cott. I am not going to argue against that. I was stating that as a reason—

Senator Hoar. But you were arguing against it.

Mr. Van Cott. No, sir.

Senator Hoar. Mr. Chairman, I should like to have that matter settled.

Mr. Van Cott. I was giving the reason for what I was going to say. If it is desired that I shall stop, I do not wish to trespass upon the committee, but I think in justice to Mr. Smoot I ought to say—

The Chairman. You probably had better defer that until a later time.

Pushing the Case.

Mr. Van Cott. In justice to my client I do not think I should, but if the committee desires it I will defer it.

The Chairman. I think you had better do that. We want to get along with the case.

Senator Dubois. I do not think there is any difference between the president of the church and myself. I think he misapprehended my question.

The Chairman. What is the question?

Senator Dubois. I wish to state that I am not a lawyer, and in addition to that I am trying to ask questions which the ordinary fellow, who is not a lawyer, would like to have answered. So, if I transgress the strict rules of law you must remember that I am a layman and am taking what laymen would consider a broad view of the case.

Mr. Van Cott. Senator Dubois, what I was going to say was simply with respect to one point. I was merely calling attention to the line of testimony for the purpose of showing in what sense this testimony was being received by the committee. That was all.

The Chairman. What was the question propounded by Senator Dubois?

Senator Dubois. Let the strenographer read it. The reporter read as follows:

Has Received No Revelation.

"Senator Dubois. Have you received any revelation from God, which has been submitted by you and the apostles to the body of the church in their semi-annual conference, which revelation has been sustained by that conference through the word "revelation" is used very vaguely upholding of their hands?

Mr. Smith. Since when?

Senator Dubois. Since you became president of the church.

Mr. Smith. No, sir; none whatever.

Senator Dubois. Individual members of the church can receive individual revelations, can they not?

Mr. Smith. If I may be permitted, the here all the time. No man can get revelations at his will. If a man is prayerful and earnest in his desire and lives a righteous life and he desires information and intelligence, he will inquire of the Lord, and the Lord will manifest to him, through the presence and influence of his Spirit, his mind, and his will. That would be a revelation to that individual.

The Chairman. What is the answer to the question?

Senator McComas. Is not that an answer?

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Senator Foraker. I think it is an intelligent answer, and a very satisfactory one.

Senator McComas. It seems to me it is full.

The Chairman. I want to hear what the question was. Mr. Reporter, will you please read it?

The reporter read as follows:

"Senator Dubois. Invidual members of the church can receive individual revelations, can they not?"

Mr. Smith. I think I have answered that.

The Chairman. Very well; if you think that is an answer.

Senator Dubois. Have you received any individual revelations yourself, since you became president of the church under your own definition, even, of a revelation?

Mr. Smith. I can not say that I have.

Senator Dubois. Can you say that you have not?

Mr. Smith. No; I can not say that I have not.

Senator Dubois. Then you do not know whether you have received any such revelation as you have described, or whether you have not?

Mr. Smith. Well, I can say this: That if I live as I should in the line of my duties, I am susceptible, I think, of the impressions of the Spirit of the Lord upon my mind at any time, just as any good Methodist or any other good church member might be. And so far as that is concerned, I say yes; I have had impressions of the Spirit upon my mind very frequently, but they are not in the sense revelations.

The Chairman. Senator, do you think it is important to pursue that further?

Senator Dubois. No.

The Chairman. What next?

As to Endowment Oath.

Mr. Tayler. I wish to ask two questions. Mr. Smith, something has been said about an endowment oath. I do not want to go into that subject or to inquire of you what it is, but whatever oath or obligation has been taken by those who have been admitted to the church, at whatever stage it is taken, is the same now that it has been for years?

Mr. Smith. It is the same that it has always been.

Mr. Tayler. It is the same that it has always been.

Mr. Smith. Yes; so far as I know.

Mr. Tayler. No other oath is taken now than heretofore?

Mr. Smith. I should like to say that there is no oath taken; that we abjure oaths. We do not take oaths unless we are forced to take them.

Mr. Tayler. I understand. You understand what I mean—any obligation—

Mr. Smith. Covenant or agreement—we do that.

Mr. Tayler. Any obligation of loyalty to the church such as would be proper to be taken?

Mr. Smith. Certainly.

Mr. Tayler. That is the same now that it has always been?

Mr. Smith. Yes, sir; that it has always been, so far as I know. I can only say that they are the same as they were revealed to me.

Mr. Tayler. Exactly.

Mr. Smith. And as they were taught to me.

Mr. Tayler. You have known them for forty years or more?

Mr. Smith. I have been more or less acquainted with them for a great many years.

Mr. Tayler. You were absent from Utah from 1884 to 1890, did you say?

Mr. Smith. Yes, sir; most of the time.

Mr. Tayler. Where were you?

Mr. Smith. In the Sandwich islands most of that time; a little over two years and a half.

Was Not Prosecuted.

Mr. Tayler. You were away from Utah during the time of the prosecutions under the Edmunds act and the Edmund-Tucker act?

Mr. Smith. Yes, sir; most of the time.

Mr. Tayler. You were not prosecuted then—at least, you were not arrested?

Mr. Smith. No, sir.

Mr. Tayler. Or punished?

Mr. Smith. No, sir.

Senator Dubois. Do you know whether or not there was a warrant out for your arrest?

Mr. Smith. I can make you a present of it. I have it in my possession. It was handed back to me.

Senator Dubois. You were not then looking out for your wives and children all this time, six years?

Mr. Smith. I managed to look after them quite a little.

Senator Dubois. But you were not there.

Mr. Smith. No, sir.

The Chairman. Does any member of the committee desire to ask Mr. Smith any further question?

Pointed Questions by Hoar.

Senator Hoar. You said just now, if I understood you correctly, that the performing of a marriage which would be polygamous by a high officer of the church, like an apostle, since the manifesto is not a supposable case, and you did not like to be questioned about it.

Mr. Smith. It is not a supposable case.

Senator Hoar. How do you distinguish between that case being not supposable and the living in polygamy in defiance of the revelation of the Lord and the law of the land by such an official? Why, in your judgment, is one supposable and the other unsupposable?

Mr. Smith. For this reason, Mr. Senator. In the one case, in my case, we have felt that not only public opinion, but the Constitution of our State and the general conditions that exist in Utah more or less justified me in pursuing the course I did. But, on the other hand, we have agreed that we will not solemnize any more plural marriages, and I do not believe that there is a member of the church, an official member of the church, in good standing, who would violate that promise. That is the reason. Excuse me fore being a little earnest about it, Mr. Senator. I am naturally a little emphatic in my nature. I do not mean to use any undue—

Senator Hoar. I think I will say now, for the information of everybody, that the putting of questions which might seem to imply in my mind, when I put them, a pretty strong sense of the inconsistency and delusion of the religious

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faith, so called, of the witness—and in saying that I suppose I may add that a great many members of different sects attribute both inconsistency and delusion to others—must not be taken to imply in my mind, as at present advised, any opinion one way or the other as to the right of the people who hold that religious faith, whether inconsistent or a delusion or even not sincere, to send one of that faith to the United States Senate under our Constitution and laws if the person so holding it has not violated law himself or is not engaged in an association which has for its object the violation of law. I do not wish to be taken by the public or counsel or anybody else, by putting the questions I have or any others which I may put, as indicating an opinion on that final question.

Mr. Smith. Thank you.

Mr. Worthington. I should like to say that so far as counsel for Senator Smoot are concerned we have never so taken it.

The Chairman. I would not suppose that counsel on either side would, in the investigation in which we are engaged, take questions propounded as indicating the final judgment of any member of the committee on the issue involved.

Worthington Takes Witness.

Mr. Worthington. May I now have an opportunity to examine Mr. Smith?

The Chairman. Yes.

Mr. Worthington. Mr. Smith, you said that Benjamin Cluff is reputed to be a polygamist?

Mr. Smith. Yes, sir.

Mr. Worthington. Did you mean that he is reputed to have more than one wife, or that he is reputed to be cohabiting with more than one woman, or both?

Mr. Smith. I meant the former; that he was reputed to be the husband of more than one wife.

Mr. Worthington. You have spoken of a Brigham Young academy. Is that or not a church institution?

Mr. Smith. Yes, sir; it is a church institution.

Mr. Worthington. You have referred to some newspaper as being of such a vicious character, etc., that you do not attribute much importance to charges made in it. What is that newspaper? You said that speaking of the matter of Abraham H. Cannon.

Mr. Smith. I should like to ask counsel if that would be taken as a public attack upon the newspaper? I do not wish to get into a quarrel with a newspaper.

Mr. Worthington. I was asking only for curiosity, and if you have any doubt about it I will not ask the question.

Mr. Smith. I have not any doubt about it, but I prefer not to name it, if it is not necessary.

Mr. Worthington. Very well. You spoke of George Teasdale, the apostle, and that you had not investigated the charge against him.

Mr. Smith. Yes, sir.

Mr. Worthington. I understood you to say the other day that he had told you—

Mr. Smith. He had.

Mr. Worthington. About his different marriages and the answer to this charge?

Mr. Smith. He told me—

Teasdale Explains.

Mr. Worthington. One moment, before you state what he told you. Did you inquire of him as to the fact?

Mr. Smith. Inquiries had been made of him in relation to it, and he was explaining the matter to me.

Mr. Worthington. He came to you and voluntarily explained the matter to you?

Mr. Tayler. Who is this?

Mr. Worthington. George Teasdale.

Mr. Tayler. I wish you would ask him what he said.

Mr. Smith. I repeated the other day what he said. It is on the minutes.

Mr. Tayler. I should like to have the conversation.

Senator McComas. Is Teasdale dead?

Mr. Smith. No, sir; he is living.

Mr. Worthington. He has been subpoenaed, but he is quite ill. It is doubtful whether he will be able to come here.

Mr. Smith. Unless he recovers from the condition he was in the last time I saw him, I do not think it will be possible for him to come.

Mr. Worthington. If the witness is to go on and tell what Teasdale told him, it will be a long story. It is in the record. The substance is that at present he has but one wife, and has had but one since Reed Smoot became an apostle.

Mr. Tayler. All I could get out of him with difficulty—

The Chairman. You may inquire now.

Mr. Tayler. I should like to have him tell what the conversation of Apostle Teasdale was, in explanation.

Mr. Worthington. Since the time must be taken up, I wish you would tell us what was Teasdale's statement to you about this whole matter.

Mr. Smith. I will try to tell it as nearly as possible as he told it to me. He informed me that at the time he married Marian Scoles he was under the impression that he had not a legal wife living. That is what he told me.

Mr. Worthington. That you stated the other day.

Mr. Smith. Yes.

Mr. Worthington. Did he go into the particulars of it to tell you what were his relations to his first wife and why he supposed he had no other wife living at that time?

Mr. Smith. Yes, to some extent.

Mr. Worthington. I understand it is desired that you should state what he told you, so far as you can recollect it.

Teasdale's Deformed Wife.

Mr. Smith. He told me—it was like one of the cases spoken of by the chairman here—it was a case in which an elderly lady, who was deformed, but who had been a housekeeper in his family for a number of years before his first wife died, had been sealed to him for eternity, with the understanding that they were not to be husband and wife, and were not husband and wife, and never had been at all. And he was under the impression that she was not his wife in a legal sense and that therefore he was at liberty to marry Marian Scoles. He told me that when he discovered—

Mr. Worthington. Did he tell you how he discovered it?

Mr. Smith. Yes.

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Mr. Worthington. Tell us.

Mr. Smith. He said he sold a piece of property, and when he came to give the title to the property the person purchasing it demanded that his wife sign the deed with him. The law of Utah requires that a man and his wife shall sign a deed of conveyance. And he informed the person that he did not have a wife, but he was reputed to have a wife. He went to a lawyer and informed his attorney of his status and condition and the attorney informed him that she would be construed as his legal wife, she having seen sealed to him for eternity after his first wife's death.

Mr. Worthington. I understand that this first wife, the one to whom it appears he was legally married, was an old lady, deformed?

Mr. Smith. Yes, sir.

Mr. Worthington. And they had been sealed for eternity?

Mr. Smith. For eternity.

Mr. Worthington. And that the relation of husband and wife had never existed between them?

Mr. Smith. It had never existed between them.

Senator McComas. She was the housekeeper?

Mr. Smith. The housekeeper.

Senator Foraker. The first wife was that?

Mr. Smith. The first wife.

Mr. Worthington. Did he tell you whether or not the first wife, the aged and deformed woman, had obtained a divorce from him?

Mr. Smith. As soon as he discovered that the opinion of his attorney was that she would be construed as his legal wife he instituted proceedings and obtained a divorce from her.

Mr. Worthington. Was that before or after Reed Smoot became an apostle?

Mr. Smith. I think it was after.

Mr. Worthington. How long ago?

Mr. Smith. I could not tell you how long ago, Mr. Worthington. It is some time ago.

No Inquiry as to Charge.

Mr. Worthington. Now, you said you did not feel called upon to make inquiry about this charge of Teasdale. It appears that you were informed about the fact?

Mr. Smith. Nothing more than what he told me. I know nothing about it of myself.

Mr. Worthington. You have said this morning that you did not feel it incumbent upon you to make any charge against him?

Mr. Smith. No, sir.

Mr. Worthington. You fully explained here the other day that every man, no matter how high in office he may be, including yourself, if charges are preferred against him, they must be preferred against him before the bishop of the ward in which he lives?

Mr. Smith. Yes, sir.

Mr. Worthington. And that charges may be made by any member of the church?

Mr. Smith. Yes, sir.

Mr. Worthington. And then he must answer to the judicial tribunals of the church, including those of the ward?

Mr. Smith. Yes, sir.

The Chairman. That was all stated very fully and clearly.

Mr. Worthington. Either I have misapprehended the views of your church about marriage or I misunderstood what you said just a moment ago. You seemed to distinguish between sealing in general and sealing for eternity. Do you call it sealing in every case of a marriage by an officer of the church?

Mr. Smith. Yes, sir.

Mr. Worthington. Is that sealing always for eternity, as well as for time?

Mr. Smith. Oh, no.

Mr. Worthington. You marry sometimes for time and not for eternity?

Mr. Smith. Yes, sir.

Mr. Worthington. The officers of the church do?

Mr. Smith. Yes. sir.

Mr. Worthington. Then I misapprehended the fact. This Book of Mormon, to which reference has been made this morning—I see this is the edition of 1883. Do you know whether there have been later editions?

Mr. Smith. I do not know that. I think that is one of the latest.

Mr. Worthington. Is that book from which the passages have been read the one which you say is promulgated now and in the hands of your missionaries?

Mr. Smith. Yes, sir.

Mr. Worthington. And is used, you said, a great deal more than the Doctrine and Covenants?

Mr. Smith. I did not say that.

Mr. Worthington. I beg pardon. It was Mr. Lyman.

Mr. Smith. That is one of the four cardinal works of this church.

Mr. Worthington. Is it put in the hands of all your missionaries?

Mr. Smith. Yes, sir; all of them.

Senator Depew. As new revelations are received, are they embodied in the new edition of the Book of Mormon?

Not in Book of Mormon.

Mr. Smith. No revelations that are received are put in the Book of Mormon—none whatever. The Book of Mormon is a complete work in itself. In the book the Doctrine and Covenants, if the Lord should reveal his mind to his people and it should be accepted by his people in the way that he has appointed, it would then become a matter to be added to the Book of Doctrine and Covenants.

Senator Hoar. Mr. Smith, I should like to ask one question which, perhaps, you will be able to answer as well as anybody else. I wish the fact to appear of record. What is the law in Utah as to inheritance with reference to children who are not children of what the civil law recognizes as a lawful marriage? What share do they have in the parent's estate?

Mr. Smith. Polygamous children, up to a certain date, were legitimatized by an act of Congress.

Mr. Worthington. The Edmunds-Tucker act of 1887 made legitimate all children born of polygamous parents down to 1888.

Senator Hoar. I understand, but suppose either of the witnesses here who have testified that they now live in polygamous cohabitation have had within the last year or shall have within the next year, a child by a wife other than the true wife ac-

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cording to the civil law, that is, the first wife. What right of inheritance will that child have in the father's estate when the father dies?

Mr. Smith. Whatever the father wills to that mother and the child.

Senator Hoar. That is not the right of inheritance. The will is not a right of inheritance.

Mr. Smith. It can only inherit by will from the father.

Senator Hoar. For instance, in my own State illegitimate children inherit the property of the mother, but have no right to the estate of the father. I want to know what your law is in that particular.

Mr. Smith. I am not lawyer enough to tell you. I think the attorneys here probably could tell.

Senator McComas. I should like to have Mr. Van Cott state the substance of the statute of Utah on that subject?

Mr. Van Cott. I am just looking it up.

Disposing of His Property.

Senator Hoar. I want to know. Mr. Smith, suppose your will—I do not inquire whether you have made one or not—had been made and destroyed, and that you die and leave property. Do you know what rights in that property those children of whom you have spoken would have—these later children, the children born since the manifesto?

Mr. Smith. In my own case I have deeded to my family their property—

Senator Hoar. I did not mean in the least to inquire into your personal affairs. I want to know what the legal rights of the children would be.

Senator Depew. In case a man died intestate and had property.

Senator Hoar. Yes; died intestate and had property.

Mr. Worthington. Mr. Van Cott is looking it up now.

Senator McComas. I suggest that the chairman permit Mr. Van Cott to insert the sections of the statute in the record.

Mr. Smith. Mr. Van Cott can answer the question. It is a legal question.

The Chairman. The course suggested by the Senator from Maryland will be pursued. The subject will be taken up later.

Mr. Tayler. You know, Mr. Smith—

Mr. Worthington. I have not yet finished my examination. While I was proceeding with the examination Senator Hoar asked a question.

Senator Hoar. I thought you had stopped.

Mr. Van Cott. I have the statute. Shall I read it now?

The Chairman. Yes.

Reads From Utah Statutes.

Mr. Van Cott. I read from the revised statutes of Utah, 1898, section 2833:

"2833. Illegitimate children to inherit, when. Every illegitimate child is an heir of the person who ascknowledges himself to be the father of such child; and in all cases is an heir of his mother, and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock. The issue of all marriages null in law, or dissolved by divorce, are legitimate."

Mr. Worthington. It practically says that the sins of the father shall not be visited on the children.

Senator Overman. Give the date of the act.

The Chairman. I should like to have you state the date of that act.

Mr. Van Cott. This does not say when it was first passed, and I will have to trace it back to find out. This is a codification of the laws of Utah.

Senator McComas. Does it not show the statute from which it is taken?

Mr. Van Cott. This shows that it was brought from the laws of 1888, long before Statehood, but how long before that it had been in force I cannot state. But from memory—

Senator Hoar. When was it last enacted?

Mr. Smith. 1898, when the laws were codified; but Mr. Critchlow can possibly remind me. I think that law was in force in 1876, but I should have to check that to be sure.

The Chairman. It is the codification of 1898?

Mr. Van Cott. 1898.

Mr. Worthington. You said you remembered two instances where persons had been sealed by the church for eternity; you said one or two instances?

Mr. Smith. Yes, sir; one or two instances.

Mr. Worthington. How long ago were those?

Mr. Smith. Twenty-five to thirty years ago.

What Is Mormon Bible?

Mr. Worthington. You said that the Book of Mormon is not the Mormon Bible. What is the Mormon Bible?

Mr. Smith. The King James translation of the Bible.

Mr. Worthington. You have the same Bible that other Christians have?

Mr. Smith. Yes, sir; most emphatically.

Senator Depew. Does the Mormon Bible include the New Testament?

Mr. Smith. Yes, sir. I should like to state for the information of the Senator who makes the inquiry that we have no Bible except the Christian Bible. King James's translation is the translation that we have accepted as the standard work of the church.

Mr. Worthington. That is all.

Mr. Tayler. Just one question. I want to be sure that I understand you correctly. You say that Apostle Teasdale told you that to this wife, from whom he had to obtain a divorce, he had been sealed for eternity only?

Mr. Smith. Yes, sir.

Mr. Tayler. That he had not been married either for time or for time and eternity, but only for that third form—eternity only?

Mr. Smith. Well, now, Mr. Tayler, I could not tell you as to the form of the ceremony.

Mr. Tayler. I understand that. I am not speaking about that. But it was merely for eternity?

Mr. Smith. That is the understanding they had. It was for eternity, and not for time.

Mr. Tayler. Exactly; and therefore the relations between them as contemplated at the time of the ceremony were that they should never cohabit?

Mr. Smith. Never cohabit.

Mr. Worthington. Therefore his rela-

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tions with her were as chaste as if she were his sister or a stranger to him?

Mr. Smith. Perfectly so.

Mr. Worthington. That is all.

The Chairman. I should like to ask counsel if this witness will be needed further?

Mr. Van Cott. We are through with him.

Mr. Worthington. Is it a final discharge?

The Chairman. Yes. Mr. Tayler, will you want anything more of this witness?

Mr. Tayler. No; I think not.

Mr. Worthington. We have no desire to have him held.

The Chairman. I think, Mr. Smith, if you will remain until the meeting at 2 o'clock, we will then probably discharge you.

Right of Inheritance.

Senator Hoar. Mr. Chairman, I should like, in connection with the answer about the right of inheritance of children of polygamous parents in Utah, to have sections 2848, 2849 and 2850 of the Code of 1898 also read. I wish the chairman would read them aloud, if he will. They are very brief.

The Chairman. Certainly.

"2848. Inheritance by issue of polygamous marriages. Section twenty-eight hundred and thirty-three included when first enacted and effectually operated at all times thereafter and now operates to include the issue of bigamous and polygamous marriages, and entitles all such issue to inherit, as in said section provided, except such as are not included in the proviso of section eleven of the act of Congress called the 'Edmunds-Tucker act,' entitled 'An act to amend an act entitled "An act to amend section fifty-three hundred and two" of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.'"

"2849. Id. Cases heretofore determined. New trial. In all cases involving the rights of such issue to so inherit, heretofore determined adversely to such issue in any of the courts of the Territory of Utah, a motion for a new trial or rehearing shall be entertained, on application of such issue who was or were parties, at any time before the tenth day of March, eighteen hundred and ninety-seven; and the case or cases in which said motion is so directed to be heard shall be deemed transferred to the court of the State of Utah corresponding to that of the Territory of Utah, in which such adverse decision was made, and the courts shall thereupon proceed to hear and determine said motion, and if granted, to proceed to hear and determine the case or cases without prejudice from the lapse of time since the former hearing or any prior determination of a like motion; provided, that this section shall not be construed to affect the rights of bona fide purchasers from any such parties before the approval of his title.

"2850. Polygamous issue born on or prior to January 4, 1896, legitimated. The issue of bigamous and polygamous marriages, heretofore contracted between members of the Church of Jesus Christ of Latter-day Saints, born on or prior to the fourth day of January, A. D. eighteen hundred and ninety-six, are hereby legitimated; and such issue are entitled to inherit from both parents, and to have and to enjoy all the rights and privileges to the same extent and in the same manner as though born in lawful wedlock."

Mr. Van Cott. At the end of section 2849, if there is no objection, we should like to have it appear that the Supreme court of Utah has held that section (2849) unconstitutional.

Senator Hoar. I wish you would put in the decision.

Mr. Van Cott. Yes, sir. It is in re Handley, 49 Pacific Reporter, 829. The decision referred to is as follows:

IN RE HANDLEY'S ESTATE.

(Supreme Court of Utah. June 28, 1897.)

Constitutional Law—Polygamous Children—Inheritance—Final Judgment—Legislative Powers.

1. Where the Legislature of the State by statute declares that in all cases involving the right of polygamous children to inherit, determined against them before the act in any of the courts of the Territory, a motion for a rehearing or new trial shall be entertained on their application who were parties at any time within one year after the act took effect, and the court is required to entertain the motion for a new trial or rehearing regardless of when the judgment or decree became final, the Legislature assumed a control over the judiciary not warranted by the Constitution, and such a statute, destroying vested rights, and the finality of judicial determinations, is unconstitutional and void.

2. When the court construes the law and holds that it has a certain effect, and bases its judgment upon it, the Legislature can not declare that the law as to that case has any other effect than that declared by the court.

(Syllabus by the court.)

On rehearing. For former opinion see 24 Pac., 673. Denied.

Sutherland & Murphy and John W. Judd, for petitioner; Dey & Street and W. H. Bramel, for respondent.

Zane, C. J. It appears from this record that the late George Handley was a resident of Salt Lake City; that he died on the 25th day of May, 1874, leaving a lawful wife, Elizabeth Handley, and a polygamous wife, Sarah A. Chapman, and the following children: John Handley, William Handley, Charles J. Handley, and Emma N. Handley, of the lawful marriage, and Ruth A. Newson, Benjamin T. Handley, Mary F. Handley and Harvey F. Handley, of the plural marriage; that both wives and all of the children except Mary Handley are still living; that he died seized of real estate estimated to be of the value of $25,916.92; that on April 12, 1888, his widow, Elizabeth Handley, was appointed administratrix of her husband's estate by the probate court, and that she filed an inventory and final account as such.

It also appears that the surviving children of the plural wife, and their mother, as the heir of the deceased Mary, filed their petition in said court, asking that the children of the polygamous marriage be recognized as lawful heirs of their father, and that his estate be divided in equal parts among the children of both marriages. After hearing the evidence and proofs, the court made findings of fact and stated its conclusions of law to the effect that the petitioners were not entitled, under the law, to any part of the estate of the deceased father, and entered a decree accordingly, and for costs. It further appears that the petitioners appealed to the Supreme court of the Territory of Utah, and upon a hearing in that court the decision of the lower court was affirmed, with costs, on July 28, 1890 (24 Pac., 673); that the petitioners then appealed to the Supreme court of the United States, and the appeal was dismissed for the want of jurisdiction, and its mandate sent down to the Supreme court of the Territory, and the latter issued its mittimus or mandate to the District court.

After the lapse of six years from the expiration of the time within which a motion for a rehearing could be made under the rules of the

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Supreme court of the Territory or of this State, the Legislature of the State of Utah pasesd the act in force March 9, 1896, in pursuance of which the petitioners present this motion for a rehearing. The statute is as follows:

"Section 1. That section 2742 of the Compiled Laws of the Territory of Utah included when enacted, and effectually operated at all times thereafter and now operates, to include the issue of bigamous and polygamous marriages, and entitles all such issue to inherit, as in said section provided, except such as are not included in the provision in section 11 of the act of Congress called the 'Edmunds-Tucker Act,' entitled 'An act to amend such an act entitled "An act to amend section 5352" of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.'

"Sec. 2. That in all cases involving the rights of such issue to so inherit, heretofore determined adversely to such issue in any of the courts of the Territory of Utah, a motion for a new trial or rehearing shall be entertained, on application of such issue who was or were parties at any time within one year after this act shall take effect; and the case or cases in which said motion is so directed to be heard shall be deemed to be transferred to the courts of the State of Utah corresponding to that of the Territory of Utah in which such adverse decision was made, and the courts shall thereupon proceed to hear and determine said motion, and, if granted, to proceed to hear and determine said case or cass without prejudice from the lapse of time since the former hearing or any prior determination of a like motion: Provided, that this act shall not be construed to affect the rights of bona fide purchasers from any such parties before the approval of this act."

Handley, the ancestor, died in 1874, ten years before section 2742 mentioned in the act became a law and its meaning, operation, and effect declared by the act quoted. An act of the Territorial Legislature of March 3, 1852, was in force when the father and polygamous husband died. By that law the court determined the rights of the parties to his estate by the decree which the petitioners seek to set aside. This decree gave the entire estate to the children of the lawful wife, and it became final after the time for filing a petition for rehearing had passed. If it were conceded that the right of the children of the plural wife to inherit a portion of their deceased father's estate should have been determined by section 2742, Compiled Laws, and the decree sought to be set aside had been rendered under it, section 1 of the act of March 9, 1896, could have no effect upon that decree, because it became final six years before that law took effect. After the court has interpreted or construed a statute on the trial of a case, and rendered judgment, the Legislature can not affect it by a declaratory or explanatory law giving the law under which the decree was rendered a different construction.

To hold that the Legislature can, would recognize the law-making department as a court of errors with power to overturn all judgments and decrees depending upon the interpretation or the construction of statutes. The purpose of separating and classifying the powers of government and of intrusting the law-making power to the officers of one department and the right to execute laws to another, and the power to interpret and construe and apply laws to the conduct and contentions of mankind to another, was to prevent the evils that would arise if all were concentrated and held by the same hand. Such a concentration of power would give to the class of officers possessing it absolute power, and that would amount to a despotism.

The second section of the act upon which the petitioners rely is subject to fatal objections. That section declares that in all cases involving the right of polygamous children to inherit, determined against them before the act in any of the courts of the Territory, a motion for a new trial or rehearing shall be entertained on their application, who were parties, at any time within one year after the act took effect. The court is required by it to entertain the motion for a new trial or rehearing regardless of when the judgment or decree became final. And the section further declares that such cases shall be deemed transferred from the Territorial court to the State court. The State court is then directed to hear and determine the motion, and, if granted, to hear and determine the case without prejudice from the lapse of time since the former hearing, or any prior determination of a like motion.

The court is peremptorily commanded by the Legislature to entertain the motion for a new trial or rehearing upon the application of the polygamous issue, no matter what reasons my be brought to the attention of the court or may appear for not entertaining it. Though a final hearing may have been entered twenty-five years before, the motion must be entertained. If the right to inherit was decided against a polygamous issue, no matter for what reason, the Legislature has decided the new trial must be entertained. The court is denied all discretion or right to judge for itself as to its jurisdiction or otherwise. It is commanded to proceed at once, without first hearing any reasons or listening to any argument one way or the other. And, if a rehearing or new trial is granted, the court is directed to proceed to hear the case without prejudice from the lapse of time since the former hearing, or any prior determination, though the case may have been tried on much evidence, and a degree rendered a generation before.

The court is forbidden by the act to take such matters into consideration; all laches and limitations must be disregarded. Under the Territorial law the right to a new trial was lost unless the motion was served and filed with the Clerk of the court within ten days after the verdict, or, in case of a trial by the court, within ten days after notice of its decision; and the same rule exists under the State. And a right to a rehearing in the Supreme court under the Territory was lost unless the petition was filed within twenty days after the decision, and this is also a rule of the Supreme court of the State. According to this act any number of years may have intervened. The act in question appears to be a plain attempt on the part of the Legislature to exercise judicial powers.

Section 1 of article 5 of the State Constitution declares: "The powers of the government of the State of Utah shall be divided into three distinct departments—the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others except in the case herein expressly directed or permitted."

Section 1 of article 8 of the same instrument is as follows: "The judicial powers of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme court, in District courts, in Justices of the Peace, and such other courts inferior to the Supreme court as may be established by law." The Senate while sitting as a court of impeachment has judicial authority, so far as necessary, to try such issues. Otherwise the Constitution has not intrusted any port of the judicial power of the State to the Legislature. The petitioners claim that the provisions of the second section relate alone to the remedy. When the estate of the deceased, Handley, was ready for distribution, the four children of the lawful wife claimed all of it, while the

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four children of the plural marriage claimed the right to one half of it. This made it the duty of the court to ascertain the heirs—the persons entitled to inherit.

The remedy provided by law was employed and the issue was tried, and, upon the evidence heard and the law as interpreted, construed, and applied to the facts, the court found the entire estate to belong to the four children of the lawful wife and entered a decree accordingly. That decree was affirmed by the court of last resort, and it became final when the twenty days given within which to file a petition for a rehearing expired—six years before the acts of 1896 in question. That decree determined the interests of the children of the lawful wife to the estate in litigation, and gave them an immediate right to its possession. The remedy was exhausted and the rights of the parties were established by that decree, and the title to the entire estate was vested in the four children of the lawful wife. The right was a vested one. It was finally ascertained and settled by the decree beyond the power of the court or the Legislature to unsettle or divert it. The remedy which the law afforded the petitioners was employed by them and it had completed its work. It was exhausted six years before the legislative enactment upon which they rely.

After the decree became final there remained no legal right to be enforced by the remedy which the act attempted to provide, or any legal wrong to be redressed. The Legislature attempted by a retrospective act to furnish a method by which vested rights could be divested, and to compel the courts to employ it. The rights of the children of the lawful wife to the estate in question were ascertained and settled by the decree. Thereafter their rights were subject to no contingency. They were completed and consummated. They were vested, and beyond the reach of any remedy the court could employ or the Legislature could invent. No retroactive, explanatory, or declaratory enactment thereafter could have any effect upon them. The court, having tried the case, construed the law in force at the time, and, having applied it to the facts and entered a final decree, the Legislature could not afterwards, by a declaratory or explanatory act as to that case, give to the law a diffrent construction, requiring a different decree, and invent a new remedy or change the old one, and require the court to retry the case and enter a new decree according to its new construction and new and changed remedy.

If we were to affirm the validity of the law in question, we would, in effect, say that the Legislature may exercise judicial powers, authorize and require the courts to set aside final judgments and decrees, divest titles, and destroy and annihilate vested rights. The people of the State have not intrusted such powers to the Legislature. Cooley, Const. Lim. (6th Ed.), p. 111; Merrill v. Sherburne, 8 Am. Dec., 52; De Chastellux v. Fairchild, 15 Pa. St., 18; Reiser v. Association, 39 Pa. St., 137; Hooker v. Hooker, 10 Smedes & M., 599; Moser v. White, 29 Mich., 59; Gilman v. Tucker (N. Y. App.), 28 N. E., 1040; People v. Board of Supervisors of New York, 16 N. Y., 424.

Judge Cooley (Const. Lim., p. 111) says: "It is always competent to change an existing law by a declaratory statute, and, where the statute is only to operate upon future cases, it is no objection to its validity that it assumes the law to have been in the past what it is now declared that it shall be in the future. But the legislative action can not be made to retroact upon past controversies and to reverse decisions which the courts, in the exercise of their undoubted authority, have made; for this would not only be the exercise of judicial power, but it woud be its exercise in the most objectionable and offensive form, since the Legislature would, in effect, sit as a court of review to which parties might appeal when dissatisfied with the rulings of the courts."

In Merrill v. Sherburne (8 Am. Dec., 52), the plaintiff claimed the estate of Nathaniel Ward by virtue of an instrument purporting to be his last will, which the heirs at law of Ward, contested, and after a hearing the issues were found against Merrill, and in 1814, at the November term of the court, final judgment was rendered disallowing the instrument. Merrill then petitioned the Legislature for another trial, and they, at their June session, 1817, pasesd an act granting to the plaintiff, as administratrix of Merrill, then deceased, liberty to re-enter the cause in the Superior court and there have it tried like a common case for review, and upon due notice the case was entered upon the docket, and the heirs, appearing as defendants, moved the court to quash the proceedings on the ground that the act was unconstitutional. The court held the nature and effect of the act was judicial; that it was also retroactive, and that the Legislature had no power to pass such an act and quashed the proceedings.

In a very learned opinion the court said, among other things: "Be that as it may, however, it is clearly unwarrantable thus to take from any citizen a vested right, a right 'to do certain actions, or possess certain things,' which he has already begun to exercise, or to the exercise of which no obstacle exists in the present laws of the land. * * * But previous the passage of the act granting a new trial to the plaintiff, the defendant had become authorized by the laws of the land to possess all the estate of which Ward died seized. Every obstacle to the exercise of their rights had been removed or annulled; and whether their rights became vested by Ward's death, or by the final judgment in November, 1814, is immaterial, because both these events had happened before the passage of this act. * * * The defendants being thus situated, the Legislature interfered; not to enact what is in its nature and effect a law, but to pass a decree; not to prescribe a rule for future cases, but to regulate a case which had already occurred; not to make a private statute by the consent of all concerned, but at the request of one party, to reverse and alter existing judgments; not to promulgate an ordinance for a whole class of rights in the community, but to make the action of a particular individual an exception to all standing laws on the subject of the controversy.

"The expense and inconvenience of another trial were also imposed upon the defendants, and all their claims to the property in dispute, which had become indefeasible by the law then in being, were launched again upon the sea of litigation to be lost or saved as accident and opinion might afterwards happen to injure or befriend them. The misfortune of having vested rights thus disturbed is not small when we consider that on this principle no judgment whatever in a court of law is final."

In the case of Gilman vs. Tucker, supra, the court said: "We also think the act violated the constitutional guaranty, because it assumes to nullify a final and unimpeachable judgment, not only establishing the plaintiff's right to the premises in dispute, but also awarding him a sum of money as costs. After rendition this judgment became an evidence of title, and could not be taken from the plaintiff without destroying one of the instrumentalities by which her title was manifested. A statute which assumes to destroy or nullify a party's muniments of title is just as effective in depriving him of his property as one which bestows it directly upon another. * * * In the one case it despoils the owner directly, and in the other renders him defenseless against any assault upon his property. Authority which permits a party to be deprived of his property

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by indirection is as much within the meaning and spirit of the constitutional provision as where it attempts to do the same thing directly. We are, therefore, of the opinion that the repugnancy between the law and the constitutional rights of the citizen is so irreconcilable that the law must fall."

The first section of the act of 1986 declared the operation and effect of section 2742 of the compiled laws of 1888, at the time it took effect, and at all times thereafter, included the issue of polygamous marriages, notwithstanding the court might have held in any given case it did not include such issue. The Legislature assumed the right to declare the law had an operation and effect with respect to such cases different from that which the court may have declared it had and upon which it may have based its judgment. When the court construes the law and holds it has a certain effect and bases a judgment upon it. The Legislature can not declare that the law as to that case, had any other effect than that declared by the court.

By the second section of the act of 1896 the Legislature decided and assumed that all judgments and decrees that had been entered involving the right of polygamous children to inherit were not final, and assumed to direct the courts to disregard their effect as such, and to entertain applications to set them aside, and assumed to command the State courts to deem such cases transferred, and to take jurisdiction of them to proceed to hear and determine such applications, and, if granted, to hear and determine the cases regardless of limitation or laches. In effect the courts are required to disregard as final all judgments and decisions rendered in such cases. We must hold the act of 1896 invalid, because in its passage the Legislature assumed to exercise judicial powers, and also because they assumed the right to require the courts to regard judgments as impeachable that were unimpeachable under the laws in force at the time they were rendered, and by which vested rights were established and evidenced.

Miner, J., and Hart, District Judge, concur.

At 12 o'clock meridian the committee took a recess until 2 o'clock.

The committee reassembled at the expiration of the recess.

The Chairman. Proceed, Mr. Tayler.

Mr. Tayler. Call Andrew Jensen.

The Chairman. Mr. Andrew Jensen will take the stand.

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Testimony of important witnesses as
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