



O. N. TOOMEY.



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MEMORANDUM

PROCEEDINGS

C.N. TOOMEY.

BEFORE THE

COMMITTEE ON PRIVILEGES AND ELECTIONS

OF THE

UNITED STATES SENATE

//

IN THE MATTER OF

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

VOLUME I.

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PROTEST IN THE MATTER OF REED SMOOT, SENATOR-ELECT FROM THE STATE OF UTAH.

To the President and Members of the Senate of the United States:

We, the undersigned, resident citizens and qualified electors of the State of Utah, do hereby most respectfully protest:

That Apostle Reed Smoot, Senator-elect from the State of Utah, to whom, on or about the 21st day of January, 1903, a certificate of election was issued in due form by the governor of said State, ought not to be permitted to qualify by taking the oath of office or to sit as a member of the United States Senate, for reasons affecting the honor and dignity of the United States and their Senators in Congress.

We protest as above upon the ground and for the reason that he is one of a self-perpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or "Mormon" Church, claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who thus, uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the laws of the State prohibiting the same regardless of pledges made for the purpose of obtaining statehood and of covenants made with the people of the United States, and who by all the means in their power protect and honor those who with themselves violate the laws of the land and are guilty of practices destructive of the family and the home.

In support whereof we do further show as follows:

I.

The Mormon priesthood, according to the doctrines of that church, is vested with supreme authority in all things temporal and spiritual.

Men who hold the priesthood possess divine authority to act for God, and by possessing part of God's power they are in reality part of God. * * * Men who honor the priesthood in them honor God; and those who reject it, reject God. (New Witnesses for God, by B. H. Roberts, p. 187.)

All other authorities or offices in the church are appendages to this priesthood. (Doctrine and Covenants, sec. 107, v. 5.)

I would just as soon think of heaven ending in chaos and the throne of God being shaken to its foundations as to think that the priesthood had gone wrong in its authority or that the Lord would permit such a thing. * * * It is a dreadful thing to fight against or in any manner oppose the priesthood. (Apostle George Q. Cannon in a sermon delivered in the Salt Lake Tabernacle, April 5, 1897.)

The priesthood gives them the right to advise and instruct the saints, and their jurisdiction extends over all things, spiritual or temporal. (Sermon by Doctor Gowans, reported in the Logan Journal, May 26, 1898.)

The Lord has not given the members of the church the right to find fault with or condemn those who hold priesthood. (Apostle George Q. Cannon in the Juvenile Instructor, No. 29, p. 745.)

The priesthood holds the power and right to give laws and commands to individuals, churches, rulers, and nations of the world; to appoint, ordain, and establish constitutions and kingdoms; to appoint kings, presidents, governors, and judges. (Key to Theology, p. 70.)

The priesthood has the legitimate rule of God, whether in the heaven or on the earth, and the only legitimate power that has a right to rule on the earth; and when the will of God is done on earth as it is in heaven, no other power will be or rule. (Apostle John Taylor, afterwards president of the church. See Journal of Discourses, vol. 5, p. 186.)

The question with me is * * * when I get the word of the Lord as to who is the right man (to vote for) will I obey it, no matter whether it does come contrary to my convictions. (President Joseph F. Smith. Sermon in Salt Lake Tabernacle, reported in Deseret News, December 6, 1900.)

If a man should offer me a bribe to vote for him I should be inclined not to vote for him unless directed to do so by the prophet of the Lord. (Apostle Brigham Young, jr. Sermon in Logan Tabernacle, 1901.)

Speaking of politics, Elder Cowley (apostle) made the remark that he deemed politics an essential feature of the building up of God's kingdom on earth; but first of all he believed we should obey the scriptural injunction to seek first the Kingdom of God, etc. The priesthood was placed on the earth for the guidance of the saints in all things, whether religious or political, and he deemed it justifiable for the elders to counsel the people in political matters. (Logan Journal's report of Tabernacle service, issue of October 11, 1898.)

II.

The first presidency and twelve apostles are supreme in the exercise and transmission of the mandates of this authority.

Since of necessity there are presiding officers growing out of the priesthood, there is a president appointed from the high-priesthood to preside over that priesthood. He is called the president of the high-priesthood of the church, or presiding high priest over the high-priesthood of the church. This president of the high-priesthood also presides over the whole church. * * * Two other high priests associated with the president of the high-priesthood as counselors * * * form the quorum of the first presidency of the church.

The president in his quorum is to be like unto Moses; therefore he is the prophet and lawgiver unto the church—the mouthpiece of God unto it. (See Doctrine and Covenants, chap. 107, and Roberts's Outlines of Ecclesiastical History, p. 368.)

The twelve apostles are the traveling presiding high council, and have the power to officiate in the name of the Lord, under the direction of the first presidency of the church, to build up the church and regulate all the affairs of the same in all nations. * * *

These twelve apostles form the second general presiding quorum in the church, and are equal in authority and power to the quorum of the first presidency. (See Doctrine and Covenants, chap. 107, and Roberts's Outlines of Ecclesiastical History, p. 368.)

If Brother Brigham tells me to do anything, it is the same as though the Lord told me to do it; this is the course for you and every other saint to take. (Late Apostle Heber C. Kimball; see Journal of Discourses, vol. 1, p. 161.)

No man need judge me. You know nothing about it, whether I am sent or not; furthermore, it is none of your business; only listen with open ears to what is taught you. (President Brigham Young in Journal of Discourses, vol. 1, p. 341.)

Wilford Woodruff is a prophet, and I know that he has a great many prophets around him, and he can make scriptures as good as those in the Bible. (Apostle John W. Taylor, conference at Salt Lake City, April 5, 1897.)

The living oracles (words of the first president and apostolate) are worth more to the Latter-Day Saints than all the Bibles, etc. (Apostle Mariner W. Merrill, conference at Salt Lake City, October, 1897.)

Compared with the living oracles these books are nothing to me. (The late President Woodruff, conference at Salt Lake City, October, 1897.)

Whatever I might have obtained in the shape of learning by searching and study respecting the arts and sciences of men; whatever principles I might have imbibed during my scientific researches; yet, if the prophet of God should tell me that a certain theory or principle 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. (Apostle Wilford Woodruff, afterwards president of the church; Journal of Discourses, vol. 5, p. 83.)

About 1890, when the people of the Territory of Utah were considering the question of dividing on national party lines to the exclusion of church issues, it was decided by the president and apostolate of the Mormon Church that men holding the higher orders of priesthood should refrain from entering into politics personally, because of the influential positions which they held in the church. Accordingly, a rule was promulgated requiring the higher grades of Mormon officials to decline leadership in the political parties.

Apostle Moses Thatcher and others showed a disposition to violate this rule, claiming that the presidency and main body of the apostles were not observing it, and refused to "take counsel" as to what course they should pursue in political matters. The first presidency and apostolate thereupon made a rule that leading officials in the church must receive permission before accepting political nominations. That rule was set forth in a manifesto which was signed by the first presidency, the twelve apostles (excepting Moses Thatcher), and other leading officials of the church. The rule, as found in this manifesto, reads as follows:

Concerning officers of the church themselves, the feeling was generally expressed in the beginning of the political divisions 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. * * *

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 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; and 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 possess, unless released in part or for a time by those who preside 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 to disobey it and declare himself 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 to-day. * * *

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, labors, and responsibilities of the new position. To maintain proper discipline and order in the church we deem it 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, can not properly, of his own volition, make those honors subordinate to or even coordinate with new ones of entirely different character; we hold that unless he is willing to counsel 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.

There was appended to this document the names of the first presidency of the apostles (with the exception of Apostle Lund, who was then in England), of the first seven presidents of the seventies, and so on, 24 names in all, representing the authorities of the church. Apostle Thatcher refused to join in the manifesto, and his name was dropped out of the list of apostles to be sustained at the April conference of 1896. He was dropped from the quorum of the twelve apostles at the October conference of that same year.

Apostle George Q. Cannon said, in defining the course of the church authorities:

When I respect and honor Wilford Woodruff I bow to God; He has chosen him. * * * If I listen to Wilford Woodruff, if I look to him to see how the spirit of God moves upon him; if I ask his counsel and take it, it is because God has commanded me. God has given him the keys of authority. Let anybody try it and see what effect their action would have. When Joseph F. Smith obeys Wilford Woodruff he does it upon the same principle. We reverence him as the prophet of God, and as our leader. We listen to him and are guided by his slightest wish. It is because we know that he is the servant of God, chosen by the Almighty to fill that place, and that he holds the keys of the priesthood to this generation on the earth at the present time. I can say truthfully that we strive to consult his slightest wish, and honor him in his position, because we know that God has chosen him. And who are we that we should withstand God? Who are we that we should question that which God reveals? Does this sacrifice our independence? Not in the least. And these twelve apostles are in precisely the same position. When they accept the counsel of the first presidency they do it because they believe the first presidency to be chosen of God. They may have different views on many things; but when the first presidency gives counsel every man that has the spirit of God accepts that counsel. (Reported by the Deseret News, October 4, 1896.)

At the same conference President Woodruff said:

My brethren and sisters, there is something pressing upon my mind that I want to say. We have arrived at the point here with regard to circumstances that it is my duty to take up as the president of the church. The first presidency and twelve apostles were never more united as a body than they are to-day. * * * We believe together, 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. * * * 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 the apostles that have been in the road, and they have had to be moved out of it, because the kingdom of God can not 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 can not have any power or influence. (Reported by Deseret News, October 5, 1896.)

At the same conference Apostle Lorenzo Snow, at that time president of the quorum of the twelve apostles and afterwards president of the church, said:

Now there is a certain document which you have heard 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 it altogether, he wished it to remain for a while. We granted him his wish. * * * 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), of the first seven presidents of the seventies, of the patriarchs, 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 the 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 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 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 would never say anything but that was true. Well, I think when a man is so well acquainted with the first presidency, with the apostles, with the bishopric, with the presidents of the seventies, with the presiding bishops, he ought to have some confidence in the positions of these brethren; and if that brother is rather low in his mind, and does not really feel confident to judge in the matter, he ought to have confidence in brethren. (Address reported by Deseret News, October 5, 1896.)

Apostle John Henry Smith expressed himself as follows at the same conference:

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 sustain his associates he would have been dealt with for his fellowship and standing in the council of the apostles but for his physical condition.

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 these counsels may prevail so far as may be possible among the whole people. (Address reported by Deseret News, October 5, 1896.)

Apostle Brigham Young put himself on record at this same conference, as follows:

I can not 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. * * * 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 by and forbidden paths. One channel, one organization. And no man can rise against that and expect that he will be favored of the Lord or permitted to enjoy his spirit. (Address reported by Deseret News, October 5, 1896.)

Apostle Joseph F. Smith, now president of the church, gave counsel as follows at the same conference:

It is written somewhere in the laws of God that "the Lord requireth the heart and a willing mind, and the willing and obedient shall eat the good of the land of Zion" in these last days. Now, if a man has given his heart unto the Lord and is willing and obedient unto God in his requirements, that man I love and that man has my sympathy. But when he turns away from the love of God and steels his heart against the laws of God and the counsels of his priesthood, then amen to the authority and power of that man, and to my love and sympathy for him in his wrongdoing. * * * He may go his own road and I will go mine. I love my own brother; I love my sister; I love my wife and children; but when my brother or my sister or wife or child turns away from God and raises the heel against the Almighty and turns his or her ear to their own selfish desires and whims, they are no more to me than the heathen; but they are unbelievers and they are not my brother nor my sister in the covenant of the gospel, and that covenant is stronger than all other covenants and all other ties that bind the Saints together.

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 servant of God and the authority of the priesthood on earth is

not my friend, and he has not my sympathy nor my love. Mercy has done its work; patience has endured long enough, and all Israel must know that a man, whether he is an apostle or 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. * * * It is a matter concerning the government of the church and the authority which God has instituted to direct and to guide. (Address reported by Deseret News, October 5, 1896.)

Apostle Joseph F. Smith had previously spoken on the same subject at a priesthood meeting at Logan. There need be no question as to the accuracy of the report, for it is thoroughly substantiated and may be read in full in the Salt Lake papers of May 10 and 11, 1896.

Joseph F. Smith was the next speaker. He said that Moses Thatcher's attitude all through the political fight in Utah could not be justified; that he had been the one apostle who had refused to take counsel as to how the people should be divided up; that the first presidency and all the twelve but Thatcher had decided upon a certain policy to get the relief they needed from the Government, but Thatcher had stood out against them; that he had been opposing his brethren ever since the division on party lines, and had not been in harmony with his quorum.

Joseph F. Smith said further that the meeting called in the Gardo House to consider the advisability of disbanding the People's Party was attended by many of the authorities, stake presidents, and leaders of the People's Party.

It was plainly stated at this meeting that men high in authority who believe in Republican principles should go out among the people, but that those high in authority who could not indorse the principles of Republicanism should remain silent. Their counsel was obeyed by all the apostles and high authorities except Moses Thatcher, who talked to the people contrary to the wishes of his brethren. If it had not been for his condition Moses Thatcher would have been called to account for his declaration in the opera house, and if he ever became able he would have to answer for that as well as other things they proposed to charge against him.

In the end Apostle Thatcher was deposed from the apostolate, defeated in his contest for Senatorship in the legislature, and only permitted to retain his membership in the Mormon Church upon penitent recantation of his words and expressed penitence for his course of action. (See Church Chronology, pp. 213, 214, 215.)

III.

As this body of men has not abandoned the principles and practice of political dictation, so also it has not abandoned belief in polygamy and polygamous cohabitation.

Section 132 of the doctrine and covenants is still a part of the faith of this body and is published as such without footnote or explanation. The manifesto authorizing the suspension of plural marriage has not been added to the published revelations acknowledged as standards by this body.

Section 132 of the doctrine and covenants, entitled "Revelation on the eternity of the marriage covenant, including plurality of wives," is still an essential belief to the first presidency and twelve apostles.

For, behold! I reveal unto you a new and an everlasting covenant [this refers to the eternity and plurality of marriage relations], and if ye abide not that covenant then ye are damned; for no one can reject this covenant and be permitted to enter into My glory. (Doctrine and Covenants, sec. 132, v. 4.)

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; for he can not commit adultery with that which belongeth to him and to no one else. 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. (Doctrine and Covenants, sec. 132, 61-62.)

Manifesto was added To Doc-Cov. in the 1914 3rd Edition.

When, in 1869, Mr. Cullom, of Illinois, introduced into the House a bill aimed at polygamy, Delegate Hooper, representing Utah and the Mormon Church, summed up his objections to it as follows:

First: That under our constitution we are entitled to be protected in the full and free enjoyment of our religious faith.

Second: That our views of the marriage relations are an essential portion of our religious faith.

Third: That in conceding the cognizance of the marriage relation as within the province of church regulation we are practically in accord with all other Christian denominations.

Fourth: That in our view of the marriage relation as a part of our religious belief we are entitled to immunity from persecution under the constitution if such views are sincerely held; that if such views are wrong their eradication must be by argument and not by force. (Quoted by W. A. Linn in his Story of the Mormons, p. 592.)

The following extracts from an epistle from the ^{1st} first presidency to the officers and members of the Church, dated October 6, 1885, will sufficiently illustrate the attitude of the church organization:

The war is openly and undisguisedly made upon our religion. To induce men to repudiate that, to violate its precepts, and break its solemn covenants, every encouragement is given. The man who agrees to discard his wife or wives and to trample upon the most sacred obligation which any human being can enter into escapes imprisonment and is applauded, while the man who will not make this compact of dishonor, who will not admit that his past life has been a fraud and a lie, who will not say to the world, "I intended to deceive my God, my brethren, and my wives by making covenants I did not intend to keep," is, besides being punished to the full extent of the law, compelled to endure the reproaches, taunts, and insults of a brutal judge. * * * We did not reveal celestial marriage. We can not withdraw or renounce it. God revealed it, and he has promised to maintain it and to bless those who obey it. Whatever fate, then, may threaten us, there is but one course for men of God to take; that is to keep inviolate the holy covenants they have made in the presence of God and angels. For the remainder, whether it be life or death, freedom or imprisonment, prosperity or adversity, we must trust in God. We may say, however, if any man or woman expects to enter into the celestial kingdom of our God without making sacrifices and without being tested to the very uttermost, they have not understood the gospel. * * *

Upward of forty years ago the Lord revealed to his church the principle of celestial marriage. The idea of marrying more wives than one was as naturally abhorrent to the leading men and women of the church at that day as it could be to any people. They shrank with dread from the bare thought of entering into such relationship. But the command of God was before them in language which no faithful soul dare disobey. "For, behold, I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory." * * * Who would suppose that any man, in this land of religious liberty, would presume to say to his fellowman that he had no right to take such steps as he thought necessary to escape damnation; or that Congress would enact a law that would present the alternative to religious believers of being consigned to a penitentiary if they should attempt to obey a law of God which would deliver them from damnation. (Quoted in the Story of the Mormons, by W. A. Linn, p. 597.)

The following is quoted from the Salt Lake Telegram of January 16, 1903:

Apostle Smoot, who is in Provo, was cross-examined over the telephone by the Telegram to-day. Here is what happened:

"You state in a morning paper that you are not a polygamist, and as a Mormon and as an apostle have never been asked to practice polygamy or preach it, or advise others to practice it. Will you answer another question?"

"Do you believe in polyg—?"

"I will not. I will not. I won't," broke in Mr. Smoot before the reporter could finish the question.

"Will you not answer the plain question: Do you believe in polygamy?"

"I will not answer any question that is not submitted in writing. I have been misquoted and my statements misconstrued by Salt Lake papers, and thereby injured in Washington," the apostle declared, as he hung up his telephone.

W. John Taylor.
Geo. Q. Cannon.
Jos. F. Smith.

IV.

That this is the attitude of the first presidency and apostolate, even since the suspensory manifesto of 1890, is evidenced by their teachings since then.

At a conjoint conference of the Young Men's Mutual Improvement Association and Young Women's Mutual Improvement Association, held at Castledale, Utah, in June, 1898, Mrs. Freese, of Salt Lake City, took for her theme the subject, Polygamy, and defended the practice as not only being right, but as a divine command of God. Apostle Wilford Woodruff, jr., and Mr. Holt, also took up the matter and stated that the belief in polygamy was as much a part of the faith of the Mormon Church to-day as it ever was, and that while in deference to the laws of the United States plural marriage was not practiced at the present time, it was nevertheless believed to be right, and the Government was condemned for suppressing it. It was impressed upon the minds of the young people that they could not deny this part of the Mormon belief without at the same time denying the prophet Joseph Smith, on whose advice it was first practiced. (Reported in Salt Lake Tribune, June 15, 1898; see also Salt Lake Herald, same date.)

At a meeting of the quarterly conference of Cache Stake, held in Logan tabernacle January 28, 1901. Apostle Mathias S. Cowley is reported as saying:

None of the revelations of the prophets either past or present have been repealed. The United Order (of Enoch), though suspended now, has never been repealed. If you have a man in the priesthood who does not acquaint himself with all the doctrines of the church nor teach the same both by example and precept to the families of his district, if you have a teacher in your Sunday schools who would encourage the young to disregard or disrespect a single doctrine of the church—plural marriage and all—turn them out; they have no right in the priesthood. Parents, you must teach the whole doctrine to your children or they will apostatize and be damned. * * * These revelations received by our prophets and seers are all of God, and we can not repeal or disannul them without making God out a liar, and God can not lie. * * *

I wish to remind you of a certain revelation given you through President Taylor. The command was given to set our quorums and houses in order, and the promise was that if we should obey the command God would fight our battles for us; but we did not obey the command, so God did not fight our battles for us. If we had obeyed that command and revelation given through President Taylor there would have been no manifesto.

You may think me too enthusiastic and too zealous, but I wish I was as zealous as in my younger days. I once held a political office in this State, the only political office I ever had the honor to hold in my life. I was not elected but appointed to the office, and the reason I was appointed was because there was a better man than I in the office. He had two wives and the law of the government said that all such must be turned out. Well, I got the appointment, and when I received my papers I just put them in my pocket and kept them there and never asked the brother to turn over the books or relinquish the office at all, but allowed him to continue as before until the end of his term. That was the way I did when I was younger, and I believe in the same old Gospel still. (Reported by one who was present at this meeting held January 28, 1901.)

In a signed article written by Brigham H. Roberts, the Representative-elect from Utah to the Fifty-sixth Congress, now one of the first seven presidents of the seventies of the Mormon Church, in The Improvement Era, an organ of the first presidency and twelve apostles, through which they reach the Young People's Mutual Improvement Association, the following statements are made at the conclusion of an argument on the righteousness of polygamy:

Therefore, I conclude that since God did approve of the plural-marriage custom of the ancient patriarchs, prophets, and kings of Israel, it is not at all to be wondered at that, in the dispensation of the fullness of time, in which He has promised restitution of all things, that God should again establish that system of marriage. And the fact of God's approval of plural marriage in ancient times is a complete defense of the righteousness of the marriage system introduced by revelation through the Prophet Joseph Smith.

Joseph Smith received a commandment from the Lord to introduce that order of marriage into the church, and on the strength of that revelation, and not by reason of anything that is written in the Jewish scriptures, the Latter-Day Saints practice plural marriage.

Polygamy is not adultery, for were it so considered then Abraham, Jacob, and the prophets who practiced it would not be allowed an inheritance in the kingdom of heaven, and if polygamy is not adultery then it can not be classed as a sin at all. It appears to the writer that modern Christians must either learn to tolerate polygamy or give up forever the glorious hope of resting in Abraham's bosom. That which he approves, and so strikingly approves, must be not only not bad, but positively good, pure, and holy. (Improvement Era, May, 1898, pp. 472, 475, 478, 482.)

At the Sanpete Stake Conference, September, 1899, George Q. Cannon, first counsellor to President Snow, stated:

The people of the world do not believe in breeding, but we do. So the people of the world will die out and we will fill the whole earth. I admit that those raising children by plural wives are not complying with man-made laws, but in the sight of God they are not sinning, as there is no sin in it.

Apostle Joseph F. Smith, now president of the church, said in 1896, at the dedication of a meetinghouse in Payson, Utah:

Take care of your polygamous wives; we don't care for Uncle Sam now.

In an address to a conference of young ladies in Mammoth, Utah, about two years ago, Mrs. Susie Young Gates, the daughter of Brigham Young, and an editor and lecturer not unknown in the East, said:

Girls, do not forget polygamy; you can not practice it now, but keep it alive in your hearts; there are four girls to every boy in Utah.

At Beaver, Utah, a few months ago, Elder S. O. White said:

Yes, we believe a man should have one wife to-day and five to-morrow, if he wants them.

These doctrines and teachings and this attitude of the church is the same as at the time of the trial of the Escheat case. One of the findings of the supreme court of Utah, affirmed by the United States Supreme Court, is as follows:

That certain of the officers of said religious sect regularly ordained, and certain preachers and teachers of said religious sect who are in good standing, and who are preachers and teachers concerning the doctrines and tenets of said sect, have, since the passage of said act of Congress of February 19, 1887, promulgated, taught, spread, and upheld the same doctrines, tenets, and practices, including the doctrine of polygamy, as were formerly promulgated, taught, and upheld by the said late corporation, and the said teachings of the said officers, preachers, and teachers have not been repudiated or dissented from by said voluntary religious sect, nor have their teachings and preachings or their actions created any division or schism in said voluntary religious sect. (Church of Jesus Christ of Latter-Day Saints v. United States, 136 U. S., 1.)

This body of officials, of whom Senator-elect Smoot is one, also practice or connive at and encourage the practice of polygamy and polygamous cohabitation, and those whom they have permitted to hold legislative office have, without protest or objection from them, sought to pass a law nullifying enactments against polygamous cohabitation.

At least three of the apostles have entered new polygamous relations

since the manifesto of President Woodruff. We refer to Apostle Abraham H. Cannon (whose polygamous marriage President Joseph F. Smith is said to have solemnized), Apostle John W. Taylor, and Apostle George Teasdale. Charles H. Merrill, son of Apostle Mariner W. Merrill, is guilty of the same crime, of which offense his father has criminal cognizance. That other polygamous relationships have, since statehood, been consummated within the church is just as certain, and in a monogamous community could easily be proven.

Polygamous cohabitation is almost universal among those who have a plurality of wives. All but three or four of the twelve apostles are known to be living in violation of our State statutes against polygamous cohabitation. At least six apostles have had children born to them of plural wives since the manifesto. Joseph F. Smith, the president of the church, is living in polygamy. The whole presidency of the Salt Lake City Stake, a body of officers directly under the eye of the twelve apostles and consisting of Angus M. Cannon, Joseph E. Taylor, and Charles Penrose, editor of the *Deseret News*, the official organ of the first presidency and the twelve apostles, is living in violation of the laws of the State and the marriage code of the civilized world. Even to refer publicly to these facts—much more to instigate or countenance criminal prosecutions for these offenses—is regarded as evidencing the greatest hostility to the Mormon people and their religion and subjects the persons so offending to practical ostracism in any Mormon community.

B. H. Roberts, since the refusal of Congress to accept his credentials as Representative-elect from Utah, has continued his polygamous relations, as is evidenced by a second pair of twins born to his plural wife last August. This event was noticed in the *Salt Lake Tribune* as follows:

Friends of B. H. Roberts and Mrs. Celia Dibble Roberts will be interested in knowing that their Centerville home has again been blessed by the arrival of twins, both being boys this time. Georgiana and Johanna, the girl twins who were born to the couple in 1896, became probably the most extensively advertised infants in the United States, but it is scarcely probable under present circumstances that the newer babies will achieve a like fame at the same early age. The twin boys were born last Monday, but the information, while it became more or less general in Centerville early in the week, did not reach Salt Lake until yesterday. The twins are said to be a fine pair of boys, who give every promise of growing to robust manhood.

The Ministers' Association of Salt Lake City, in a protest dated November 24, 1902, published in the Salt Lake papers and afterwards printed and sent to the members of the Utah legislature, made the following statement:

The Mormon apostolate stands as a salt man before this community as directly or indirectly encouraging or conniving at the continuance of polygamous relations throughout the Mormon Church. The vigorous and rigorous execution of a law like the Edmunds-Tucker law in this State would drive the president of the Mormon Church and the majority of his apostles into exile or throw them in prison within twelve months, and Apostle Smoot dare not oppose such polygamous conditions.

The only fair attempt to reply to this challenge was made by State President Angus M. Cannon. We give it as found in the *Salt Lake Telegram* of November 25, 1902:

Mormons are subject only to State laws in these matters. (Angus M. Cannon.)

President Angus M. Cannon, of the Salt Lake Stake of Zion, is nothing if not candid, and has always been one of the men in the Mormon Church who has stood by his convictions at all times. Regarding the charge of the ministerial association, that if the Edmunds-Tucker law were enforced President Joseph F. Smith and a

majority of the apostles of the Mormon Church would be driven into exile or put in prison, President Cannon says: "The Edmunds-Tucker law can not be enforced. That law was enacted for the Territory. Utah is now a State, and we are subject only to State laws in these matters. We never agreed to abandon our families. I never agreed to do it and I never will do it."

In an interview given to the Salt Lake Telegram, January 6, 1903, Apostle Reed Smoot, at that time candidate for election to the United States Senate, evaded the above and declared: "I am not a 'polygamist; if I am a polygamist, I ought to be in the penitentiary."

On the following day the Ministers' Association of Salt Lake City publicly challenged Apostle Smoot through the same paper, saying:

The ministerial association would be glad to hear Apostle Smoot say, "If I am guilty of the practice of polygamous cohabitation I ought to be in prison." The ministerial association is glad to hear that Apostle Smoot agrees with it in that if he be guilty of polygamy he ought to be in the penitentiary. Will Apostle Smoot say, "If I myself or any others of the twelve apostles are guilty of polygamy or polygamous cohabitation as defined in articles 4208 and 4209 of the State statutes, we are covenant breakers and law breakers and ought to be in prison or penitentiary?" Apostle Smoot has not yet met this challenge.

The president of the senate of Utah at the legislative session of 1901 was Abel John Evans, a high priest and one of the counselors of the Utah stake. There were many other bishops of the church members of the legislative assembly, among whom may be mentioned Bishop Garner, Bishop McKay, a polygamist, Bishop McMillan, and Rulon S. Wells, president of a quorum of seventy. The members of the Mormon Church composed the large majority of this legislature. Not long prior to the convening of this session a correspondent of an eastern paper had published many articles indicating the prevalence of the practice of polygamy, and had caused the prosecution of Apostle Grant and President Angus M. Cannon. For the avowed purpose of nullifying the statute (Revised Statutes of Utah, sec. 4209) under which actions for polygamous cohabitation must be commenced, and of committing to the members of the church the prosecutions for such offense, President Evans introduced and supported a bill known as the "Evans bill." It passed the senate March 8, 1901, by a vote of 11 to 7, and a few days later passed the house by a vote of 25 to 17.

As finally amended and passed it was as follows:

SEC. 1. That section 4611 of the Revised Statutes of Utah, 1898, be, and the same is hereby, amended to read as follows:

4611. 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 4208 defining and punishing polygamous marriages.

This act aroused a protest throughout the country, and on the 14th of March Governor H. M. Wells vetoed the bill. We call attention to the following sentence from his veto message:

I have every reason to believe its enactment would be the signal for a general demand upon the National Congress for a constitutional amendment directed solely against certain conditions here, a demand which, under the circumstances, would assuredly be complied with.

VI.

The supreme authorities in the church, of whom Senator-elect Reed Smoot is one, to wit, the first presidency and twelve apostles, not only connive at violations of, but protect and honor the violators of the laws against polygamy and polygamous cohabitation.

President Joseph F. Smith, in the authorized report of an interview given to the Associated Press December 2, 1902, not only acknowledged the continuance of polygamous relations, but confesses that in May, 1902, he had official knowledge of 897 heads of families so living. We quote from his interview as published in the Salt Lake Tribune December 3, 1902:

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. * * * In May, 1902, a complete and thorough inquiry showed that the original number in 1890 had been reduced leaving then only 897.

The authorities of the church, the first presidency and the twelve apostles, have not shown disapprobation even in notorious cases of new polygamy. Apostle Cannon's plural wife, Lilian Hamlin, to whom he was married in 1896, was after his death elected to a professorship in the Brigham Young Academy of Provo, of which Apostle Smoot is leading trustee. The president of that academy is living in polygamy. Apostle George W. Teasdale, in spite of his new plural marriage to Marion E. Scoles, and in spite of his outrageous divorce from his legal wife, Lilian Hook Teasdale, and his marriage almost immediately thereafter to a young woman aged 23, by Apostle Marriner W. Merrill, holds all his honors as an apostle of the church.

Apostle Heber J. Grant, who was forced to plead guilty of polygamous cohabitation in the Salt Lake courts in 1899, and President Angus M. Cannon and Counselor Joseph E. Taylor, who plead guilty and paid small fines in the same year on similar indictments, have not been called to account for their criminal conduct.

J. M. Tanner, a practicing polygamist, who was obliged by the Government to resign his position as president of the agricultural college at Logan, has been appointed and is now acting as superintendent of Sunday schools for the Mormon Church throughout the world. Charles Kelly, of Brigham City, Utah, when convicted about the same time for polygamous cohabitation, was almost immediately promoted by the church from the position of stake counselor to the office of stake president, an office which he still holds though continuing his polygamous life.

We give below the complaint sworn to by C. M. Owen against President Angus M. Cannon as a fair sample of some sixty informations made by Mr. Owen during the year 1899:

C. M. Owen, being first duly sworn, deposes and says:

That he is a citizen of the United States and a resident and taxpayer of the city and county of Salt Lake. That he is informed and verily believes that on or about the 15th day of April, 1899, one Martha Hughes Cannon, State senator of the legislature of Utah, was delivered of an "illegitimate" child; that the aforesaid Martha Hughes Cannon is by common habit and repute in the community the plural wife of Angus M. Cannon, president of the Salt Lake stake of the Church of Jesus Christ of Latter-Day Saints, and the aforesaid Angus M. Cannon is the father of the said child, contrary to the provisions of sections 4209 and 4910 of the Compiled Laws of the State of Utah, 1898.

That he cites as witnesses in support of the above charges F. S. Bascom; Sarah J. Cannon, wife of Angus M. Cannon; Martha P. Hughes Cannon; Lorenzo Snow,

president of the Church of Jesus Christ of Latter-Day Saints; Heber M. Wells, governor of Utah; George Q. Cannon, counsel of the first presidency; Joseph F. Smith, Heber J. Grant, John W. Taylor, and John Henry Smith, apostles; Charles Penrose, editor of the Deseret News; John M. Cannon; Wilhelmina Cannon; William P. Preston; John R. Winder; Aquilla Nebeker, president of the State senate; James T. Hammond, secretary of state; Joseph S. Rawlins, county commissioner; Mrs. Anna Cannon; Clara C. Cannon; Mary E. Cannon, and Mary M. Cannon.

C. M. OWEN.

Subscribed and sworn to before me this 8th day of July, 1899.

E. W. TAYLOR, *Notary Public.*

President Cannon appeared in court, pleaded guilty, and was fined \$100. Some dozen others whose cases were brought into court also pleaded guilty. In most cases, however, the courts refused to prosecute, and some 30 of such complaints are now pigeonholed in one office in Cache County, Utah.

Under the pressure of certain charges made during the investigation which ended in the exclusion of Representative-elect B. H. Roberts for Congress, Lorenzo Snow, then president of the church, wrote a letter on the subject of polygamy and polygamous cohabitation, which he signed and published in the Deseret News January 8, 1900. In this letter 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. (Lorenzo Snow, president of the Church of Jesus Christ of Latter-Day Saints, Salt Lake City, January 8, 1900.) //

The clause in this letter which caused the most comment was that which dealt with polygamous cohabitation. In view of the wording of the clause, the question naturally arose as to whether or not the church would be inclined to discipline members who continued to disobey the law in this regard, or whether or not the standing of a member would be affected by conviction for the offense.

For the purpose of securing individual views on the question a number of high church officials were seen and asked for an expression of opinion by representatives of the Salt Lake Tribune. Many absolutely declined to discuss the question at all, while others handled it gingerly. Angus M. Cannon, president of the Salt Lake Stake, was one of the few who discussed the matter unreservedly. President Cannon is of the opinion that the law against unlawful cohabitation is unconstitutional and was incorporated into the code through inadvertence, and that the church authorities would never have the right to discipline a member of the church for its violation, even though they felt so inclined. President Cannon also expressed fear that "some sneaking whelps might use the declaration of President Snow as a pretext for deserting some of their wives, and if they do," he declared, "they are the fellows that should be disciplined."

Charles W. Penrose, editor of the Deseret News, and counselor to President Angus M. Cannon, of the Salt Lake Stake, was of the opinion that no church member would suffer, so far as his standing in the church was concerned, because he had been convicted; it was the busi-

ness of the courts to prosecute all violations of the law. * * * Mr. Penrose was not ready to say what might be done in case a man was complained against in church circles after he had been convicted of or had pleaded guilty to unlawful cohabitation. No one had ever yet lost religious prestige because he had been convicted in a criminal court, and so far as he knew no complaint looking to that end had ever been lodged with the proper authorities.

Elder George M. Cannon, cashier of Zion's Savings Bank, said:

I could not say what President Snow's ideas in the case may be. I read the letter as it came. I believe he means what he says. He does not encourage any violation of the law; true neither does he discourage it, leaving the question of punishment, if any, to the man against whom the law is directed. I do not believe that any man who entered into polygamous relation prior to the manifesto should be disturbed in those relations by the church or any member of the same. I do not believe any man who continues such relations is guilty of moral turpitude. I, speaking individually, can see no reason why a man holding an office in the church should be disciplined by that body, because he had been convicted of living with his wives which he had taken by and with the consent of that church. It is not a matter of church; it is a question for the courts.

If a man continues to live with more than one woman after the church has taken the attitude it has, then he must take the consequences. President Snow, it appears to me, is very plain on that point. (Published in Salt Lake Tribune, January 10, 1900.)

A few weeks previous (December 6, 1899) Brigham H. Roberts, a high official of the Mormon Church, while awaiting exclusion from Congress on the charge of living in polygamy with three women, defined his position as follows:

A seat in Congress does not mean much to me personally, though I will do my duty in asserting and demanding recognition of the rights of my State, but my ties and obligations as an honorable man mean everything. Whatever sacrifice may be required will be made now as before. It is demanded that I shall put away my wives. Consider that these women came to me in the bloom of their youth. They were moved largely by religious feeling, as I was. They have been mine and I theirs these years. Their life and my life has been one. * * * These women have stood by me. They are good and true women. The law has said that I shall part from them. My church has bowed to the power of Congress and relinquished the practice of plural marriage. But the law can not free me from obligations assumed before it spoke. No power can do that. Even were the church that sanctioned these marriages and performed the ceremonies to turn its back upon us and say that the marriage is not valid now, and that I must give these good and loyal women up, I'll be damned if I would. (Reported by Arthur McEwan of the Philadelphia North American and quoted in part in case of B. H. Roberts, of Utah, p. 13.)

Apostle Heber J. Grant is on record in a similar vein. We quote from the Salt Lake Tribune, September 8, 1899:

Yesterday morning we imputed these words to Apostle Heber J. Grant: "I am a law breaker; so is Bishop Whitney; so is B. H. Roberts. My wives have brought me only daughters. I purpose to marry until I get wives who will bring me sons."

Last night the News had from Apostle Grant the following denial: "I have never made these remarks at any time, either in public or private, in writing or by word of mouth." The proof of the fact that Apostle Grant said what we charge him with saying is easy. The remark was made by him in the Herald office in this city, in the presence of E. A. McDaniel, Alfaes Young, and J. H. Moyle, all good Democrats, and two of whom at least will never deny it. The remark was substantially as we gave it, and of so remarkable a character that it was taken down in writing and signed by two of those who heard it. Apostle Grant's denial is unquestionably through perversity or because of a failing memory. The record will establish its complete falsity. (Tribune, September 8, 1899.)

It was to prevent such public expression of opinion on the subject of polygamy and polygamous cohabitation that President George Q. Cannon gave the following "counsel" in the Salt Lake Tabernacle on

Sunday afternoon, January 28, 1900. After skirmishing on the edge of his subject for some twenty minutes, President Cannon reached his main point:

Then comes the doctrine of marriage. We have had revelations from God concerning marriage. We have been taught by the Lord that marriage can be solemnized on the earth for time and for all eternity, and that when man and woman receive their highest glory they will be joined together as husband and wives. I need not dwell on all the features connected with this principle; you are familiar with them. I need not say to you how extensive our belief is in relation to this matter, for it is a matter that has been talked about until it has become at least partially understood. I now only say that the Latter-Day Saints believe, because God has revealed it to them, that there is an authority and a power that can unite them together for time and for eternity. I mention this to bring to your minds, my brethren and sisters, how much we have lived the truth and how desirous we have been to obtain a knowledge of the truth. We have been willing to make sacrifices for the truth; we have not only prayed and taught with our lips concerning the truth, but we have actually obeyed the truth as far as we have known it. For this reason we have been persecuted.

All truth has not been revealed. Paul once said he knew a man who had ascended into the third heaven and had heard things that were not lawful for a man to utter. That has been a good deal the case with us. Many things have been revealed to us that if we had taught men would have sought to kill us, so entirely opposed would they have been to the prevailing religious sentiments. This has been the case even with the smaller amount of truth which we have taught. We dare not tell all the truth we know, because it would not be lawful to utter some things which God has revealed. That which we teach and which has enabled us to progress to our present position sometimes gets us into trouble when we attempt to deliver it. It arouses hatred and prejudices, and the class that manifest this hatred are, strange to say, those who profess to be the followers of Jesus Christ and ministers of His word. They can not bear it. I do not know what they would have done with Paul if they had lived in his day and he had told them some of the truth which was "not lawful for him to utter." No doubt they would have done with him as was done with the Prophet Joseph Smith. It was the truth he told that caused them to slay him. * * * He told the truth; and they killed Joseph Smith because of this truth they would not receive.

Our elders in going out to preach the Gospel have to be exceedingly cautious lest they should give strong meat to people who are only prepared to receive the milk of the word. If they give strong meat persecution is raised immediately. For this reason they have to reserve eternal truth with which they are familiar, or the people would do with them as they did with Jesus and as they have done with all the prophets who have declared truth which the people would not receive.

The Saviour had to caution his disciples at this very point in the following language: "Give not that which is holy unto the dogs, neither cast ye your pearls before swine, lest they trample them under their feet and turn again and rend you."

New truths are unwelcome and you have to lead men by degrees to comprehend the truth. (Quoted from his own report of the address as published in the Deseret Evening News.)

The following is from a sermon reported to have been delivered by the late President Brigham Young in the Salt Lake Tabernacle July 12, 1875:

Do not be discouraged by your repeated failure to get in the Union as a State. We shall succeed. We shall pull the wool over the eyes of the American people and make them swallow Mormonism, polygamy and all. We shall drop the old issue between the Mormons and Liberals of Utah, ally ourselves with the great national parties, divide ourselves about equally, so as to fall in with the one in power. We do not know and we do not care about the issues. We must be at peace with them in order to get into the Union. After that we can snap our fingers in their faces, restore the good times when we dwelt undisturbed in the valleys of the mountains, and cast out devils as we used to do. (Quoted by E. A. Folk, editor of the Baptist and Reflector, in Story of Mormonism.)

The policy of equal division was inaugurated and carried out later by George Q. Cannon.

The attitude of the first presidency and twelve apostles as leaders of the Mormon Church toward the Government of the United States and

its institutions is, and for fifty years has been a matter of history—history which is not yet complete. It was declared by the United States Supreme Court, through Justice Bradley, in the *Escheat* case (136 U. S., 1):

It is unnecessary here to refer to the past history of the sect, to their defiance of the Government authorities, to their attempt to establish an independent community, to their efforts to drive from the Territory all who were not connected with them in communion and sympathy. The tale is one of patience on the part of the American Government and people, and of contempt of authority and resistance to law on the part of the Mormons. Whatever persecutions they may have suffered in the early part of their history, in Missouri and Illinois, they have no excuse for their persistent defiance of law under the Government of the United States.

One pretense for this obstinate course is that their belief in the practice of polygamy, or in the right to indulge in it, is a religious belief and therefore under the protection of the constitutional guaranty of religious freedom. This is altogether a sophistical plea. No doubt the thugs of India imagined that their belief in the right of assassination was a religious belief, but their thinking so did not make it so. The practice of suttee by the Hindoo widows may have sprung from a supposed religious conviction. The offering of human sacrifices by our own ancestors in Britain was no doubt sanctioned by an equally conscientious impulse. But no one on that account would hesitate to brand these practices now as crimes against society, and obnoxious to condemnation and punishment by the civil authority. * * *

Then, looking at the case as the finding of facts presents it, we have before us Congress had before it—a contumacious organization wielding by its resources an immense power in the Territory of Utah, and employing those resources and that power in constantly attempting to oppose, thwart, and subvert the legislation of Congress and the will of the Government of the United States. * * *

Notwithstanding the stringent laws which have been passed by Congress, notwithstanding all the efforts made to suppress this barbarous practice, the sect or community composing the Church of Jesus Christ of Latter-Day Saints perseveres in defiance of law, in preaching, upholding, promoting, and defending it.

It is a matter of public notoriety that its emissaries are engaged in many countries in propagating this nefarious doctrine and urging its converts to join the community in Utah. The existence of such a propaganda is a blot on our civilization. The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and of the civilization which Christianity has produced in the western world. The question, therefore, is whether the promotion of such a nefarious system and practice, so repugnant to our laws and to the principles of our civilization, is to be allowed to continue by the sanction of the Government itself.

Army officers in their reports, Territorial governors and commissions in their official communications, Presidents in their messages to Congress, Senators and Representatives on the floor of Congress, political parties in their platforms, have times without number through these years made public their suggestions, warnings, and reproofs against the dominating lawlessness of the leaders of this people.

At least twice the character of the organization has been a subject of judicial inquiry, and testimony has been given and judgments rendered showing the treasonable nature of some of the oaths administered by it.

All this and the experience of every resident of this State and of every impartial historian and writer on social science leads us to affirm with confidence that the leaders of this church of whom Senator-elect Reed Smoot is one are solemnly banded together against the people of the United States in their "endeavor to baffle the designs and frustrate the attempts of the Government to eradicate polygamy and polygamous cohabitation, and especially to set at naught the law against the latter offense, which, as the Supreme Court of the United States has said, 'seeks to prevent a man from flaunting in the face of the world the ostentation and opportunities of a bigamous household.'" (*United States v. Cannon*, 116 U. S., 55.)

All the matters and things in this petition we affirm to be true according to our information and belief, and all of them, if they be denied, and more we stand ready to prove.

And we do further say and protest that the beliefs, conduct, teachings, and practices in respect to the matters herein complained of ever have been, and now are, and furthermore are by said first presidency and apostolate well known to be—

First. Contrary to the public sentiment of the civilized world.

It is evidenced by the public address of Governor Heber M. Wells (himself a Mormon), delivered at the Salt Lake Theater on the eve of election, November 4, 1898, as follows:

I realize that this is a subject that ought not to belong to politics; that it has no part in national politics; but in view of the pledges which the people have made here, and which the nation understands, and in view of the pledges which I have made myself, I can not shut my eyes to the consequences that will come if Mr. Roberts shall be elected to Congress. It is unnecessary to refer to the solemn assurances of the people on this question, we all understand that they were made, and that Mr. Roberts, as much as any other public speaker, has frequently expressed himself as appalled and astonished that the sincerity of the people of Utah should be questioned in regard to the abandonment of old conditions and their acceptance of the new conditions imposed by statehood.

In my inaugural address, as well as at various other times in public and private, I have given my personal assurance that the question of polygamy, as affecting the people of Utah, was a dead issue, and that I believed that it would not return again as a public question to vex us, having faith as I had and still have in the manifesto of President Woodruff and its subsequent adoption by the people.

Now, it is not alleged that the people have receded from their position in this matter; but a man who does not deny that he is living in violation of the laws of the State has accepted a nomination for office, and very great publicity has been given to his domestic relations, and, if elected, all these facts will be known by Congress when he presents his credentials to the House. I am unable to tell what Congress may do in the matter, as to whether he will be seated or not, but I feel sure that the agitation of the question will be a very great detriment to the State of Utah, and to every interest of the people. Every financial interest here will suffer; every industrial enterprise of the State will be more or less retarded; the interests of the dominant church itself will be injured, and the liberties of the very class to which Mr. Roberts belongs will be placed in jeopardy.

Were every other objection to his candidacy removed I could not therefore cast my ballot for Mr. Roberts, and whether his supporters realize it or not a vote for the Democratic candidate is a vote against Utah, against her progress, against her vital interests, a vote to invite further persecution (sic) of the Mormon people. Now I hope I am understood upon this matter. To vote for the Democratic candidate vindicates no principles, subserves no good or worthy purpose, but invites disaster, because it is an open invitation to Congress and the nation to renew the warfare (sic) against the Mormon people, which we all hoped and prayed was ended forever.

It is further evidenced by the action of the House of Representatives of the United States in excluding from a seat in that body Representative-elect Brigham H. Roberts, a practicing polygamist, to whom permission had been given by the first presidency and apostolate to accept an election to that high office.

Second. Contrary to express pledges given in procuring amnesty.

On September 26, 1890, President Wilford Woodruff, the official head of the Mormon Church, issued a manifesto in the words following:

To whom it may concern:

Press dispatches having been sent out 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, alleges 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 took place 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 language which appeared to convey any such teachings he has been promptly reprov'd. 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.

WILFORD WOODRUFF,

President of the Church of Jesus Christ of Latter-Day Saints.

*In 1891 the president and apostles of the church prepared and presented to the President of the United States the following petition, accompanied by statements signed by Chief Justice Zane, Governor Arthur L. Thomas and other non-Mormons, to the effect that to their full belief the petition was sincere, and if amnesty were granted good faith would be kept.

THE PRESIDENT OF THE UNITED STATES:

We, the first presidency and apostles of the Church of Jesus Christ of Latter-Day Saints, beg to respectfully represent to Your Excellency the following facts:

We formerly taught to our people that polygamy or celestial marriage as commanded by God through Joseph Smith was right; that it was a necessity to man's highest exaltation in the life to come.

That doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to September, 1890. Our people are devout and sincere, and they accepted the doctrine, and many personally embraced and practiced polygamy.

When the Government sought to stamp out the practice, our people, almost without exception, remained firm, for they, while having no desire to oppose the Government in anything, still felt that their lives and their honor as men was pledged to a vindication of their creed, and that their duty toward those whose lives were a part of their own was a paramount one, to fulfill which they had no right to count anything, not even their own lives, as standing in the way.

Following this conviction hundreds endured arrest, trial, fine, and imprisonment, and the immeasurable sufferings borne by the faithful people no language can describe. That suffering in abated form still continues.

More, the Government added disfranchisement to its other punishment for those who clung to their faith and fulfilled its covenants.

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.

At the great semiannual conference, which was held a few days later, this was submitted to the people, numbering many thousands and representing every community of people in Utah, and was by them, in the most solemn manner, accepted as the future rule of their lives. They have since been faithful to the covenant made that day.

At the late October conference, after a year had passed by, the matter was once more submitted to the thousands of people gathered together, and they again in the most potential manner ratified the solemn covenant.

This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience as to its laws, and that it takes no pleasure in persecution, we respectfully pray that full amnesty

may be extended to all who are under disabilities because of the operation of the so-called Edmunds-Tucker law.

Our people are scattered, homes are made desolate, many are still imprisoned, others are banished or in hiding. Our hearts bleed for these. In the past they followed our counsels, and while they are thus afflicted our souls are in sackcloth and ashes.

We believe that there is nowhere in the Union a more loyal people than the Latter-Day Saints. They know no other country except this. They expect to live and die on this soil.

When the men of the South who were in rebellion against the Government in 1865 threw down their arms and asked for recognition along the old lines of citizenship, the Government hastened to grant their prayer.

To be at peace with the Government and in harmony with their fellow-citizens who are not of their faith, and to share in the confidence of the Government and people, our people have voluntarily put aside something which all their lives they have believed to be a sacred principle.

Have they not the right to ask for such clemency as comes when the claims of both law and justice have been fully liquidated?

As shepherds of a patient and suffering people we ask amnesty for them and pledge our faith and honor for their future.

And your petitioners will ever pray.

SALT LAKE CITY, December, 1891.

Upon the representations so made there was issued the following:

AMNESTY PROCLAMATION.

WASHINGTON, D. C., January 4, 1893.

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof, defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States, and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-Day Saints, commonly known as the "Mormon Church," through its president, issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas 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

Whereas by a petition dated December 19, 1891, the officials of said church, 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; and

Whereas the Utah Commission, in their report bearing date September 15, 1892, recommend that said petition be granted, and said amnesty proclaimed under proper conditions as to the future observance of the law, with a view to the encouragement of those now disposed to become law-abiding citizens; and

Whereas during the past two years such amnesty has been granted individual applicants in a very large number of cases, conditioned upon the faithful observance of the laws of the United States against unlawful cohabitation, and there are now pending many more such applications:

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; but upon the express condition that they shall in the future faithfully obey the laws of the United States hereinbefore named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

BENJAMIN HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

On September 25, 1894, President Cleveland issued a proclamation

wherein, after reciting the facts contained in the proclamation of President Harrison, he concludes as follows:

Whereas upon the evidence now furnished me I am satisfied that the members and adherents of said church generally abstain from plural marriages and polygamous cohabitation, and are now living in obedience to the laws, and that the time has now arrived when the interests of public justice and morality will be promoted by the granting of amnesty and pardon to all such offenders as have complied with the conditions of said proclamation, including such of said offenders as have been convicted under the provisions of said act:

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the powers in me vested, do hereby declare and grant full amnesty and pardon to all persons who have, in violation of said acts, committed either of the offenses of polygamy, bigamy, adultery, or unlawful cohabitation under the color of polygamous or plural marriage, or who, having been convicted of violations of said acts, are now suffering deprivation of civil rights in consequence of the same, excepting all persons who have not complied with the conditions contained in said Executive proclamation of January 4, 1893.

GROVER CLEVELAND.

By the President:

WALTER Q. GRESHAM, *Secretary of State.*

Third. Contrary to express conditions upon which escheated church property was returned.

By act of Congress of March 3, 1887, the Church of Jesus Christ of Latter-Day Saints was dissolved and much of the property held by the church was escheated to the United States, such action being taken on the ground that practices in violation of law were enjoined by that church; but, on the solemn assurance of the church authorities that such practices had entirely ceased, Congress, in 1893, gave back such property to the church, as the following extracts from its records show:

Joint resolution No. 11, providing for the disposition of certain personal property and money now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints, appointed by the supreme court of Utah and authorizing its application to the charitable purposes of said church.

Whereas the corporation of the Church of Jesus Christ of Latter-Day Saints was dissolved by act of Congress of March 3, 1887; and

Whereas the personal property and money belonging to said corporation is now in the hands of a receiver appointed by the supreme court of Utah; and

Whereas according to a decision of the Supreme Court of the United States the said property, in absence of other disposition by act of Congress, is subject to be applied to such charitable uses, lawful in their character, as may most nearly correspond to the purposes for which said property was originally destined; and

Whereas said property is the result of contributions and donations made by members of said church, and was destined to be devoted to the charitable uses thereof under the direction and control of the first presidency of said church; and

Whereas said church has discontinued the practice of polygamy, and no longer encourages or gives countenance in any manner to practices in violation of law, or contrary to good morals or public policy; and if the said personal property is restored to said church it will not be devoted to any such unlawful purpose: therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said personal property and money now in the hands of such receiver, not arising from the sale or rents of real estate since March 3, 1887, be, and the same is hereby, restored to the said church of Jesus Christ of Latter-Day Saints, to be applied under the direction and control of the first presidency of said church, to the charitable purposes and uses thereof; that is to say: For the payment of the debts for which said church is legally or equitably liable, for the relief of the poor and distressed members of said church, for the education of the children of said members, and for the building and repair of houses of worship for the use of said church, but in which the rightfulness of the practice of polygamy shall not be inculcated. And the said receiver, after deducting the expenses of his receivership under the said supreme court of the Territory of Utah, is hereby required to deliver the said property and money to the persons now constituting the first presidency of said church, or to such person or persons as they may designate, to be held and applied generally to the charitable uses and purposes of said church as aforesaid.

Approved October 25, 1893.

In further proof that the church leaders declared that polygamous relations had ceased, we append extracts from sworn testimony of President Woodruff and other high officials, given before the master in chancery when it was sought to secure the restoration of the church property.

At the hearing, which was held before Judge C. F. Loofbourow, the master in chancery, on October 19 and 20, 1891, a number of prominent church leaders testified as to the sources from which the fund had been derived, as well as the disposition which had theretofore been made of it. Among the witnesses who testified at this hearing were Presidents Woodruff, George Q. Cannon, and Joseph F. Smith, Apostles Lorenzo Snow and A. H. Lund, and others. They were subjected to a searching cross-examination by United States Attorney C. S. Varian, with respect to the exact meaning of President Woodruff's manifesto suspending polygamy, and particularly with respect to whether or not the manifesto referred to polygamous relations already formed with the same force that it referred to and controlled the entering into of polygamous relations thereafter.

The examination was most thorough, and, as the witnesses were all under oath, their testimony as to the scope and meaning of the manifesto is of great interest.

The Government was represented by United States Attorney Varian and Joseph L. Rawlins, the receiver by John A. Marshall, and the church by Franklin S. Richards, W. H. Dickson, and Le Grand Young.

WOODRUFF'S TESTIMONY.

By C. S. VARIAN:

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.

Q. Let me read the language, and you will understand me, perhaps, better: "Inasmuch as laws have been enacted by Congress forbidding plural marriages, I hereby declare," etc. Did you intend by that general statement of intention to make the application to existing conditions where the plural marriages already existed?—A. Yes, sir.

Q. As to living in the state of plural marriage?—A. Yes, sir; that is, to the obeying of the law.

Q. In the concluding portion of your statement you say: "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." Do you understand that that language was to be expanded and to include the further statement of living or associating in plural marriage by those already in the status?—A. Yes, sir; I intended the proclamation to cover the ground—to keep the laws—to obey the law myself, and expected the people to obey the law.

By Mr. DICKSON, of counsel for the church:

Q. Your attention was called to the fact that nothing was said in the manifesto about the dissolution of existing polygamous relations. I want to ask you, President Woodruff, whether, in your advice to the church officials and the people of the church, you have advised them that your intention was and that the requirement of the church was that polygamous relations already formed before that should not be continued—that is, there should be no association with plural wives—in other words, that unlawful cohabitation, as it is named and spoken of, should also stop, as well as future polygamous marriages?—A. Yes, sir; that has been my view.

APOSTLE (LATER PRESIDENT) SNOW'S TESTIMONY.

Q. Do you believe that the association in plural marriage by those who are already in it is forbidden by the manifesto?—A. Well, I can not say what was in the mind

of President Woodruff when he issued that manifesto touching that matter, but I believe from the general scope of the manifesto that it certainly embraced the plural marriage, because it is clearly an intention, as indicated in that manifesto of President Woodruff, that the law should be observed touching matters in relation to plural marriage.

Q. You mean now the law of the land?—A. Yes, sir.

Q. Do you understand now that the manifesto covers that prohibition—the prohibition against the association in plural marriage between those who had already entered into it at the time the manifesto was given as well as a prohibition against the contracting of future plural marriage relations?—A. Well, I do; I thought I had explained that; perhaps I might be unhappy in my expression, but as I said, the intention and scope of that manifesto was expressing President Woodruff's mind in regard to himself and every member of the church, and that was, that the law should be observed in all matters concerning plural marriage, embracing the present condition of those who had previously entered into marriage. Is that a plain answer?

APOSTLE LUND'S TESTIMONY.

Q. How is it as to the people who have already formed those relations, is it right for them to continue to associate in plural marriage with their wives?—A. The manifesto does not expressly state it, but the president has said it was not.

Q. Was that the first time you understood that it was included?—A. I understood his advice for the church from the presidency was to obey the law of the land.

JOSEPH F. SMITH'S TESTIMONY.

By FRANKLIN S. RICHARDS:

Q. Do you understand that the manifesto applies to cohabitation of men and women in plural marriage where it had already existed?—A. I can not 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.

Fourth. Contrary to pledges given by the representatives of the church and the Territory in their plea for statehood.

We copy from the speech made by Mr. Rawlins, Delegate from the Territory, in a debate in the House of Representatives on the admission of Utah, December 12, 1903:

They elected him (Mr. Cannon) in years gone by. I am not denying, my dear friend, that in 1853, or 1860, or 1875, or 1880 polygamy was practiced in Utah. I am not denying that the people of that Territory elected polygamists to office in those old days. But the gentleman does not seem to know that the world does progress. [Applause.] There is nothing under the sun that is not changeable and subject to alteration, and, that being so, the gentleman himself had better be careful.

Governor West in his report, which I have in my hand, one of the chief men who opposed it, perhaps more violently than any other, says:

"The practice of polygamy has been abandoned by the church and the people. Polygamous marriages are forbidden by the authorities of the church. The people's, or church, party has been dissolved, and the conditions existing in the Territory are now in no wise different from those in vogue in the States of the Union."

Now, when polygamy was yielded, as it was in fact yielded in 1887, when the question was eliminated, there was no reason any longer for the Mormon people to stand together.

Now, Mr. Chairman, if I may be permitted to proceed, I would like to do so for a few moments without interruption. A case was tried in Idaho about 1886 in which a large number of witnesses were called who testified that polygamy in that Territory as early as 1884 had been forbidden by the church. Testimony was given in a case as early as 1888 that in Utah the Mormon authorities had in reality forbidden the practice of polygamy or the contraction of polygamous marriages as far back as 1886, and that after that time the practice had not existed. In 1888 the legislature of the Territory of Utah passed what is entitled "An act regulating marriages." It will be found in 2 Compiled Laws of Utah of 1888, page 92. The second section of that act provides that marriage is prohibited and declared void where there is a husband or wife living from whom the person is not divorced.

I understand well enough that there is a sentiment among certain members of the House that there ought to be in the enabling act a provision that the constitution of the State shall make polygamy punishable as a crime. There is no substantial objec

tion to that. In 1888 the people of the Territory of Utah proposed to insert such a provision in their constitution. The only objection that there is to it does not come from the Mormons or the Mormon people. The Territory has enacted stringent laws for the suppression of polygamy. There are other provisions to which I might refer relating to the methods by which these laws shall be enforced.

Now, the laws to which I have referred, enacted by the Territorial legislature, will by the operation of this provision of the enabling act be continued in force under the State government. It is true that the legislature of the State might, if it saw fit, repeal or modify those statutes, but polygamy would be unlawful. Polygamous marriages would be invalid, by force of these Territorial statutes, upon the passage of this enabling act, without any provision in the constitution or in the enabling act other than what I have read providing against polygamy.

This objection which I have, as I have already stated, to the definition of the offense of polygamy in the constitution is that if that provision be adopted by Congress it will leave the matter in an unsatisfactory condition, for the reason that it will repeal, for instance, the statutes that I have read, enacted by the legislature of the Territory, because the definition of "polygamy," as contained in the amendment of the minority, is inconsistent with these statutes; it rather tends, in my judgment, to prevent the exercise of the full authority on the part of the State powers to prevent any revival of this obnoxious practice, and we do not intend—the people of Utah do not intend, in my belief—that it shall be revived.

There is, I think, nobody in the Territory at this time who has any desire whatever to revive it. The leaders of the Mormon Church have solemnly professed and pledged their faith and honor and the faith and honor of the people—the entire people of the Mormon Church—that they will not revive this practice. They did it in the petition for amnesty addressed to the President, and all the leading Federal officers in the Territory joined in a statement that they believed these men were sincere in asking the President to exercise his clemency in their behalf in accordance with the petition.

There have been no Mormon polygamous marriages in Utah, so far as known within the last eight or ten years, with few exceptions, and the public declaration of the Mormon Church is that there has been a discontinuance of the practice. The legislature has enacted every law required for the prevention of the revival of this practice, and in view of these facts no provision is necessary, in my judgment, although I am unwilling to consent that the amendment proposed by the gentlemen from Vermont, which has been read, may be adopted.

Now, the people of Utah have more at stake upon this question than gentlemen who represent other constituencies. I have traveled among these people, met them in every locality, discussed questions with them, civil and political; I know them as well as any man can know a people, because I have been with them all my life. I think I understand the sentiment that prevails among those who are uppermost in the councils of the political parties in the Territory of Utah, and who would be likely to dominate its affairs in case it be admitted as a State, and I am prepared to say, upon my conscience, that I believe these people can be safely intrusted with the full measure of self-government which would be accorded under statehood.

Now, Mr. Chairman, let me say that a change has taken place in Utah. How that change may be brought about may be interesting to gentlemen who are not familiar with its history. The making and enforcement of laws by Congress has had something to do with it. There is no question about that. But there has also been developing for many years past in the Territory of Utah a sentiment among the people who have been born and brought up there which has had a great deal to do with this change. The eradication or discontinuance of polygamy is perhaps first due to external pressure, but still more largely to the efforts of people within the Mormon Church itself to bring about the reform of the organization in that respect. (See H. R. Doc. Roberts case.)

Fifth. Contrary to the pledges required by the enabling act and given in the State constitution.

The enabling act approved July 16, 1894, contains the following provisions:

And said convention shall provide by ordinance irrevocable without the consent of the United States and the people of said State:

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited."

Pursuant to the said act a constitutional convention was held at Salt Lake City, of which convention Apostle John Henry Smith was president and Apostle Moses Thatcher a member, and the following provisions were and are a part of the constitution framed by that convention and adopted by the people:

ARTICLE III.—*Ordinance.*

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

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.

ARTICLE XXIV.—*Schedule.*

SEC. 2. All laws of the Territory of Utah now in force not repugnant to this constitution shall remain in force until they expire by their own limitations or are altered or repealed by the legislature. The act of the governor and legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, A. D. 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.

The binding force of the pledges thus given to the people of the United States was recognized by the leaders of the Mormon Church for the reason that when Utah sought admission into the Union in 1888 it offered a constitution containing such a condition in respect to the practice of polygamy as is now incorporated in the enabling act and in Utah's constitution. Hon. Jeremiah M. Wilson, a distinguished lawyer, was then employed by the dominant church of Utah, and made an argument before a Congressional committee. While urging statehood under the constitution so tendered, he said:

Nebraska was admitted into the Union, and Nebraska was required to enter into a compact that slavery should never exist in that State without the consent of Congress. Nobody has ever doubted the propriety of entering into such compact, nor has anybody ever doubted the binding character of that compact. Congress has never asked for guaranties that the compact would be kept by the State.

There can not be any doubt as to the right to enter into such a compact. Congress has been acting upon such a right for more than three-fourths of a century—has admitted many States upon compacts precisely similar in principle. It is too late to dispute it now.

But that is not the objection urged. The question I am now considering is whether Congress can enforce it if made. If it may be made, then the right to enforce it follows by necessary implication. It is idle to say that such a compact may be made and then when the considerations have been mutually received—statehood on the one side and the pledge not to do a particular thing on the other—either party can violate it without remedy to the other.

But you ask me what is the remedy, and I answer that there are plenty of remedies and in your own hands.

Suppose they violate this compact; suppose that after they put this into the constitution, and thereby induce you to grant them the high privilege and political right of statehood, they should turn right around and exercise the bad faith which is attributed to them here—what would you do? You could shut the doors of the Senate and House of Representatives against them; you could deny them a voice in the councils of this nation, because they have acted in bad faith and violated their solemn agreement by which they succeeded in getting themselves into the condition of statehood.

You could deny them the Federal judiciary; you could deny them the right to use the mails—that indispensable thing in the matter of trade and commerce of this country. There are many ways in which peaceably, but all powerfully, you could compel the performance of that compact. Congress could reach such a case and not put a tittle of the strain on the Constitution that it was subjected to when the act was passed authorizing the attachment and arrest of a witness who had not been sub-

penaed, and forfeiting the property of this church and commanding the courts what kind of a judgment to render. After these, Congress can not doubt its ability to devise means to meet the emergencies or its courage to grapple with troublesome questions.

Sixth. Contrary to a provision of the constitution of the State which, in view of the conditions which have existed for more than fifty years, is peculiarly binding upon the leaders of the Mormon Church.

The constitutional provision to which we refer is contained in Article I, section 4, as follows:

There shall be no union of church and state, nor shall any church dominate the state or interfere with its functions.

Seventh. And contrary to law.

At the time said constitution was framed there had been, since 1892, a law of the Territory of Utah providing penalties for the offenses of bigamy, unlawful cohabitation, adultery, and fornication.

In 1897 a revision of the laws of Utah was made and the law of 1892, above referred to, was reenacted without change, and now appears in the Revised Statutes of Utah as sections 4208 and 4209.

And we, your protestants, do further say and do earnestly and solemnly declare that we are moved hereto by no malice or personal ill-will toward Apostle Smoot nor toward the people whom he seeks to represent in this high position.

We wage no war against his religious belief as such. We do not to the slightest extent deny him the same freedom of thought, the same freedom of action within the law, which we claim for ourselves.

We accuse him of no offense cognizable by law, nor do we seek to put him in jeopardy of his liberty or his property. We ask that he be deprived of no natural right nor of any right which under the Constitution or laws of the land he is fitted to exercise. With watchful jealousy we claim for him, whether as private citizen or as church official, as for ourselves, all the rights, privileges, and immunities safeguarded by the Constitution.

What we do deny to him is the right, either natural or political, to the high station of Senator of the United States from which to wage war upon the home—the basic institution upon whose purity and perpetuity rests the very Government itself.

However broad the grant by Federal enactments to the State of Utah or its citizens, the enjoyment of the privileges of statehood must depend upon the observance of the sacred compact upon which statehood was secured. The rights thereby granted are not inalienable, and we do insist that he is and ever must be unfitted to make laws who shows himself unalterably opposed to that which underlies all law.

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 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 defiant and lawbreaking apostolate.

We ask in behalf of ourselves, and, as we firmly believe, in behalf of thousands of the members of his faith, that the high honor of a Senatorship be not accorded this man, though temporarily released from some of the active duties of his ecclesiastical office; that the people of this

State be not put to an open shame, and that the apostolate of the Mormon Church be not permitted to succeed in this their supreme test of the forbearance of the American people.

We ask that in the exercise of your high prerogative to see that no harm come to the Republic, you do halt this man at the door of the Senate that he may be there inquired of touching the matters we have herein set forth.

Dated at Salt Lake City, January 26, 1903.

W. M. PADEN.
 P. L. WILLIAMS.
 E. B. CRITCHLOW.
 E. W. WILSON.
 C. C. GOODWIN.
 W. A. NELDEN.
 CLARENCE T. BROWN.
 EZRA THOMPSON.
 J. J. CORUM.
 GEORGE R. HANCOCK.
 W. MONT. FERRY.
 J. L. LEILICH.
 HARRY C. HILL.
 C. E. ALLEN.
 GEORGE M. SCOTT.
 S. H. LEWIS.
 H. G. McMILLAN.
 ABILL LEONARD.

To the Senate of the United States.

GENTLEMEN: As the representative of citizens and electors of Utah, who are your protestants in the matter of Reed Smoot, Senator-elect from Utah, I urgently pray you that the said Reed Smoot, Senator-elect from Utah, be not allowed a seat as a Senator; and, as the representative of and as one of your protestants in the matter aforesaid, I pray you that your protestants be granted a hearing in the said case, and an opportunity to prove—

First. The existence of an organization known as the Church of Jesus Christ of Latter-Day Saints, whose headquarters are in Utah, but whose missionaries are world-wide, and whose objects and aims in the past and to-day are to subvert the aims and ends of the United States Government.

Second. That all of the representations, assurances, promises, obligations, vows, and oaths of the first presidency and the quorum of the twelve apostles of the said church, confirmed and ratified and made binding by the unanimous confirmation of the common Mormon people upon two definite and specific occasions, in semiannual conference assembled, thereby approving and making complete and binding the acts of the first presidency and the quorum of the twelve apostles relative to the suspension of polygamy and polygamous cohabitation, in a manifesto issued by President Woodruff of the said church, in order that any and all moral objections to the reception of Utah into the sisterhood of States be removed, all of which representations, assurances, promises, obligations, vows, and oaths, made by the first presidency and the quorum of the twelve apostles of the said church

have been deliberately, maliciously, and in violation of their most sacred and solemn compact and covenant, broken, and have been made void by the major portion of the first presidency and the quorum of the twelve apostles in practice, and by all in connivance and "winking at" known violations of flagrant wrong-doing relative to polygamy and polygamous cohabitation, including every president of the said church since the demise of President Woodruff.

That Presidents Lorenzo Snow and Joseph F. Smith have had children born to them by their "plural wives" since statehood, and also a number of the apostles have had children born to them by their "plural wives," in violation of their most sacred and solemn covenant made by them, as the leaders of the Mormon people, to the United States Government as a condition of statehood.

That President Lorenzo Snow lived and died in the practice of polygamy and polygamous cohabitation, and that his "plural wife," Minnie Jensen Snow, bore him a child as late as the winter of 1896-97.

That President Joseph F. Smith, the president of the Mormon Church, is living in open polygamy to-day, and has had a child born to him by his "plural wife" as late as 1898.

That the first presidency and the quorum of the twelve apostles have not ceased to exemplify in person, by their own personal violations of the statutes of Utah, but have violated and do continuously violate their covenants, obligations, compacts, and oaths made to the United States Government and its laws.

That Elder C. W. Penrose (counselor to Angus M. Cannon, president of the Salt Lake Stake of Zion), editor of the *Deseret News*, the official organ of the Mormon Church and the authorized mouthpiece of the first presidency and the quorum of the twelve apostles, of world-wide circulation and authority, is living in open polygamy.

That the men who made these covenants and their successors in office, believing, teaching, and practicing the same teachings, are in control of affairs in Utah to-day.

Third. That polygamous marriages have been contracted since the manifesto of President Woodruff and the admission of the Territory of Utah to statehood.

Fourth. That said Senator-elect Smoot is a polygamist and is one of a self-perpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or Mormon Church, claim, and are accorded by their followers the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, political, civil and religious, temporal and spiritual; and who, thus uniting in themselves authority in church and state, do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the laws of the State prohibiting the same, regardless of pledges made for the purpose of obtaining statehood and of covenants made with the people of the United States; and who, by all the means in their power, protect and honor those who, with themselves, violate the laws of the land and are guilty of practices destructive of the family and the home.

Fifth. That Mr. Reed Smoot, the first presidency and the quorum of the twelve apostles, are responsible for the practice of polygamy and polygamous cohabitation, in that they connive and "wink at"

known violation of all law forbidding the same; that they are responsible for the nonenforcement of the law forbidding the said polygamous marriages and polygamous cohabitation, upon the part of the first presidency, the quorum of the twelve apostles and stake presidents, bishops of wards, and the common people following the leadership of their "file leaders."

That the first presidency and the quorum of the twelve apostles, of whom Senator-elect Smoot is one, in the face of their most solemn compact and covenants with the United States, have connived at all polygamous marriages, and have not disciplined any of their people for entering into "plural marriages" since the manifesto suspending the same. That they have looked with complacency upon the birth of illegitimate children born to them since statehood; the new polygamous marriages, and the birth of numerous illegitimate children to them (the first presidency and the quorum of the twelve apostles as well as stake presidents and bishops of wards) plainly shows the insincerity of the Mormon leaders.

Sixth. That they, the first presidency and the twelve apostles, are responsible, in that they are the custodians of the only marriage records of plural marriages, which are necessary to the enforcement of law.

Seventh. That the Mormon Church denies the right of private judgment, demanding of its every member obedience to the priesthood, as the vice-gerants of Almighty God, denying to all the exercise of the right of private judgment in matters religious and political, which rights are guaranteed by the Constitution of the United States, and by the covenants of said church made to the people of the United States when the Territory of Utah sought admission into statehood.

Eighth. That the Church of Jesus Christ of Latter-Day Saints insist that all of its members shall take "counsel" of the priesthood before entering upon a candidacy for any political office.

That because Apostle Moses Thatcher refused to do so he was "unfrocked" and deposed from his apostleship, was labored with, and after a long time was finally driven into conformity to the thought and will of the priesthood.

That in religious and political matters the members of the Church of Jesus Christ of Latter-Day Saints follow the dictates of their leaders.

That President Joseph L. Smith, in a sermon in the Tabernacle in Salt Lake City, Utah (see Deseret News, December 6, 1900), said:

The question with me is * * * when I get the word of the Lord as to who is the right man (to vote for), will I obey it, no matter if it does come contrary to my convictions?

Apostle Brigham Young, jr., sermon in Logan Tabernacle, 1901, said:

If a man should offer me a bribe to vote for him I should be inclined not to vote for him unless directed so to do by the prophet of the Lord.

Ninth. That the oath of office required of and taken by the said Reed Smoot, as an apostle of the said church, is of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator.

Tenth. That when Utah was seeking admission into the Union the Hon. Jeremiah M. Wilson, a distinguished lawyer and jurist, was employed by the Church of Jesus Christ of Latter-Day Saints of

Utah, and in his argument before the United States Commission, said, in part, speaking to the question as to whether Congress could enforce any compact which it might require as a condition of statehood upon the part of Utah:

But you ask me what is the remedy, and I answer that there are plenty of remedies and in your hands.

Suppose they violate this compact; suppose that after they put this into the constitution and thereby induce you to grant them the high privilege and political right of statehood they should turn right around and exercise the bad faith which is attributed to them here—what would you do? You could shut the doors of the Senate and the House of Representatives against them; you could deny them a voice in the councils of this nation, because they have acted in bad faith and violated their solemn agreement, by which they succeeded in getting themselves into the condition of statehood.

You could deny them the Federal judiciary; you could deny them the right to use the mails—that indispensable thing in the matter of trade and commerce of this country. There are many ways in which peaceably, but all powerfully, you could compel the performance of that compact. Congress could reach such a case and not put a tittle of the strain on the Constitution that it was subjected to when the act was passed authorizing the attachment and arrest of a witness who had not been subpoenaed, and forfeiting the property of this church and commanding the courts what kind of a judgment to render. After these, Congress can not doubt its ability to devise means to meet the emergencies or its courage to grapple with troublesome questions.

Eleventh. That, although the enabling act declares “that polygamous or plural marriages are forever prohibited,” and although the laws of the State make it a criminal offense to practice polygamy or polygamous cohabitation, and although polygamous cohabitation is practiced by a majority of the first presidency and the quorum of the twelve apostles, and by other prominent leaders of the church afore said, yet the said Reed Smoot connives at the practice of said polygamous cohabitation and uses his official position to withhold and hide the evidence of such cohabitation and shield from criminal punishment those who practice it.

Twelfth. That the election of said Reed Smoot to the Senate was in express violation of the pledges required by the enabling act and given in the State constitution and those made before and after by the officers and representatives of the Church of Jesus Christ of Latter-Day Saints, as set forth in the protest of W. M. Paden, and other citizens and electors of the State of Utah, which protest was filed in the United States Senate February 23, 1903, and is hereby adopted, and it is requested that it be considered as a part hereof.

Thirteenth. That the said Reed Smoot is a polygamist, and that since the admission of Utah into the union of States he, although then and there having a legal wife, married a plural wife in the State of Utah in violation of the laws and compacts hereinbefore described, and since such plural or polygamous marriage the said Reed Smoot has lived and cohabited with both his legal wife and his plural wife in the State of Utah and elsewhere, as occasion offered, and that the only record of such plural marriage is the secret record made and kept by the authorities of the Church of Jesus Christ of Latter-Day Saints, which secret record is in the exclusive custody and control of the first presidency and the quorum of the twelve apostles of the said church, of which the said Reed Smoot is one, and is beyond the control or power of the protestants. Your protestants respectfully ask that the Senate of the United States or its appropriate committee compel the first presidency and the quorum of the twelve apostles and the said

Reed Smoot to produce such secret record for the consideration of the Senate. Your protestants say that they are advised by counsel that it is inexpedient at this time to give further particulars concerning such plural marriage and its results or the place it was solemnized or the maiden name of the plural wife.

Wherefore we ask that, in the exercise of your constitutional power to be the exclusive judges of the elections and qualifications of your members, you shall advise yourselves of the substantive facts set forth in these protests by investigation or otherwise, and if the same be found substantially true you refuse to accept the said Reed Smoot as a member of your body from the State of Utah, he not being possessed of the necessary qualifications.

JOHN L. LEILICH.

DISTRICT OF COLUMBIA, ss:

J. H. Leilich, of lawful age, being duly sworn, deposes and says that he has read the foregoing protest and knows its contents; that he is a citizen and elector of the State of Utah, and that his coprotestants are all citizens and electors of that State, as are those whose names are signed to the protest against Reed Smoot which was filed in the Senate of the United States February 23, 1903, and that he is informed and verily believes that the matters and things set forth in the protest to which this affidavit is attached are true in substance and in fact.

JOHN L. LEILICH.

Subscribed and sworn to before me this 25th day of February, A. D. 1903.

[SEAL.]

J. R. YOUNG, *Clerk*,
By R. J. MEIGS, JR.,
Assistant Clerk

IN THE SENATE OF THE UNITED STATES.

In the matter of Reed Smoot, Senator from the State of Utah.

Answer of the respondent, Reed Smoot, to the protest of W. M. Paden and seventeen others, dated at Salt Lake City, January 26, 1903, and the protest of John L. Leilich, dated February 25, 1903.

This respondent is advised and avers that but two of the charges made against him in said protests, either directly or by implication, are such as, if true, could legally affect his right to hold his seat in the Senate. These two charges are:

1. That the respondent is a polygamist.
2. That he is bound by some oath or obligation which is inconsistent with the oath required by the Constitution, which was administered to him before he took his seat as a Senator.

Both these charges respondent denies.

As to the charge that he is a polygamist, the respondent says that he was married on the 17th day of September, 1884, to Alpha May Eldridge. She is still his wife, and is the mother of all his children. He has never had any other wife, and has never cohabited with any other woman.

As to the charge that the respondent is bound by some oath or obligation controlling his duty under his oath as a Senator, the respondent says that he has never taken any such oath, or in any way assumed any such obligation. He holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the State of Utah was admitted into the Union.

The respondent now moves to strike out and eliminate, separately, from said protest, each and every matter and thing therein contained, except the two charges above mentioned.

While the respondent is advised and avers that the other matters referred to in said protests are such as can not legally or properly be considered as affecting the right of the respondent to retain his seat in the Senate, nevertheless the respondent now proceeds to answer the same, submitting the question of the relevancy of the same, not waiving his said motion but insisting thereon.

The respondent denies that he is one of said alleged self-perpetuating body of 15 men, or that there is any such body of men; or that the followers or members of the Church of Jesus Christ of Latter-Day Saints, or any of them, accord the right to said alleged body to claim supreme authority, either divinely sanctioned or otherwise, to shape the belief or control the conduct of those under them in all or any matters, civil or temporal, or that said church or such alleged body claims or exercises any such alleged rights; or that said church, or said

alleged body of men, or either them, unite either in one body or in all of them, the authority of church and state, or of the State; or that said church, or said alleged body, or any person or body exercises any authority or power either so or at all as to inculcate or encourage a belief in the practice of polygamy or belief in or practice of polygamous cohabitation, or that either countenances or connives at any violation of the laws of the State of Utah or of the United States, either regardless of pledges, or pledge, or otherwise at all, either made for the said alleged purpose, or otherwise, or at all, or of any covenants, or covenant, or otherwise, either made with the people of the United States or any other person or body; or that said church, or any person or body, by all or any means whatsoever, either protects or honors persons, or any person, who is or may be guilty of said alleged practices, or any practice, either destructive of the family or the home or otherwise; or that said alleged body, or any of them, violate any law of the land, or is guilty of any of said alleged practices; and this respondent for himself in particular denies that he is one of said alleged self-perpetuating body of 15 men, or that there is any such body; or that said church, or any part thereof, or any person therein, inculcates or encourages a belief in the practice of polygamy or belief in or practice of polygamous cohabitation; and this respondent denies that he is guilty of polygamous cohabitation, or that he is a polygamist, or that he ever has been a polygamist, or that he has ever practiced polygamous cohabitation.

This respondent further denies that he has ever countenanced or connived at any violation of any law, either of the State of Utah or of the United States; or that he has ever protected or honored any person or persons who may have violated the laws of the land. And this respondent denies that he is guilty of any practices, or any practice, destructive either of the family or the home. On the contrary, this respondent alleges that he honors and respects and obeys all of the laws of the State of Utah and of the United States, and has never been guilty of any offense against either. And this respondent further alleges that the president of said church and his two counselors constitute the first presidency and is the highest governing body in said church, and the same has control of the spiritual and temporal affairs of said church, but not of the temporal affairs either of the State or of any members of said church; that the next highest governing body in said church is the twelve apostles, consisting of twelve members of said church, who "are under the direction of the first presidency;" and said apostles, on the dissolution of the first presidency, for any reason whatsoever, then and not otherwise have authority equal to such first presidency.

Respondent further alleges that since the manifesto of President Wilford Woodruff was issued in 1890, neither a belief in, nor a practice of, polygamy or polygamous cohabitation has either been taught or encouraged.

I.

Answering 1 of said protest, respondent denies that the said alleged Mormon priesthood, either according to the doctrines or doctrinæ of said church, or otherwise, is vested with supreme authority in all things or in anything either temporal or spiritual; but this respondent admits that the first presidency of said church is vested with

supreme authority in all things spiritual and in all things temporal, so far as temporal things pertain to the affairs of said church, and not otherwise. The quotation under said 1 from the Doctrine and Covenants, so far as the same is quoted, is correct.

The respondent denies each and every other allegation and statement contained under said 1, except as admitted or alleged in this answer.

II.

Answering II of said protest, this respondent denies that said first presidency or twelve apostles are supreme in the exercise or transmission of said alleged mandates, or of any mandate of said alleged authority, except as admitted and alleged in this answer.

Further answering this respondent alleges that the only accepted standard works of said church are the Bible, namely, King James's version, the Book of Mormon, the Pearl of Great Price, and the Doctrine and Covenants, together with a manifesto of President Wilford Woodruff, dated 1890; and so far as quotations are made from any of the above and correctly quoted this respondent does not deny but admits the same, but he denies the construction placed upon the same by protestants, and all other quotations from any other source in whatever protests contained are denied, so far as the same are either alleged or claimed to be authority, as such quotations contain only the opinions of men.

This respondent denies that said twelve apostles are equal in authority concurrently with the said first presidency, but admits that said twelve apostles are equal in authority successively, that is, on the dissolution, for any reason, of said first presidency; and said church is not fully organized except when said first presidency is organized, and since respondent has been one of such apostles, the first presidency has only been dissolved once, and that for only about fourteen days.

This respondent admits that said church made a rule in regard to its leading officials taking part in politics, but denies that such rule is fully or correctly set forth in said protest. The respondent admits that Moses Thatcher was deposed from the twelve apostles and defeated in his contest for senatorship in the legislature; but respondent denies that said Moses Thatcher was deposed, either solely or mainly, on account of his alleged opposition to said rule. This respondent admits that remarks were made by George Q. Cannon, Wilford Woodruff, Lorenzo Snow, John Henry Smith, Brigham Young, and Joseph Smith on the subject of such deposition, but denies that such remarks are correctly quoted in said protest.

This respondent denies each and every other allegation and statement under said II, except as admitted and alleged in this answer.

III.

Comes now the respondent and answering III of said protest, denies that said alleged body of men or any of them ever assumed either the principles or principle or practice of political dictation, and on that ground denies that said alleged body of men or any of them has not abandoned either the principles or principle or practice of political dictation; and said respondent denies that said alleged body of men or any of them has not abandoned belief in the practice of polygamy and belief in and practice of polygamous cohabitation.

This respondent alleges that since the manifesto of President Wilford Woodruff of 1890, the practice of polygamous cohabitation by those who were polygamists theretofore has been abandoned by many, but continued by some for a time, and where continued it is on the sole responsibility of such persons, and subject to the penalties of the law. Said manifesto has not been added to the Doctrine and Covenants in the sense that the same has been published within the outer covers of such book, but the same has been published, distributed, and disseminated among the members of said church. The Doctrine and Covenants, except where an appendix appears, contains only the revelations to or through Joseph Smith, and the said manifesto has not yet been added as an appendix to such book. The members of said church are required to obey the laws of the land, as set forth in section 58, verse 21, page 219, of the Doctrine and Covenants, to wit:

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.

The quotation from "The epistle from the first president to the officers and members of the church" is substantially correct so far as the same goes, but only a part of such document is quoted.

This respondent denies each and every other allegation and statement contained in said III, except as admitted and alleged in this answer.

IV.

This respondent, answering IV of said protest, denies that "this," or any part thereof, either is the attitude of said first presidency or any of its members, or of said twelve apostles, or any of them, since said manifesto of 1890, or at any other time, or at all, except as admitted and alleged in this answer; or that the same, or any part thereof, is evidenced by either their or any of their teachings, either since then, or at any time, or at all, except as admitted and alleged in this answer.

This respondent alleges that never at any time did he either teach, practice, advise, or encourage polygamy or polygamous cohabitation. This respondent admits that part of the quotations from said alleged article of Brigham H. Roberts, which is quoted in said protest, is correct, but alleges that the same is garbled and incomplete, and given in an arrangement contrary to the original, and if it is considered material, or if this respondent is deemed responsible, which he denies, for such article, the same in full will be tendered in evidence.

This respondent admits that the quotation is correct from the case of *Church of Jesus Christ of Latter-Day Saints v. United States* (136 U. S., 1).

The respondent denies that said alleged body of officials, or any of them, or that this respondent is one of said alleged body, either practices or connives at, or encourages the alleged practice, either of polygamy or polygamous cohabitation; or that said alleged body of officials, or any of them, permitted or permits anyone to hold legislative office, or in any manner meddles or interferes therewith; or that said alleged body of officials, or any of them, either with or without protest or objection from them or any of them, or otherwise, or at all, sought to pass a law nullifying said enactments or any enactment against polygamous cohabitation. This respondent denies that he in any manner whatsoever, at

any time or place, ever had anything to do, directly or indirectly, with any of such alleged matters.

This respondent admits that said Abel John Evans was president of the senate of Utah at the legislative session of 1901, and that a large majority of such legislature was Mormons; and this respondent alleges that some of the members of said Church voted against the passage of said bill. This respondent admits that said bill passed said legislature, and that the same was vetoed by the governor, and alleges that such veto was sustained by the legislature.

This respondent denies each and every other allegation and statement contained in said IV, except as admitted and alleged in this answer.

VI.

Comes now the respondent, and answering VI of said protest, denies that the supreme authorities in said church, or any of them, or that this respondent is one of such supreme authorities, or that the first presidency and twelve apostles constitute such supreme authorities, or that said first presidency or any of its members, or said twelve apostles, or any of them, either connive at alleged violations or any alleged violation of any laws, either against polygamy or polygamous cohabitation, or protect or honor the said violators, or any of them, of any law either against polygamy or polygamous cohabitation.

Respondent admits that he is and has been for some time last past a director (trustee) of Brigham Young Academy, of Provo, but alleges that as such director he is not familiar with the details of the employment of professors and instructors, nor knows all the professors and instructors employed. Respondent further admits that Heber J. Grant pleaded guilty to polygamous cohabitation in the Utah courts in 1899; also that Angus M. Cannon and Joseph E. Taylor pleaded guilty to a like offense and were fined; also that J. M. Tanner is superintendent of Sunday schools for said church; that Charles Kelly is a stake president; also that the complaint sworn to by C. N. Owen is substantially as stated in said protest; also that Angus M. Cannon appeared in court, pleaded guilty, and was fined \$100; also that about a dozen others also pleaded guilty; also that the letter of Lorenzo Snow, dated January 8, 1900, is substantially as stated in said protest; also that the parts quoted from an address of George Q. Cannon, given January 28, 1900, are substantially correct so far as quoted; also that the quotation from 136 U. S., 1, is correct so far as quoted; also that Heber M. Wells is governor of the State of Utah, and a Mormon; and that the part of his speech quoted in said protest is substantially correct; and respondent alleges that some time after the delivery of said speech the said Heber M. Wells was reelected governor of the State of Utah.

Respondent also admits that Brigham H. Roberts was excluded as a Congressman from the House of Representatives; also that on September 26, 1900, President Wilford Woodruff, the official head of said church, issued the said manifesto contained in said protest; also that in 1891 the president and apostles of said church prepared and presented to the President of the United States a certain petition, accompanied by a statement signed by Chief Justice Zane, Governor Arthur L. Thomas, and other non-Mormons, which petition is contained in said protest; also that the amnesty proclamation was granted by President Benjamin Harrison, as appears in said protest; also that an amnesty proclama-

tion was granted by President Grover Cleveland, as appears in said protest; also that by act of Congress of March 3, 1887, the said church was dissolved, and much of its property escheated to the United States, and that the unexpended part of said property so escheated was given back to said church, and that such resolution was given on the statement of the authorities of said church that its members and adherents generally abstained from plural marriage and polygamous cohabitation and were living in obedience to the laws, and that it no longer encouraged or gave countenance in any manner to practices in violation of law or contrary to good morals or public policy; also that said joint resolution is correctly quoted as set forth in said protest; also that at the hearing before Judge C. F. Loofbourow, at the time alleged, a number of prominent church leaders testified, to wit, the persons mentioned, and the parties thereto were represented by counsel, as alleged; and this respondent admits that they gave the testimony quoted in said protest, subject, however, to the right on the part of this respondent to put in other evidence of said witnesses on such subject and also to correct the testimony as set forth in said protest, if it be found on examination and comparison that the same is not substantially correct; also admits that Joseph L. Rawlins delivered the speech as contained in said protest; also that the quotation from the enabling act as set forth in said protest is correct; also that John Henry Smith was president of said constitutional convention, and Moses Thatcher was a member thereof, and that the parts quoted from said constitution, as appears in said protest, are correct.

The respondent admits that the said church intended that all pledges and representations that it has given or made should be carried out by its members. Respondent also admits that, in substance, the Hon. Jeremiah M. Wilson made the remarks attributed to him as contained in said protest. The respondent also admits the quotation from the State constitution of Utah as contained in said protest; also, at the time said State constitution was framed there had been, ever since 1892, a law of Utah providing penalties for the offense of bigamy, unlawful cohabitation, adultery, and fornication; and that in 1897 a revision of the laws of Utah was made, and the said law of 1892 was reenacted without change, and now appears in the Revised Statutes of Utah as sections 4208 and 4209.

This respondent admits that some of said protestants are not moved by malice or personal ill will toward this respondent nor toward the people he represents, but denies all such allegations as to several of the said protestations. This respondent denies, as to several of said protestants, that they do not wage war against the religious belief, as such, of this respondent, but admits such allegations as to some of said protestants. This respondent denies, as to several of said protestants, that they do not deny to this respondent the same freedom of thought, the same freedom of action, within the law, which they claim for themselves, but admits such allegations as to several of said protestants.

This respondent admits that said protestants accuse him of no offense cognizable by law, but denies that said protestants do not seek to put him in jeopardy of his liberty or property. This respondent denies that said protestants ask that this respondent be deprived of no natural right, nor of any right which under the Constitution or laws of the land he is fitted to exercise, and also denies that said protestants, either with watchful jealousy or otherwise, claim for this respondent,

whether as private citizen or as church official, all or any of the rights, privileges, or immunities safeguarded by the Constitution.

This respondent admits that said protestants deny him the rights, either natural or political, to the high station of Senator of the United States, but this respondent denies that from such station, or any other place, or at all, war would be waged upon the home, and respondent admits that the home is the basic institution upon whose purity and perpetuity rests the very Government itself; and this respondent alleges that he has as sacred a regard for the high station of Senator, and of its duties, and of the loyalty that a Senator should have, as the most patriotic could desire; and that the home is just as sacred to him as to any of said protestants or to the most loyal citizen.

This respondent admits that the enjoyment of the privileges of statehood must depend upon the observance of the sacred compact upon which statehood was secured; also admits that the rights thereby granted are not inalienable, but denies that he is, or was, or ever or at all must be, or ever will be, unfitted to make any law; and respondent denies that he shows himself unalterably, or at all, opposed to "that" or to any of "that" which underlies all law.

This respondent denies that the obligations or obligation of any official oath which he may have subscribed or taken are or is, or of necessity or otherwise must be as thread of tow compared with the covenants or covenant which it is alleged bind his intellect, his will, or his affections, or which hold him forever, or at all, in accord with or subject to the will of an alleged defiant or an alleged law-breaking apostolate.

This respondent denies that any of his protestations of patriotism or loyalty are other than the most sincere and earnest, or that any obligation of an official oath, or otherwise, that he has taken or may take, is not of the very strongest, and bind most willingly his intellect, his will, and his affections; and respondent alleges that he holds his patriotism and loyalty to the United States, at all times and places, of the very highest and strongest.

This respondent denies that said protestants make said protest on behalf of any of the members of said church. Respondent further denies that said State, or any of the people of said State, would be put to open or any shame by the retention of this respondent of the high office of United States Senator; and respondent denies that the said twelve apostles, or any of them as such, seek to be permitted, or desire to succeed in having this respondent retain his seat in the United States Senate, or that, if this respondent should retain such seat, it would be either a supreme or any test of the forbearance of the American people.

This respondent denies each and every other allegation and statement contained in said VI of said protest, except as admitted and alleged in this answer.

This respondent, now answering the alleged protest made by John L. Leilich, and which is not incorporated in the protest of W. M. Paden and others, admits, as stated in said "First," that there is an organization known as the Church of Jesus Christ of Latter-Day Saints, which has its headquarters in Utah; and admits that, as stated in the "Second," certain of the representatives, promises, and obligations of the first presidency have been confirmed and ratified in semiannual conference of said church, thereby approving and making complete and binding certain acts of the said first presidency relative to the

suspension of polygamy and polygamous cohabitation as appears in the manifesto issued by President Wilford Woodruff.

This respondent, answering the "Ninth" of said Leilich protest, denies that any oath of office is required of or taken by this respondent as an apostle of said church, and denies that either as a member of or as an apostle of said church there is either required of or taken by said respondent any obligation or covenant, of whatsoever kind or nature or character, or that he is thereby or otherwise, or at all, disqualified from conscientiously taking the oath of office required of a United States Senator. On the contrary, this respondent alleges that neither as a member of nor as an apostle of said church, or otherwise, is he required to take nor has he taken any oath or covenant or obligation, of any nature or character, that, in any way whatsoever, disqualifies him from conscientiously and without mental reservation taking the oath of office required of a United States Senator, or from discharging his full duty and obligation to the United States as required by the very highest standard of patriotism and loyalty.

This respondent, answering the "tenth" of said Leilich protest, admits the remarks were made in part as quoted by the Hon. Jeremiah M. Wilson.

This respondent, answering the "thirteenth" of said Leilich protest, denies that he is a polygamist, or that he has ever been a polygamist, or that he is living or ever has lived in polygamous cohabitation, or that since the admission of Utah into the Union of States, or at any time, or at all, either then or there having a legal wife, or otherwise, or at all, married a plural wife, either in the State of Utah or any other place, or at all, either in violation of any of the laws or compacts hereinbefore described, or otherwise, or at all, or that since, or at any time, or at all, of such alleged plural or polygamous marriage, this respondent has either lived or cohabited with anyone whomsoever except his legal wife, either in said State of Utah or elsewhere, or at all, either as occasion offered or otherwise, or at all, or that the only record of such alleged plural marriage is a secret or other record made or kept by the authorities of said church, or any of them, or that said alleged secret or other record is in the exclusive or other custody or control of said first presidency or any of them, or of the said quorum of twelve apostles, or any of them, or that this respondent is a member of said first presidency, or that any such record exists or ever has existed, or that there is any such record, secret or otherwise, of any polygamous marriage whatsoever, or that there have been any polygamous marriages since said manifesto of 1890 was issued.

This respondent further answering said Leilich protest, hereby denies each and every other allegation and statement therein contained which is not hereby specifically denied, except as may be admitted or alleged in this answer.

Further answering, this respondent alleges:

In 1890 the returns of subordinate officers of said church showed that in the United States there were 2,451 polygamists. In 1899, in like manner, it was found there were 1,543 polygamists. In 1902, in like manner, it was found there were 897 polygamists. In February of 1903, in like manner, it was found there were 647 polygamists; and this respondent alleges that according to his best judgment, founded on the facts aforesaid, there are not over 500 polygamists

living at the present time; that all of said persons, as hereinbefore stated, have been advised by the first presidency of said church, as appears by the said manifesto of President Wilford Woodruff of 1890, and of the said testimony given by the said President Wilford Woodruff and others in interpreting said manifesto, to keep all the laws of the land; and many have kept such laws and said manifesto, while some have failed to keep such laws, just as some of the members of said church keep other laws thereof, while some of its members do not keep all of such laws.

This respondent states and alleges that he has never advised any person, either directly or indirectly, either to go into polygamy or to continue the practice of polygamous cohabitation.

This respondent states and alleges that in May, 1902, he announced that he would be a Republican candidate for United States Senator from the State of Utah at the legislature to be next elected, and in making such declaration this respondent made the same on his own judgment. That the Democratic papers in said State of Utah, in opposing the candidacy of this respondent, stated over and over again in prominent headlines and in strong editorials that a vote for the Republican ticket meant just that much toward the selection of this respondent as the next Republican United States Senator from the State of Utah; that the members of the legislature were nominated and elected on this issue, and your respondent was the choice, by a large majority, of such legislature as the Republican United States Senator from the State of Utah, and most of the Gentile Republican legislators voted for this respondent for such office. At the same time all of the Democratic Mormon legislators opposed his nomination to such office and voted for another candidate.

That of the present elective and appointive State officers for the State of Utah there are eight Mormons whose yearly salaries amount to \$15,700, and there are nine non-Mormons whose yearly salaries amount to \$26,400; and that of the elective and appointive city officers for Salt Lake City, Utah, for the years 1902-3, excluding members of the city council, six were Mormons drawing salaries amounting in the aggregate to the sum of \$9,460, and nineteen non-Mormons whose yearly salaries aggregate a sum exceeding \$25,900; there were fifteen members of the city council of Salt Lake City, Utah, and during 1902-3 ten were Mormons and five were non-Mormons, and each received a salary of \$420 per annum.

This respondent in conclusion alleges that he comes to the high office of United States Senator as a Republican, and was nominated as such by the legislature of the State of Utah on issues clearly made up and perfectly understood by all; that he stands here now with the highest and keenest regard for the patriotism and loyalty expected and demanded from every United States Senator.

Wherefore it is prayed that the protests filed herein may be given such hearing as may be proper; but this respondent protests against evidence being introduced on all or any of those issues which are irrelevant, immaterial, and impertinent to the question of the qualifications of this respondent and his right to retain his seat as a United States Senator from the State of Utah.

Respondent further prays that said protests may be adjudged of no effect.

REED SMOOT.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Reed Smoot, being first duly sworn, deposes and says that the foregoing protest and answer are true of his own knowledge, except as to the matters therein stated or denied on information and belief, and as to those matters he believes it to be true.

REED SMOOT.

Subscribed and sworn to before me this 4th day of January, A. D. 1904.

[NOTARIAL SEAL.]

R. B. NIXON,
Notary Public.

A. S. WORTHINGTON,
 WALDEMAR VAN COTT,
 W. E. BORAH,
Counsel for Respondent.

COMMITTEE ON PRIVILEGES AND ELECTIONS,
 UNITED STATES SENATE,
 Washington, D. C., January 16, 1904.

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), McComas, Beveridge, Dillingham, Hopkins, Pettus, Dubois, Bailey, and Overman.

The CHAIRMAN. The committee is advised that the protestants and the respondent in the pending matter are represented by counsel. The Chair will inquire if anyone appears for the protestants at this time.

Mr. ROBERT W. TAYLER. I appear for the protestants.

The CHAIRMAN. Who appears for the respondent, the junior Senator from Utah?

Mr. A. S. WORTHINGTON. I appear for him, Mr. Chairman, and so does Mr. Waldemar Van Cott.

Mr. THOMAS P. STEVENSON. Mr. Chairman, I appear for the National Reform Association, one of the organizations which has been protesting against the seating of Mr. Smoot.

The CHAIRMAN. Do you represent the original protestants?

Mr. STEVENSON. We are original.

The CHAIRMAN. Do you speak for any of the signers to the protest now under consideration?

Mr. STEVENSON. We filed a protest last spring, at the time Senator Smoot took his seat.

The CHAIRMAN. May I ask your residence?

Mr. STEVENSON. In Philadelphia.

The CHAIRMAN. The Chair will say to counsel representing the protestants and the respondent, that before entering upon any inquiry into the subject-matter involved in 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. Mr. Tayler, the committee will now hear you in behalf of the protestants.

Mr. WORTHINGTON. May I ask, before the counsel begins, whether I am to understand from the statement of the chairman that it is intended now merely to present the points to be argued, or are we to argue them.

The CHAIRMAN. Simply the points upon which the protestants and the respondent intend to rely.

Mr. WORTHINGTON. I understand.

The CHAIRMAN. Mr. Tayler, you may proceed.

STATEMENT OF ROBERT W. TAYLER.

Mr. TAYLER. Mr. Chairman and gentlemen of the committee, I represent the protestants who filed the first protest, or the protest signed by W. M. Paden and others, that appears first in the printed document which the committee has issued. I do not disavow, in so far as I would be able to do so, the representations of the party interested in the supplemental protest. I merely say, respecting the charge made in the supplemental protest, that I do not know, and therefore can not say to the committee, that proof will be made sustaining the charge of what is called the Leilich protest, to the effect that Mr. Smoot is a polygamist.

I have no desire, and the committee, I gather, has no desire, to hear any argument, at this time at least, upon the question of their power to act in a case of this sort, or the legal effect of the things which it is claimed will be proved.

The Senators are as familiar as anybody could be with the provisions of the Constitution respecting the power of the Senate to judge of the elections, returns, and qualifications of its members, and also its power to expel. I need only say that there is absolutely no limit upon the right or the power of the Senate in regard to these two procedures, except that the exclusion of a member or the declaration of the vacancy of a seat, on account of a claim that the applicant is disqualified, must of course be sustained by a majority vote of the Senate, and his expulsion must be sustained by a vote of two-thirds of the members of the Senate. Beyond that there is no limit to the power of the Senate.

Of course, a question of propriety would arise; a question of ethical right might arise; but as to the parliamentary or legislative right or power, the legal right or power, there is no limit whatever. If one of the Senators should introduce a resolution in the Senate on Monday, "Resolved, that Reed Smoot be expelled as a member of the Senate," and the Senate should thereupon, with or without debate, adopt that resolution by a two-thirds vote, it would be absolutely lawful and entirely within the power and the legal right of the Senate.

The question of propriety would be another question. The answer that the individual Senators might make to their constituencies would be another thing. But there can be no legal wrong where there is no remedy, and there would be no remedy, no matter how unjust or arbitrary or outrageous might in fact be the action of the Senate in such a case. Its legal right could not be questioned in any court, and the

individuals who would be affected adversely by its action must simply submit, because the Senate would be acting within its power. So it is not a question of power; it is a question of propriety.

Now, I think I can say in five minutes all that needs to be said in connection with the suggestion of the committee as voiced by the chairman.

What we expect to prove in respect to this controversy is this: It is amplified and in some places differently phrased in the protest, but it expresses, as I gather it, the case. I do not disturb the committee with any preliminary history either of the church or of the questions that are involved here, or what has occurred in Congress, and the character and basis of the public interest in it, apart from any mere sentiment. I shall not deal with this as representing any hysteria, but wholly upon the question of its effect upon government and the right and the propriety of the Government intervening to defend its own dignity and protect its own integrity.

First, then, the Mormon priesthood, according to the doctrine of that church and the belief and practice of its membership, is vested with, and assumes to exercise, supreme authority in all things temporal and spiritual, civil and political. The head of the church claims to receive divine revelations, and these Reed Smoot, by his covenants and obligations, is bound to accept and obey, whether they affect things spiritual or things temporal. That is the first proposition.

Senator McCOMAS. I wish you would restate that proposition.

Mr. TAYLER. The Mormon priesthood, according to the doctrine of the church and the belief and practice of its membership, is vested with and assumes to exercise supreme authority in all things, temporal and spiritual, civil and political. The head of the church claims to receive divine revelations, and these Reed Smoot, by his covenants and obligations, is bound to accept and obey, whether they affect things spiritual or things temporal.

Second, the first presidency—

Senator BEVERIDGE. Is that the first proposition upon which you base your contest against the respondent?

Mr. TAYLER. Yes, sir.

Senator BEVERIDGE. His membership in the Mormon Church?

Mr. TAYLER. Yes, sir; exactly.

Senator BEVERIDGE. I am merely asking for information; but would or would it not mean that no member of the Mormon Church has a right to hold office?

Mr. TAYLER. I think that is true. Of course the committee will understand that as a practical and as a public question there is a very marked and proper distinction to be made between a layman in the Mormon Church and one who is in high official position, who is himself authorized to receive revelations and impart them to his inferiors, who must obey those revelations thus imparted.

Second. 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. Each of them is called prophet, seer, and revelator.

Senator HOPKINS. That applies to the apostles as well as to—

Mr. TAYLER. As well as to the first president and his two councilors.

Third. As shown by their teaching and by their own lives, this body

of men has not abandoned belief in polygamy and polygamous cohabitation. On the contrary—

(a) As the ruling authorities of the church they promulgate in the most solemn manner the doctrine of polygamy without reservation.

I mean by that statement that it has always been declared that the Bible, the Book of Mormon, the Doctrine and Covenants, and the Pearl of Great Price are the inspired standards of the Mormon Church, controlling the lives of its people. In the answer of the respondent there is an added standard; while admitting that these four are the standards inspired by God, and that is the manifesto of 1890, in which the head of the church, claiming to have wrestled with the Almighty, had received a revelation, and the Almighty had graciously permitted the direction to go forth that the command to take polygamous wives was thenceforth suspended. Of course it is a matter of argument what the meaning of those words is.

At any rate, that manifesto declared the Divine direction to be that the revelation received by Joseph Smith, commanding men to take plural wives, was suspended. We will show by the proof that though men, if they acted upon that revelation, did not feel upon them the command to take plural wives, yet they did not find within it any prohibition on taking plural wives, and did take them.

The Doctrine and Covenants—perhaps it is Doctrine and Covenants, for I do not know whether it is plural or singular in the first word—the Doctrine and Covenants contains the revelation received mainly by Joseph Smith, almost altogether by Joseph Smith, and one of the chapters contains the revelation received by Joseph Smith in 1843, but not proclaimed until 1852, permitting, and in certain instances commanding, the taking of plural wives.

I say that that doctrine, permitting and commanding the taking of plural wives, is still promulgated by the Mormon Church and its officials in this: That the Doctrine and Covenants, containing word for word the commands and the arguments and the revelation respecting the taking of polygamous wives, is still printed, published, circulated by the Mormon Church, the last edition having been made in 1901, without emendation or expurgation, without explanation or footnote or appendix, without any reference to any manifesto, without any sign to anyone who may read this inspired book that there is any qualification upon the command thus given to the people of the Mormon Church.

The CHAIRMAN. I understand you to say that you expect it to appear that in this latest edition of the Mormon doctrine—

Mr. TAYLER. The Doctrine and Covenants.

The CHAIRMAN. There is no reference to the manifesto?

Mr. TAYLER. There is not the slightest reference at all, between the covers of that book, to any qualification of that doctrine, which still goes out to their people and to the world as the divinely revealed duty of the people.

In a little book that is published by the official publishers of the Mormon Church (I do not recall its exact title, but it is intended for the use of the missionaries of the Church and Scripture students), published within the last year or two, which has been scattered all over the world, is the argument in favor of plural wives, excerpts from the Divine revelation as given out by Joseph Smith, and still published in this book of Doctrine and Covenants, and with marginal

comments explanatory of the force and effect of these excerpts. For instance "Polygamy commanded of God," "Polygamy approved of God," "Polygamy promised or prophesied by Christ." Those are marginal notes along with comments and extracts from the Doctrine and Covenants and Scripture citations sent out by the Mormon Church among its people and to its missionaries all over the world.

Under this head that it is shown by their teaching and by their lives that this body of men, of whom Mr. Smoot is one, have not abandoned belief in polygamy and polygamous cohabitation—

(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 other high officials of the church have taken plural wives since that time. 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 is the concrete charge against this individual.

Mr. WORTHINGTON. Will you read that again, Mr. Tayler?

Mr. TAYLER. Certainly.

(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 other high officials of the church have taken plural wives since that time. 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.

The manifesto of 1890 is referred to as merely fixing the period of great occurrences when this revelation of which I have spoken was received and after which an appeal was made to the President of the United States for amnesty, the Federal authorities having prosecuted with great vigor persons who had been violating the act of 1882 against unlawful cohabitation. Representations were made in that appeal to the President that that practice had been wholly abandoned. The interpretation of those papers by officials high up in the church, that it included not only an abandonment of the practice of entering into plural marriages, but of unlawfully cohabiting with those with whom plural marriages had been contracted prior to the issue of the manifesto of 1890; the appeals that were made to Congress as the result of which Utah was admitted into the Union in 1896—all these things one must be familiar with in order to understand the cogency of the circumstances which I have just described as occurring.

Fourth. Though pledged by the compact of statehood and bound by the law of their Commonwealth, this supreme body, whose voice is law to its people, and whose members were individually directly responsible for good faith to the American people, permitted, without protest or objection, their legislators to pass a law nullifying the statute against polygamous cohabitation.

The text of that law is set out in the protest. The legislature, overwhelmingly Mormon, passed a law which provided that no prosecution should be instituted under the law forbidding polygamous cohabitation unless it was done "on complaint of the husband or wife, or a 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."

Senator DILLINGHAM. From what page do you read?

Mr. TAYLER. Page 11.

Senator HOPKINS. Is that statute in force now?

Mr. TAYLER. "But this proviso shall not apply to prosecutions under section 4208 defining and punishing polygamous marriages;" which, of course—

The CHAIRMAN. Senator Hopkins asked you if you expect to show that that statute is in force now?

Mr. TAYLER. I had not finished my statement respecting it.

Senator HOPKINS. Oh.

Mr. TAYLER. Now that law, which passed the two houses of the legislature by an overwhelming majority, passed without protest, without a sign of a ripple on the surface of the Mormon sea officially; but the governor, himself a Mormon, assigning the reason why he did it, that it would arouse public sentiment in this country so vigorously against the Mormon people that it would destroy them, vetoed the bill.

Senator BEVERIDGE. What has the respondent to do with that law?

Mr. TAYLER. The respondent?

Senator BEVERIDGE. What has that law to do with the respondent?

Mr. TAYLER. I have said only that the respondent—

Senator BEVERIDGE. What has he to do with the passage of that law?

Mr. TAYLER. I have said only that the respondent was one of the ruling officers of the church, and that he entered no protest against nor did he undertake to prevent this nullification of the law.

Senator BEVERIDGE. You do not assert that he had anything to do with the passage of the law, one way or the other?

Mr. TAYLER. Oh, no.

Senator McCOMAS. I understand Senator Smoot was an apostle at that time—1901.

Mr. TAYLER. Yes, sir. He was an apostle at that time.

Senator BEVERIDGE. You do not charge that he personally advocated the passage of the law, or anything of that kind?

Mr. TAYLER. No, I do not know that he did.

Now, gentlemen, those are the things we expect to prove, and upon them ask the opinion of the committee and the Senate as to its duty.

Senator McCOMAS. Before you take your seat, I wish to ask you a question. Was any other legislation in that direction either attempted or enacted thereafter?

Mr. TAYLER. No, I think not.

Senator OVERMAN. When was that legislation passed?

Mr. TAYLER. In 1901.

Senator McCOMAS. March 8, 1901.

Mr. TAYLER. Mr. Smoot became an apostle in 1900.

Senator BEVERIDGE. Do you charge the respondent himself with violating the law of the United States in reference to polygamy?

Mr. TAYLER. No.

The CHAIRMAN. He stated that in the beginning—before you came in. Senator BEVERIDGE. I was not then here.

The CHAIRMAN. The committee will now hear Mr. Worthington, for the respondent.

STATEMENT OF A. S. WORTHINGTON.

Mr. WORTHINGTON. Mr. Chairman and gentlemen, it will be perceived that the formal statement of the charges which are here made against Senator Smoot, as they have been reduced to writing and read by my friend, Mr. Tayler, differs very materially from the statement of the charges against the Senator made in the protest itself. While we are prepared now to respond in a general way to those charges and to inform the committee as to what we have to say about them, we will ask the privilege of the committee, within a few days, of reducing to writing our answer to this formal statement, so that the committee may have it for consideration in connection with the statement itself.

Senator McCOMAS. I trust that will be done.

The CHAIRMAN. If there is no objection, it will be so ordered.

Senator SMOOT. Two days will be plenty. We can answer it by Monday, if the committee wants it.

Mr. WORTHINGTON. First, as to the questions of law which will arise here, and as to which Mr. Tayler has said very little. He refers to the general language of the Constitution in reference to the expulsion of Senators and Members of the House, and says there is no limit to the power. I agree with him, Mr. Chairman, that there is no limit to the power of the Senate in that regard. I do not agree with him that there is no limit to the jurisdiction of the Senate. I think it will be shown, when we come to investigate these questions of law, that the proposition is well settled at both ends of the Capitol that neither House has jurisdiction to consider a charge made against a Senator or a Member of the House as to any offense alleged to have been committed by him before he was elected, unless it is something which relates to the election itself, as that it was obtained by bribery or something of that kind. It so happens that that question—

Senator PETTUS. Do you maintain that no moral quality in a Senator or Member would authorize either body to expel him or refuse him a seat?

Mr. WORTHINGTON. No, Senator, I did not say that. I say for offenses committed before he was elected.

Senator PETTUS. I mean before he was elected.

Mr. WORTHINGTON. Yes.

Senator PETTUS. Your proposition, as I understand, is that no matter what a man may have done or said prior to his election, his election purified him so far as that body is concerned?

Mr. WORTHINGTON. That is exactly the proposition.

I was about to say that that question was most thoroughly considered in the House of Representatives when Mr. Roberts was sent here as a Representative from the State of Utah. It was charged that he was a polygamist, not in theory only, but in practice; that he was defying the laws of the State and the compact under which the State was admitted into the Union. He was not allowed to take his seat, and the question of his qualification was referred to a committee, of which

my friend, the gentleman from Ohio, was chairman. A very elaborate and able report was prepared and submitted by the majority of the committee, including Mr. Taylor, in which all the precedents are gone over and in which that conclusion was reached, and that conclusion was sustained by the House of Representatives by a very large majority.

A minority of the committee, composed of two of the nine members who reported on the matter, stated that in their opinion the House was bound to admit Mr. Roberts because he possessed the constitutional qualifications—he had the requisite age, the requisite citizenship, and he was an inhabitant of the State—and that was all you could look into; that they must admit him, and after being admitted they could turn him out, and he ought to be turned out. So the question was fairly presented, and it was conceded by everybody—I think there was no dissent in the House or in the committee—that he could not occupy his seat because he was a polygamist; but it was decided by the committee and by the majority of the House that if they seated him they could not expel him, because the charge involved something that had been committed in the past, and that therefore he must be prevented from taking his seat.

The same question came before the Senate, I think in 1893 or thereabouts, in the case of Senator Roach, of North Dakota. He was elected and took his seat here without question or objection. Soon afterwards the press throughout the country published charges against him to the effect that while he was cashier of the Citizens' National Bank of this city, some years before he went to North Dakota, he embezzled funds of the bank to a very large amount, and that he was not prosecuted, but had made some settlement with the bank and had gone West and started anew.

That charge was true and it never was denied, and a resolution was introduced for his expulsion and this same question was raised in the Senate. It was debated. The side of the question which we raise here in this case, that the Senate had no jurisdiction to consider the matter because it was something Mr. Roach was charged with having done before he was elected Senator, was presented by Senator Voorhees and Senator Mills, and they both said that they spoke for the entire body of Democrats in the Senate, who then were in the majority in the Senate. The opposing side of the question was argued by Senator Chandler and by Senator Platt, of Connecticut, and in a measure by Senator Hawley, who, so far as appeared, spoke for themselves.

There was a great deal of debate, and all the precedents were gone over, so that he who reads the debates in the Roberts case and the debates in the Roach case will discover that there is very little information that he can acquire elsewhere which will help him in considering the matter. But the charges against Senator Roach were dropped. There was no formal vote taken on the matter. But it does appear clearly by the debate that a majority of the Senate was in favor of the proposition that the Senate had no jurisdiction in that matter.

The CHAIRMAN. I have forgotten the circumstances and you seem to be familiar with the case. Did Senator Roach resign?

Mr. WORTHINGTON. No, he did not; his term expired; he stood his ground. He himself offered a resolution that the matter be referred to a committee and investigated. He did not deny the charge, but offered that resolution. Senator Gorman submitted a substitute, that

this committee be directed to inquire and report whether it had any jurisdiction in the matter. Those resolutions were debated, but no action was ever taken by the Senate.

I am not going to take up the time of the committee in referring to the precedents in either House of Congress or in England, which are all referred to and discussed in those debates, but whatever might be the position which Senator Smoot might desire to take here as representing himself, he is also here as the representative of a sovereign State in the Union; and he is about—

Senator HOPKINS. Before you leave that point, what do you say to this proposition? Assuming, for argument, that the points made by Mr. Tayler are sufficient to exclude Mr. Smoot from the Senate, what do you say as to whether or not they are of a continuing character, if Mr. Smoot still continues to be an apostle?

Mr. WORTHINGTON. I should say he certainly would be brought within the jurisdiction of the Senate. And I was about to come to that point.

Senator BEVERIDGE. Your argument thus far goes to the exclusion of everything that occurred before he was elected Senator. Is that it?

Mr. WORTHINGTON. Yes, except as it might bear upon the question—

Senator BEVERIDGE. Of its continuance?

Mr. WORTHINGTON. The question of his status when he became a Senator. I will refer to that in a moment. I will say that of anything which consists simply of a charge that he did something before he was elected Senator, you have no jurisdiction; and I was about to say that I have been unable to see just how it could play a very material part in this case.

Senator BEVERIDGE. If you will permit me, that being the position which you take as a matter of law, as a matter of fact do you claim he did anything different before he was elected from what he does now?

Mr. WORTHINGTON. We do not.

Senator BEVERIDGE. Then the proposition does not have any practical moment.

Mr. WORTHINGTON. It has practical moment, because, while we claim that his position is not different from what it has been, the charge may be made against him, and evidence may be offered to prove it, that his status before was different from what it is now, and they may bring here evidence, which may be false or may be true, tending to show that he did objectionable things in the past, but can not show and will not undertake to show that he has done them since he was elected a Senator or since he has taken his seat in this body.

Senator PETTUS. Will you allow me to ask you a question? Do you contend that Mr. Smoot is not one of the apostles, and has not been one of the apostles since his election?

Mr. WORTHINGTON. We will not contend that he is not an apostle. I am dealing with the selected question of law first.

Now, when we come to the specific charges, while it seems to have been disclaimed by the distinguished gentleman, in response to a question from a member of the committee, it was distinctly and positively charged in so many words in one of the protests, the one which is signed by but a single person, that Senator Smoot has taken a plural wife.

Mr. TAYLER. Of course, you understand that I do not seek to

embarrass that protestant or anybody else or the committee by any more than a disavowal of my representation of that claim. It may or may not be true. I know nothing about it.

Senator BEVERIDGE. That amounts to not making it.

Mr. TAYLER. So far as I am concerned.

Senator BEVERIDGE. Yes.

Senator HOPKINS. And so far as concerns the parties you represent. There are other parties, I understand, who do make it.

Senator BEVERIDGE. So far as Mr. Tayler is concerned, he does not make the charge.

The CHAIRMAN. Mr. Tayler said that he does not appear for the party making that charge.

Senator McCOMAS. And he is not here to support that allegation.

The CHAIRMAN. No.

Senator HOPKINS. No.

Senator DUBOIS. Nor to deny it, either.

Mr. TAYLER. No.

Senator BEVERIDGE. He does not deny it; but if a man neither asserts nor denies a thing it amounts to not making it.

Mr. TAYLER. I do not represent everybody in this matter. That is the point.

Senator DUBOIS. As I understand Mr. Tayler, if Mr. Leilich should appear here at the next meeting and say he could prove those charges, Mr. Tayler does not want to prejudice his case.

Senator BEVERIDGE. Of course not.

Senator DUBOIS. Or have anything to do with it.

Mr. WORTHINGTON. I understand the situation. But the formal charge is made here that Senator Smoot is a polygamist in practice; that he has a plural wife. There is nobody here to-day to state that evidence will be offered on that subject.

Senator McCOMAS. We may clarify the situation. Mr. Chairman, I should like to ask if anybody is present here now who appears to support the allegation of polygamous practices on the part of Reed Smoot? Does anyone appear here among these gentlemen? [A pause.] There appears to be none.

The CHAIRMAN. No one seems to appear for the gentleman who made the charge, nor do I understand that the affiant, who made the charge, is present.

Mr. WORTHINGTON. Let me say, notwithstanding, Mr. Chairman, that if anybody should come here and attempt to offer evidence upon that subject, it is to be understood that Senator Smoot absolutely and positively denies that the charge is true or that there is any foundation at all for it. He states that most solemnly upon his oath; that he married one woman, whose name is stated in the answer, and the date of his marriage; that he has lived with her, as American citizens generally live with their wives, in the pure and exalted state of matrimony; that he has brought up children by her; that he has never conceived the idea of marrying another; that he has never cohabited with any other woman in his life; and if any evidence shall be offered here tending to show that he has at any time been guilty of that offense, we denounce it in advance as false and perjured.

As to the question of law involved there, we do not for a moment contend that if evidence to that effect could be brought here, and if it

could be shown that Senator Smoot has a plural wife or has had at any time since he was elected a Senator, or since he was admitted to this body, he ought not to be expelled.

There is another charge which is made in distinct terms in this same single protest. It is not made in specific terms nor is it made at all in the general protest by those whom Mr. Tayler represents, nor as I have gathered from the reading of the formal charges which he presented this morning, has he distinctly charged it. The charge to which I refer is that when Senator Smoot became an apostle in the Mormon Church, which was in the year 1900, he took an oath as an apostle which is incompatible with the oath he took when he was admitted to his seat in this body, the oath required by the Constitution.

He took here the oath that he would support the Constitution of the United States and bear true faith and allegiance to it, and that he took that oath without any mental reservation. I do not recall the exact words of the oath. It is charged in the protest, signed by but one person here, that he had previously taken an oath as an apostle which bound him to stand by his obligations to that oath, in respect of his duties to the Mormon Church, as against any oath he might take thereafter, and that he is here with a mental reservation, not intending to support the Constitution and laws of the United States, and particularly the law which is a part of the compact between the State and the United States under which the State was admitted into the Union.

Now, as to the question of fact there, Senator Smoot just as positively and emphatically denies that he ever took any such oath, or that in any way he was under any obligation when he took the oath as Senator, which is inconsistent with his oath as a Senator. And he demands proof in that regard.

If the Senate should be satisfied that when he took that oath and stated that he had no mental reservation, he, as a matter of fact, did have a mental reservation; that he intended all the time to do what he could to support polygamy, then he ought to be expelled. We make no question about that, because you will perceive it would be something which would affect his loyalty and would put him in the position of having obtained entrance into the Senate by a lie. If there is any proof as to that, let them produce it.

Now, I want to present some matters which lead up to the situation in Utah at the time Senator Smoot was elected, some of which have been referred to by Mr. Tayler and others of which the members of this committee ought to know, I think, at the outset of this investigation, so as to be able to consider properly how far the inquiry shall go as to the organization and tenets of the Mormon Church, and as to the practices and connivances, if there be any, of its members, including its apostles, of whom Senator Smoot is one.

It is a fact that the doctrine of polygamy was promulgated by Joseph Smith, founder of the Mormon Church, in the year 1843, at Nauvoo, Ill. Almost within a year after that the exodus from Nauvoo to Utah began, and the Mormons became settled in their new quarters in or about the year 1847.

It is also true that early in the fifties the doctrine of polygamy was publicly and formally promulgated by the church, and that it was practiced from that time down to the year 1862, a period of about ten years, when it was not in violation of any law. There was no law, either of the United States or of that jurisdiction, prohibiting it. In

the year 1862 Congress passed a law, which was afterwards carried into the Revised Statutes, which punished bigamy--made it a penitentiary offense. There was nothing in the statute against polygamous cohabitation, by which I mean--

The CHAIRMAN. What year was that?

Mr. WORTHINGTON. 1862.

Senator DUBOIS. Was that the Poland law?

Mr. VAN COTT. The Poland law was in 1876, I think.

Mr. WORTHINGTON. There was nothing about polygamy in the act of 1862.

In 1882 there was passed by Congress what is known as the Edmunds Act. It did punish polygamous marriages and polygamous cohabitation with more than one woman. It also authorized amnesty by the President for prior offenses, and it made legitimate the issue of polygamous marriages born before January 1, 1883.

So Congress, on the 22d of March, 1882, not only authorized the President to grant amnesty to all who had committed the offense of polygamy or polygamous cohabitation before that time, but Congress took care to legitimize the children of polygamous marriages theretofore contracted, who might be born up to nine months and nine days after the passage of the act.

Then there came in February, 1887, a law which is known as the Edmunds-Tucker Act. It makes additional provisions for the prosecution of polygamy, and in three of its sections it authorizes the Attorney-General to institute proceedings to forfeit and escheat to the United States the property of the Mormon Church on the ground that it was being used for the promulgation of polygamy or polygamous practices. That was the act of February 19, 1887. It was not the Edmunds-Tucker Act, by the way. The Edmunds-Tucker Act was the act of March 3, 1887, passed shortly afterwards, which made the first wife a competent witness, which was forbidden before; punishes adultery and defines it; punishes fornication; provides for recording marriages in courts, and punishes violation of the section.

In 1878 the Supreme Court of the United States decided the case of *Reynolds v. United States* (98 U. S., 145). The Mormons contended that the law prohibiting plural marriages was unconstitutional because it was in violation of the first amendment to the Constitution, which prohibits any interference with religious beliefs, and that the belief in polygamy was a part of their religion, and therefore Congress had no right to interfere.

The Supreme Court of the United States, in the case of *Reynolds*, laid down very strongly and emphatically the contention which the Mormons made that Congress could not interfere with a man's belief, no matter what he believed; that so far as he confined it to a belief, Congress could not interfere with it; but that when, in pursuance of that belief, he undertook to violate any law he was outside the protection of the Constitution and must be punished.

Senator McCOMAS. Give me the reference to that case.

Mr. WORTHINGTON. *Reynolds v. United States* (98 U. S., 145).

Then came the case of *Murphy v. Ramsay* (114 U. S., 15), in which the court held that section 8 of the act of March 22, 1882, disfranchising polygamists, was not void as being an *ex post facto* law, because the court says it applies to the status of the man when he undertook to vote.

Then came the case of *Davis v. Beason* (133 U. S., 333), which is known as the Idaho case. The legislature of Idaho, then a Territory, passed a law which was more stringent than any that had gone before, because it not only prevented a polygamist from voting and holding office, but it also put up the bars against any man who counseled or aided or abetted others to commit polygamy, and still further prevented the voting or holding of office by any man who was a member of a church which encouraged or aided or abetted the practice of polygamy. It was contended that the act went further than the legislature had any power to go, and in this case, in 133 U. S., the Supreme Court sustained that law.

Then came the case of the *Mormon Church v. The United States*. (136 U. S. 1.) In that case the Federal court had found the facts as required by the law in all cases originating in the Territories and coming up to the Supreme Court. The Supreme Court has nothing to do with the question of facts, but they are found and tabulated by the court below. That court found in that case that about, and only about, 20 per cent of the marriageable Mormons at that time were practicing polygamy—in 1887—and that since the act of 1887 that some ministers or preachers of that church in good standing had continued to inculcate the doctrine of polygamy, and the court sustained the law, which forfeited the property of the Church and all the property which had been held by a corporation for the Church.

It was this series of judicial decisions which finally brought the Mormon Church to realize the fact that they were compelled to obey the law. Perhaps I put that more strongly than I should, because as early as 1884, and certainly as early as 1887, the great body of the Mormon people had recognized the fact that they would have to obey the law against polygamy, and there was, possibly from 1884, and certainly from 1887, very little recognition of that practice by anybody, and none by the church.

Then came this paper called the manifesto. It is known in the history of the Mormon Church as the manifesto.

The CHAIRMAN. In 1890?

Mr. WORTHINGTON. It was promulgated by the president of the church on the 25th or the 26th of September, 1890, and what Mr. Tayler did not state is that on the 6th of October following, in one of the semiannual meetings of the whole body of the church, which was held in the Tabernacle at Salt Lake (a meeting which corresponds to town meetings in New England; all the people who have a voice come together), and where there were—how many thousands can it seat?

Senator SMOOT. Ten thousand.

Mr. WORTHINGTON. This manifesto was there presented, and it was formally ratified by the unanimous vote of the Mormon people.

That great manifesto, after certain recitals, proceeds:

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. * * * I publicly declare that my advice to the Latter Day Saints—

The name by which the Mormons call themselves—

is to refrain from contracting any marriage forbidden by the law of the land.

Therefore, so far as positive action taken by the church itself can go, in the fall of 1890, not only the leader, the head of the church, speaking for the organization, but the great body of the church by unanimous vote resolved that polygamy must go, and that they would abide by the law of the land in that regard.

Now, there are some very important documents to which the attention of the committee should be called. On February 14, 1893, President Harrison issued an amnesty proclamation. He had been specifically authorized, you will remember, by the act of 1882 to do that. This proclamation recites that act, and then recites the manifesto, and then proceeds:

Whereas 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

Whereas by a petition dated December 19, 1891, the officials of said church, 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 those offenses, etc.

It then proceeds to refer to a certain report of a Congressional commission, known as the Utah Commission, and announces that he grants pardon to all who have, since November 1, 1890, abstained from such unlawful cohabitation on condition that they obey the laws against polygamy. So the offense of every member of the Mormon Church, you will perceive, was then wiped out, except as to those who had lived in polygamous relations after the 1st of November, 1890, or those who subsequent to the date of the proclamation should violate the law in that regard.

Senator DUBOIS. The manifesto of September 25 or 26, which was afterwards twice, I think, ratified, although you mentioned but one time, was signed by whom?

Mr. WORTHINGTON. It was signed by Wilford Woodruff, president of the church.

Senator DUBOIS. The amnesty proclamation was issued by President Harrison in response, I believe you said, to a petition or the manifesto?

Mr. WORTHINGTON. Both.

Senator DUBOIS. Or documents by the church, signed in December, 1891?

Mr. WORTHINGTON. A petition dated December 19, 1891.

Senator DUBOIS. Who signed that document on which amnesty was granted?

Mr. WORTHINGTON. It was signed by a number of the leading officials of the Mormon Church; I do not remember their names.

Senator DUBOIS. Was it not signed by the first presidency and twelve apostles?

Mr. WORTHINGTON. I think it was.

Senator SMOOT. I rather think so.

Mr. VAN COTT. It was.

Senator DUBOIS. That is what I thought.

Mr. WORTHINGTON. But no matter who signed it, it was intended to make manifest to the President that those who had the right to speak for the church, and did speak for it, pledged themselves to him to obey the law.

Senator DUBOIS. The second document was stronger than the first.

Mr. WORTHINGTON. Yes.

Next in order comes the act of Congress of October 25, 1893. This is a finding of this body:

Whereas said church has discontinued the practice of polygamy, and no longer encourages or gives countenance in any manner to practices in violation of law or contrary to good morals or public policy, and if said personal property is restored to the said church it will not be devoted to any such unlawful purpose.

Then it directs the receiver, who had been appointed by the court in Utah to take charge of all the property of the church, real and personal, to turn over to the church for certain specified charitable uses, set forth in the act itself, all of the personal property in his hands. It left the real estate in his hands.

Then came the act of July 16, 1894 (28 Stat., 107), which is known as the enabling act, in its general features like other laws under which Territories have been admitted into the Union as States. But in view of the peculiar situation in Utah, this law provided, by section 3, that the State convention which was to be called should provide—

By ordinance irrevocable, without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

Observe, Mr. Chairman, that the condition upon which the State was admitted into the Union, whatever this may amount to, much or little, is that “polygamous or plural marriages are forever prohibited.” There was no condition annexed to the act that those who had previously married plural wives should not continue to live with them.

Next in order comes another amnesty proclamation by President Cleveland, on the 25th of September, 1894 (28 Stat., 1257). This proclamation recites the act of March 22, 1882, and the manifesto of October 20, 1890; also the proclamation of President Harrison of September 14, 1893, and proceeds—

Whereas * * * I am satisfied that the members and adherents of the said church generally abstain from plural marriages and polygamous cohabitation.

And then he proceeds to pardon all except those who have not complied with the conditions of the previous proclamation.

The CHAIRMAN. Who issued that proclamation?

Mr. WORTHINGTON. President Cleveland. He pardoned everyone except those who had not complied with the previous proclamation.

Finally came another act of Congress, passed on the 28th of March, 1896, which directed the receiver appointed by the court in Utah to turn back to the church all the real estate and all the rents, issues, and profits thereof which had accumulated in his hands.

So Congress by repeated acts, the President by two proclamations, had decided that the Mormon Church had complied with the laws, except as to some specific individuals who were excluded from the benefits of the proclamation, and that the church might take back all that she had owned, real and personal. I said that was the final step. There was one thing more—that the people of Utah did comply with the conditions which Congress had put into the enabling act.

The convention adopted as a part of the organic act of Utah the condition of the enabling act exactly in the words of the enabling act. Thereupon President Cleveland issued this proclamation on the 4th of

January, 1896. It recites compliance with all the provisions of the enabling act, and then declares:

Now, therefore, I, * * * do hereby declare and proclaim that the terms and conditions prescribed by the Congress of the United States to entitle the State of Utah to admission into the Union have been duly complied with, and that the creation of said State and its admission into the Union on an equal footing with the original States is now accomplished.

That was the final act by which the Government of the United States decided that the State of Utah had done everything that was required of her to admit her into the Union, and she came in, so far as this matter is concerned, simply upon condition that plural marriages should be prohibited, and forever prohibited.

The CHAIRMAN. Utah was admitted in 1896.

MR. WORTHINGTON. In 1896. Congress ratified that by admitting her Senators and Representatives here, and they have sat ever since.

Senator PETTUS. Mr. Worthington, do you insist that these declarations, made by an act of Congress, are conclusive on the fact as to whether or not these practices have been abandoned?

MR. WORTHINGTON. It would seem to me so.

Senator PETTUS. Conclusive?

MR. WORTHINGTON. It would seem to me so. I was going to say that in view of the situation, what had gone before—the provisions of the enabling act and of the proclamation of the President admitting the State into the Union—that the inquiry here, if you are going into the matter of the Mormon Church to see what it as a church and as a body has done, it seems to me should be limited to the period since the State was admitted into the Union; and that if since then the provisions of the enabling act have been complied with, it certainly would not be a ground for denying the State representation in Congress.

The CHAIRMAN. What do you expect to show in answer to the charge that since the State has been admitted into the Union the governing body of the church, to wit, the first presidency and twelve apostles, practice and live in polygamy?

MR. WORTHINGTON. I was just about to say that I had concluded the statement of our case, so far as it devolved upon me. There is associated with me here Mr. Van Cott, who is a member of the bar of Salt Lake City, and a Gentile, let me say, and a man who in the past has been very hostile to the Mormon Church. As he lives in Utah and is familiar, more familiar than I am, of course, with the facts in that regard, it had been arranged, if the committee will permit, that he should state our position in that respect.

I was about to close what I had to say by suggesting to the committee this inquiry: If the position and the question be whether Utah has complied with the enabling act, and whether, for not complying with it, with the condition upon which it was admitted, her Senators and Members should be excluded, is that not a question or a proceeding as to which the State should be a party?

Senator HOPKINS. Will you state that again?

MR. WORTHINGTON. Whether that should not require a proceeding as to which the State should be a party.

Senator HOPKINS. Is not the State a party if its agent is the one who is directly interested?

Senator BEVERIDGE. The proposition Mr. Worthington is making would exclude anybody elected as a Senator from Utah.

MR. WORTHINGTON. Yes, exactly.

Senator BEVERIDGE. No matter whether or not he believed in the Mormon Church or believed in anything—

Senator HOPKINS. Yes.

Senator BEVERIDGE. Upon the ground that the State has not complied with the terms upon which it was admitted—

Mr. WORTHINGTON. Exactly. If the ground be taken, and it has been taken here, that Senator Smoot—

Senator BEVERIDGE. Regardless of his religious belief or anything like that.

Senator HOPKINS. It would apply to Senator Kearns as well as to Senator Smoot.

Mr. WORTHINGTON. Yes, sir.

Senator BEVERIDGE. Because the State committed the offense.

Mr. WORTHINGTON. The proposition has been made here squarely that Senator Smoot should be excluded because the State has not complied with the conditions upon which it was admitted.

Senator PETTUS. I do not understand that any such proposition had been made here.

Mr. TAYLER. No such proposition has been made by me.

Senator BEVERIDGE. I understand Mr. Worthington to say that if the State has not lived up to the terms upon which it was admitted, anybody who may have been elected might, simply because the State had not lived up to the terms upon which it was admitted, be excluded. He did not say that he would so hold, but that that would be the logical result; and he contested it.

Mr. WORTHINGTON. In my opinion, Senator Smoot could not be excluded upon that ground, but it must be for some offense which he has committed.

Senator PETTUS. I do not suppose any one would insist upon that contention.

Mr. WORTHINGTON. I had gathered that whoever wrote the memorial had that in mind, and that is the reason I presented it.

STATEMENT OF WALDEMAR VAN COTT.

Mr. VAN COTT. Mr. Chairman and gentlemen of the committee, I am sorry I was not able to grasp the entire meaning of Mr. Tayler's statement and to remember it, so as to give the committee the benefit of replying to it at this time. However, we will do so in writing Monday. There are some things that I carry in mind and to which I can refer very briefly.

Mr. Tayler said there was a bill introduced in the legislature providing in regard to polygamy, that the complaint could only be made by the husband or wife or the party who was wronged or relatives within the first degree of consanguinity; that the legislature was overwhelmingly Mormon, which is true, and that it passed without a ripple. In that statement Mr. Tayler, not having been in Utah, is violently mistaken. It did make a ripple. It made big waves, and there was a great deal of talk, not only by Mormons but by Gentiles, over any such proposed legislation. It was not a ripple; it was violent.

The act went to a Mormon governor. He vetoed it. It went back to the Mormon legislature. They could have passed it over his veto. They sustained his veto. If we go into that question in the evidence there will be reasons shown, which I would rather not state now, as to

why probably that act was introduced. I will say this briefly from my standpoint. In the Mormon Church there are men who are wise and men who are very unwise, just as there are in other churches, just as there are in all parties and in all bodies. The Mormon Church is by no means free of its foolish men, and from my standpoint that was an exceedingly foolish measure. But if we go into the matter it will be found that Senator Smoot had nothing to do with it.

Going on briefly to another matter or two, Mr. Worthington has laid down the legal proposition that the committee has no right to inquire into Senator Smoot's acts before the time when he was elected. That we adhere to as a legal proposition; but as a matter of propriety we throw down the bars to this committee. So far as Senator Smoot is concerned, you can go into his whole life as to polygamy, as to polygamous cohabitation, or as to his ever having been a bigamist at any time, and if it is proven that he ever was, I think his counsel will walk out of the committee room, and will refuse to represent him further.

In regard to his moral character, in regard to his character as a good citizen, and as a man, the bars are down for the protestants to go into it as fully as they may desire. If Senator Smoot has ever taken an oath which is inconsistent with his oath and obligation as a United States Senator, and as a good citizen, the bars are down for investigation, so far as he is concerned.

Senator McCOMAS. If you will permit me, without diverting you, if Senator Smoot, as an apostle, has taken oaths, are those oaths matter of public notoriety? Do you understand the matter of allegation here to be that there are secret oaths? You have read this protest.

Mr. VAN COTT. Yes, sir; I understand. Of course, I can not speak from my own knowledge, because I am not a member of the Mormon Church, but as having been advised as counsel, and from the information I have sought I may state that it will appear positively and conclusively to the committee that the apostles take no covenant, no oath, and no obligation. It may be—

Senator DUBOIS. How about the elders?

Mr. VAN COTT. I was going to say that persons who take their endowments take a covenant, but that is not the charge here. It is that he has taken an oath as an apostle. As to the other oath, or any oath which it is alleged Senator Smoot has ever taken, we will show he has never taken any such obligation.

Now, Mr. Tayler suggested that the committee had unlimited power, and, in a general way, I have no dispute with that proposition; but he did suggest the question of propriety, and there are two questions that I want to mention to the committee particularly in regard to propriety as affecting the scope of this investigation. I do it because, if we are going to go over certain matters, it will probably consume weeks, if not months, of the committee's time to investigate them.

The first proposition I make, as a matter of propriety, is this: We say that this investigation should be confined to Senator Smoot, and that it should not be extended to others. For instance—

Senator PETTUS. One moment, that I may understand you clearly.

Mr. VAN COTT. Yes, sir.

Senator PETTUS. Do you mean that we could not investigate the conduct of his associate apostles? You have limited it to the period since his election. Do you mean that we could not investigate the conduct

and habits and practices of his associate apostles and of the head of the Church?

Mr. VAN COTT. If you will pardon me, I will restate the proposition, because I can not answer it either yes or no. Mr. Tayler made the proposition that the power of the committee in regard to the scope of the investigation is practically unlimited.

Senator PETTUS. No; I am not talking about power. I understood Mr. Tayler to qualify that by the question of propriety or justice.

Mr. VAN COTT. Yes, sir; I was coming to that point.

Senator PETTUS. I want to inquire of you whether the committee in justice, doing right, could not investigate the association of the Senator with the other apostles, and what the other apostles did, and what his conduct has been in reference to their conduct.

Mr. VAN COTT. May I state the whole proposition, Senator, please?

Mr. Tayler, as I understand, stated the proposition that the power of the committee is practically unlimited. As to that, we agree in general terms that the power of the committee is practically unlimited. Now, as to the matter of propriety, we say that it should be confined to Senator Smoot, but if the committee desires, as the Senator asks whether it can go into other matters, I say yes; it is within its power to do so. The question I shall argue briefly is as to the propriety of going into other matters.

If Mr. Smoot stood at the bar of justice charged with an offense, you would not convict him of bigamy or polygamy, or polygamous cohabitation by proving that John Doe or Richard Roe had entered into that relation.

Senator HOPKINS. This is not exactly a law suit.

Mr. VAN COTT. I was coming to that just briefly.

Senator BEVERIDGE. May I ask a question?

Mr. VAN COTT. Yes, sir.

Senator BEVERIDGE. Do you admit the jurisdiction of this committee to inquire into the practices and lives, etc., of other men with whom Senator Smoot is associated as an apostle of the Church?

Mr. VAN COTT. I think the committee can do about as it pleases.

Senator BEVERIDGE. You admit the jurisdiction?

Mr. VAN COTT. I have not said a word about that. The point was, that while I recognize that this is not a court, yet I was simply saying, as an illustration, that if Senator Smoot was charged with an offense, if he was charged with aiding or counseling or abetting the violation of any law, you would not prove that, and you could not prove it by going to some stranger, to some person who was not connected with Senator Smoot, some person with whom he was not advising and was not counseling, for the purpose of charging him with it. That is the first proposition.

Senator BEVERIDGE. Then upon what ground do you admit the jurisdiction of the committee to examine into the lives of his associates?

Mr. VAN COTT. It was simply as to the power. The committee has the power.

Senator BEVERIDGE. I am not asking about the power; I am asking about the jurisdiction. There was an argument here, and a very full one, about jurisdiction.

Mr. VAN COTT. It is simply as to the power of the committee; that it has the power to do it.

Now, in this connection it is pertinent, and I wish to say that we

throw down the bars to the protestants to show that Senator Smoot ever, at any time and under any circumstances, has encouraged the violation of any law, either against polygamy or polygamous cohabitation, by any person.

The CHAIRMAN. May I ask what answer you expect to make to the charge that the first presidency and the apostles, or a majority of them, are to-day living in polygamy? What do you expect to prove on that point?

Mr. VAN COTT. Shall I answer right now?

The CHAIRMAN. At any time. That is one of the charges made. Take your own course, but before you get through I wish you would indicate your purpose in this regard.

Mr. VAN COTT. I have spoken briefly of the power of the committee, and what we think is the propriety with respect to the scope of the investigation. As a corollary to that, I want to make this proposition: If the committee should conclude, inasmuch as the Senator asks as to the power of the committee, to go into the matter of what the associates of Senator Smoot have done—that is, in regard to polygamy or polygamous cohabitation, in regard to the conduct of members of the Church, then we say that as a matter of propriety the inquiry should be limited either to the date of statehood or the issuance of the manifesto.

I wish to state the reasons why I think, as a matter of propriety, it should be limited either to the issuance of the manifesto or to the time when Utah became a State, if you are going to enlarge the scope of the inquiry and go into the conduct of the apostles, of the first presidency, and of members of the church. The reasons, and I will state them briefly, although there are a great many of them, are these: When the manifesto was issued or when Utah became a State, certain acts had taken place which we think the Senate Committee ought not to go behind, and I will state why.

In Utah there was first the antipolygamy law of 1862, and I will pass that over. There was next the law of 1882. That was the Edmunds bill, which was introduced and passed in regard to polygamy. In that were defined polygamy and polygamous or unlawful cohabitation.

I will then skip along to 1886, when Senator Edmunds, and I believe Representative Tucker, of Virginia, had passed what is called the Edmunds-Tucker act. That bill was very drastic in its provisions. When it came before the Senate committee and the House committee, evidence was taken in regard to what the Mormons had done, in regard to their first presidency, in regard to the twelve apostles, in regard to the members of the Mormon Church generally.

At the hearing which was had before the Senate committee (and the documents are now on file here), Mr. Baskin, a very prominent Gentile of Utah, and others, Governor West, I think, of Utah, also a Gentile, and many others came before the committee. In that hearing the matter of the oaths which the Mormons were charged with taking was gone into fully. The Mountain Meadow massacre was gone into fully. The killing of some people in Salt Lake City and other places, and which had been charged to the Mormons, was gone into fully. The power of the church over its members was gone into fully. In fact everything, I think, that I have ever heard or the Gentiles have ever heard of in the State of Utah that could be charged against the Mormon Church was brought up in that hearing.

The CHAIRMAN. What hearing was that?

Mr. VAN COTT. A hearing before the Senate committee and the House committee in 1886, and again in 1889.

The reason why I mention this is to show what Congress had before it up as late as 1889. I think, if I remember correctly, Senator Dubois made full statements at both times in regard to the Mormons and their practices and the crimes they were charged with, and everything of that kind.

Senator DUBOIS. That is correct. And in this connection I will say I took the same position that Baskin and the other gentlemen you have mentioned did, and I took the same position that they did afterwards in advocating Utah's admission as a State on the ground that these conditions had passed away, in our judgment.

Mr. VAN COTT. That was as late as 1889. The reason I am mentioning all this so fully is to show to the committee why there should be a time when you should stop going backwards, because these protests embrace charges back to 1843, and even before that.

In 1890 for the Gentiles of Utah was the first rift in the clouds, and that was the manifesto which was issued wherein the Church gave up polygamy and wherein President Woodruff advised its members in all their marriages to obey the law of the land. That was in 1890, as I say. In 1891 the parties commenced to divide on party lines. We had never had national parties or national politics in Utah up to that time. In 1892 what was called the Liberal party—the Gentile party—was entirely dissolved; what was called the People's party—the Mormon party—was entirely dissolved; and the people were divided on party lines. That matter then went along until 1892, when the people in Utah, Mormons and Gentiles, thought they ought to have more rights in the way of selecting and electing their officers to govern over them.

In that hearing H. W. Smith came down here before the committee of the House. H. W. Smith, I know, is well known to Senator Dubois. Mr. Smith is reputed to have drawn the Idaho test law which was referred to by Mr. Worthington. In that hearing Mr. Smith advocated the passage of this bill, as the old conditions had been done away with in Utah. Governor West, a prominent Gentile, at that time took the same position. Other Gentiles came here and advocated the same position. That was in 1892, and in 1893 it was recognized by the petition which was sent in from the Mormon people and indorsed by most or many, I will put it, of the prominent Gentiles (and, as I understand, there was no protest from anyone), that amnesty should be granted and that those who had obeyed that manifesto should not be disfranchised longer. That amnesty was granted by President Harrison in 1893.

In the next year, 1894, President Cleveland granted amnesty again to all those who had obeyed the law, and I think that that dated from the amnesty granted by President Harrison.

That matter then went along until 1894, when the constitutional convention met in Utah for statehood. In it were represented polygamists, some of the apostles of the Mormon Church, some bishops, many members of the Mormon Church. There were represented prominent Gentiles in Utah, men who for years had been fighting the Mormon Church. That convention adopted a constitution, and on January 4, 1896, Utah was admitted into the Union as a State.

Now, the point I make first is this: Congress had before it all of these charges and all of this information of everything that had ever been known which could be charged against the Mormon Church. We had fought it out, and the Mormons had come to our standard in regard to monogamy. Now, when it was fought out down to that time, I maintain that if the committee is now going to investigate that matter, it ought not to go behind the point where Congress cut it off.

Senator BEVERIDGE. That is, with the admission of the State?

Mr. VAN COTT. Yes, sir. That is a matter of propriety. I say as a matter of propriety if you go into the acts of the apostles, the first presidency, and the Mormon Church, it ought to be since Utah became a State, because up to that time everything had been investigated, the account had been settled; it had been balanced; it had been paid off, and Utah had become a State. That is the contention, briefly, on that point.

Now, there is another point in connection with the question of propriety as to what the committee should investigate, which I suggest to the committee with much deference, and it is this: In the act of 1882 there were two crimes defined; first, polygamy; that is, taking more than one wife. There was another crime defined, because there were many persons living in polygamy before that law was passed. So there was another crime defined in the act, and that is what is known as unlawful cohabitation or polygamous cohabitation. It is the holding out to the world of more than one woman as your wife. Before Utah became a State it was known to every layman in the State of Utah—it was well known to Congress—that these two crimes existed. There was the actual condition of people who had been living in polygamy.

Now, the question is, should this committee investigate cases of unlawful cohabitation or simply cases of polygamy? As a matter of propriety, I say they should investigate only cases of polygamy and not of polygamous cohabitation, with one proviso, which I will state a little later. I want to state the reason why the committee, I think, as a matter of propriety, should do that. It is this: In the enabling act—and I will have to furnish the committee later with those references if it desires, because I see the books are not here, so that I can refer to them—in the constitutional convention, and I will start there, because that is the natural place to begin, there was present Mr. C. S. Varian, a very prominent Gentile. He had been assistant United States district attorney and also United States district attorney in the prosecution of polygamy cases and unlawful cohabitation cases, and had been very vigorous and had been very successful. I have no doubt it was largely through his efforts that the condition came about where the Gentiles united with the Mormons. He was in the constitutional convention. When the proposed constitution was reported to the convention, the language of the constitution was simply like the language of the enabling act—“polygamous or plural marriages are forever prohibited.” That is all there was in the proposed constitution, and that is just like the enabling act.

I wish to call your attention to the significance of it. It is not “unlawful cohabitation and polygamous cohabitation and polygamy are forever prohibited,” but that “polygamy is forever prohibited in the State of Utah.” When that was reported to the convention Mr. Varian called attention to the fact that that provision was not self-

executing; that it would take legislation for the purpose of backing it up, and therefore he proposed an amendment to the effect that a certain act of the legislature of Utah, which punished polygamy, be engrafted right into the constitution, so that it would be self-executing in its provisions.

In the discussion of that, Mr. Varian called attention to the act. He said it should be engrafted into the constitution so far as polygamy was concerned, but so far as unlawful or polygamous cohabitation was concerned, adultery was concerned, and those things, they should not go into the constitution.

I call your attention to this because all of them had in their minds right then that what they were striking at was polygamy, and they were not striking at the polygamous cohabitation which might exist with certain people who before that time had formed these polygamous relations. Now, that is the enabling act and the Constitution. That was in 1896.

To go a little before that, I wish to call the attention of the committee to the first amnesty which was granted by President Harrison, and to the significance of what President Harrison said in it, and also to call the attention of the committee to the fact that President Harrison knew there were some people who were living in polygamous cohabitation, but determined that Utah was not to be deprived of statehood and all her citizens penalized because there were some people who could not be made to obey that law.

I will go back a little further than that. In 1892, when Mr. H. W. Smith, whom I have mentioned (we always called him Kentucky Smith), was before the committee here, and I can call your attention to it in the report of the committee proceedings, he stated to the committee that there were some old fellows out there who were living in unlawful cohabitation whom you could not chop off; and I suspect that was true—you could not chop them off; and some Gentiles recognized that fact.

When this matter came before President Harrison in 1893, I wish to call your attention first to his "whereas," where he says that generally the law is obeyed; and he says, without reading all of it, under date of January 4, 1893:

Whereas 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—

Then going to the end of his amnesty I read this part:

I * * * 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.

President Harrison recognized that there were some people there who were living in polygamous cohabitation and that you could not stop them.

In the same way, without stopping to read it, a year later, I think in September, 1894, President Cleveland makes practically the same recital and grants pardon to those who had obeyed the laws since President Harrison's amnesty was issued.

I mention this for the purpose of showing that in the enabling act, in the Constitution, in the hearings before the committee, in the

amnesty granted by President Harrison and in the amnesty granted by President Cleveland, it was polygamy that was struck at and not polygamous cohabitation. The reason was that they recognized that with the small number of men who were in polygamy it was only a question of time when it would die out, and they would not deprive Utah of statehood simply because there were some of those people who could not be brought to obey the law.

Now, the one qualification which I wanted to make to that proposition is this: If the committee should find, and I have no doubt of it in my own mind, that there are some people living in polygamous cohabitation in the State of Utah, the inquiry ought to be directed, if you go into the question, to those who obeyed the law when Utah became a State, obeyed the law when the amnesty was granted, and who have since violated it. It ought not to be directed to those who did not then obey the law and who since have not obeyed it, because it was well known by the President, it was well known by Congress, that there were some who were not obeying it.

Senator OVERMAN. Let me ask you a question for information.

Mr. VAN COTT. Certainly.

Senator OVERMAN. What do you mean by "polygamous cohabitation?" Is there any difference between that and the usual crime of fornication, denounced in the States as "fornication" and "adultery?"

Mr. VAN COTT. It is just the same with one exception, if you will let me explain.

In Washington and other places, I suppose, there is not a man who comes up and says that he has two wives. So, if he lives with a woman not his wife, he is guilty of fornication or adultery. In Utah a man comes out and says: "A is my wife; B is my wife; C is my wife."

Senator OVERMAN. He announces it publicly. That is the difference?

Mr. VAN COTT. Practically.

Senator PETTUS. I ask if marriage is not a part of "polygamous cohabitation?"

Mr. VAN COTT. Do you mean polygamous marriage?

Senator PETTUS. Is not marriage a part of the definition of "polygamous cohabitation?"

Mr. VAN COTT. Yes, sir; exactly.

Senator PETTUS. A second marriage?

Mr. VAN COTT. Yes, sir; it presupposes the marriage. That is the difference.

Senator McCOMAS. You have there a document. Please give the number of it and whether it is a House or Senate document.

Mr. VAN COTT. This is the protest, and here I have the hearings before the Committee on Territories.

The CHAIRMAN. Have you a reference to the document to which the Senator from Maryland refers?

Senator McCOMAS. I see he has not.

Mr. VAN COTT. If the committee desires I will make up a list of these documents and furnish it to the committee.

The CHAIRMAN. We shall be glad to have you do so.

Mr. VAN COTT. Therefore we say that if the committee goes into the matter of unlawful cohabitation, it should go into it as to those who obeyed the law when Utah became a State and have since violated it, and should not go into it as to those who were disobeying it at the time and were known to be disobeying it, as it would not throw any

light on the inquiry. I mention it because it would probably take very long to go over the matter.

Let me speak very briefly as to the point stated in the protest represented by Mr. Tayler; and this is one reason why we have made the argument we have in regard to the propriety of what the committee should go into. On page 25, speaking of Senator Smoot, it says:

We accuse him of no offense cognizable by law.

If that is true, then it is simply an investigation into other matters and into his associates.

Senator BEVERIDGE. A minute ago, Mr. Van Cott, I understood you to admit—my attention was directed to it because of the argument of Mr. Worthington—that in the investigation into the qualification of Mr. Smoot to sit as a Senator of the United States it is within the jurisdiction of this committee to inquire into the practices of his associate apostles. The last part of your argument has been directed far beyond that—to the question, not whether some other people in Utah are practicing polygamy, but polygamous cohabitation.

Mr. VAN COTT. Yes, sir.

Senator BEVERIDGE. Do you also admit, in deciding the question of the qualification of the respondent to sit as a Senator of the United States, the jurisdiction of the committee to examine into that?

Mr. VAN COTT. No, sir.

Senator BEVERIDGE. Not only his associate apostles, but any crime of the kind you have mentioned existing elsewhere in Utah?

Mr. VAN COTT. No, sir. I want to restate the proposition. The proposition I made first was that as a matter of propriety we thought the committee should only go into Senator Smoot's life and conduct. Then if the committee thinks it will go into other matters, I argued the proposition that it should only investigate polygamy since statehood. Does that answer the question, Senator Beveridge?

Senator BEVERIDGE. I think it does.

Mr. VAN COTT. That was the proposition.

Senator BEVERIDGE. I understood your proposition, in answer to the question of Senator Pettus, to be that in examining into the qualifications of the respondent to sit as a United States Senator, not only his own life and conduct might be examined into, but also the life and conduct of his associate apostles; and I understand now that you go further and say that in examining into the qualifications of the respondent to sit as a Senator the offenses of other people, somebody else in Utah, may also be examined.

Mr. VAN COTT. It was only upon the qualification, if the committee goes into those things, that it ought to be limited to a certain date. I did admit, as Senator Beveridge says, that as to what Senator Smoot has done we throw down the bars. As to other people and other things, we think they should be excluded, but if they are gone into, that then it should be as to polygamy and only since statehood.

The chairman asked me a question in regard to the first presidency and twelve apostles, I believe, as to whether they are polygamists and practicing unlawful cohabitation.

The CHAIRMAN. Yes. Passing over all preliminaries to the manifesto in 1890 and the admission of the State in 1896, I want to know what answer is proposed to be made to the charge that the governing power of the church, to wit, the presidency and twelve apostles, are to-day living in polygamy.

Mr. VAN COTT. Of course I am not advised right on the inside of those things, and I am not supposed to be, and I do not know.

The CHAIRMAN. You are not advised as to what evidence will be presented on that point?

Mr. VAN COTT. I was going to say that so far as my personal knowledge goes—

Mr. WORTHINGTON. I am requested by Senator Smoot to interrupt Mr. Van Cott for a moment to say that the chairman assumes what Senator Smoot understands is not the fact at all; that is, that the apostles are a part of the governing body of the church.

The CHAIRMAN. Omitting that, take the three individuals constituting the presidency, and the twelve making up the apostles, what is expected to be shown in answer to the charge that any or all of those people are to-day living in polygamy?

Mr. VAN COTT. Answering you, Mr. Chairman, when you said the "governing body"—

The CHAIRMAN. I omit that.

Mr. VAN COTT. I understood you; and I was going to pass that over without making any correction, because I understood the meaning. In regard to the others mentioned, frankly speaking, I know nothing about whether they are living in polygamy or not. I have inquired. Of the first presidency, composed of Joseph F. Smith, John R. Winder, and Anthon H. Lund, I will say that Anthon H. Lund, one of the first presidency, I have always understood, was a monogamist; that he has never gone into polygamy; that he has never advised it or encouraged it. In regard to John R. Winder—

The CHAIRMAN. I do not care about the details. What, if anything, do you propose to show upon that point generally?

Mr. VAN COTT. I am stating it because I can not answer yes or no.

The CHAIRMAN. Very well.

Mr. VAN COTT. In regard to John R. Winder, I understand without a doubt—I know him intimately—that he is a monogamist. He is not practicing unlawful cohabitation.

Senator DUBOIS. That is admitted by Mr. Tayler. There is no contention over that at all. I listened very attentively to his statement—

Mr. TAYLER. My understanding is that two first councilors to the president of the church are not polygamists. At least we make no such claim and make no proof of it.

Senator DUBOIS. But that a majority of the apostles are?

The CHAIRMAN. How about the president?

Mr. VAN COTT. I was coming to him. As to the president, I understand by repute, and I believe it, that he is a polygamist. I inquired, long before I was connected with this case, as to whether he was living in polygamy, and I have been informed both ways. I have been told that he was not obeying the law. I have been told that he was. As to that I have no proof, and I do not know, and Senator Smoot does not know, and if he did I should give the information to the committee.

The CHAIRMAN. May I ask you a question in this connection?

Mr. VAN COTT. Certainly.

The CHAIRMAN. How many wives is it reputed he has?

Mr. VAN COTT. I do not remember, and could not state.

The CHAIRMAN. Now as to the apostles.

Mr. VAN COTT. In regard to the apostles, I know several of them,

and my present recollection is that there are six or seven who are polygamists, and the others never have been polygamists.

Mr. WORTHINGTON. What do you mean by "polygamists"—living with polygamous wives?

Mr. VAN COTT. I say "polygamists." I mean by that that they had married more than one wife.

Mr. WORTHINGTON. It does not mean polygamy.

Mr. VAN COTT. In regard to polygamous cohabitation, there is not one of these apostles that I know of who is living in polygamous cohabitation. I have heard, as to several, that they have obeyed the law strictly ever since the manifesto of President Woodruff in 1890. If there is one of them who has been living in polygamous cohabitation since the manifesto I have not personal knowledge of it, and I do not know of it, so far as the proof is concerned.

Senator McCOMAS. I understand the statement of Mr. Tayler in substance on that point to be this. He claimed that the protestants expect to prove that the president and a majority of the apostles believe in and practice polygamy and polygamous cohabitation, and that these things are done with the knowledge, connivance, and countenance of the others—the president and the apostles—and with the knowledge and countenance of Senator Smoot, one of the apostles. I think that is it in substance.

Senator BEVERIDGE. And that that constitutes a disqualification.

Senator McCOMAS. And that that is a ground of disqualification in the Senator.

Mr. VAN COTT. I am glad Senator McComas has called my attention to it, as I might have overlooked it. I want to reply to that.

The CHAIRMAN. I understand you are not prepared to say what proof you will submit in answer to that charge.

Mr. VAN COTT. No; but my understanding is that we will submit proof that it is absolutely untrue.

The CHAIRMAN. Is a man by the name of Heber J. Grant one of the apostles?

Mr. VAN COTT. Yes, sir.

The CHAIRMAN. Where is he?

Mr. VAN COTT. I suppose from the newspapers that he has gone to England in connection with the Mormon Church.

The CHAIRMAN. Do you know whether he is a polygamist?

Mr. VAN COTT. I know that he is a polygamist. Whether he is living in polygamous cohabitation I only know from the newspapers. They say he is, but outside of that I do not know.

Now, coming to the question mentioned by Senator McComas, if I grasp what the meaning is—is it written out, Senator?

Senator McCOMAS. No; but I will restate it. Mr. Tayler's statement of his third point was that the president and a majority of the apostles believe in and practice polygamy and continue polygamous cohabitation, and that these practices continue, and such things are done with the knowledge, connivance, and countenance of the president and apostles, and among them, with the countenance and connivance and knowledge of Apostle Reed Smoot, a Senator from Utah, who is the respondent, and that that constitutes, with other things, a disqualification of him for Senator.

Mr. VAN COTT. In regard to the first part of the proposition, I have answered it to the very best of my ability in responding to the chairman's question.

Senator BEVERIDGE. What do you say as to the legal point; does it constitute a disqualification? It is true we are not taking testimony this morning, but we are considering legal propositions.

Mr. VAN COTT. To answer that, first, my opinion is strongly that where the associates of Mr. Smoot commit breaches of the law, commit violations of the law which subject them to punishment, but where he does not do it himself, where he does not encourage the breaking of any law, in any way by any person, it does not disqualify him for being a Senator.

The CHAIRMAN. Would your judgment or opinion be the same if the knowledge of it was brought home to the Senator?

Mr. VAN COTT. Do you mean if he knew of it?

The CHAIRMAN. If he had knowledge of it.

Mr. VAN COTT. Yes, sir; it would be just the same. If, for instance, he had good reason to believe that some persons were disobeying the law and he did not go to them and remonstrate my answer would be the same. It would not be the same if he went to any person and encouraged him to commit a violation of the law. Then my answer would be "no; that he is disqualified by that."

The CHAIRMAN. I think we understand you.

Mr. WORTHINGTON. Assuming that the Senate has jurisdiction of things done before he was elected.

Senator BEVERIDGE. That is the whole question.

Mr. VAN COTT. In regard to the knowledge and connivance of these people, it may be that there are some who know it. I do not know, and I am not in a position to know, because I do not belong to the church, and never have. So far as Senator Smoot is concerned, we say most positively that he has not connived at it; that he does not know it; that he has not encouraged it in any way.

Senator McCOMAS. Do you further say that he has protested against that violation of the spirit of the manifesto and that he has discountenanced such things, if they have happened among his associates in the apostolate and the presidency?

Mr. VAN COTT. Yes, sir; and so as not to be misunderstood—

Senator McCOMAS. I am only asking in order to get your views.

Mr. VAN COTT. I understand. I will state it a little more fully. I understand that over and over again, since the manifesto was issued, Senator Smoot has advised everyone to obey the laws of the land, meaning by the laws of the land every law passed by Congress or the legislature which has not been declared unconstitutional—every law. I believe that answers the question.

Now, I am through with everything I had in mind to state, but I would esteem it a favor to read briefly to the committee from the hearing before the Senate Committee on Territories. At the hearing which was had before the Senate committee in 1892, appeared Judge John W. Judd, who had been appointed by President Cleveland as one of the judges in the Territory of Utah. Judge Judd is in the room; he was from the State of Tennessee. Judge Judd came down here after all the trouble and fight in Utah and made a statement before the committee in regard to the conditions there, and one statement which Judge Judd made to the committee on that occasion I deem it pertinent to read to this committee, because it shows just the state of mind that Reed Smoot had at that time—in 1892—years before statehood, and many years before he aspired to be a United States Senator.

Senator BEVERIDGE. Do you introduce this in the nature of testimony?

Mr. VAN COTT. No, I merely wish to read it as a part of my statement. Judge Judd, on page 41 of this Senate document, said:

"I began then to talk to the younger men and the younger women, and to see if I could discover whether there was back of that an absolute sentiment in favor of polygamy. I had been told, and the estimates demonstrated beyond doubt, that there was probably not over 2½ or 3 per cent of the male population in polygamy. The settlement of Utah was 40 or 45 years old, and many of the men and women born there were grandfathers or grandmothers. I could not understand how it was that those people were consenting to such continual attacks, to such deprivations, and to such odium in the estimation of their fellow-citizens in the United States, in this condition of things. And, gentlemen, I discovered as clearly a marked line between those who favored polygamy and those who did not as the banks of the Mississippi River.

"The younger people would come to me in my room in private and talk to me about it. I could give names and incidents of Mormons high in life, some of whom the chairman of this committee is acquainted with, who came to me and urged me, saying, 'Judge, for God's sake break this thing up. We have had enough trouble. We have had all we can possibly stand of it. We have had one right after another taken from us. We have been put in an awkward attitude before our fellow-citizens of the United States, and for God's sake break it up.' Others said to me—notably Reed Smoot, son of the president of a stake and the Republican candidate for mayor, and himself the product of a polygamous marriage—'Judge, we can not stand this thing, and we will not stand it; it must be settled.' And I know whereof I affirm when I say before this committee that when the Mormon Church made its declaration of the abandonment of polygamy it was done as much from a force within as from a force without."

That is the reason why I have suggested the propriety of a limitation of the scope of the inquiry, provided that anything is to be investigated except the personal conduct of Senator Smoot.

The CHAIRMAN. May I ask you one question?

Mr. VAN COTT. Certainly.

The CHAIRMAN. What do you expect to show, in answer, if an answer is necessary, to the statement that the manifesto is omitted in the book of doctrine and covenants of the church?

Mr. VAN COTT. It was a surprise to me when the statement was made. I have not had an opportunity to investigate it. I will have to investigate it before I can make an answer to it.

The CHAIRMAN. Does any other gentleman desire to be heard?

Mr. WORTHINGTON. May I add one word about matters that have been discussed between Mr. Van Cott and members of the committee?

The CHAIRMAN. Certainly.

ADDITIONAL STATEMENT OF A. S. WORTHINGTON.

Mr. WORTHINGTON. Mr. Van Cott has lived in Utah so long and has known these things and they are so much a part of him that I think perhaps he takes it for granted that, as they are in his mind, they are in the minds of the members of the committee and in my mind.

Speaking especially with reference to the question propounded by Senator Pettus, I did not gather clearly from what Mr. Van Cott said what is really the fact. It may be that the members of the committee were impressed as I was. He makes a distinction between "polygamy" and "polygamous cohabitation." Polygamous cohabitation consists in living together with or in having plural wives or those who had been married before—let us say before the manifesto.

There can be no such thing as an increase of polygamy without new marriages which would constitute polygamy. The action of Congress, the action of the Presidents in accepting the fact that there were some, as Mr. Van Cott says, who could not be made to obey the law—referring to those who had been married before and had plural wives—does not mean necessarily continual cohabitation with those wives. If a man had two or more wives before it was a crime, before 1862, as in the case of old men who had married plural wives and had children when it was not against the law at all, and as in the case of others whose children were made legitimate by act of Congress, they would acknowledge those as their families and support them. That was polygamous cohabitation. But it does not follow because a man had other wives, because he had more than one wife and had children by them, that he was living with them and continuing to cohabit with them.

That is important, because of the question which has been raised here in reference to the president and the apostles. We have to deal here, of course, with Senator Smoot. Senator Smoot does know, as Mr. Van Cott has admitted, that some of the apostles and the president had plural wives way before the manifesto. He does not know now, and he never has known, that any one of those men is living in cohabitation with any more than his lawful wife. The charge made here is that they are living, cohabiting with more than one wife, and that Senator Smoot is encouraging it and conniving at it.

In reference to that, I understand Mr. Van Cott to say that it would be within the jurisdiction of the Senate. But it would be only in case the Senate should hold, what it has heretofore denied and what the House of Representatives denied in the Roberts case, that you have a right to go back of a man's election to see what offenses he has committed. For instance, take the leading case in all these matters, the case of Humphrey Marshall, who was a Senator from Kentucky about a hundred years ago. He was charged by two judges, before whom he had been connected in a lawsuit, with having committed some gross fraud on persons with whom he had business dealings and with having committed perjury in the course of the trial. The charge was preferred against him that he was unfit to be a Senator for that reason, and after very full consideration the Senate refused to entertain it at all. It said it had no jurisdiction.

If Senator Smoot was charged in 1890 or 1893 with having been guilty of fraud or perjury, or, as in the Roach case, with having committed embezzlement, we should say you have no jurisdiction, no matter what the crime was, whether adultery or what not. If other persons committed perjury or embezzlement and Senator Smoot had advised and counseled them in the act, we all know that under the common law he is guilty of the offense just the same as they are. If it is undertaken to show here that some of the apostles and the president are actually cohabiting with more than one wife, and he knowing

it has encouraged it or connived at it, directly or indirectly, then he would be guilty of an offense, and the only question would be whether you have jurisdiction to consider an offense committed before he was admitted into the Senate.

STATEMENT OF THOMAS P. STEVENSON.

The CHAIRMAN. Mr. Stevenson, do you desire to be heard?

Mr. STEVENSON. Very briefly, if it is your pleasure.

The CHAIRMAN. Whom do you represent?

Mr. STEVENSON. The National Reform Association, which has sent here a very large proportion of the memorials which have reached the Senate. The association I represent is composed of Christian citizens, of men and women of all branches of the church, whose object is to maintain and promote the Christian features of the American Government.

The CHAIRMAN. Do you propose to state what testimony you will offer in support of the protest?

Mr. STEVENSON. We presented a formal protest last spring, before the admission of Senator Smoot to the Senate.

The CHAIRMAN. But the protest before the committee, let me say, is the one signed by some nineteen citizens of Salt Lake City.

Mr. STEVENSON. I judge that our protest is also before the committee, for a letter from the chairman of the committee informed me that it had been received and would be laid before the committee.

The CHAIRMAN. Oh, yes; all the protests have been laid before the committee.

Mr. STEVENSON. Pardon me; this was a formal protest and requested the privilege of presenting reasons in support of it.

Senator BEVERIDGE. Do you propose to state to the committee this morning what evidence you expect to adduce before the committee?

Mr. STEVENSON. Rather the considerations upon which we expect to rely.

Senator BEVERIDGE. It is not a presentation of the evidence in support of your protest, but an argument.

Mr. STEVENSON. It is simply what arguments we propose to present, and it is not the purpose to present the argument in full at this time.

The CHAIRMAN. I do not think you understand the purpose of this meeting. We have before us the formal protest, as I said, from gentlemen residing in Salt Lake City, and we have protests from every State in the Union and every Territory, I think. It is impossible for the committee to hear all the protestants.

Senator McCOMAS. If you hear one you must hear all.

The CHAIRMAN. If we hear you in regard to your protest we shall have to hear everybody else. Unless you can confine yourself to a statement of the evidence you propose to adduce in support of your protest, I think the committee perhaps would—

Senator BEVERIDGE. The argument might come later, when we have the regular hearings.

Senator McCOMAS. There are many thousands of memorialists, and what they say and who they are, will, of course, be considered very carefully by this committee. But in order that we may proceed in an orderly fashion, it would seem, in justice to Senator Smoot and the Senate, that the matter involved in this printed document, this pro-

test and all the protests filed, and then the answer thereto, which we have called upon the Senator to make, should be the subject of consideration here. If new matter may be brought in by one memorial or another, Senator Smoot would have no opportunity to answer that matter. I can see no harm in memorialists submitting to the committee arguments in writing on this matter, but the hearing here, if it be a hearing, should be confined to the protest and the answer thereto.

Senator BEVERIDGE. The hearing this morning.

Senator McCOMAS. This morning.

Senator HOPKINS. I suggest that Mr. Stevenson be permitted to address the committee for a few moments. He is here and we are here. What effect it may have upon us is another question.

Senator BEVERIDGE. If the Senator will permit me, it occurs to me that it is the usual proceeding before committees that when finally the hearings are held the arguments are had, and the gentleman might then make his argument. But as I understand from the chairman, and the rest of the committee can inform me whether I am right or not, this morning was set apart for the attorneys for the protestants and the respondent to state what their propositions were and what testimony they proposed to adduce in support thereof. Then the committee would determine what it was going to do. Afterwards, within the scope with which the committee goes into the case, I think no member of the committee would object to any person making an argument, if he had something to submit. But it is not within the scope of the meeting this morning to hear arguments.

The CHAIRMAN. It is not. It is confined to this specific protest.

Senator DUBOIS. Until the issue is joined.

Senator BEVERIDGE. Of course.

The CHAIRMAN. If there is any particular point to which the gentleman wishes to address himself, I have no doubt the committee will hear him.

Mr. STEVENSON. If you will pardon me, I acquiesce cheerfully in the wish of the committee. I wish to say, however, that the National Reform Association is one of the associations that has been active in the presentation of this matter before the American people, and it has sent here a very large number of memorials. In addition to that, we sent at the very beginning a formal protest in the name of the association.

Senator DILLINGHAM. Does that protest present anything additional to, or any allegation that is not covered by, the protest which is printed?

Mr. STEVENSON. That I have not had an opportunity to examine.

Senator BEVERIDGE. You understand, Mr. Stevenson, that you are not cut off, but the meeting this morning was called for a specified purpose, and when the hearings are held the committee will be glad to hear you.

Mr. STEVENSON. Other organizations which have been active in this matter are represented by counsel. We have sent our general secretary. If we had sent counsel, would we have had an equal opportunity?

Senator McCOMAS. Who is the secretary?

Mr. STEVENSON. I am the secretary.

Senator McCOMAS. Who is the president?

Mr. STEVENSON. Mr. Scoville, of the Wooster (Ohio) University.

The CHAIRMAN. Are you prepared to state what evidence you propose to offer in addition to that suggested in support of the protest?

Mr. STEVENSON. No, sir. We have no evidence covering other points than those presented. I wish merely to present certain considerations—

Senator BEVERIDGE. An argument?

Mr. STEVENSON. Rather indicating the argument we should like to present at the hearing.

Senator BEVERIDGE. What you would like to do is to present an argument?

Mr. STEVENSON. Rather to indicate what the argument will be.

Senator McCOMAS. I understand that the matters you are concerned about are fully covered by the protest which the committee has before it for consideration?

Mr. STEVENSON. So far as the evidence is concerned.

Senator McCOMAS. You merely desire at this preliminary hearing to present an argument before the hearing progresses?

Mr. STEVENSON. Rather to indicate the line of the argument, not the argument itself.

The CHAIRMAN. Later on, if an investigation is ordered, we may be very glad to hear you.

Mr. STEVENSON. Very well.

The CHAIRMAN. I understand Mr. Tayler desires to say a word.

ADDITIONAL STATEMENT OF ROBERT W. TAYLER.

Mr. TAYLER. Mr. Chairman and gentlemen, I wish to say only one word, and then to refer the committee to the sources of authority on the subject of the jurisdiction of the Senate as determined by its practice and the precedents of the Senate and the House concerning the right to consider a thing that occurred prior to a Senator's election as furnishing the basis for his expulsion.

Precedents are valuable only when they are well grounded and well considered and when we know the reasons that lie back of them. The House of Representatives in the Roberts case did not pass on the question whether or not Roberts could be expelled. Of course that question was argued in the report, but the House did not consider it. It considered whether it had a right to exclude him before he got in. If there was a stray mind which was affected in its determination of the question by a fear that the House could not expel him later on if he went in, such minds were very rare and did not operate on the general result.

But it is always within the power of the Senate to do justice in respect to such a matter as this, or in respect to the right or propriety of any member retaining his seat. Where the thing complained of is isolated, independent, and has, and properly sustains, no relation to him as a member of the Senate, wisdom has said, and the Senate and the House have generally declared, that it ought not to be ground for expulsion.

I am very familiar with the Roach case, because I had to go through it, as I did every other case that touched on that subject, a few years ago. The Roach case was at best but trivial as regards this situation. The thing had occurred some years before. It was a fact accomplished. There was a question as to whether there was any guilt at all, and I

think it would have been unwise and unsound, speaking from the impression made upon my mind at the time I read the case, for the Senate to have gone on and expelled him.

But where the thing is in its nature of a continuing character, or where the thing relates to the Congress of which he is a member, then it is a subject proper to be considered and given such weight as it may be entitled to.

In the Oakes Ames case a resolution for expulsion was presented by the committee and favored by it, notwithstanding the fact that the crime or the action complained of against Oakes Ames had occurred in the second Congress, I believe, previous to that in which the resolution was presented. But in that case they said the effort to bribe a member—we will say in the Forty-first Congress—by a member like Oakes Ames, with respect to a subject of continuing legislation like the Credit Mobilier and the Pacific railroads, was not intended merely to end with the Congress during which the attempt to bribe was made, but was intended to continue during the succeeding Congresses, for it was a subject which continued before it.

Senator HOPKINS. While that subject would be before Congress.

Mr. TAYLER. Precisely. Of course when the Senate wants to get the fullest information, and the committee wants to get the fullest information, they have only to read my report in the Roberts case on that proposition.

Now, there was another matter suggested by Mr. Van Cott to which I will refer for just a moment. Senator Pettus adverted to it as not understanding me to say that the right existed as against the State on account of the violation of any compact. That is true. I made no such claim. The word "compact" appears in the last paragraph of my statement, and that only in so far as it is intended to connect these individuals with the condition of things that now exists. I will read it, as it is very brief, so that it may be understood:

"Fourth. Though pledged by the compact of statehood and bound by the law of their Commonwealth, this supreme body, whose voice is law to its people, and whose members were individually directly responsible for good faith to the American people, permitted, without protest or objection, their legislators to pass a law nullifying the statute against polygamous cohabitation."

That was the connection in which that reference was made. In my opinion no right of expulsion exists against the State as such.

Now, as to the scope of this investigation with respect to time, I think that can be safely left with the committee. There is no res adjudicata about this. Nor is the church in general to be investigated except in so far as it affects the propriety of Mr. Smoot being here. Mr. Smoot may be under obligations that he does not understand; I do not know; but we can not understand his status here, his relation to this body here, his duty here and at home as well as his obligation or his responsibility for the conditions which exist at home amongst his colleagues, who are themselves grossly, defiantly violating the law—I say we can not understand what he is here for, what he stands for, whether, for instance, there is a supreme authority over their people, temporal and spiritual, without understanding exactly what the church to-day stands for. And we can not tell what the church stands for by using a microscope.

If Brigham Young, or Wilford Woodruff, who was one of the signers of the manifesto, in so many terms has published, in the official publi-

cations of the Mormon Church, that they did have authority, temporal as well as spiritual, not merely over temporal affairs of the church as an ecclesiastical organization, but over the temporal affairs of its individual members, then I want to know what has become of that policy and canon and doctrine of the church now. Those are things which the committee and the Senate will need to inquire into, let them amount to what they may.

I am sure that all that I want to see done is exact justice, and that is all the committee wants to see done. But if the statement that was made by Judge Van Cott, as to the responsibility of Mr. Smoot for this situation and his liability to expulsion in the event of his having knowledge of, and countenancing these acts, justifies his expulsion, then I say, gentlemen, we will prove that, in my opinion.

Effort has been made not to go back beyond 1890, and by a logic that I think I comprehended, that we should not consider those who were unlawfully cohabiting, except those who said they were not unlawfully cohabiting in 1890 and have taken it up since. Well, I do not care whether we split hairs on that or not. Six of the apostles who signed the prayer to the President of the United States for amnesty, with their virtuous and solemn declarations of obedience to the law and of love for their country, are to-day living in polygamy. That is all, gentlemen.

Senator McCOMAS. Do you assert the same thing of the president?

Mr. TAYLER. The president? He was not president at that time, and that is why I did not put him in that form. Woodruff was president.

Senator BEVERIDGE. And that these things were done with the knowledge and encouragement of the respondent?

Mr. TAYLER. Undoubtedly.

Senator McCOMAS. Do you expect to prove that six apostles and the president are now practicing unlawful cohabitation?

Mr. TAYLER. More than that. I say that the first president and five of the apostles now practicing polygamy signed the prayer to the President of the United States for amnesty.

The CHAIRMAN. Did Apostle Grant sign it?

Mr. TAYLER. He did.

The CHAIRMAN. Where is he?

Mr. TAYLER. I understand he is a fugitive from justice. At any rate a warrant is out for him for a violation of this law.

The CHAIRMAN. Is he one of the apostles?

Mr. TAYLER. Yes, sir; he is one of the apostles.

ADDITIONAL ANSWER OF HON. REED SMOOT.

The following additional answer of Hon. Reed Smoot was subsequently filed with the committee:

ANSWER OF REED SMOOT TO THE FOUR REVISED AND AMENDED CHARGES PRESENTED TO THE COMMITTEE ON PRIVILEGES AND ELECTIONS OF THE SENATE ON THE 15TH DAY OF JANUARY, 1904.

I am advised and aver that none of the matters contained in these revised and amended charges, even if the same were true, are such as to furnish any legal ground for my expulsion from the Senate. Insisting upon this objection to the jurisdiction of the Senate, and renewing

and applying to these new charges the motion to strike out heretofore made in reference to the original charges, I answer as follows:

As to the first charge—

I deny that the Mormon priesthood, according to the doctrine of the church or the belief or practice of its membership, is vested with, or assumes to exercise, supreme authority in all things temporal, spiritual, civil, and political. I admit that the first presidency of the church has supreme authority in things spiritual and in things temporal relating to the property, business, and affairs of the church itself.

I admit that the head of the church claims to receive divine revelations. I admit and aver that I am bound to accept and obey such revelations so far, and so far only, as they relate to things spiritual, or to the property, business, or affairs of the church itself. And I especially deny that I am, or can be, bound in any way to obey any such revelation when such obedience would be a violation of the Constitution or laws of the United States or of the State of Utah.

As to the second charge—

I admit that I am one of the twelve apostles of the church, and that the members of the first presidency and the twelve apostles are sustained (or voted for) in the general conference of the church, as prophets, seers, and revelators. Under the rule and practice of the church the president only is recognized as authorized to receive revelations for the church.

I admit and aver that the president and his two counselors, constituting the first presidency, and they only, are supreme in the exercise of the authority of the church on all ordinary occasions; and that when the first presidency is disorganized by a vacancy in the office of the president, and then only, is such supreme authority vested in the apostles. This has happened only once since I became an apostle, and such exigency lasted about fourteen days.

As to the third charge:

I deny that, as shown by their teaching or by their own lives, said alleged body of men has not abandoned belief in the practice of polygamy and polygamous cohabitation, except that I admit that the practice of polygamous cohabitation by some who were polygamists before the manifesto has been abandoned, but continued for a time by others, and where continued it has been on the sole responsibility of such persons and subject to the penalties of the law.

(a) I deny that, as the ruling authorities of the church or otherwise, the first presidency and the apostles of the church promulgate solemnly, or otherwise, the doctrine of polygamy. It is true that the doctrine and covenants containing the revelation of Joseph Smith on the subject of polygamy is still published and circulated by the church, just as the Bible, containing declarations on the same subject is published and circulated. But in the case of the doctrine and covenants, as in the case of the Bible, all that is contained therein on the subject of polygamy is superseded by later authoritative teachings, known to all Mormons, instructing the members of the church, and especially its missionaries, that the practice of polygamy is suspended, as set forth particularly in the manifesto of President Wilford Woodruff of September 25, 1900.

In illustration of the teachings of the church on the subject of polygamy since the manifesto, I refer to a publication, the title page of which is as follows:

THE ARTICLES OF FAITH, A SERIES OF LECTURES ON THE PRINCIPLE DOCTRINES OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

[By Dr. James E. Talmage. Written by appointment and published by the church.]

[The Deseret News, Salt Lake City, Utah, 1901.]

This book was copyrighted by entry in the Library of Congress, March 20, 1899. The lectures which it contains were delivered by an elder of the church, who delivered them under the instruction of the first presidency. After their delivery the manuscript was submitted to and revised by a committee appointed by the first presidency, the committee consisting of Elders Francis M. Lyman, Abraham H. Cannon, Anthon H. Lund (who were then apostles of the church), Elder George Reynolds, one of the presidents of the presiding quorum of seventy; Elder John Nicholson, and Dr. Karl G. Maeser. After such revision the lectures were published by the church, and have ever since been used everywhere as a text-book of the church.

This book contains, first, "The articles of faith of the Church of Jesus Christ of Latter-Day Saints." There are thirteen such articles, and article No. 12 is as follows:

"We believe in being subject to kings, presidents, rulers, and magistrates in obeying, honoring, and sustaining the law."

On pages 435 and 436 of the book is the following paragraph:

33. *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 antipolygamy laws 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."

At the end of the foregoing paragraph is a footnote referring to "Note 4." This note is on page 440 of the book, and is as follows:

"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).'"

(b) On information and belief I deny that the president of the Mormon Church or a majority of the twelve apostles now practice polygamy or polygamous cohabitation. I admit, however, that the president and some of the apostles had plural wives prior to the manifesto and continue to recognize the women whom they married subsequent to their first and legal marriage as being still their wives. On information and belief I deny that either the president or any of the apostles of the church has taken a polygamous or plural wife since the manifesto of 1890. I deny that either the president or any of the twelve apostles has at any time practiced polygamy or polygamous cohabitation, with my countenance or with my knowledge, except as hereinabove set forth. On information and belief I deny that any plural marriage ceremony has been performed by any apostle of the church since the manifesto of 1890, and deny that many or any bishops or other high officials of the church have taken plural wives since that time. I deny, except as hereinabove admitted, in the answer to this third specification, that all or any of the first presidency or the twelve apostles encourage, countenance, conceal, or connive at polygamy or polygamous cohabitation. I deny that the first presidency or the twelve apostles honor or reward by any office or preferment those who most persistently and defiantly violate the law of the land.

Except as hereinabove admitted I deny the allegations of the third charge.

As to the fourth charge:

There is nothing in the language of this charge to clearly indicate the statute to which it refers. But assuming, as counsel for the protestants stated orally in submitting it, that it refers to an act of the legislature of Utah passed in the year 1901 affecting prosecutions for polygamous cohabitation, I deny that I "permitted" or in any way connived at the passage of that act, and aver that on the contrary I opposed it. The governor of the State vetoed it, and it was not passed over his veto, and never became a law.

I have no knowledge that any member of the first presidency of the church or any of the apostles in any way "permitted" the passage of that act.

REED SMOOT.

A. S. WORTHINGTON,
WALDEMAR VAN COTT,
W. E. BORAH,
Counsel for Respondent.

The CHAIRMAN. If there is nothing further, the committee will now hold an executive session.

At 1 o'clock and 20 minutes p. m. the committee went into executive session.

WASHINGTON, D. C., *March 1, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), McComas, Foraker, Dillingham, Hopkins, Pettus, Dubois, Bailey, and Overman; also Senator Smoot; also John G. Carlisle and Robert W. Tayler, counsel for the protestants, and Waldemar Van Cott, counsel for the respondent.

The CHAIRMAN. The committee is ready to proceed with the hearing.

Mr. VAN COTT. Mr. Chairman, we ask for a postponement of the hearing until to-morrow morning, and I wish to state the reasons for the request.

Mr. A. S. Worthington, of this city, is the leading counsel for Senator Smoot, and he has been since it was known that there would be an investigation. Mr. Worthington unexpectedly is compelled to be in the court of appeals of this District. He represents General Tyner, and Mr. Worthington wishes me to say to the committee that General Tyner is an aged man, is considerably worried about his case, Mr. Worthington has had charge of it, and General Tyner expects him to present it to the court of appeals. Mr. Worthington takes up that matter this morning. So it is well-nigh impossible for him to be here unless he can make some arrangement with the court.

In addition to that, Mr. Worthington has been trying a will case wherein a witness refused to answer certain questions. A writ of habeas corpus was taken out, which also comes up before the court of appeals to-day. In one way Mr. Worthington represents the court, Judge Wright, in that proceeding, because the witness was committed for contempt for not answering certain questions.

That being the situation, we are here this morning without the leading counsel in the case, which we very much regret, and yet we feel it is no fault of ours. With that exception we are ready to proceed. By to-morrow morning Mr. Worthington can be here, so we can then proceed. We feel that asking this indulgence is not out of the way when the circumstances are considered. Senator Smoot's counsel endeavored for some time to arrange to have the case set, as the chairman knows, but for one reason and another it was postponed. At one time Senator Carlisle was engaged; I think Mr. Tayler at one time could not be present. So the matter has gone on. When the case was set it was set ahead three weeks, if I remember correctly. That meant that I, one of the counsel for Senator Smoot, had to go to my home in Salt Lake City, Utah, and then return for this hearing.

Under these circumstances we ask that the case go over until any time to-morrow that the committee may see fit to fix, as we feel that it would not be right, and Senator Smoot does not wish to proceed, and neither do we, because Mr. Worthington is the leading counsel in the case.

The CHAIRMAN. May I ask for information whether Mr. Worthington would be at liberty this afternoon if the committee should decide to meet at 2 o'clock, say?

Mr. VAN COTT. I asked him about that. I think he would be at 2.30. I asked Mr. Worthington if he could be present this afternoon if the committee should sit. He said that by 2.30 o'clock he could get here, by missing his lunch; that he would be in court until 2 o'clock, and if he missed his lunch he could be here at 2.30. But of course he prefers that the matter should go over until to-morrow morning on

account of the importance of the cases he is arguing before the court of appeals to-day.

The CHAIRMAN. Do counsel on the other side desire to be heard on the request?

Mr. TAYLER. Only for a moment, Mr. Chairman. I do not think it is necessary for me to appear to put myself in an ungracious position by arguing against the reason which has been presented by Mr. Van Cott for the adjournment of this case until to-morrow. I do not think the committee will find it possible to consider engagements of counsel, however important they may be in the trial of their side of the case, at any stage of this proceeding.

But I have this to say, that I understand the witnesses who have been subpoenaed to come from Utah are not yet here, except Mr. Critchlow, and I do not think we are quite in a position where we are ready to put Mr. Critchlow on the stand. The witness we desire to put on the stand first is not here. So it occurs to me that perhaps the interests of this investigation and of all parties concerned will be best ministered to by an adjournment until to-morrow.

The CHAIRMAN. If no member of the committee objects, the chair will grant the request and the hearing will be adjourned until to-morrow at 10 o'clock, instead of half past 10. I desire to say that it is the wish of the committee that the investigation shall proceed daily and close as soon as possible, so far as the hearing here is concerned.

Mr. Worthington wrote me, and I told him that there was some difficulty about it; that witnesses were here from a distance and attorneys were here from a distance. Yet, in view of the statement of counsel for the respondent and that of Mr. Tayler that the protestants are not quite ready, the committee will stand adjourned until to-morrow morning at 10 o'clock.

WASHINGTON, D. C., *March 2, 1904.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Hoar, McComas, Foraker, Depew, Beveridge, Dillingham, Hopkins, Pettus, Dubois, Bailey, and Overman; also Senator Smoot; also John G. Carlisle and Robert W. Tayler, counsel for the protestants, and A. S. Worthington and Waldemar Van Cott, counsel for the respondent.

The CHAIRMAN. Mr. Tayler, are you ready to proceed?

Mr. TAYLER. Mr. Chairman, before we proceed I should like to have it appear in the record, and also to possess the knowledge myself, as to the number of witnesses who have been subpoenaed and responded, and what, if any, information the chairman possesses respecting those who have been subpoenaed and are not here.

The CHAIRMAN. From the return of the Sergeant-at-Arms it appears that subpoenas have been served upon Mabel Barber Kennedy, Mrs. Charles Mathews, Ogden Hiles, Andrew Jenson, John Henry Smith, Hyrum M. Smith, Thomas H. Merrill, Charles E. Merrill, Alma Merrill, Lorin Harmer, Moses Thatcher, Marriner W. Merrill, Joseph F. Smith, and Francis M. Lyman. The chairman is not advised which ones or how many of these witnesses are present.

Mr. TAYLER. I am ready to proceed, Mr. Chairman, if the committee is.

The CHAIRMAN. The committee is.

Mr. TAYLER. We should like to have Joseph F. Smith take the stand.

The CHAIRMAN. Is Joseph F. Smith present?

Mr. JOSEPH F. SMITH. Yes, sir.

Mr. FRANKLIN S. RICHARDS. I have been requested by Mr. Smith and some of the other persons who have been subpoenaed as witnesses to be present in case any question should arise upon which they might require legal advice. I therefore appear as counsel for Mr. Smith and also for some other witnesses.

The CHAIRMAN. That will be noted. May I ask your full name?

Mr. RICHARDS. Franklin S. Richards.

The CHAIRMAN. Mr. Smith, will you be sworn?

Mr. SMITH. I prefer to affirm, if you please.

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 your 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.

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.

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 Cooperative 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.

Mr. TAYLER. Of what other corporations are you an officer?

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 and 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 Salt Air Beach Company.

Mr. TAYLER. The Salt Air Beach Company?

Mr. SMITH. Yes, sir.

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 been 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.

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. TAYLER. 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 Union Pacific Railway Company?

Mr. SMITH. I am a director.

Mr. TAYLER. The State Bank of Utah? You have already testified respecting it?

Mr. SMITH. Yes, sir.

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.

Mr. TAYLER. With respect to the Zion's Cooperative 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 concern? Joseph F. Smith, H. J. Grant, J. R. Winder, H. Dinwoodey, P. T. Farnsworth, J. R. Barnes, John Henry Smith, F. M. Lyman, Anthon H. Lund, William H. McIntyre, Reed Smoot, and T. G. Weber. 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 Cooperative 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.

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 afterwards 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.

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.

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.

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 Smith is really the author.

Mr. TAYLER. Then it is belived 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.

Mr. TAYLER. Take this work by Dr. James E. Talmage.

Mr. SMITH. That is an exposition of the articles of our faith.

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 did 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 herewith presented have been prepared in accordance with the request and appointment of the first presidency of the church.

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 are now published by the church, and with them goes the hope of the author that they may prove of service.

And so on.

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 Doctor 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.

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. No, 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 News?

Mr. SMITH. I think it was started in 1851 or 1852; somewhere along there. I believe it was established somewhere along in the early fifties, and I have read it more or less ever since.

Mr. TAYLER. Do you know who own it?

Mr. SMITH. How is that?

Mr. TAYLER. Do you know who own it?

Mr. SMITH. I know who owns the building that it is in.

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.

Mr. TAYLER. Mr. Smith, we have referred to the work of Doctor Talmage and its origin. Was Orson Pratt—

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 misconception 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.

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.

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 not 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.

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 the 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.

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?

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.

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.

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?

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 the 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.

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 respecting them. We have here one or two copies, for instance, of Doctor 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.

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—

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.

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

would not have been.

How was the president elected?

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.

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.

The 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. TAYLER. 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.

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.

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.

Senator HOAR. I do not wish to interpose in the examination, but this has been said so often that I desired to understand whether Mr. Smith's form of language meant to imply doubt. I do not mean doubt in the human sense, for there are a great many things that we all feel confident of in our religious faith, whatever 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 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.

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.

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.

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.

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.

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.

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. That then is not a matter in which you have an inspired knowledge?

Mr. SMITH. No, sir.

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.

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.

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 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.

Senator HOAR. Is the doctrine of the inspiration of the head of the church and revelations given to him 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.

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.

Mr. TAYLER. 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 revelation 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.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. You may resume the witness chair, Mr. Smith.

TESTIMONY OF JOSEPH F. SMITH—Continued.

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.

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.

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—

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 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 can not 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.

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 to-day, because some intimation was given that that might have an effect upon this 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.

Mr. TAYLER. Mr. Smith, in order that I may understand that last answer of yours, I will ask you this: We have fixed 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.

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 into 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.

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.

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 of 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.

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?

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.

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.

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.

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.

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 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.

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 to-day 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.

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.

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 afterwards, 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.

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.

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.

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 then, in Provo, in Salt Lake City, and elsewhere.

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?

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 the mills. There were two 10-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.

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.

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.

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?

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 citizenship, 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 afterwards, as I understood, that that matter would be decided and passed upon when we came to the introduction of testimony.

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 purpose 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.

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.

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 asso-

ciation which still 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.

TESTIMONY OF JOSEPH F. SMITH—Continued.

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.

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.

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 afterwards 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 can not 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.

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 44:

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 in 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.

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 can not 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 can not 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.

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.

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. It does not make any difference how dangerous the tendency of 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.

Now, to make myself clear, the case of *Reynolds v. 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 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—

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 persecution 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.

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 mendo; 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 protestants 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.

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 19 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, 19 in number, who signed the protest which anyone 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 19 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.

Now, there is no need of mystery about it. Whatever individual Senators' 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 to-day 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?

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?

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.

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 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.

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.

Mr. WORTHINGTON. When we filed our answer to the first set of charges by the 19 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 to-day 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 15 people, are a body which is organized for the purpose of—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 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 to-day, 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.

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 counsel 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 the 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.

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 jurisdictions—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 were 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 decide 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 2,500 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.

WASHINGTON, D. C., *March 3, 1904.*

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 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?”

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 practice 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.

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 protest

ants 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 United States Senator, neither one of which is true.

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 19 from Salt Lake City, Utah. That charge was preferred by an individual named Leilich, and was repudiated instantly by telegram from the protestants—the 19—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.

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 19, which struck at the polygamous practices of this hierarchy, and the control, the absolute control, which this hierarchy exercises in temporal and political affairs.

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 anyone 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?

TESTIMONY OF JOSEPH F. SMITH—Continued.

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.

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 anywhere 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.

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 afterwards 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 or 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 or were not 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 between them was not due to anything they told you?

Mr. SMITH. No, sir; not at all.

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.

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 to-day 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 CHAIRMAN. 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 to-day.

Mr. TAYLER. What was the case; what you are about to say?

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.

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?

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.

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.

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 and defiant violation of the written law of the land, coupled with a mere expression of willingness to accept the consequences of that violation. That 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 that 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 he 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. 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

mariages, 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.

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 *v.* The United States and in the case of Snow *v.* The United States, which came before the Supreme Court, the Cannon case in 1885, that 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?

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 2 or 22.

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.

Mr. SMITH. I have had 11 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 11 children since 1890, each of my wives being the mother of from 1 to 2 of those children.

The CHAIRMAN. Mr. Tayler, proceed.

Mr. TAYLER. None of them has borne more than two children to you?

Mr. SMITH. None 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.

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.

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, sir, 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 that 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.

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?

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 away 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.

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. Taylor, 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.

The CHAIRMAN. Let the stenographer read the question.

The reporter read as follows:

“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. Taylor 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. Taylor, 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.

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. Mr. Tayler, have you the test oath there?

Mr. TAYLER. 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 to-day.

Senator OVERMAN. Did he ever discuss the matter with you in any way?

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 can not 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.

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?

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 did not understand what the ruling of the Chair was.

The CHAIRMAN. Let the stenographer read the question.

The reporter read as follows:

“Mr. TAYLER. Until two or three years ago he was reputed to be a polygamist, was he not?”

“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.

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?

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?

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. You have 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?

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.

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.

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.

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.

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 the head of the church never undertook to apply any more rigid rule of conduct to him than you applied to yourself?

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.

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 to-day.

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.

Mr. TAYLER. Ruderger 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 sometime 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 Ruderger Clawson. At one time he was the second councilor to President Snow with myself. He lives as a neighbor to me, and we sit in the same office together from day to day, and I am very intimate with Ruderger 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?

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. Has 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.

Mr. TAYLER. Was that the funeral of Marion Scoles?

Mr. SMITH. I believe it was, although I was not acquainted with the lady.

Mr. TAYLER. 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.

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?"

Mr. SMITH. I do not know anything about the lady. I do not know whether she lived in another country or not. I never saw the lady but once before her funeral in my life. 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?

The 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 understand 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 5 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. To-day?

Mr. SMITH. To-day, 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 question, 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, to-day, 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.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. You may resume the stand, Mr. Smith. Proceed Mr. Tayler.

TESTIMONY OF JOSEPH F. SMITH—Continued.

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 can not say what the belief of our elders is on that subject.

Mr. TAYLER. You can not?

Mr. SMITH. No, sir; they have their own individual beliefs.

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.

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?

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.

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.

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?

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.

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 4 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.

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.

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.

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 have you no idea when it was she died?

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. 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.

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. 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."

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?

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 can not 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.

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.

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?

Mr. SMITH. Anyone 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.

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.

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.

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.

Senator DUBOIS. Did any apostle who is not in polygamy object to sustaining Mr. B. H. Roberts in this high position?

Mr. SMITH. I have 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. Is it not 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.

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?

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.

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 controversey, 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?”

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?

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.

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 persistently carried it out. Polygamy is not the only charge that is made here. There are other independent and clearly defined charges.

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.

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.

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 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.

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 to-morrow, 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 it 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—

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 form 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.

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 appears in that paper advising the leaders to take a certain political course is that in any wise an authority of the church?

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?

Mr. SMITH. I understand that he is.

Mr. TAYLER. Is he 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.

Senator DUBOIS. I simply want to ask this question, so that the members of the committee may understand the gradations of authority in the church. Who comes next in authority to the seven presidents of 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.

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 régime 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.

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 50 stakes. I do not know just how many.

Senator FORAKER. Do you mean there are over 50 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.

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.

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—

The CHAIRMAN. Just a moment, Mr. Tayler. If we are to have an address upon every question on all the subjects we 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 the 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.

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 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.

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 pay 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.

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.

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 or 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?

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 presi-

dency, 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?

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 anyone 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.

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 associates 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.

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.

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?

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 yet 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.

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 a rule of the church.

Mr. RICHARDS. Mr. Chairman, Mr. Smith is now prepared to offer a copy of the rule.

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.

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 to-night and produce it to-morrow 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:

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 the 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 parties 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 to-day.

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, can not properly of his own volition make these honors subordinate to, or even coordinate 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 Stevenson, 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.

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.

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?

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.

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.

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.

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.

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—

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.

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 compare 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.

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 anyone 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.

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 Boxelder 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 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 to 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.

Mr. TAYLER. Let my 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 to-night 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 to-night. 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.

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.

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 subject 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.

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 unchristian-like conduct, or rebellion, I may say—or at least I use the word rebellion—against the 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?

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 anyone who desires to obtain them.

Senator HOAR. The standard work—

Mr. SMITH. The Doctrine and Covenants.

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.

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.

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?

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.

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.

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 instance?

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. Oh, 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.

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.

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?

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.

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 it 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 to-day—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.

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.

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?

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?

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.

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. Or 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 to-morrow morning.

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 can not 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?

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 to-day. You will be here to-morrow 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.

TESTIMONY OF JOSEPH F. SMITH—Continued.

JOSEPH F. SMITH, having previously affirmed, was examined and testified as follows:

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?

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.

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 councilors, etc.?

Mr. SMITH. No, sir. The office of presidency, and apostles, and councilors, 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—

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.

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 commences on page 423:

“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 or 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;

“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 afterwards an increase of love toward him whom thou hast reprovèd, 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 régime 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.

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?

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.

The CHAIRMAN. Proceed, Mr. Tayler.

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.

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.

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.

Mr. TAYLER. You were at the Weber Stake reunion last summer sometime?

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:

“A LIVING WITNESS.

“Aunt Bathsheba, widow of George A. Smith, who is with us to-day, 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—”

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:

“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 Rudge 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 Boxelder Stake were also in attendance.

Mr. SMITH. Yes, sir; I think that is correct.

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 50.

Senator FORAKER. I should say so, if all were present who are described in that paper.

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, and I knew nothing about it until after it was 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?

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.

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 injunction 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.

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 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?

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?

Mr. SMITH. I told the committee, in answer to that question here before the committee, if you please, that I believe in that principle to-day 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. 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 intimation 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.

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.

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.

The 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 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 the land.

The CHAIRMAN. That is all.

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 why 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.

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?

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.

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.

Mr. SMITH. Page 463. The beginning of the revelation is thus:

“1. 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 concubinés:

“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.

“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; for he can not commit adultery with that that belongeth 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.

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.

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.

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 worlds, that they may bear the souls of men; 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."

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.

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.

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.

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.

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.

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 an everlasting covenant; and if ye abide not that covenant, then are ye damned; for no 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, 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.

“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 servants, 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 there, 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 strait 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 ye 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 eternal 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 they shall come forth in the first resurrection

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 glorifieth 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 adultery, 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 word, 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 whosoever 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 without 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 sacrifices, 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 and

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; 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 is he 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.

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 practised or is to be practised? 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 a 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.

Senator DUBOIS. To start out with, Mr. Smith has now several times stated that only three or four per cent were in polygamy. That has gone without challenge. My judgment is that three or four per cent were convicted. I think the prosecution will be able to show that much more than three or four per cent were in the polygamous relations. I am almost willing to hazard the guess that three or four per cent were actually convicted.

Senator FORAKER. In so far as I made use of the term “three or four 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 three or four 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 church from the beginning have been monogomists?

Mr. SMITH. How many?

Senator DUBOIS. Yes.

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 also 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 the 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 will 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?

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 that 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.

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.

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 principal 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 manifesto, 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—

Mr. SMITH. Only in the sense that has been read here to-day; 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?

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 view point.

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 not 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.

AFTER RECESS.

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 parts 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:

"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 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 16th and 17th, 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 Co., 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.”

Page 436, section 124:

“Revelation given to Joseph Smith, at Nauvoo, Hancock County, Illinois, January 19th, 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:

“And let the name of that house be called Nauvoo House, and let it be a delightful habitation for man and a resting place for the weary traveller that he may contemplate the glory of Zion and the glory of this the corner-stone thereof.”

Verse 62:

“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 23rd, 1837, concerning the Twelve Apostles of the Lamb.”

That is the title of the section on page 407. I will now 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 the 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.”

Page 412, section 114:

“Revelation, given through Joseph, the Seer, at Far West, Caldwell County, Missouri, April 17th, 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.”

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 12th, 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.

"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 whosoever sins you remit on earth shall be remitted eternally in the heavens; and whosoever 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."

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 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."

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."

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 doubtless intended to be descriptive of that which appears in the text.

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. Isa. 4.”

The next marginal reference on that page, 135, is:

“Polygamy implied in the Saviour’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 more 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 men-servants do.

8. If she please not her master, who hath betrothed her to 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 an husband's brother unto her.—Deut. 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.—Deut. 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.

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 called she his name Dan.

9. When Leah saw that she had left bearing, she took Zilpah her maid, and gave her Jacob to wife.

17. And God hearkened unto 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 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 thee 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.

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 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.

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 they 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 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 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 Chr. 24.

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 the 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.

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 hath committed great whoredoms, departing from the Lord.

3. So he went and took Gomer the daughter of Diblaim; 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 in the Saviour'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 swore by himself.

14. Saying, Surely blessing I will bless thee, and multiplying I will multiply thee.—Heb. 6.

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.”

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 word, 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.)

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.”

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."

"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 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 Hæbraica*, that polygamy was allowed, not only amongst 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.)

"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.)

"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.)

"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."

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."

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."

Bellarmino 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 17th 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."

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.'"

"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.

Now I call attention to the work entitled "Mormonism. The Relation of the Church to Christian Sects. Origin and History of Mor-

monism. 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:

"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."

I read now from page 31, under the chapter of "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 Latterday 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."

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 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.”

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?

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 a very 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, Ohio, 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.”

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 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 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."

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 semiannual 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?

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. i. 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.

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 lxxv. 17, 20; Isa. xxiv. 23; Isa. ii. 3; Dan. vii. 13, 14; II Thes. ii. 1, 3; Rev. xi. 15; Rev. xv. 4, 6; Rev. v. 10.)

XI.

We claim the privilege of worshipping 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 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.

"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.

"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, Ohio, 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.

ADDITIONAL DOCTRINES—(a) SALVATION OF THE DEAD.

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 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 disobedient, when once the long-suffering of God waited in the days of Noah."^a 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."^b

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 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

^a I Peter iii, 18, 21.

^b I Peter 4, 6.

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, lest I come and smite the earth with a curse."

In fulfillment of this ancient prophecy the prophet Elijah appeared in the Kirtland 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.

ADDITIONAL DOCTRINES (b) THE MARRIAGE SYSTEM OF THE CHURCH.

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 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 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 was. 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 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.

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.^a For twenty years no pronounced effort was made by the officers of the general government to enforce the law.

^a "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." (Amendments to Constitution, Article I.)

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 cohabiting 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, cannot 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 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 by omitting a good deal of the reading?

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?

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 can not 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.

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?

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 Latterday Saints. By Dr. James E. Talmage. Written by appointment; and published by the 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.

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 Doctor 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, many 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 over-ruling 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?

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 Doctor 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 fulfill 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 thy 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:”

“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 or 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 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."

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 day 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 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.

Applying this principle of obedience to organizations of a civil and business character, 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. This 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 righteous 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."

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 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?

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 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 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:

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 enlightenment. 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 6th, 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.

At the General Conference held October 6th, 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 5th, 1896, in the Tabernacle in Salt Lake City:

PRESIDENT WILFORD 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 no 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 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 was 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 one 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 mid-day. 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 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; the 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 together, 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 cannot 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 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 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 was 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 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 circumstance 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 him 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 two 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 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 in

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 towards 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 loved 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 heard 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 remain for awhile. 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) 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 the 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 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 sustain 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 may be 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 any 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 circumstance, 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 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 plead, 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 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, that John Taylor was His prophet, that Wilford Woodruff is 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 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, 1890. 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 nor 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 20th, 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, or 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.'

"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, than 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 to-day. I have fasted, I have wept, I have prayed for this brother of 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 Brother 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 blest me when I went to undertake the mission to Europe. I have plead for him, and all the Apostles have plead 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 plead 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 worship the living and true God, and if they will 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 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 him as seemeth 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 longsuffering, 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 or 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 15th, 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 reponse 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 19th, 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 (Thursday, Nov. 19th, 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:

SALT LAKE CITY, *November 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.

SALT LAKE CITY, *November 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 endorsement 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 committee 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 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 principle 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 endorsed 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 of 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 assurance 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^a] 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

^a These words were omitted from the Deseret News.

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 15th for his disregard of my letter of October 23rd, 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 4th, 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 has 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 thus appointed the Apostles met, at the time and place thus designated, and they received his lengthy communication dated Nov. 11, in which he said:

"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.

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 endorsed 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 fulfilment and which were founded on erroneous interpretations of Scripture. He wrote for publication a sort of retraction which really took nothing back but merely charged 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 nonacceptance 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 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 towards 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 towards his brethren.

Brother Thatcher makes great pretensions of devotion to the Church and declares 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 meeting but 33 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.

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 of 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 time. 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.

Previous to the publication of the foregoing letters, some young men in Salt Lake City addressed a letter to their father residing 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, *November 28, 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-defence. 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 do 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.

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 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 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 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 28th, 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 directly, 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 13th, 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 Snow’s remarks. While expressing great hostility to the mingling of religion and politics, it mixes them up in a manner which 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 defence,” 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 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 were always ready to administer 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 afterwards 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 inves-

tigated 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 towards 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."

Let us see. The report of his remarks which was circulated at the time on a fly leaf, numerous distributed, was as follows:

"WORDS SPOKEN BY MOSES THATCHER AT LEWISTON, CACHE CO., 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 14th, 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 remarks 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 exact words at the time and place mentioned, but I 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, Ohio, on February 14th, 1835, "that the coming of the Lord was nigh,—even fifty-six years should wind up the scene." (Mill. Star, Vol. XV, 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. XV, page 620; also 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 makes, whether from the Millennial Star or the Doctrine and Covenants, make no allusion whatever to the events which 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 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.” 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. & 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 its 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.”

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 our 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”?

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 Nov. 15th, 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 imperilled 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 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 re-convened a week later, he again failed to appear. He has indeed no cause to "complain 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.

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 of 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."

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.

Mr. VAN COTT. It means it was passed in 1892?

Mr. TAYLER. Yes, originally passed. This is the law of Utah, however, to-day.

"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.

TESTIMONY OF JOSEPH F. SMITH—RESUMED.

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 to-day 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.

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.

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—and of course are kept in our book department of the Desert 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.

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 entire church in conference assembled.

Mr. WORTHINGTON. I wish you would describe, for the benefit of those who do not know so much about it, 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 those conferences generally?

Mr. SMITH. Well, generally anywhere from ten to fifteen thousand people.

Mr. WORTHINGTON. 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.

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. Semiannually, 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.

Mr. WORTHINGTON. It appears here that the Doctrine and Covenants continue to be printed without the manifesto. Why is 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 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 24th, 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 to-day, 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 to-day?

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.

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 that 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.

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.

"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 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 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 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.”

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 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 wifeness 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 shalt 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 Cæsar or not?” His answer was an unequivocal endorsement of submission to the laws. To His questioners He replied:—“Shew 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, Cæsar’s. Then saith he unto them, Render therefore unto Cæsar the things which are Cæsar’s; and unto God the things that are God’s.” (See note 1.)

10. Throughout the solemnly tragic circumstance 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,—“Answerest 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, Revilest 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 weaknesses 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 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 peaceable 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, 1833, 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 mankind. No earnest soul is cut off from communion 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 over-ruling 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 behoveth 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 the 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, 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 not once or twice only did Christ give the rein to righteous anger, and blight hypocrisy and insolence with a flash of holy wrath. The bystanders 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 revered 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 Jews throughout the world were burning with a fierce flame of hatred against the abominations of a tyrannous adolatory; 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 emperor as supreme (the name “King” was freely used of the emperor in the provinces) or to governors, as missioned by him for punishment of malefactors, and praise to well-doers; for this is the will of God, that by your well doing ye 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 catechism “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—

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 the 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. Excuse me. 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?

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 San Pete County; we have still another in Snowflake, Ariz.; we have another at St. Johns, in Arizona; we have another at Thatcher, in Graham County, Ariz., 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 text-book of that class, so adopted by the church; and the manifestos 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?

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 public proclamation of polygamy as an article of faith and practice was made by Brigham Young in 1852?

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.

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 the 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.

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. WORTHINGTON. And there was nothing in the constitution prohibiting polygamious 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?

Mr. SMITH. But that is a fact, and also the liberal sentiment that was 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 15 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 view 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 polygamious cohabitation a crime also, where did that come from?

Mr. SMITH. It was passed 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.

Mr. WORTHINGTON. Is this, then, the law which makes polygamious cohabitation an 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 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.”

That is the only law, then, is it, that makes polygamious cohabitation an offense in Utah?

Mr. SMITH. In force in Utah.

Mr. WORTHINGTON. And that 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 antipolygamy law there is no provision except affecting males.

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 reenacted. It is enforced there both as an act of Congress and as an act of the legislature of the Territory.

Senator BEVERIDGE. Was that reenacted 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 reenacted or enacted by the legislature of Utah?

Mr. VAN COTT. In 1898.

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 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. 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.

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 reenacted 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.

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:

“SEC. 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?

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, which is an important thing to know here, whether it was necessary, 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 aside the affirmance which they had given 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.

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, this is the proviso, 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 deceased; 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.

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 there 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.

Mr. WORTHINGTON. You said 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.

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?

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. To-day.

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 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?

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 to-morrow 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 to-day, 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.

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 have 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?

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 40 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 estoppel 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].

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 manifesto, 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.

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.

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. 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.

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 United 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 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.

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 can not 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, every-day law-makers, 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 nonconforming as a matter of conscience?

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 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 enjoined 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?

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.

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 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. Then, if they impart that in turn to their people—

Mr. SMITH. Excuse me. I say 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 unchristianlike conduct.

Senator BAILEY. The rejection of the creed is, in the eyes of the church, I suppose, unchristianlike, 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 to-morrow 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.

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.

TESTIMONY OF JOSEPH F. SMITH—Continued.

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?

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?

Mr. SMITH. All women were voters in Utah. Afterwards, 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 4,000 men. And reckoning that it takes a man

specially to create the status of plural marriage, it was supposed that thus 4,000 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.

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 then 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.

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 2 women to each man. There must of necessity have been 2 women to each man.

Mr. WORTHINGTON. At least 2.

Senator DUBOIS. At least 2.

Mr. SMITH. Yes, sir.

Senator DUBOIS. I should think very likely the percentage would be larger than 2. In his calculation he includes suckling babes. How can a child 2 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.

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.

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.

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.

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?

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.

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 vouch 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?

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:

“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 2,451 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 1,543. 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.

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?

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 M. 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 of January following should be legitimate.

The CHAIRMAN. That will go in the record.

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 your 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.

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.

Mr. WORTHINGTON. It came out yesterday, if the committee will allow me to keep the thread of this matter, that the only provision of law in Utah to-day 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.

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.

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.

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?

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. Smith 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 not 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. Has he 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?

Mr. SMITH. I mean only that to-day 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.

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. Certainly, Senator.

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?

Senator DUBOIS. That is all.

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.

“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 revela-

tion 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 to-day.

“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.

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 please 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.

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 the practice of plural marriage.

Senator BAILEY. That does not touch the question which I have in mind.

Mr. SMITH. All right.

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 law, 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.

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 can not 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.

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 can not 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.

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.

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 can not 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 applied to unlawful cohabitation as well as to plural marriages.

Senator BAILEY. That is 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.

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 quite so much about these nice dis-

unctions 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 reenforced by the statutes of the State of Utah.

Mr. SMITH. Yes.

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.

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.

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. 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?

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?

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 it 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.

Senator HOPKINS. That matter has been presented here and it speaks for itself.

Senator OVERMAN. The manifesto speaks for itself.

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.

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 it.

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.

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.

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 paper 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 semiannual 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 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 will be built upon this continent; that Christ will reign personally upon the earth, and that the earth will be renewed and receive its paradisiac 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 Richards’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 Inte-

rior, 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 40 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 language which appeared to convey any such teachings he has been promptly reprov'd. 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 everyone 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 against 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 can not 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 of to put a man like he was in the gap if we had not been firmly convinced that the law was unconstitutional and would be 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 anybody." 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.

Afterwards, 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 afterwards 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 protested 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 to-day 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 year ago, instead of enduring that which you have suffered since that time?" There may be men here to-day who pride themselves on their foresight, and to take credit to themselves because they foresaw, as they allege, that which we have done to-day, 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 to-day.

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 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 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, unwritten, yea, the unmentionable, it may 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 can not we have the benefit of that? Why can not 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 others sign?" Well, I give you the reason—because he is the only man on the 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 manner 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 from 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 can not 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 can not 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 can not 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 they have 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 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 can not do it, we are justified. The Lord does not require at our hands things that we can not 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 to-day. 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 a great day, and the eyes of all the heavens are over us, and the eyes of God Himself and all the patriarchs and prophets. They are watching over you with feelings of

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.

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 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.

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 $33\frac{1}{3}$ 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 anyone 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 $23\frac{1}{4}$ per cent of the Mormon population of Utah over 18 years of age 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

TESTIMONY OF JOSEPH F. SMITH—Continued.

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 we 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 2 councilors and 12 assistants.

The CHAIRMAN. I understand.

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?

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.

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.

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 cohabitation 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?

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 the 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.

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 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 15. We find that the first presidency is composed of three persons and the quorum of apostles of 12.

Mr. SMITH. Yes, sir.

Mr. WORTHINGTON. Reference is made in the protest here to a body of 15. Do the 15 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.

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 the 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?

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.

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.

Mr. WORTHINGTON. What was the upshot of it? Did he stay or did he go?

Mr. SMITH. He stayed.

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.

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 90 miles, I think; between 75 and 90; 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.

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 to 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.

Mr. WORTHINGTON. And for how long a term do the members of the first presidency and of the twelve hold their offices after they have been submitted 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 3d to the 6th of October.

Mr. WORTHINGTON. And the next will be held when?

Mr. SMITH. It will be held from the 3d, 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.

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?

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 the 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?

Mr. SMITH. I do not think the church generally has, but I think there have 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.

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.

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.

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?

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?

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?

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 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.

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. SMITH. After the manifesto?

Mr. WORTHINGTON. 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.

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 or 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.

Senator DUBOIS. In order to make it perfectly clear, I wish to ask this question: Did not the courts 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.

Senator DUBOIS. That was the reason for my question, whether the prosecutions did not cease practically after the 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.

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.

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.

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.

Mr. WORTHINGTON. What was the first change?

Mr. SMITH. I believe that the—

Mr. WORTHINGTON. Who succeeded Judge Zane, for instance?

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?

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.

Mr. WORTHINGTON. What is the name of the judge? [A pause.] Is it McCarthy? 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 those 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.

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?

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.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

TESTIMONY OF JOSEPH F. SMITH—Continued.

Mr. WORTHINGTON. Mr. Chairman, before going on with the examination of the witness, I would like to say that just before the recess I made a remark which has been misinterpreted 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.

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. SMITH. That has 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 to-morrow it would be competent for any member of the church to be selected as president?

Mr. SMITH. That is quite right.

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. Yes, 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?

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 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 monogamist.

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.

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. Maesar—probably two or three years ago.

Mr. WORTHINGTON. You can not 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.

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. Maesar in the 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. Or, 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?

Mr. SMITH. There are not so very many, but quite a number.

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 business 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 to-day 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 Cooperative 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.

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 works 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.

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.

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?

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.

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 between 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.

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 SCOTT. 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.

Mr. SMITH. This 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 him 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?

Mr. SMITH. We wrote it together. He wrote his questions to me and I wrote my replies.

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 to-day. That is why I haven't it.

Mr. WORTHINGTON. You mean the newspaper.

Mr. TAYLER. I have a Deseret News interview, verbatim ad litteram, 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 it is not.

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 objection to answering questions.

Senator FORAKER. I was not addressing myself to anyone 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.

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.

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 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.

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 that 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.

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.

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 11 children born since the manifesto?

Mr. SMITH. Yes.

Mr. TAYLER. Are you sure of the number?

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 20 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. TAYLER. 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.

Mr. SMITH. I can furnish the committee a correct statement of exactly the ages and dates of my children, if I have the 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?

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 your other three wives, born since that time, if you can recall them?”

Mr. SMITH. Then, if I may be permitted, I shall decline to give the children of my first wife.

The CHAIRMAN. What do you mean by your first 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 to-day, 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?”

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 11?

Mr. SMITH. I think it will make some difference, now, if I state just simply the children of my plural 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 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 wife 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?

Mr. SMITH. I have a son Robert that was born—if he was living he would be 18 years old to-day.

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. TAYLER. How old is she?

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 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.

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 can not 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.

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 Marian 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.

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. You do not know where it could have been performed?

Mr. SMITH. No, 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 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.

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 for 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.

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 1 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.

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 the official residence?

Mr. SMITH. Just one block.

The CHAIRMAN. In sight of the official residence?

Mr. SMITH. Yes.

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 eight and nine thou-

sand people, and we can put from ten to twelve thousand people in it by crowding.

The CHAIRMAN. Do you attend these services yourself?

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?

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.

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 Mormonism 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.

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 is he 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.

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.

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 50 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.

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 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?

Mr. SMITH. Do you mean the general conferences?

The CHAIRMAN. Yes.

Mr. SMITH. All the way from ten to fifteen thousand 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.

The CHAIRMAN. But he attends sometimes.

Mr. SMITH. Oh, yes.

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?

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.

The CHAIRMAN. Do you preside?

Mr. SMITH. Yes.

The CHAIRMAN. And the apostles attend?

Mr. SMITH. Yes.

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 90 miles.

Mr. WORTHINGTON. How far from Provo?

Mr. SMITH. It is 40 odd miles—a little over 40 miles from Provo, south of Provo.

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 some view of duty personal to you, or is it a part of the doctrine in your church, as it is with the Quakers and Shakers?

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 and Abraham.

Senator OVERMAN. You do not teach that he had polygamous relations?

Mr. SMITH. Oh, no, sir.

The CHAIRMAN. Call your next witness, Mr. Tayler.

Mr. TAYLER. I will call Mrs. Kennedy.

TESTIMONY OF MRS. CLARA MABEL BARBER KENNEDY.

Mrs. CLARA MABEL BARBER KENNEDY, having been duly sworn, was examined and testified as follows:

Mr. TAYLER. Your full name is Mabel Barber Kennedy, is it?

Mrs. KENNEDY. Clara Mabel Barber Kennedy.

Mr. TAYLER. Where do you live, Mrs. Kennedy?

Mrs. KENNEDY. I live in Sevier County, Utah.

Mr. TAYLER. How long have you lived there?

Mrs. KENNEDY. I have lived there four years—four years ago this coming summer.

Mr. TAYLER. Where were you born?

Mrs. KENNEDY. I was born in Albany, N. Y.

Mr. TAYLER. Did you go to Utah early in life?

Mrs. KENNEDY. Yes, sir; at 2 years old.

Mr. TAYLER. And your family was a Mormon family there?

Mrs. KENNEDY. At Utah?

Mr. TAYLER. Yes; in Utah.

Mrs. KENNEDY. Yes; my father and mother are both Mormons.

Mr. TAYLER. And later, while you were still young, did they move to Mexico?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Where in Mexico did you and your family live?

Mrs. KENNEDY. At Diaz, Mexico.

Mr. TAYLER. How old were you when you went there?

Mrs. KENNEDY. About 10 years old—a little more than 10 years old.

Mr. TAYLER. Was your mother a plural wife?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. And you were taught the propriety of plural marriage, were you, during your early years?

Mrs. KENNEDY. Yes, sir; I did not know any difference.

Mr. WORTHINGTON. Did the witness give her age?

Mr. TAYLER. No, she did not give her age. How old are you?

Mrs. KENNEDY. I am 26 years old this coming June.

Mr. TAYLER. How long did you live at Diaz, Mexico?

Mrs. KENNEDY. About seven or eight years, I think.

Mr. TAYLER. Until you were about 17 years old?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Is Diaz a Mormon community or colony?

Mrs. KENNEDY. Yes, sir; strictly Mormons.

Mr. TAYLER. And is plural marriage generally practiced there, or was it at that time?

Mrs. KENNEDY. I believe so; yes, sir.

Mr. TAYLER. When you were about 17 years old, were you married?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. To whom were you married?

Mrs. KENNEDY. James Francis Johnson.

Mr. TAYLER. Where was his home when you married him?

Mrs. KENNEDY. At Mesa, Maricopa County, Ariz.

Mr. TAYLER. Was he at the time you married him a married man?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Did you know his wife; that is, did you meet his wife?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. His first wife, I mean?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Where was she when you saw her first?

Mrs. KENNEDY. At Diaz, Mexico.

Mr. TAYLER. Was the subject of your marrying her husband talked over between you—among the three of you?

Mrs. KENNEDY. Well, not exactly among the three of us, sir.

Mr. TAYLER. Tell us what took place.

Mrs. KENNEDY. It was between her and her husband, and I had a slight interview with his wife; not very lengthy.

Mr. TAYLER. Did she know you were to marry him?

Mrs. KENNEDY. Yes, sir; I think she did.

Mr. TAYLER. Did she give her consent to it?

Mrs. KENNEDY. I think she did.

Mr. TAYLER. Was an arrangement made for you to go to another place and be married?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Where were you to go to be married?

Mrs. KENNEDY. We were to go to Juarez, Mexico.

Mr. TAYLER. How far is that from Diaz?

Mrs. KENNEDY. About 75 miles.

Mr. TAYLER. How did you go?

Mrs. KENNEDY. By wagon.

Mr. TAYLER. And who were in the party.

Mrs. KENNEDY. There was Mr. Johnson, his wife, myself, and one baby in the wagon.

Mr. TAYLER. Whose baby?

Mrs. KENNEDY. His wife's baby—Mr. Johnson's baby.

Mr. TAYLER. You reached Juarez in two or three days, or two days? How long did it take you?

Mrs. KENNEDY. Two days—two days and a half.

Mr. TAYLER. Where did you stop, all of you?

Mrs. KENNEDY. We stopped at his half-brother's, Benjamin Johnson, or Benjy, as he was called then.

Mr. TAYLER. And when were you married; how long after you got there?

Mrs. KENNEDY. About two weeks.

Mr. TAYLER. Where were you married?

Mrs. KENNEDY. At president—well, he is not exactly president; he is among one of the first presidents of the stake.

Mr. TAYLER. What day of the month and year was this?

Mrs. KENNEDY. It was on the 19th evening of May.

Mr. TAYLER. Of what year? What year was it you went there?

Mrs. KENNEDY. I can not just recall.

Mr. TAYLER. How old were you? That is the way to get at it.

Mrs. KENNEDY. I was 17 years old.

Mr. TAYLER. And you are now 26?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. We can figure that out. 1896?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. And who married you?

Mrs. KENNEDY. Brother Young married me.

Mr. TAYLER. Brother Brigham Young?

Mrs. KENNEDY. Brother Brigham Young.

Mr. TAYLER. That is, the Apostle Brigham Young?

Mrs. KENNEDY. I suppose so.

Mr. TAYLER. You have heard him so called?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. How long did you live with Mr. Johnson?

Mrs. KENNEDY. About five years from the time that I was married to him until I came back home. Of course, that would be just about five years.

Mr. TAYLER. Did you have any children by him?

Mrs. KENNEDY. Two.

Mr. TAYLER. Are they living?

Mrs. KENNEDY. One is living.

Mr. TAYLER. How old is that child?

Mrs. KENNEDY. He will be 7 years old next September.

Mr. TAYLER. You finally separated, did you?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Did you tell me at whose house you were married?

Mrs. KENNEDY. A. F. McDonald.

Mr. TAYLER. And he, you say, was the president or councilor of the stake?

Mrs. KENNEDY. Yes, sir; at that time.

Mr. TAYLER. Was he present at the marriage?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Had you seen Apostle Brigham Young before this time?

Mrs. KENNEDY. Before I was married?

Mr. TAYLER. Yes.

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Where?

Mrs. KENNEDY. At Diaz, Mexico.

Mr. TAYLER. You had been living there five or six years, I believe you said.

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. Will you look at that picture [exhibiting a book to the witness] and tell me if that is a picture of the man who married you?

Mrs. KENNEDY. Well, now, I couldn't say as to that. It has been a number of years since I saw him, now. I couldn't say.

Mr. TAYLER. You could not say from the picture?

Mrs. KENNEDY. I could not say from the picture whether that was him or not.

Mr. TAYLER. He was at Diaz frequently while you lived there?

Mrs. KENNEDY. Yes, sir.

Senator HOAR. Did you stay at this house where you were married or did you merely go there for the ceremony?

Mrs. KENNEDY. I went there for the ceremony.

Senator HOAR. And you found the Mr. Young who married you at the house of the president?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Was he there when you arrived?

Mrs. KENNEDY. Who?

The CHAIRMAN. Mr. Young. You found him there? You said, in answer to the Senator's question, that you found him at the house where you were married?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Was he there when you arrived?

Mrs. KENNEDY. Well, I could not say as to that.

The CHAIRMAN. I would like to ask you in that connection who were present at the time Mr. Young performed this ceremony?

Mrs. KENNEDY. Mr. Johnson, Mr. McDonald, myself, and Mr. Young.

The CHAIRMAN. And was Mrs. Johnson, the other wife, there?

Mrs. KENNEDY. No, sir.

The CHAIRMAN. She was not present?

Mrs. KENNEDY. No, sir.

The CHAIRMAN. Where was she?

Mrs. KENNEDY. I suppose she was at his half brother's, Mr. Johnson's.

The CHAIRMAN. How far from there?

Mrs. KENNEDY. I should say about half a mile.

The CHAIRMAN. In your conversation with Mrs. Johnson, the first wife, did she consent to this marriage on your part with her husband?

Mrs. KENNEDY. I think she did.

The CHAIRMAN. Can you tell us what the ceremony was pronounced by Mr. Young.

Mrs. KENNEDY. No; I could not.

The CHAIRMAN. Or the substance of it?

Mrs. KENNEDY. I could not say.

The CHAIRMAN. You can not give the substance of it?

Mrs. KENNEDY. No, sir; I can not.

The CHAIRMAN. You stood up, I suppose, and some ceremony was performed?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Was there any religious service of any kind, prayer, or anything of that kind?

Mrs. KENNEDY. No, sir.

Mr. TAYLER. Who was Mr. Johnson? What place did he occupy in the church? That is a question I forgot to ask you.

Mrs. KENNEDY. I think he was councilor to the stake president.

Mr. TAYLER. At Mesa, Ariz.?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. After you married him and were living with him what official position did he have?

Mrs. KENNEDY. He held the same for a while, I think. I do not know how long.

Mr. TAYLER. He was constantly in an official position of some kind in the church, was he?

Mrs. KENNEDY. In the stake.

Mr. TAYLER. In the stake; yes.

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. What has become of Mr. Johnson?

Mrs. KENNEDY. That I could not say. I do not know where he is.

Senator FORAKER. How did you come to separate? Under what circumstances and for what cause?

Mrs. KENNEDY. Well, because I just couldn't stand the pressure any longer. That was all.

Senator FORAKER. You left him or he left you?

Mrs. KENNEDY. I left him.

Senator FORAKER. At what place?

Mrs. KENNEDY. I left him—do you mean when I came to Utah?

Senator FORAKER. Whenever you left him. Did you leave him and go back to Utah?

Mrs. KENNEDY. No, sir; I left him and came to Utah.

Senator FORAKER. I asked where you left him. It is not very important.

Mrs. KENNEDY. I left him in Marysvale.

Senator FORAKER. In Mexico?

Mrs. KENNEDY. No, sir; Utah. That is, I hardly understand your question, about where I left him.

Senator FORAKER. You said you left him?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. And I asked simply where you left him.

Mrs. KENNEDY. I left him and came to Utah on a visit.

Senator FORAKER. And then did not return?

Mrs. KENNEDY. And then I did not return.

Senator FORAKER. Where was he when you left him; in Utah?

Mrs. KENNEDY. He was in Arizona.

Senator FORAKER. How long did you live at Diaz after you married him?

Mrs. KENNEDY. I lived there about three or four months.

Senator FORAKER. Then where did you go?

Mrs. KENNEDY. I went to Arizona.

Mr. TAYLER. What place in Arizona?

Mrs. KENNEDY. Mesa City.

Senator FORAKER. And you continued to reside there with Mr. Johnson until the time you speak of, when you left him?

Mrs. KENNEDY. Yes, sir; except that I lived in a little settlement about 3 miles distant, called Nephi.

Senator FORAKER. Where was Mrs. Johnson No. 1 living?

Mrs. KENNEDY. She was living at Mesa City.

Senator FORAKER. She lived with him?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. And you lived off in the settlement, is that it?

Mrs. KENNEDY. Yes, sir; I lived with him—with her part of the time, and the other part I lived alone, away from the family.

Senator FORAKER. Did Mr. Johnson have any other wives besides yourself and the Mrs. Johnson to whom you have referred?

Mrs. KENNEDY. No, sir.

Senator FORAKER. He had only two? Did he have any children by Mrs. Johnson?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. Then when did you marry Mr. Kennedy?

Mrs. KENNEDY. Let me see—I married Mr. Kennedy the 21st of October four years ago.

Senator FORAKER. Four years ago?

Mrs. KENNEDY. No; three years ago, this coming fall, I married Mr. Kennedy.

Senator FORAKER. That is, it will be three years this coming October?

Mrs. KENNEDY. Yes, sir; three years.

Senator FORAKER. Then you married him in 1901?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. In October?

Mrs. KENNEDY. I am very poor at remembering dates.

Senator FORAKER. Well, we do not want to confuse you at all. We just want to get at the facts. Where did you marry him?

Mrs. KENNEDY. I married him at Manti.

Senator FORAKER. Where is that?

Mrs. KENNEDY. Utah.

Senator FORAKER. Did you marry him before you separated from Mr. Johnson?

Mrs. KENNEDY. No, sir.

Senator FORAKER. Afterwards?

Mrs. KENNEDY. Afterwards.

Senator FORAKER. How long afterwards?

Mrs. KENNEDY. About a year.

Senator FORAKER. So that you left Mr. Johnson probably in October, 1900?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. Then, you lived with him about four years altogether?

Mrs. KENNEDY. Mr. Kennedy?

Senator FORAKER. No; Mr. Johnson. You lived with Mr. Johnson about four years?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. How soon after you left Mr. Johnson did you become acquainted with Mr. Kennedy, or did you know him before you left Mr. Johnson?

Mrs. KENNEDY. I became acquainted with Mr. Kennedy after I left Mr. Johnson.

Senator FORAKER. How long after?

Mrs. KENNEDY. About—well, that I could not exactly say, either, about how long it was.

Senator FORAKER. Give us some idea.

Mrs. KENNEDY. Just a few months. It was not very long before I became acquainted with him.

Senator FORAKER. You met him, then, after you returned to your old home in Utah?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. You never had known him before?

Mrs. KENNEDY. No, sir.

Senator FORAKER. To what church, if any, does Mr. Kennedy belong?

Mrs. KENNEDY. If he belongs to any church, he belongs to the Church of England. He was raised in the Church of England.

Senator FORAKER. You mean the Episcopal Church?

Mrs. KENNEDY. The Episcopal Church. I am not acquainted with the names. I never have attended any of the outside churches.

Senator FORAKER. He is not a Mormon?

Mrs. KENNEDY. No, sir.

Senator FORAKER. How old a man is he?

Mrs. KENNEDY. He is about 42 or 43 years old.

Senator FORAKER. You have resided with him since until now, I understand?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. You can not tell us anything more about this ceremony than you have related?

Mrs. KENNEDY. No, sir; I could not.

Senator HOAR. The children you speak of are the children of the Mormon husband, are they?

Mrs. KENNEDY. I had two. My first two children were by Mr. Johnson.

Mr. TAYLER. One of them is dead, she said.

Senator HOAR. Yes; I remember.

The CHAIRMAN. Have you any children by your present husband?

Mrs. KENNEDY. I have two children.

The CHAIRMAN. You say you left Mr. Johnson because of the pressure—you could not stand the pressure? What do you mean by that?

Mrs. KENNEDY. I mean because I was not treated just right; that is what I mean by that.

Mr. TAYLER. State, Mrs. Kennedy, what you want to say about that.

Mrs. KENNEDY. Well, I was not treated right at all. That covers it. That is as much as I can say, of course.

Senator FORAKER. Would you have stayed if you had been treated right?

Mrs. KENNEDY. Yes, sir; I certainly should.

Senator FORAKER. It was not then, are we to infer, because of any objection you had to the polygamous state that made you leave?

Mrs. KENNEDY. No, sir; I do not—no, sir; it was not.

The CHAIRMAN. You had been brought up in that faith?

Mrs. KENNEDY. Yes, sir.

Senator OVERMAN. Are you still a Mormon yourself?

Mrs. KENNEDY. Yes, sir; not a very good one though, but I still cling to that.

Senator OVERMAN. You adhere to that doctrine?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. How did Mrs. Johnson treat you?

Mrs. KENNEDY. Well, not very good.

Senator FORAKER. Was it she or her husband who mistreated you, or both of them?

Mrs. KENNEDY. It was both of them.

Senator FORAKER. As I understand you, he lived with her regularly and you were supported by him at some place 3 miles distant?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. At a settlement, I believe you said?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. Did he visit you there from time to time?

Mrs. KENNEDY. Sometimes; not very often.

Senator FORAKER. Did he support you there—furnish you with food and clothing, I mean; or in what manner did he treat you in that respect?

Mrs. KENNEDY. Well, he supported me. I guess you would think he supported me. I did not think he supported me.

Senator FORAKER. I do not want to go into anything embarrassing.

Mr. WORTHINGTON. Mrs. Kennedy, who were the persons who were present at that marriage, when you married Johnson in Mexico?

Mrs. KENNEDY. Mr. Johnson, myself—

Mr. WORTHINGTON. Mr. Johnson, your husband?

Mrs. KENNEDY. Yes, sir. Mr. McDonald and Mr. Taylor.

Mr. WORTHINGTON. Mr. Taylor?

Mrs. KENNEDY. Apostle Taylor.

Mr. WORTHINGTON. Apostle Taylor?

Mrs. KENNEDY. Excuse me—Brother Young.

The CHAIRMAN. Allow me to ask one question before you go on. After you married Mr. Johnson did you live with him and his first wife in the same house any portion of the time?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. You did live together?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. How did you come to say "Apostle Taylor?"

Mrs. KENNEDY. It just confused me. I was just confused, was all. It was not any mistake—

Mr. WORTHINGTON. Oh, no.

Senator HOAR. I wanted to know whether you received any form of marriage certificate?

Mrs. KENNEDY. No, sir.

Senator HOAR. Was this house where you were married a private house?

Mrs. KENNEDY. Yes, sir.

Senator HOAR. Or one of the public buildings of the church?

Mrs. KENNEDY. It was a private house.

Senator HOAR. What did you say was the place in the church of the owner of that house?

Mrs. KENNEDY. Sir?

Senator HOAR. What did you say was the office in the church of the owner of that house?

Mrs. KENNEDY. He was councilor to the president.

Senator HOAR. Councilor to the president?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. To the president of that stake.

Senator HOAR. And can you give any more account, from memory, of the ceremonial?

Mrs. KENNEDY. No, sir; I can not.

Senator HOAR. You stood up together?

Mrs. KENNEDY. Yes, sir.

Senator HOAR. Did he pronounce you husband and wife?

Mrs. KENNEDY. Yes, sir.

Senator HOAR. Was there any religious service whatever?

Mrs. KENNEDY. No, sir.

Senator HOAR. How long did the ceremonial last, do you think, where you stood up?

Mrs. KENNEDY. Just a few moments.

Senator OVERMAN. Did he read from a book?

Senator HOAR. Did he ask you if you accepted that man as your wedded husband, or any questions of that sort?

Mrs. KENNEDY. That I can not say. I do not remember.

Senator HOAR. You do not remember what you said or what Mr. Johnson, your husband, said on that matter? Do you remember anything of the ceremony at all?

Mrs. KENNEDY. Yes; I remember I said—I answered yes when the questions were asked.

Mr. WORTHINGTON. You said the persons present were the man whom you married, Mr. Johnson, and a Mr. McDonald, and the man who married you, and yourself?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Those four persons?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. There were no other persons in the room?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. You know, I suppose, that Brigham Young is dead?

Mrs. KENNEDY. I heard it a few weeks ago.

Mr. WORTHINGTON. You know also, I presume, that Mr. McDonald is dead?

Mrs. KENNEDY. No, sir; I did not know the fact. I had not been informed of the fact.

Mr. WORTHINGTON. Mr. Johnson, you say, whom you married, is living?

Mrs. KENNEDY. I think he is. I could not say as to that, but I think he is.

Mr. WORTHINGTON. Where?

Mrs. KENNEDY. I do not know.

Mr. WORTHINGTON. When did you last hear of his being at any particular place as an abiding place?

Mrs. KENNEDY. I could not say that either. I do not know anything about him. I have not heard anything of him.

Mr. WORTHINGTON. When did you leave him or separate from him?

Mrs. KENNEDY. I left him about six or seven years ago.

Mr. WORTHINGTON. You can not come any nearer than saying about six or seven years ago?

Mrs. KENNEDY. No.

Mr. WORTHINGTON. May it have been eight years?

Mrs. KENNEDY. Somewhere about that.

Mr. WORTHINGTON. Or five?

Mrs. KENNEDY. No, sir; it was more than that.

Mr. WORTHINGTON. Where were you living when you left him?

Mrs. KENNEDY. Where was I living?

Mr. WORTHINGTON. Yes; where were you and he living up to the time you left him?

Mrs. KENNEDY. I was living at Arizona, Mesa City.

Mr. WORTHINGTON. Was he living there?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Were you living with him there as his wife?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. You hesitate about that. What do you mean? Do you mean to hesitate because you had any doubt whether you were living there with him as his wife when you separated?

Mrs. KENNEDY. I was living with him as his wife, certainly.

Mr. WORTHINGTON. What was he doing there? Did he have any occupation?

Mrs. KENNEDY. Not at the time I left.

Mr. WORTHINGTON. Had he had any occupation?

Mrs. KENNEDY. He was running a store.

Mr. WORTHINGTON. What kind of a store?

Mrs. KENNEDY. General merchandise.

Mr. WORTHINGTON. When you left there, six or seven or eight years ago, where did you go?

Mrs. KENNEDY. I came to Utah.

Mr. WORTHINGTON. Have you never heard of him since, so that you can give us any idea where he has been or whether he is alive?

Mrs. KENNEDY. No, sir; I could not.

Mr. WORTHINGTON. You know nothing about him since then?

Mrs. KENNEDY. I know nothing about him since then.

Mr. WORTHINGTON. You had two children then?

Mrs. KENNEDY. I had one child alive. The other one died.

Mr. WORTHINGTON. Did you take your child with you?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. How old was the child?

Mrs. KENNEDY. When I left?

Mr. WORTHINGTON. Yes.

Mrs. KENNEDY. He was not quite two years old.

Mr. WORTHINGTON. Can you fix the year when you were married? You said you were married on the 19th of May, did you not?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. You are sure about that date, are you?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. It was when you were 17?

Mrs. KENNEDY. Yes.

Mr. WORTHINGTON. Are you sure about that?

Mrs. KENNEDY. I just lacked one month.

Mr. WORTHINGTON. You would have been 17 in June?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Following the day you were married?

Mrs. KENNEDY. Yes, sir; I would have been 17 the 16th day of June, and I was married May 19.

Mr. WORTHINGTON. Can you give us with absolute certainty the date of your birth?

Mrs. KENNEDY. Yes, sir; I was born on the 16th day of June, 1877.

MR. WORTHINGTON. How often had you seen Brigham Young before he married you to Johnson?

Mrs. KENNEDY. Not very often.

MR. WORTHINGTON. Well, approximately; half a dozen times—a dozen?

Mrs. KENNEDY. Oh, no; not more than maybe twice.

MR. WORTHINGTON. And on the other occasions where had you seen him?

Mrs. KENNEDY. I had seen him once—I had seen him twice, I think, in Mexico.

MR. WORTHINGTON. But where in Mexico?

Mrs. KENNEDY. At both Diaz and Juarez.

MR. WORTHINGTON. When you saw him in Diaz, where was he in Diaz?

Mrs. KENNEDY. That I could not say, where he was.

MR. WORTHINGTON. Do you not know where he was when you saw him?

Mrs. KENNEDY. No, sir.

MR. WORTHINGTON. Do you not know whether it was in a house or on the street?

Mrs. KENNEDY. No, sir; I could not say.

MR. WORTHINGTON. How do you know you saw him at all if you do not know whether you saw him in a house or on the street and can not tell us anything about where you saw him?

Mrs. KENNEDY. Well, I just remember that I seen him.

MR. WORTHINGTON. You do not remember anything about where you saw him?

Mrs. KENNEDY. I saw him in the town. I can not tell you just exactly where.

MR. WORTHINGTON. I do not ask for exactly where, but I ask under what circumstances, or whether it was in a house or in a church or in a wagon.

Mrs. KENNEDY. It was in the church, I think, or in the meeting-house.

MR. WORTHINGTON. Then why did you say, if it was in a meeting-house, that you could not tell whether it was in a building or on the street? Well, it was in a church, was it not? Do you settle down on that?

Mrs. KENNEDY. Yes, sir.

MR. WORTHINGTON. Did you hear him preach?

Mrs. KENNEDY. No, sir.

MR. WORTHINGTON. Or did you see him present.

Mrs. KENNEDY. I just saw him present.

MR. WORTHINGTON. How long were you in the same church where he was on that occasion?

Mrs. KENNEDY. Not over a couple of hours.

MR. WORTHINGTON. Did you sit near him?

Mrs. KENNEDY. No, sir.

MR. WORTHINGTON. How far from him?

Mrs. KENNEDY. Back in the audience.

MR. WORTHINGTON. You saw his face?

Mrs. KENNEDY. Yes, sir.

MR. WORTHINGTON. You had a good look at him?

Mrs. KENNEDY. I do not know that I looked—

Mr. WORTHINGTON. Mrs. Kennedy, I am not asking these questions foolishly. We want to know whether the man who married you was really Brigham Young, if you were married at that time.

Mrs. KENNEDY. That is what I was told—he was Brigham Young.

Mr. WORTHINGTON. I understand. You saw him in the church once at Diaz before he married you?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Did you see him more than once at Diaz before he married you?

Mrs. KENNEDY. Once or twice.

Mr. WORTHINGTON. Where was it the other time?

Mrs. KENNEDY. I think it was in the same capacity.

Mr. WORTHINGTON. What do you mean by “in the same capacity?”

Mrs. KENNEDY. In meeting, in the church.

Mr. WORTHINGTON. Just as a church-goer. You simply went to church?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. You did not participate in the ceremonies?

Mrs. KENNEDY. Well, he talked.

Mr. WORTHINGTON. Oh, he did. How long did he talk?

Mrs. KENNEDY. Well, not very long.

Mr. WORTHINGTON. He had his face toward the audience, of course, when he talked?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. And you had a good look at his face?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. You said you saw him before you were married, at some other town or some other place besides Diaz. Where was that?

Mrs. KENNEDY. Before we were married?

Mr. WORTHINGTON. Yes. You said, a few moments ago, that before you were married you had seen him at two different places, as I understood you, Diaz being one place and the other place I have forgotten.

Mrs. KENNEDY. I saw him at Juarez.

Mr. WORTHINGTON. How long before you were married?

Mrs. KENNEDY. Just a few days—yes; just a few days.

Mr. WORTHINGTON. A few days before he married you?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. And under what circumstances did you see him at Juarez?

Mrs. KENNEDY. In the meetinghouse.

Mr. WORTHINGTON. Did he preach there?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. So that then you had a good opportunity to see him?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. On the day he married you, how long were you in his presence?

Mrs. KENNEDY. I should judge about an hour.

Mr. WORTHINGTON. Now, from all these opportunities you had to see the man, I wish you would describe the man to the committee.

Mrs. KENNEDY. Well, he was quite a large man. He was rather short. I think that he—I do not remember whether he wore a mus-

tache or not. He had quite prominent features. That is all the description I could give of him.

Mr. WORTHINGTON. About how old was he?

Mrs. KENNEDY. That I could not say, about how old he was.

Mr. WORTHINGTON. You could give us some approximation certainly.

Mrs. KENNEDY. He must have been, I should judge, along in the forties somewhere probably, or 50. I could not say positively as to that, how old he was.

Mr. WORTHINGTON. All you can say is he was somewhere about a middle-aged man?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. He was not a young man nor an old man.

Mrs. KENNEDY. No, sir; he was a middle-aged man.

Mr. WORTHINGTON. As to his hair, I suppose when you saw him in church and when he married you he was bareheaded, of course?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Did you notice whether he had any hair; and if so, what its color was; or was he bald?

Mrs. KENNEDY. He was partly bald. His hair was not real white. It was streaked with white.

Mr. WORTHINGTON. And he was partly bald?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Can you give us any idea of the extent of his baldness? Was it slight or great?

Mrs. KENNEDY. That I could not say.

Mr. WORTHINGTON. Did you see the man who married you after the ceremony, at any time since?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Did anybody make any records, in your presence, of this marriage?

Mrs. KENNEDY. Not that I know of.

Mr. WORTHINGTON. Where do you live now, Mrs. Kennedy?

Mrs. KENNEDY. I live in Sevier County, Utah.

Mr. WORTHINGTON. What place in Sevier County.

Mrs. KENNEDY. I couldn't hardly tell you what place. I live at a mine called the Antelope Mine.

Mr. WORTHINGTON. With Mr. Kennedy?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. How long have you lived there?

Mrs. KENNEDY. We have lived there about—we have lived there about six months.

Mr. WORTHINGTON. Where did you live before that?

Mrs. KENNEDY. I lived at Marysvale.

Mr. WORTHINGTON. With your husband?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. How long did you live in Marysvale, away from your husband?

Mrs. KENNEDY. I lived at Marysvale with my mother. How long—what did you say?

Mr. WORTHINGTON. How long was it you were living at Marysvale away from your husband?

Mrs. KENNEDY. How long from the time I left him?

Mr. WORTHINGTON. When were you married to Mr. Kennedy?

Mrs. KENNEDY. I was married to Mr. Kennedy the 21st day of October.

Mr. WORTHINGTON. What year?

Mrs. KENNEDY. Three years ago.

Mr. WORTHINGTON. Three years next October?

Mrs. KENNEDY. Three years ago this coming October.

Mr. WORTHINGTON. That is what you said to Senator Foraker. If that is correct, it would make you married October 21, 1901. How many children have you now?

Mrs. KENNEDY. I have three children.

Mr. WORTHINGTON. Two of them since you married Mr. Kennedy?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. How old is the oldest one?

Mrs. KENNEDY. The oldest one is not quite 7 years old.

Mr. WORTHINGTON. Can you give us the date of its birth?

Mrs. KENNEDY. He was born the 13th day of September. I forget the year.

Mr. WORTHINGTON. It was the September following your marriage, I presume?

Mr. TAYLER. Which marriage are you speaking of?

Mr. WORTHINGTON. I mean the last one.

Mr. TAYLER. She does not understand you. Of course we only want to get the truth.

Mr. WORTHINGTON. I think she does.

Mr. TAYLER. I think she is referring to the child by Mr. Johnson when she says it is 7 years old, of course.

Mr. WORTHINGTON. Oh, yes.

Mr. TAYLER. You were speaking of Mr. Johnson's child when you said it was 7 years old?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. I think under the circumstances it would be much better to let the witness answer the questions, Mr. Tayler, and if she should make a mistake it can be corrected.

Mr. TAYLER. I do not want you to be under any misapprehension here, and I want you to get the truth absolutely.

Mr. WORTHINGTON. I think the better way to get the truth would be to let her make her statements, and if she makes any mistakes they can be corrected.

Your oldest child by Mr. Kennedy was born when? That is, the one you were referring to when you said it was born in September?

Mrs. KENNEDY. Yes, sir; the first child I had by Mr. Kennedy is 2 years old in May—this coming May.

Mr. WORTHINGTON. Then it was born in May, 1902?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. You were married to Mr. Kennedy on the 21st of October previously. That is right, is it?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Did he know you had been married before to Mr. Johnson?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. I think you have not told us yet how long you had lived with your mother prior to your going to the place where you live now with your husband. How long had you been there?

Mrs. KENNEDY. I lived with ma about two or three years.

Mr. WORTHINGTON. And away from Mr. Kennedy all that time?

Mrs. KENNEDY. No; I was not acquainted with Mr. Kennedy—not until after I came to Marysvale. Then I had been home a year—yes, I had been home a little more than a year when we went to Marysvale.

Mr. WORTHINGTON. Perhaps I am laboring under some mistake. How long did you say you have lived where you are now, with your husband, in Sevier County?

Mrs. KENNEDY. I have lived there about six months.

Mr. WORTHINGTON. And immediately before that you had been living somewhere with your mother, away from your husband, did you not say?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Then I did misunderstand you.

Mrs. KENNEDY. No, sir; I have not been living away from my husband. I meant to say I had been living with ma before I was married to Mr. Kennedy.

Mr. WORTHINGTON. My question was where you lived before you lived where you live now?

Mrs. KENNEDY. Where did I live before?

Mr. WORTHINGTON. You say you have lived where you are living now for six months?

Mrs. KENNEDY. I said I lived at Sevier Station with my husband, Mr. Kennedy.

Mr. WORTHINGTON. How long have you lived at Sevier Station with him?

Mrs. KENNEDY. About three months.

Mr. WORTHINGTON. Where had you lived before that?

Mrs. KENNEDY. I lived in what is called or known as Belknap mine or station.

Mr. WORTHINGTON. How long had you lived there?

Mrs. KENNEDY. About six months.

Mr. WORTHINGTON. And before that where had you lived?

Mrs. KENNEDY. We lived at Richfield before we went to Belknap.

Mr. WORTHINGTON. How long had you lived at Richfield?

Mrs. KENNEDY. We lived at Richfield—let me see. [A pause.] I went to Richfield in October and I moved away from there—let me see. [A pause.] I lived in Richfield about a year and a half, I should judge—somewhere about that.

Mr. WORTHINGTON. Now, Mrs. Kennedy, I would like, if you please, to have the day in May when your first child, by your present husband, was born. You said he was born in May following your marriage. What day of May?

Mrs. KENNEDY. My first child?

Mr. WORTHINGTON. By your present husband.

Mrs. KENNEDY. He was born in May—the 5th day of May.

Mr. WORTHINGTON. The 5th day of May?

Mrs. KENNEDY. Yes, sir; he will be two years old the 5th day of this coming May. That would make him born in 1892.

Mr. WORTHINGTON. When you were married to Kennedy where were you married?

Mrs. KENNEDY. I was married at Manti, Utah.

Mr. WORTHINGTON. By whom?

Mrs. KENNEDY. Mr. Reed.

Mr. WORTHINGTON. Mr. Reed?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Is he a Mormon priest or elder?

Mrs. KENNEDY. Yes, sir; he is dead now.

Mr. WORTHINGTON. He is dead, too?

Mrs. KENNEDY. He died just as we was on the road coming out.

Mr. WORTHINGTON. Were you married in the temple?

Mrs. KENNEDY. No, sir; I was married at his house.

Mr. WORTHINGTON. Do I understand you were born in 1877?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Then you will be 27 next June?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. You said you would be 26.

Mrs. KENNEDY. Twenty-seven; I forget my age.

Senator FORAKER. I wish she would fix definitely when she was married to Johnson. The testimony as it now stands is in doubt. I understood Mr. Tayler to say she was married in 1896, and the witness said she was married when she was 17 years old. That would make it 1894.

Mr. TAYLER. That is so. I do not know, except as she may be able to state it. I thought her age when she was married would be the easiest way to fix it.

Senator FORAKER. That is correct, is it, that you were 17 when you were married, lacking one month?

Mrs. KENNEDY. Yes, sir.

Senator FORAKER. So that if you were born in June, 1877, and married when you were within a month of 17 years of age, you would have been married in May, 1894?

Mr. TAYLER. I think that is right. I think that fixes those dates.

Mr. WORTHINGTON. And on the 19th day of May.

Senator FORAKER. The 19th day of May, 1894, and at Juarez, was it not?

Mr. TAYLER. At Juarez.

The CHAIRMAN. Mrs. Kennedy, you say your child will be 2 years of age in May next?

Mrs. KENNEDY. Two years this coming May.

The CHAIRMAN. May of this present year?

Mrs. KENNEDY. Yes, sir; my oldest child by Mr. Kennedy.

The CHAIRMAN. Yes; that is what I understand. Now, just a word. You saw this man whom you call Brigham Young at church, did you?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. He preached there?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. You saw him how many times at a service?

Mrs. KENNEDY. Twice.

The CHAIRMAN. How did you know it was Brigham Young? Was he presented to the audience, or did anybody mention him?

Mrs. KENNEDY. They told me—they said it was Brigham Young.

The CHAIRMAN. Who told you?

Mrs. KENNEDY. The bishop; or—yes, the bishop addressed him as Brother Young, or—

The CHAIRMAN. The bishop? In the meeting?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Addressed him as Brother Young?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Now, you remained after the marriage about an hour?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Did you talk with him?

Mrs. KENNEDY. No, sir.

The CHAIRMAN. Did you see him?

Mrs. KENNEDY. No, sir; not after the marriage.

The CHAIRMAN. Why not? Did he go away?

Mrs. KENNEDY. Yes, sir.

The CHAIRMAN. Was the individual who married you the same one you heard preach and was introduced by the bishop as Brother Young?

Mrs. KENNEDY. I think so.

The CHAIRMAN. Do you not know?

Mrs. KENNEDY. Yes, sir—yes, sir; it was.

The CHAIRMAN. Is there anything further, gentlemen, of this witness?

Mr. VAN COTT. Just a moment, Mr. Chairman.

Mr. WORTHINGTON. Mr. Chairman, there are one or two things of which we would like to be advised before we can say absolutely we are through with the cross-examination of this witness, and we would like at least to have her stay here until to-morrow.

The CHAIRMAN. The witness will be here to-morrow morning, then, at half past 10 o'clock, and the committee will stand adjourned until that time.

Thereupon (at 4 o'clock and 8 minutes p. m.) the committee adjourned until Tuesday, March 8, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *March 8, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), Hoar, Foraker, 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. I believe the cross-examination of Mrs. Kennedy was under way when the committee adjourned.

Mr. WORTHINGTON. I was given permission at the close to ask a few more questions of Mrs. Kennedy. I should like to ask one or two questions.

The CHAIRMAN. Is Mrs. Kennedy present?

Mrs. KENNEDY. I am.

The CHAIRMAN. You will please take the stand.

TESTIMONY OF MRS. CLARA MABEL BARBER KENNEDY—Continued.

Mr. WORTHINGTON. I have observed, looking over your testimony, that you have lived at Diaz for six or seven years.

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. When you came to be married, you took a wagon ride of about 75 miles with some others in the party.

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Which took two days and a half.

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. To go where you were married.

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. I wish to ask if there was any reason why you were not married where you lived. Had any attempt been made to—

Mrs. KENNEDY. I do not know of any reason why.

Mr. WORTHINGTON. You do not know why it was?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Was there a Mormon colony at Diaz or near Diaz?

Mrs. KENNEDY. Yes, sir; there were Mormon colonies in Diaz. Diaz is a Mormon settlement.

Mr. WORTHINGTON. Was there a bishop there?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. I think you said that you have attended the meetings there when Apostle Young has been present and preached.

Mrs. KENNEDY. I attended one meeting.

Mr. WORTHINGTON. Have you any idea or any knowledge as to why it was, that, instead of getting married there—

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. You took this long journey in a wagon?

Mrs. KENNEDY. No, sir; I could not give any statement.

Mr. WORTHINGTON. Do you know whether any effort had been made to have the marriage celebrated by anybody else before you went?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Before you went to—

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Before you went to Juarez?

Mrs. KENNEDY. No, sir.

The CHAIRMAN. Her answers are not understood. Where did she say that she was married—in Mexico or in New Mexico?

Mrs. KENNEDY. In old Mexico.

Mr. WORTHINGTON. At Juarez?

Mrs. KENNEDY. At Juarez.

Mr. WORTHINGTON. She lived at Diaz.

The CHAIRMAN. I understand.

Senator HOAR. Both of those places are out of this country?

Mr. WORTHINGTON. Yes, sir; Diaz is also in Mexico.

Mrs. KENNEDY. Diaz is the first settlement in Mexico—the first Mormon settlement. Juarez is the next. There are several Mexican settlements between the two Mormon settlements.

Mr. WORTHINGTON. Were there any other Mormon settlements between Diaz and Juarez?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Was Juarez the nearest Mormon settlement to Diaz?

Mrs. KENNEDY. Yes sir.

Mr. WORTHINGTON. Now, Mrs. Kennedy, do you not know that some effort had been made to have that ceremony performed by somebody else?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Have you not been so informed?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. If I have correctly read your testimony, Mrs. Johnson, the first wife, was with this party that went to Juarez in the wagon?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. That is correct?

Mrs. KENNEDY. It is.

Mr. WORTHINGTON. When you got to Juarez you went to some one's house in Juarez?

Mrs. KENNEDY. To his half-brother's house.

Mr. WORTHINGTON. Another—

Mrs. KENNEDY. Another Mr. Johnson.

Mr. WORTHINGTON. But you were not married there?

Mrs. KENNEDY. No, sir; not at the house.

Mr. WORTHINGTON. You were married at the house of Mr. McDonald?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. About a mile away, or a half mile?

Mrs. KENNEDY. About a half mile away.

Mr. WORTHINGTON. Did Mrs. Johnson, the first wife, go with you to where the marriage ceremony was performed?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. She remained at the half-brother's house?

Mrs. KENNEDY. I suppose so.

Mr. WORTHINGTON. Did you inform the person who performed this ceremony, whatever it was, that the man to whom he was marrying you had already a wife living?

Mrs. KENNEDY. Please ask that question again.

Mr. WORTHINGTON. I asked you whether you informed the man who married you that the man to whom he was marrying you already had a wife living?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Do you know whether or not anybody so informed him?

Mrs. KENNEDY. No, sir; I could not say.

Mr. WORTHINGTON. Then, so far as you know, he may have supposed he was marrying Mr. Johnson to his first wife when he married you?

Mrs. KENNEDY. I suppose so.

Mr. WORTHINGTON. I understand from that, of course, that nothing was said in his hearing, to your knowledge, to inform him of the fact that Mr. Johnson already had a wife?

Mrs. KENNEDY. No, sir.

Mr. WORTHINGTON. Did you know, at any time, Apostle Teasdale?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Was he in that country at or about this time?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. Do you not know that application was made to him to perform this marriage ceremony and that he refused to do it or to authorize it?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. What do you know of that subject?

Mrs. KENNEDY. Brother Teasdale refused positively; he said that it could not be done; said the thing could not be done.

Mr. WORTHINGTON. How do you know that?

Mrs. KENNEDY. Well, he told my mother that it could not positively be done. My mother interceded for me, and he told my mother that such a thing could not be done; it had all been done away with; it could not be done.

Mr. WORTHINGTON. Mrs. Kennedy, I asked you a few moments ago whether application had not been made to somebody else to perform this ceremony and that they had refused, and you said no. Your answers do not seem to stand together, and I merely mention it so that you may explain it. Did you understand my first question? I asked you a little while ago whether an effort had been made to get anybody else to perform this ceremony, and you said no.

Mrs. KENNEDY. Not that I knew of.

Mr. WORTHINGTON. Now you say that Apostle Teasdale had been asked to perform the ceremony and refused. Do you not see that those answers do not stand together. I am merely mentioning them so that you may make any explanation, if there is any.

Mrs. KENNEDY. I do not know how—

Mr. WORTHINGTON. I beg pardon.

Mrs. KENNEDY. I have tried to forget those things. I have tried to put them away from me and to forget them all. They were not pleasant for me to think about, therefore I have put them aside. I have not thought of them.

Mr. WORTHINGTON. That is all.

The CHAIRMAN. Mr. Tayler, proceed.

Mr. TAYLER. What you learned—

Mr. WORTHINGTON. Pardon me a moment.

Mr. TAYLER. Certainly.

Mr. WORTHINGTON. Let me ask a question. Is your mother living?

Mrs. KENNEDY. My mother is living.

Mr. TAYLER. She will be here in a minute. This is hearsay.

Mr. WORTHINGTON. Very well.

Mr. TAYLER. What you learned about Apostle Teasdale refusing to marry you you learned from your mother? You did not know it yourself, then?

Mrs. KENNEDY. I did not know it myself. I simply knew it because my mother told me.

Mr. TAYLER. Let the marshal—

Mr. WORTHINGTON. When was it your mother told you that? I do not like to press you about the matter.

Mrs. KENNEDY. I could not just exactly tell when.

The CHAIRMAN. What was the question?

Mr. WORTHINGTON. When it was that her mother told her about Apostle Teasdale refusing to perform the ceremony. Was it before you were married to Mr. Johnson?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. She had tried to get Apostle Teasdale to do it, and he had said it could not be done.

Mrs. KENNEDY. She asked for permission if such a thing could be done. Of course ma will have to answer for herself.

Mr. WORTHINGTON. I understand that. But it was after that that you took this 75-mile journey in a wagon to Juarez to get married?

Mrs. KENNEDY. Yes, sir.

Mr. WORTHINGTON. After she had told you that he had stated it could not be done?

Mrs. KENNEDY. Yes, sir.

Mr. TAYLER. You have a young child six or seven weeks old with you?

Mrs. KENNEDY. I have a child which will be just 2 months old on the 8th.

Mr. TAYLER. You may go down now and tell your mother to come up. Is Mr. Smith present?

Mr. WORTHINGTON. The president?

Mr. RICHARDS. I understood you to say you would not want him this morning, that you wanted Mr. Lyman.

Mr. TAYLER. I should like to have him present for a moment.

Mr. WORTHINGTON. He will be here as soon as it is possible.

Mr. TAYLER. I understand; but I thought this interval might be utilized. Will Mr. Charles Merrill take the stand, so as not to delay further?

TESTIMONY OF CHARLES E. MERRILL.

CHARLES E. MERRILL, being duly sworn, was examined and testified as follows:

Mr. TAYLER. Your name is Charles E. Merrill?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. Are you the son of Apostle Merrill?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. Are you the son by a plural wife?

Mr. MERRILL. I am.

Mr. TAYLER. Which one?

Mr. MERRILL. His third wife.

Mr. TAYLER. How old are you?

Mr. MERRILL. Thirty-eight years old.

Mr. TAYLER. Are you married?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. When were you married?

Mr. MERRILL. I was first married in the spring of 1887.

Mr. TAYLER. The spring of 1887?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. Is that wife living?

Mr. MERRILL. No, sir.

Mr. TAYLER. When did she die?

Mr. MERRILL. She died in the fall of 1889.

Mr. WORTHINGTON. In the fall of 1889?

Mr. MERRILL. The fall of 1889.

Mr. TAYLER. When were you married after that?

Mr. MERRILL. I was married to my legal wife in 1891.

The CHAIRMAN. A little louder, if you please.

Mr. MERRILL. In 1891.

Mr. TAYLER. He said he was married to his legal wife in 1891. What was her name?

Mr. MERRILL. Her name was Chloe Hendricks.

Mr. TAYLER. Have you had children by her?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. How many?

Mr. MERRILL. Five.

- Mr. TAYLER. Have you another wife?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. When were you married to her?
 Mr. MERRILL. In the fall of 1888.
 Mr. TAYLER. Where were you married to her?
 Mr. MERRILL. In Logan.
 Mr. TAYLER. By whom?
 Mr. MERRILL. By N. C. Edlefson.
 Mr. TAYLER. Who is he?
 Mr. MERRILL. A man who worked in the Logan Temple at that time.
 Mr. TAYLER. How many temples are there?
 Mr. MERRILL. Four, I think.
 Mr. TAYLER. They are where?
 Mr. MERRILL. I do not know that I can name them for you.
 Mr. TAYLER. There are four in Utah?
 Mr. MERRILL. Yes, sir; one at St. George, one at Manti, one at Salt Lake, and one in Logan.
 Mr. TAYLER. How many children have you had by her?
 Mr. MERRILL. Four.
 The CHAIRMAN. Your name is Charles E. Merrill?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. Let me understand. When was it you married your second wife; that is, the second wife you now have?
 Mr. MERRILL. In the fall of 1888.
 Mr. TAYLER. In the fall of 1888?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. What was her name?
 Mr. MERRILL. Annie V. Stoddard.
 Mr. TAYLER. How many children have you had by her?
 Mr. MERRILL. Four.
 Mr. TAYLER. Four?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. How old are they?
 Mr. MERRILL. The oldest one is coming 9 years old, and the youngest one is something like $2\frac{1}{2}$ years old. I can not give the dates exactly.
 Mr. TAYLER. That marriage, you say, took place in 1888?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. And the next marriage took place in 1891?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. Who married you in 1891?
 Mr. MERRILL. My father.
 Mr. TAYLER. When were you married?
 Mr. MERRILL. I could not give you the exact date, but it was in March.
 Mr. TAYLER. 1891?
 Mr. MERRILL. Yes, sir.
 Mr. TAYLER. Was your father then an apostle?
 Mr. MERRILL. Yes, sir.
 Senator FORAKER. Mr. Tayler, I came in after the witness commenced his statement. I should like to get the date of his first marriage, if you can tell me?
 Mr. VAN COTT. 1887.
 Mr. WORTHINGTON. The spring of 1887.

Senator FORAKER. How many marriages has he had—three only—one in 1887, one in 1888, and—

Mr. WORTHINGTON. One in 1891.

Mr. VAN COTT. His first wife died in 1889.

Mr. WORTHINGTON. His first wife died in 1889. He was married in 1891 to the only legal wife he has.

Mr. TAYLER. Were you living with Annie Stoddard at the time you married what you call your legal wife?

Mr. MERRILL. Yes, sir. She had no home of her own, however. She was living with her parents. My home was with my mother at that time.

Senator FORAKER. Who performed the marriage ceremony of 1891? I did not hear.

Mr. MERRILL. My father.

Mr. WORTHINGTON. His father was an apostle.

The CHAIRMAN. Your father was an apostle at that time?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. That is all.

The CHAIRMAN. I want to ask you, because I am not clear about it, how many wives you have living now?

Mr. MERRILL. Two.

The CHAIRMAN. You are cohabiting with both of them?

Mr. MERRILL. Yes, sir.

The CHAIRMAN. How many children have you had by them?

Mr. MERRILL. My first wife had one child before she died, and my legal wife now has five children, and my plural wife has four. I have ten children.

Senator FORAKER. Which is your legal wife now?

Mr. MERRILL. The wife I married in 1891.

Senator FORAKER. That is your legal wife?

Mr. MERRILL. Yes.

Senator FORAKER. She has four children?

Mr. MERRILL. She has five.

Senator FORAKER. And the wife you married in 1888 had four?

Mr. MERRILL. Yes, sir.

Senator FORAKER. And the wife you married in 1887 is dead?

Mr. MERRILL. Yes, sir.

Senator FORAKER. Leaving one child?

Mr. MERRILL. Yes, sir.

Senator FORAKER. So that you have ten children?

Mr. MERRILL. Ten children altogether.

The CHAIRMAN. What official position do you hold? You talk so low that I can not hear you here.

Mr. MERRILL. I do not hold any official position in the church.

Senator FORAKER. You regard the wife you married in 1888 as your legal wife?

Mr. MERRILL. No, sir.

Mr. WORTHINGTON. The one he married in 1891.

Senator FORAKER. He just now spoke about his legal wife. I asked him which is his legal wife—the 1891 one?

Mr. MERRILL. Yes, sir.

Senator HOAR. The 1888 wife died before the 1891 wife was married.

Mr. WORTHINGTON. The 1887 wife.

Senator HOAR. The 1887 wife.

Senator FORAKER. There is some confusion in my mind. He said, as I understood him, that he married his first wife in 1887 and that she died, but not until after he had married again, in 1888. So that, Mr. Merrill, when you married in 1888 you already had a first wife?

Mr. MERRILL. Yes, sir.

The CHAIRMAN. And she was living at that time?

Mr. MERRILL. Yes, sir.

Senator FORAKER. Were you living with that second wife in 1891 when your father married you to what you call your legal wife?

Mr. MERRILL. I explained, if you please, Senator—

Senator FORAKER. I did not hear it. I am asking only for information.

Mr. MERRILL. My home was with my mother. I, however, was living with that wife.

Senator FORAKER. Of 1888?

Mr. MERRILL. Yes, sir.

Senator FORAKER. At the time when your father solemnized this marriage of 1891?

Mr. MERRILL. Yes, sir.

Senator FORAKER. And although you were living with a wife at that time, whom you had taken in 1888, you call the wife of 1891 your legal wife?

Mr. MERRILL. Yes, sir; I do not know that he knew that I was living with a wife.

Mr. WORTHINGTON. The witness adds that he does not know whether his father, when he married him to his last wife, knew that he was living with his plural wife.

Mr. TAYLER. How many children have you had by Annie Stoddard?

Mr. MERRILL. Four.

Senator FORAKER. Where was your father living? Where did your mother live?

Mr. MERRILL. At Richmond.

Senator FORAKER. At Richmond, in Utah?

Mr. MERRILL. Yes, sir.

Senator FORAKER. And your father?

Mr. MERRILL. He lived in Richmond.

Senator FORAKER. Also?

Mr. MERRILL. Yes, sir.

Senator FORAKER. You stated, as I understand counsel to say, that your father perhaps did not know that you were living with the wife of 1888.

Mr. MERRILL. I do not know that he knew it; no, sir.

Mr. TAYLER. How large a place is Richmond?

Mr. MERRILL. I think about 1,400 people.

Mr. TAYLER. How large was it then, in 1890, or 1891?

Mr. MERRILL. About the same.

Mr. TAYLER. How many children had you by Annie Stoddard, the wife of 1888, in 1891?

Mr. MERRILL. She had not had any.

Mr. TAYLER. She had not had any at that time?

Mr. MERRILL. No, sir.

Senator PETTUS. Will you please explain why the last wife whom you married is your legal wife?

Mr. MERRILL. Because she was married under the laws of the State

of Utah. The laws of the State of Utah, as I understand them, did not make my wife a legal wife—my plural wife that I had in 1888—and I married this one under the laws of the State of Utah. I went to court and got a license to marry her.

The CHAIRMAN. That is, the marriage of 1891?

Mr. MERRILL. Yes, sir.

Senator DUBOIS. Have you that marriage certificate with you?

Mr. MERRILL. No, sir; I have not.

Senator DUBOIS. Can you get it?

Mr. MERRILL. I think I could.

Senator DUBOIS. Will you get it?

Mr. MERRILL. I will if you want it.

Senator DUBOIS. I should like to see it very much.

Mr. VAN COTT. I will see that that is obtained, if there is one.

Senator DUBOIS. It was in March, 1891?

Mr. MERRILL. Yes, sir.

Senator DUBOIS. When was the manifesto issued?

Mr. MERRILL. It was in 1890, I think.

Mr. WORTHINGTON. September 20, 1890—

The CHAIRMAN. The record shows.

Senator OVERMAN. How were you married in 1888 to the plural wife?

Mr. MERRILL. How was I married?

Senator OVERMAN. Yes; under the laws of the church?

Mr. MERRILL. Yes, sir.

Senator OVERMAN. Who married you?

Mr. MERRILL. N. C. Edlefson.

Senator OVERMAN. Did you have to have any record made of it?

Mr. MERRILL. No, sir.

Senator OVERMAN. Were you married at the temple?

Mr. MERRILL. No, sir; at his residence in Logan.

The CHAIRMAN. Whose residence?

Mr. MERRILL. N. C. Edlefson.

Senator OVERMAN. Who was Edlefson—an apostle?

Mr. MERRILL. No, sir.

Senator OVERMAN. What official position did he hold?

Mr. MERRILL. He was simply a worker in the temple.

Senator OVERMAN. He had a right to perform the marriage ceremony?

Mr. MERRILL. Yes, sir; I so understood it.

Senator DUBOIS. Please describe that marriage ceremony.

Mr. MERRILL. I can not do it.

Senator DUBOIS. You can not do it?

Mr. MERRILL. No, sir.

Senator DUBOIS. Is there any certificate of that marriage?

Mr. MERRILL. No, sir.

Senator DUBOIS. Is there any record of that marriage?

Mr. MERRILL. I did not keep any.

Senator DUBOIS. You have not a certificate of that marriage?

Mr. MERRILL. No, sir.

The CHAIRMAN. Who was present?

Mr. MERRILL. I do not know the witnesses.

The CHAIRMAN. Was anybody there?

Mr. MERRILL. Yes, sir; there were two witnesses, I think.

The CHAIRMAN. You do not know them?

Mr. MERRILL. No, sir.

The CHAIRMAN. You were there?

Mr. MERRILL. Yes, sir.

Senator DUBOIS. You can not describe the ceremony?

Mr. MERRILL. No, sir.

Senator DUBOIS. There was no music?

Mr. MERRILL. No, sir.

Senator DUBOIS. No singing?

Mr. MERRILL. No, sir.

Senator DUBOIS. Were any questions asked you?

Mr. MERRILL. I do not remember now of any questions being asked.

Mr. TAYLER. Was your first wife with you?

Mr. MERRILL. No, sir.

Senator FORAKER. Was there any religious ceremony of any kind at all?

Mr. MERRILL. Nothing more than the marriage ceremony.

Senator FORAKER. What was that?

The CHAIRMAN. Yes; what was that?

Mr. MERRILL. I could not tell you what it was—simply that the marriage ceremony was performed. I can not remember the words. I could not repeat one of them to you that I know of.

Senator OVERMAN. Did he read out of a book?

Mr. MERRILL. I do not think so.

Senator HOAR. Do you not know what the ordinary form of marriage ceremony is in your church, or the substance of it?

Mr. MERRILL. No, sir; I can not repeat it.

Senator HOAR. Or give the substance of it?

Mr. MERRILL. The substance of it is that he pronounced us husband and wife.

The CHAIRMAN. Did you join hands?

Mr. MERRILL. Yes, sir.

Senator HOAR. You made some promises?

Mr. MERRILL. Yes, sir.

Senator HOAR. Which you have forgotten?

Mr. MERRILL. No, sir; not altogether.

Senator HOAR. If you have not forgotten them, will you state what they are?

Mr. MERRILL. I do not know that I can state them in the language.

Senator HOAR. The substance?

Mr. MERRILL. I promised to love and cherish her and support her. That is part of it.

Senator HOAR. Did you have the usual phrase in marriage ceremonies—"forsaking all others, cleave to her"—do you remember that?

Mr. MERRILL. I do not remember that.

Senator HOAR. You do not know whether that was in or not?

Mr. MERRILL. No, sir.

Senator HOPKINS. That would hardly be in such a ceremony, would it?

The CHAIRMAN. There is one question right here. After your marriage to what you claim to be your legal wife, in 1891, have you continued to cohabit with the other woman?

Mr. MERRILL. Yes, sir.

The CHAIRMAN. And do now?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. May I ask a question?

The CHAIRMAN. Certainly.

Mr. WORTHINGTON. Where does the last wife live—the wife to whom you were married in 1891?

Mr. MERRILL. She lives in Richmond.

Mr. WORTHINGTON. And where does the wife whom you married in 1888 live?

Mr. MERRILL. She lives in Richmond.

Mr. WORTHINGTON. Do they live at the same household?

Mr. MERRILL. No, sir.

Mr. WORTHINGTON. How far apart are they? How far separated are the two houses?

Mr. MERRILL. Seven blocks, I think; nearly a mile.

Mr. WORTHINGTON. You said that when you were married in 1891 you were living with your mother?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. And that you do not know, and can not say, that your father knew that at that time you were cohabiting with the wife of 1888?

Mr. MERRILL. That is what I said.

Mr. WORTHINGTON. Where was the wife of 1888 living?

Mr. MERRILL. She was living with her father and mother.

Mr. WORTHINGTON. In the same town?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. At different places?

Mr. MERRILL. At a different place.

Mr. WORTHINGTON. Where was your father living?

Mr. MERRILL. On the underground most of the time.

Mr. WORTHINGTON. What do you mean by the underground?

Mr. MERRILL. In hiding.

Mr. WORTHINGTON. Then you do not know whether he knew that you were cohabiting with the wife of 1888—

Mr. MERRILL. No, sir.

Mr. WORTHINGTON. At the time he married you to the wife of 1891?

Mr. MERRILL. No, sir.

The CHAIRMAN. He was in hiding; what for, if you know?

Mr. MERRILL. Yes, sir; because they were prosecuting in Utah at that time for polygamy, very severely.

Senator FORAKER. Had not those prosecutions stopped at that time?

Mr. MERRILL. No, sir.

Senator FORAKER. I understood some one to testify here that they were stopped on the issuing of the manifesto of September, 1890, or practically so.

Mr. MERRILL. This was 1888.

Senator FORAKER. The manifesto?

Mr. MERRILL. No, sir; the time I speak of.

Senator FORAKER. Oh, in 1888.

Mr. WORTHINGTON. I was speaking of the marriage of 1891.

Senator FORAKER. So was I. I understood you to say that when you were married in 1891 your father did not, so far as you can tell, know that you were living with the wife of 1888?

Mr. MERRILL. I do not know that he did. I did not have that in mind.

Senator FORAKER. Was your father in hiding in 1891?

Mr. TAYLER. He married him.

Senator FORAKER. He might have been in hiding.

Mr. MERRILL. Not as he had been previously. I do not remember just as to dates.

Senator DUBOIS. You do not understand Senator Foraker's question, I think. You were living with the wife of 1888 up to 1891 in the town of Richmond?

Mr. MERRILL. Yes, sir.

Senator DUBOIS. And your father was not in hiding after the manifesto was issued?

Mr. MERRILL. I think not.

Senator DUBOIS. And you were all living together in the town of Richmond?

Mr. MERRILL. No, sir; you do not understand the situation, I think, Senator. My father has spent a great deal of his time at Logan, and oftentimes I would not see him more than once a month, even when I was living with my mother.

Senator DUBOIS. Whose home was in Richmond?

Mr. MERRILL. In Richmond.

Senator DUBOIS. And his wives were in Richmond?

Mr. MERRILL. And his wives were in Richmond.

Senator DUBOIS. That was his home?

Mr. MERRILL. Yes, sir.

Senator DUBOIS. After the manifesto?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. Where is your father now?

Mr. MERRILL. He is in Logan.

Mr. TAYLER. At Logan?

Mr. MERRILL. At Richmond, I think, rather.

Senator FORAKER. Was your wife of 1888 living with you and your mother, in the same house with you and your mother, in 1891?

Mr. MERRILL. No, sir.

Senator FORAKER. She was not?

Mr. MERRILL. No, sir.

Senator FORAKER. Where was your wife of 1888 living at that time?

Mr. MERRILL. She was living with her father and mother.

Senator FORAKER. Where was that?

Mr. MERRILL. Some mile and a half away.

Senator FORAKER. In the same town, however?

Mr. MERRILL. Well, on the outskirts of the town, on a farm.

Mr. TAYLER. Is that all, Senator?

The CHAIRMAN. Just a word here. Did you ever bring the wife of 1888 to your mother's house?

Mr. MERRILL. Yes, sir; she had been there.

The CHAIRMAN. How frequently?

Mr. MERRILL. Not very often; not more than once a year, I think.

The CHAIRMAN. Once a year. Was your father present?

Mr. MERRILL. I do not remember of him ever being present when she was there.

The CHAIRMAN. You say he was not?

Mr. MERRILL. I think not.

The CHAIRMAN. Do you know?

Mr. MERRILL. I do not. I could not swear positively.

The CHAIRMAN. Did she stay there with your mother and you?

Mr. MERRILL. Yes.

The CHAIRMAN. Did you stay there overnight?

Mr. MERRILL. Only a short time; not overnight.

The CHAIRMAN. At no time?

Mr. MERRILL. No, sir.

Mr. WORTHINGTON. Up to 1891 were you living openly with the wife of 1888, or secretly?

Mr. MERRILL. Secretly.

Mr. WORTHINGTON. Let me ask you, Is your father still living?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. And is still an apostle?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. He has been subpoenaed here?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. What is his physical condition?

Mr. MERRILL. He has had what we think is diabetes for seven or eight months and has been very feeble.

Mr. WORTHINGTON. How is he now?

Mr. MERRILL. He is not much better. We have hopes that he is improving a little.

Mr. TAYLER. I was about to ask the question Mr. Worthington asked, and I want to add one or two more. You said he is at Richmond now?

Mr. MERRILL. Yes, sir; I think so.

Mr. TAYLER. Do all of his wives live there?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. How many has he?

Mr. MERRILL. He has six.

Mr. TAYLER. How many brothers and sisters have you?

Mr. MERRILL. I have 20 brothers and 17 sisters, I think.

Senator OVERMAN. How many?

Mr. MERRILL. Twenty brothers and 17 sisters.

Mr. TAYLER. Do you know how many nieces and nephews you have?

Mr. MERRILL. I do not.

Mr. TAYLER. Over a hundred?

Mr. MERRILL. I think so.

Senator FORAKER. When you say brothers and sisters you include half brothers and half sisters; or what we would call half brothers and half sisters?

Mr. MERRILL. Yes, sir.

Mr. TAYLER. That is all.

Senator FORAKER. Was your mother, if I may ask you without giving any offense, a plural wife of your father?

Mr. MERRILL. Yes, sir.

Senator FORAKER. Did he make his home regularly with your mother or with his first wife or some other wife?

Mr. MERRILL. I may say with his first wife; that is where people all went to do business with him.

Senator FORAKER. And he simply came occasionally, are we to understand, to visit your mother?

Mr. MERRILL. Yes, sir.

Senator FORAKER. He did not live there continuously?

Mr. MERRILL. No, sir; not continuously.

The CHAIRMAN. Do you know where his home was?

Mr. MERRILL. Yes, sir.

The CHAIRMAN. Where?

Mr. MERRILL. In Richmond.

The CHAIRMAN. With which family?

Mr. MERRILL. With his first family.

The CHAIRMAN. With your mother?

Mr. MERRILL. No, sir; my mother was the third wife.

The CHAIRMAN. Was she living in Richmond?

Mr. MERRILL. Yes, sir.

The CHAIRMAN. How far from where your mother lived?

Mr. MERRILL. Just across the street.

Senator OVERMAN. Did he have any regular time for coming to your house, and did he stay any length of time?

Mr. MERRILL. When he was home he did.

Senator OVERMAN. How often did he come?

Mr. MERRILL. About every fourth or fifth night, when he was in Richmond.

Senator OVERMAN. How long did he stay?

Mr. MERRILL. Overnight.

Senator OVERMAN. Did he stay any length of time?

Mr. MERRILL. No, sir; he was a very busy man.

Senator PETTUS. How many wives has your father now?

Mr. MERRILL. I have answered that question—six.

The CHAIRMAN. There is a little confusion here. You say your father now has six wives?

Mr. MERRILL. Yes, sir.

The CHAIRMAN. Did you conceal from your mother and from your father your relationship with this woman of 1888?

Mr. MERRILL. No, sir.

The CHAIRMAN. They knew of that?

Mr. MERRILL. My mother knew of it.

The CHAIRMAN. Did your father know of it?

Mr. MERRILL. I do not know that.

The CHAIRMAN. But your mother did know it?

Mr. MERRILL. Yes, sir.

Mr. WORTHINGTON. Was your father married to any of these wives since the manifesto?

Mr. MERRILL. No, sir.

Mr. TAYLER. How many of your brothers have plural wives?

Mr. MERRILL. There are three of my brothers. Only two of them, though, are living with their plural wives. One separated from his wife some years ago, or his wife left him.

Mr. TAYLER. A number of your sisters, I believe, are plural wives of others?

Mr. MERRILL. Two, I think.

Mr. TAYLER. That is all so far as I am concerned.

Senator DUBOIS. I should like to ask Mr. Merrill a question. Do you still uphold the doctrine of polygamy?

Mr. MERRILL. Do I still uphold it?

Senator DUBOIS. Yes.

Mr. MERRILL. No, sir.

Senator DUBOIS. You practice it?

Mr. MERRILL. I practice it.

Senator DUBOIS. But you do not uphold it?

Mr. MERRILL. No, sir.

The CHAIRMAN. He practices it, but disapproves of it.

Senator FORAKER. Like a prohibitionist who favors prohibition but is against enforcing the law.

Senator OVERMAN. You believe in keeping the divine law and disobeying the law of the land?

Mr. MERRILL. I do not know that I can answer the question.

TESTIMONY OF MRS. EMMA MATHEWS.

Mrs. EMMA MATHEWS, having been duly sworn, was examined, and testified as follows:

Mr. TAYLER. Where do you live, Mrs. Mathews?

Mrs. MATHEWS. In Marysvale.

Mr. TAYLER. Utah?

Mrs. MATHEWS. Yes, sir.

Mr. TAYLER. Are you the mother of Mrs. Kennedy?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Are you a member of the Mormon Church?

Mrs. MATHEWS. Yes.

Mr. TAYLER. How long have you been a member of it?

Mrs. MATHEWS. Twenty-five years.

Mr. TAYLER. You were a plural wife?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Are you now?

Mrs. MATHEWS. No.

Mr. TAYLER. Is the husband of whom you were a plural wife alive?

Mrs. MATHEWS. No.

Mr. TAYLER. He is dead?

Mrs. MATHEWS. Yes.

Mr. TAYLER. You continued to be his plural wife until his death?

Mrs. MATHEWS. Yes.

Mr. TAYLER. And after that married Mr. Mathews?

Mrs. MATHEWS. Yes.

Mr. TAYLER. How long have you been married to Mr. Mathews?

Mrs. MATHEWS. Ten years.

Mr. TAYLER. Do you hold any position in the Mormon Church?

Mrs. MATHEWS. No.

Mr. TAYLER. Are you a member of any of the women's organizations?

Mrs. MATHEWS. Not now.

Mr. TAYLER. Have you been?

Mrs. MATHEWS. I have been.

Mr. TAYLER. You are a member of the church, however, in good standing?

Mrs. MATHEWS. Yes.

Mr. TAYLER. And subscribe to its doctrines and obey your superiors?

Mrs. MATHEWS. Yes.

Mr. TAYLER. You at one time lived in a Mormon colony in Mexico?

Mrs. MATHEWS. Yes.

Mr. TAYLER. At Diaz?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Was that community made up altogether of Mormons?

Mrs. MATHEWS. Yes.

Mr. TAYLER. And mostly of polygamous Mormons?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Your daughter, Mrs. Kennedy, was——

The CHAIRMAN. Right in this connection, I wish to know the size of the community. Do you know what its size was at that time?

Mrs. MATHEWS. Sir?

The CHAIRMAN. The size of this community, made up mostly of Mormons—do you know how many there were?

Mrs. MATHEWS. I do not believe I know at all.

The CHAIRMAN. Would you know whether there were a hundred or a thousand?

Mrs. MATHEWS. There were not a thousand. There may have been two or three hundred.

The CHAIRMAN. All right. Go ahead, Mr. Tayler.

Mr. TAYLER. Was Mrs. Kennedy the child of a Mormon father?

Mrs. MATHEWS. No, sir.

Mr. TAYLER. The child of your first husband?

Mrs. MATHEWS. Yes.

Mr. TAYLER. I believe she was not born in Utah?

Mrs. MATHEWS. No.

Mr. TAYLER. But before you had joined that faith?

Mrs. MATHEWS. Yes.

Mr. TAYLER. When did you go to Mexico?

Mrs. MATHEWS. It was sixteen years ago last June.

Mr. WORTHINGTON. Fifteen or sixteen?

Mrs. MATHEWS. Sixteen.

Senator FORAKER. I could not hear the witness.

Mrs. MATHEWS. It was sixteen years ago last June that we arrived in Mexico.

Mr. WORTHINGTON. That she went to Mexico.

Senator FORAKER. That she went to Diaz.

Mrs. MATHEWS. Yes.

Mr. TAYLER. Do you remember when Mabel was born?

Mrs. MATHEWS. Yes.

Mr. TAYLER. How old is she?

Mrs. MATHEWS. Twenty-six. Twenty-six on her next birthday, in June. I am very poor on dates, like herself. I have it recorded at home, but I have never tried to remember dates.

Mr. TAYLER. Twenty-six or 27 years old?

Mrs. MATHEWS. Yes; I think it is 26 in June.

Mr. TAYLER. You were living then at Diaz prior to 1890?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Did you know Mr. James Francis Johnson?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Did you know his wife?

Mrs. MATHEWS. Yes.

Mr. TAYLER. His first wife?

Mrs. MATHEWS. Yes.

Mr. TAYLER. How long did you know them prior to your daughter's marriage?

Mrs. MATHEWS. Two years.

Mr. TAYLER. Two years?

Mrs. MATHEWS. Yes; perhaps two and a half; not more.

Mr. TAYLER. Did he seek your daughter in marriage?

Mrs. MATHEWS. Yes.

Mr. TAYLER. You knew that he had a wife?

Mrs. MATHEWS. Yes.

Mr. TAYLER. You had no objection to his marrying her, your daughter, so far as concerned his already having a wife?

Mrs. MATHEWS. No.

Mr. TAYLER. When did he first make known to you that he wanted to marry her as his plural wife?

Mrs. MATHEWS. I think it was about a year and a half before.

Mr. TAYLER. Before they were married?

Mrs. MATHEWS. Yes; somewhere about that time—maybe two years.

Mr. TAYLER. Maybe two years?

Mrs. MATHEWS. Yes; I think it was two years.

Mr. TAYLER. Not more than that, you think?

Mrs. MATHEWS. I do not think so; about two years, I think it was.

Mr. TAYLER. Now, you remember when Mr. and Mrs. Johnson came to Diaz on the occasion when your daughter was married?

Mrs. MATHEWS. Yes.

Mr. TAYLER. That was about how long ago? If you have anything by which you can fix the time—

Mrs. MATHEWS. It will be ten years this coming March or May; May, I believe the month was.

Mr. TAYLER. Ten years this coming May?

Mrs. MATHEWS. Yes.

Mr. TAYLER. At that time did you see Mr. Johnson and his wife?

Mrs. MATHEWS. Yes.

Mr. TAYLER. What did he say to you about marrying your daughter?

Mrs. MATHEWS. I do not know that he said anything particularly at that time. He talked to me about it several times before that.

Mr. TAYLER. Tell us whatever conversation you had with him then or before.

Mrs. MATHEWS. He just asked me if I was willing.

Mr. WORTHINGTON. Mr. Chairman, is this competent?

The CHAIRMAN. I think so.

Mr. WORTHINGTON. What took place between the parties themselves not known to any officer of the church?

The CHAIRMAN. It may lead up to something else. It is preliminary, I suppose. The chair will admit it.

Mrs. MATHEWS. He first asked me if I was willing to give him my daughter, and I told him yes, but I did not want her to marry him until she was 18 years of age; but they did not want to wait that long.

Mr. TAYLER. When was this conversation that you have just detailed?

Mrs. MATHEWS. Sometime during those two years.

Mr. TAYLER. Sometime during the two years?

Mrs. MATHEWS. Yes; during those two years.

Mr. WORTHINGTON. What was it that happened sometime during those two years? My attention was diverted for the moment.

Mr. TAYLER. This conversation wherein he said he wanted to marry her daughter, and so on. Mrs. Mathews, when he came there in 1894 with his wife, was it talked over again?

Mrs. MATHEWS. No. I talked with him, but not with his wife.

Mr. TAYLER. Not with his wife?

Mrs. MATHEWS. No.

Mr. TAYLER. How long did he remain in Diaz before leaving for Juarez?

Mrs. MATHEWS. Just one day and night.

Mr. TAYLER. One day and night?

Mrs. MATHEWS. Yes.

Mr. TAYLER. Did you then give your consent to your daughter's marrying him at that time?

Mrs. MATHEWS. I did.

Mr. TAYLER. Did he stay at your house?

Mrs. MATHEWS. No.

Mr. TAYLER. His wife did not stay at your house either?

Mrs. MATHEWS. No.

Mr. TAYLER. And after remaining there one day and night in the town your daughter and Mr. Johnson and his wife left together, did they?

Mrs. MATHEWS. Yes.

Mr. TAYLER. To go where.

Mrs. MATHEWS. To Juarez.

Mr. TAYLER. For what purpose?

Mrs. MATHEWS. I did not ask them. I supposed they were going for that purpose. I did not think they knew when they started that it could be accomplished.

Mr. TAYLER. That it could be accomplished?

Mrs. MATHEWS. I do not think so.

Mr. TAYLER. You do not mean that you sent your daughter off on a visit—

Mrs. MATHEWS. We had friends living in Juarez, and permission was asked for her to visit with them for a week or two, and I gave it.

Mr. TAYLER. How long was it before she came back?

Mrs. MATHEWS. I think it was about ten days.

Mr. TAYLER. That is all you know about their being married?

Mrs. MATHEWS. That is all I know about it.

Mr. TAYLER. You only know that they were married from what they said to you?

Mrs. MATHEWS. No; they did not say anything about it when they returned.

Mr. TAYLER. You mean your daughter has never told you she was married?

Mrs. MATHEWS. No, sir; I never have asked her.

Mr. TAYLER. You never have asked her?

Mrs. MATHEWS. No.

Mr. TAYLER. Did they come to your house?

Mrs. MATHEWS. Just drove up to the house and she stayed with me.

Mr. TAYLER. How long did he stay in town?

Mrs. MATHEWS. Until the next morning.

Mr. TAYLER. Did he stay at your house?

Mrs. MATHEWS. No, sir.

Mr. TAYLER. He did not?

Mrs. MATHEWS. No, sir.

Mr. TAYLER. How soon did your daughter go to him?

Mrs. MATHEWS. In the following November.

Mr. TAYLER (to Mr. Worthington). You may inquire.

Mr. WORTHINGTON. Before this drive to Juarez had you made any effort to have your daughter married at Diaz?

Mrs. MATHEWS. I did.

Mr. WORTHINGTON. To get the consent of any authority of the church?

Mrs. MATHEWS. No; I could not get it.

Mr. WORTHINGTON. How did you know?

Mrs. MATHEWS. I applied to Brother Teasdale.

Mr. WORTHINGTON. You mean Apostle Teasdale?

Mrs. MATHEWS. Yes, sir; for the privilege.

Mr. WORTHINGTON. What did he tell you?

Mrs. MATHEWS. He told me it could not be done.

Mr. WORTHINGTON. Did you urge it upon him?

Mrs. MATHEWS. Yes, sir.

Mr. WORTHINGTON. More than once?

Mrs. MATHEWS. Yes.

Mr. WORTHINGTON. What did he constantly reply?

Mrs. MATHEWS. That it could not be done; simply impossible.

Mr. WORTHINGTON. How long was it that you made application to Brother Teasdale before she went over to Juarez; and it was before?

Mrs. MATHEWS. Yes, sir.

Mr. WORTHINGTON. How long before?

Mrs. MATHEWS. Some time during that year.

Mr. WORTHINGTON. About what period of time was covered by your endeavors to get Brother Teasdale to permit the ceremony to be performed?

Mrs. MATHEWS. It was within the year before she was married.

Mr. WORTHINGTON. You said you urged it upon him several times?

Mrs. MATHEWS. Yes; during that year.

Mr. WORTHINGTON. During that year?

Mrs. MATHEWS. Several times during that year.

Mr. WORTHINGTON. Did he tell you why it could not be done?

Mrs. MATHEWS. Well, simply because the church would not allow it.

Senator DUBOIS. I should like to ask you a question, if you please. Where did you join the Mormon Church?

Mrs. MATHEWS. In England.

Senator DUBOIS. You joined it in England?

Mrs. MATHEWS. Yes, sir.

Senator DUBOIS. You say you became a polygamous wife after you went to Utah?

Mrs. MATHEWS. No, sir; I went to England. After my husband died I went to England and met Mr. Barber there, my husband.

Senator HOAR. You met whom?

Mrs. MATHEWS. Mr. Barber, the man I married. He was on a mission, and I embraced the gospel there, and in two years afterwards came out to Utah and married him.

Senator FORAKER. Had you been married in England?

Mrs. MATHEWS. Yes, sir; the first time I was married in England.

Senator FORAKER. And your husband died before you came to this country?

Mrs. MATHEWS. No, sir. We came to America. He died at Albany, in the State of New York.

Senator FORAKER. What year did you come to America?

Mrs. MATHEWS. I could not remember. I do not remember anything about it.

Senator FORAKER. Can you tell us the year when your husband died, at Albany?

Mrs. MATHEWS. He died the same year that President Young died. He died in September, and I believe President Young died in June, did he not?

Senator FORAKER. President Grant?

Mrs. MATHEWS. No; President Young.

Mr. TAYLER. The president of the Morman Church.

Senator FORAKER. Oh!

The CHAIRMAN. We have two presidents.

Mrs. MATHEWS. The president of the Mormon Church.

The CHAIRMAN. What year was that?

Mrs. MATHEWS. I do not remember the year, but I remember there being talk about it in the papers.

The CHAIRMAN. What year was it?

Mr. WORTHINGTON. 1877.

Mr. TAYLER. Your daughter was born in this country?

Mrs. MATHEWS. Yes, sir; in Albany, in the State of New York.

Senator FORAKER. How long did you stay in this country before you returned to England?

Mrs. MATHEWS. Seven years.

Senator FORAKER. After your husband's death?

Mrs. MATHEWS. No, sir; just six weeks after his death.

Senator FORAKER. Then you returned to England?

Mrs. MATHEWS. Yes, sir.

Senator FORAKER. You embraced the gospel in England?

Mrs. MATHEWS. Yes, sir.

Senator FORAKER. And then a few years later, did I understand you to say, you came to this country?

Mrs. MATHEWS. Just one year later. I stayed in England two years.

Senator FORAKER. During that time you were not married at all?

Mrs. MATHEWS. No, sir.

Senator HOAR. You are an English woman by birth?

Mrs. MATHEWS. Yes, sir.

Senator OVERMAN. You said you did not want your daughter to marry until she was 18. Is there any rule of the church against their marrying before 18?

Mrs. MATHEWS. Not that I know of.

Senator OVERMAN. That was not Mr. Teasdale's reason for refusing to marry them?

Mrs. MATHEWS. Oh, no.

The CHAIRMAN. I did not understand how you happened to come to this country.

Mrs. MATHEWS. At first?

The CHAIRMAN. Yes.

Mrs. MATHEWS. My husband did not like England, and he had a position offered him in Canada—in Ottawa, in Canada—in the government printing office.

The CHAIRMAN. Was your husband a Mormon missionary—not the first one?

Mrs. MATHEWS. Yes, the second one.

Senator DUBOIS. Did Apostle Teasdale tell you that it was contrary to the laws of the United States for plural marriages to be performed in the United States?

Mrs. MATHEWS. I do not remember whether he said that, but he said that the authorities would not allow it; would not allow a ceremony to be performed; would not allow a plural marriage at that time.

Senator FORAKER. What was your first husband's name—I mean your first Mormon husband?

Mrs. MATHEWS. George Barber.

Senator FORAKER. How many wives did he have?

Mrs. MATHEWS. Three.

Senator FORAKER. How many did he have when you married him?

Mrs. MATHEWS. Two.

Senator FORAKER. You were his third wife?

Mrs. MATHEWS. Yes, sir.

Mr. WORTHINGTON. Where was Brother Teasdale, as you term him, when you made this application to him to have your daughter married?

Mrs. MATHEWS. In Diaz, Mexico.

Mr. WORTHINGTON. He was in Mexico, and you were?

Mrs. MATHEWS. Yes.

Mr. WORTHINGTON. And your daughter was there?

Mrs. MATHEWS. Yes, sir.

Mr. WORTHINGTON. And you were asking to have the ceremony performed in Mexico?

Mrs. MATHEWS. Yes.

Mr. WORTHINGTON. Did he tell you that it was against the law of Mexico, or against the law of the church, or what?

Mrs. MATHEWS. No; against the law of the church.

Senator OVERMAN. Let me see if I understand you. Did you say you married your Mormon husband, Barber, in England?

Mrs. MATHEWS. No; in Salt Lake City.

Senator OVERMAN. You came here to marry him?

Mrs. MATHEWS. Yes, sir.

Senator OVERMAN. You were a widow at that time, and came on to marry him?

Mrs. MATHEWS. Yes, sir.

Senator OVERMAN. But you met him in England?

Mrs. MATHEWS. Yes, sir.

Senator OVERMAN. What was he doing in England?

Mrs. MATHEWS. He was on a mission for the church.

Senator OVERMAN. You came on here and married him at Salt Lake City?

Mrs. MATHEWS. Yes.

Senator DUBOIS. Was he a polygamist at that time?

Mrs. MATHEWS. Yes.

Senator DUBOIS. Did he have another wife at that time?

Mr. MATHEWS. Yes.

Senator DUBOIS. When you left England did you know that?

Mrs. MATHEWS. Yes.

Mr. WORTHINGTON. What year was that?

Mrs. MATHEWS. That was twenty-four years ago.

Senator HOAR. How long?

Mrs. MATHEWS. Twenty-four years.

Mr. WORTHINGTON. Twenty-four years ago.

The CHAIRMAN. Is there anything further, Mr. Tayler?

Mr. TAYLER. No; there is nothing more.

Senator HOAR. I should like to ask you a question. Twenty-four years ago would be 1880. Did you become a convert to Mormonism under the preaching of this gentleman whom you afterwards married?

Mrs. MATHEWS. Yes.

Senator HOAR. Did he impress upon you then the lawfulness of polygamy; that that was one of the doctrines of the church?

Mrs. MATHEWS. Yes.

Senator HOAR. That was in 1880 or thereabouts?

Mrs. MATHEWS. Yes.

Senator HOAR. Did you make your arrangement, your betrothal or engagement, or whatever it was, in England?

Mrs. MATHEWS. No.

Senator HOAR. When did you first agree to marry him, and where?

Mrs. MATHEWS. After I came to Utah.

Senator HOAR. In Utah?

Mrs. MATHEWS. Yes.

Senator HOAR. But you became a Mormon, supposing polygamy to be one of the doctrines of the church and to be lawful?

Mrs. MATHEWS. Yes.

Senator HOAR. In 1880, in England, or thereabouts?

Mrs. MATHEWS. Yes.

Senator HOAR. Did he inform you when you were married, or were you informed by anybody, that you were violating the laws of the land?

Mrs. MATHEWS. No.

Senator HOAR. You were not informed then that this was illegal, either according to the law of man or of God, when you were married?

Mrs. MATHEWS. No.

Senator HOAR. That was two years after the act of 1878?

Mr. TAYLER. The decision of 1878, you mean.

Mr. WORTHINGTON. The decision of 1878 under the act of 1862.

Senator HOAR. The decision of 1878 on the act of 1862.

Senator FORAKER. I understand you fix the year 1880 as the year when you came to this country?

Mrs. MATHEWS. Yes.

Senator FORAKER. He had been to England preaching the Gospel there?

Mrs. MATHEWS. Yes.

Senator FORAKER. Before that time?

Mrs. MATHEWS. Yes.

Senator FORAKER. How long before 1880, when you came over, had he returned to this country?

Mrs. MATHEWS. He was there when I went to England. He had been there one year then.

Senator FORAKER. And when did he leave England to return to the United States?

Mrs. MATHEWS. One year after I arrived there.

Senator FORAKER. One year after you arrived?

Mrs. MATHEWS. Yes.

Senator FORAKER. That would be about 1878 or 1879, perhaps.

Mr. WORTHINGTON. I should like to ask a question here. You married this husband in Utah in what year?

Mrs. MATHEWS. I can not tell the year.

Mr. WORTHINGTON. Was it in 1880?

Mrs. MATHEWS. It was twenty-four years ago.

Mr. WORTHINGTON. Is this daughter a daughter of his?

Mrs. MATHEWS. No; she is 26 years. She is a daughter——

Mr. WORTHINGTON. By the first husband.

Mrs. MATHEWS. Yes.

Mr. TAYLER. I think we can fix that. Your daughter was born the same year that your first husband died?

Mrs. MATHEWS. Oh no. It was three years after my husband died before she was married.

Mr. TAYLER. Born, I said.

Mrs. MATHEWS. No; she was born just six weeks before her father died.

Mr. WORTHINGTON. He died in 1877.

Mrs. MATHEWS. She was born in June.

Mr. WORTHINGTON. She was born the same year that the elder Brigham Young died?

Mrs. MATHEWS. Yes, sir.

The CHAIRMAN. I should like to inquire of counsel if you have any further use of these two witnesses—the ladies? I should like to release them, if possible. One of them has a young child.

Mr. WORTHINGTON. So far as counsel for Senator Smoot are concerned, we consent to their discharge.

The CHAIRMAN. How is it with you, Mr. Tayler?

Mr. TAYLER. The same with us. We have no further need of them.

The CHAIRMAN. You are both discharged, ladies.

TESTIMONY OF FRANCIS MARION 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. Are you 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-Saint 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.

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.

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 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 shepherds of a patient, suffering people we ask amnesty for them and pledge our faith and honor for their future.”

Do you recall that statement?

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.

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?

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 willfully 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 my 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 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.

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. 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.

At 11 o'clock and 55 minutes a. m. the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Mr. Lyman, you may take the stand.

TESTIMONY OF FRANCIS M. LYMAN—Continued.

FRANCIS M. LYMAN, having been previously sworn, was examined, and testified as follows:

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.

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?

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.

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 would you become the president of the organization?

Mr. LYMAN. If I was found worthy.

Senator DUBOIS. Who is the apostle next 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 understand 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.

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.

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 say 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.

Senator DUBOIS. Who 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.

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.

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.

The CHAIRMAN. Have you attended those meetings since 1900?

Mr. LYMAN. Oh, yes, sir.

The CHAIRMAN. Every week?

Ma. 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.

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.

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.

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.

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 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?

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.

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 become acquainted with each other?

Mr. LYMAN. Oh, yes, sir.

The CHAIRMAN. Are there any further questions?

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.

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?

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.

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. Or meeting at the president's house?

Mr. LYMAN. No, sir.

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.

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.

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.

The CHAIRMAN. To one of these 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 some times?

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.

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. Jenson?

Mr. LYMAN. Mr. Jenson; yes, sir.

Mr. TAYLER. And that 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 1899, under date of Saturday, April 4, the following:

“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 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 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.

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.

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.

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 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.

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.

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 those 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.

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.

Mr. WORTHINGTON. On any of those occasions was Senator Smoot present?

Mr. LYMAN. No, sir.

Mr. WORTHINGTON. You have not been asked anything particularly to-day 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?

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 Parloar P. Pratt, and Key to Theology, by Parloar 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—

Mr. 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 what 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 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.

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. WORTHINGTON. 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.

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 gift 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 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 worshipping 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.

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 you 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?

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 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.

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.

The CHAIRMAN. He says he holds the keys.

Mr. LYMAN. He holds 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 can not. He can not 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 apostles?

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.

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.

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 language which appeared to convey any such teachings he has been promptly reprov'd. 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.

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 COTT. 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.

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.

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.]

Senator PETTUS. Mr. Lyman, I desire to know whether an apostle or any other 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, furloughed, or something 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?

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.

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?

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.

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 out out?”

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—

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. TAYLER. 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.

Senator HOAR. I would like to ask one question there. You say that Mr. Smoot was selected as an apostle by the voice of the Lord to Lorenzo Snow?

Mr. LYMAN. Yes, sir.

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.

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—

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.]

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.

The 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.

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 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. How is that?

Senator HOAR. Have the people in general met 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?

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 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 that 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.

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 to-day, do you think your associate, Senator Smoot, knows now that you are a polygamist?

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 purpose 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 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 he 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——

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.

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 explain, Mr. Chairman, if you will allow me—

The CHAIRMAN. Certainly.

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.

The CHAIRMAN. I am not quite satisfied with 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.

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 the 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, sir, 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.

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.

Mr. WORTHINGTON. He says he was not here, Senator.

Mr. SMITH. 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 reprov'd 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—

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.

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 it 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 inquiry here, either under the charges as they stand or any other against him. I therefore asked the question, not for the reason of suggesting any obstruction of 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.

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 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.

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 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 Congre-

gational 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 analogous, 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.

Mr. TAYLER. Of course we claim that Mr. Smoot is inextricably woven into this fabric, and he can not 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 policy 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.

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 apostles, all who have succeeded him have been monogamists?

Mr. LYMAN. Yes, sir.

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.

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.

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 one 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.

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 here?

Mr. LYMAN. Yes, sir.

Mr. WORTHINGTON. And what it means anybody can tell by reading it?

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?

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.

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.

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 questions 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? Do 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—

Senator 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.

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.

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.

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.

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.

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.

Mr. LYMAN. The Lord has so ordered that when He appoints men, as He did do 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 afterwards 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 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.

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 consciousness that such a man is the one for that position?

Mr. LYMAN. Yes.

Senator DILLINGHAM. I understand you also to 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.

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 separated 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 presidency 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.

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 the 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 Brinkerhoff, 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?

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. Sidney 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 apostacy, 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 to-morrow 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.

WASHINGTON, D. C., *March 9, 1904.*

The committee met at 10.30 o'clock a. m.

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?

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 might 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 Evening 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 about in this way. Just before I left home—I received notice that I was wanted here 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 type-writing 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.

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?

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, am sure; I had that understanding.

Mr. TAYLER. Senator Smoot lives at Provo?

Mr. SMITH. Yes, sir.

Mr. TAYLER. Is Senator Smoot connected with that institution?

Mr. SMITH. He is a director.

Mr. TAYLER. 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 afterwards, 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.

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 any 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.

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.

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.

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 any 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.

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 a 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.

The 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.

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 all called sealings.

The CHAIRMAN. They were all 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 very great pleasure in trying to enlighten you, Mr. Chairman.

The 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 living persons?

Mr. SMITH. Between two living persons.

The CHAIRMAN. Could a person living 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 the right of earthly cohabitation?

Mr. SMITH. It was not so understood.

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.

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.

The 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:

“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 any man among you have 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.

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.

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.

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 semiannual conference, which revelation has been sustained by that conference through the upholding of their hands?

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—

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.

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 stenographer read it.

The reporter read as follows:

“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 semiannual conference, which revelation has been sustained by that conference through the 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 word “revelation” is used very vaguely 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?

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. Individual 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?

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.

Mr. TAYLER. You were away from Utah during the time of the prosecutions under the Edmunds Act and the Edmunds-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?

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 for 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 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.

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—

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 MCOMAS. 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 sub-

stance 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.

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.

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 been 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.

Mr. WORTHINGTON. Now, you said you did not feel called upon to make inquiry about this charge against 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 the church.

Mr. WORTHINGTON. Is it put in the hands of all your missionaries?

Mr. SMITH. Yes, sir; all of them.

Senator DEFEW. As new revelations are received, are they embodied in the new edition of the 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 legitimized 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 according 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.

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 DEFEW. 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.

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 acknowledges 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 can not 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.

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 relations 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.

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 this 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 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 was 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 supreme court of the Territory or of this State, the legislature of the State of Utah passed 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 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 cases 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 may 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 decree 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 part 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 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 act 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 different 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 would 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, passed an act granting to the plaintiff, as administratrix of Merrill, then deceased, liberty to reenter 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 judi-

cial; 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 to 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 in 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 v. 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 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 fail."

The first section of the act of 1896 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 limitations 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 Jenson.

The CHAIRMAN. Mr. Andrew Jenson will take the stand.

TESTIMONY OF ANDREW JENSON.

ANDREW JENSON, having been duly sworn, was examined and testified as follows:

Mr. TAYLER. Where do you live, Mr. Jenson?

Mr. JENSON. In Salt Lake City.

Mr. TAYLER. How long have you lived there?

Mr. JENSON. Twenty-two years; since 1882.

Mr. TAYLER. Had you lived in this country prior to that time?

Mr. JENSON. Yes, sir.

Mr. TAYLER. How long have you been a member of the Mormon Church?

Mr. JENSON. Since I was 8 years old.

Mr. TAYLER. Where were you born?

Mr. JENSON. In Denmark.

Mr. TAYLER. Did you come to this country when you were 8 years old?

Mr. JENSON. I came to this country when I was 15 years of age.

Mr. TAYLER. So you were a member of the church for seven years in Denmark?

Mr. JENSON. Yes, sir.

Mr. TAYLER. What official position do you now hold?

Mr. JENSON. I am one of the assistant historians in the church.

Mr. TAYLER. Who is the chief historian?

Mr. JENSON. Anthon H. Lund.

Mr. TAYLER. He is one of the counselors to the first president?

Mr. JENSON. Yes, sir.

Mr. TAYLER. Are you practically the person in charge of the historical work of the church, or does Mr. Lund give constant attention to that?

Mr. JENSON. His time does not permit him to do that, so I suppose I am the one that has charge.

Mr. TAYLER. That was what I supposed. I called Mr. Smith's, or Mr. Lyman's; attention to a book entitled The Church Chronology, compiled by Andrew Jenson, and dated 1899. That is an official publication of the church, is it not?

Mr. JENSON. No, sir; you can not call it official. It is my own work.

Mr. TAYLER. Just describe it. It is your own work.

Mr. JENSON. It is my own work. I only am responsible for its contents.

Mr. TAYLER. It is published by the Deseret News?

Mr. JENSON. Yes, sir.

Mr. TAYLER. And this edition states that "Before printing, the copy was carefully read to a committee appointed by Historian Franklin D. Richards, consisting of Assistant Historians John Jaques and Charles W. Penrose and Elder A. Milton Musser. Great pains have been taken to make the work accurate and in all respects reliable as a work of reference, and as such it is respectfully presented to the public at large, and particularly to those who desire correct information in regard to the Latter-Day Saints and their most remarkable history."

That is correct, is it?

Mr. JENSON. Yes, sir; that is correct.

Mr. TAYLER. So far as you know, this is a correct account of historical affairs as indicated in its pages?

Mr. JENSON. Yes, sir; only we did discover a few inaccurate dates, but not of any importance.

Mr. TAYLER. You have also published a book entitled Latter-Day Saints, Biographical Encyclopedia?

Mr. JENSON. Yes, sir.

Mr. TAYLER. Was that prepared by you?

Mr. JENSON. Yes, sir.

Mr. TAYLER. The edition that I have here is dated 1901 and published by the Deseret News.

Mr. JENSON. There has been only one edition.

Mr. TAYLER. And in so far as you are able to learn, from the data at your command, this correctly represents events in the lives of the various Latter-Day Saints?

Mr. JENSON. Yes, sir; so far as I have been able to obtain correct information.

Mr. TAYLER. I of course offer these two books, not for the purpose of printing them all but such portions as we may need to refer to before the committee.

Mr. WORTHINGTON. I presume you will let us know what the portions are that are to be used before we cross-examine the witness.

Mr. TAYLER. Yes. I do not intend to cross-examine him on any of them.

Mr. WORTHINGTON. I say before we cross-examine him.

Mr. TAYLER. Certainly. I have nothing in my mind now. It would be used in argument more than anything else, and I will refer alone to what I find within the pages of the books.

Mr. WORTHINGTON. What I ask, Mr. Tayler, is that before we

cross-examine the witness we may have our attention called to the portions to which you expect to refer.

Mr. TAYLER. I might read until the committee tired of me and I might discover later on something that I wanted to refer to. I will refer to these as I would to any other book that has been identified in a court of justice; but I have no ulterior purpose in my mind. I have no thought of anything here to which I desire to refer, except that I want the opportunity to inform the committee and ourselves as to various facts in the lives of men in the history of the church. That is all.

How many wives have you, Mr. Jenson?

Mr. JENSON. I have two wives.

Mr. TAYLER. When were you married to them?

Mr. JENSON. I was married to one of them in 1886 and the other one in 1888.

Mr. TAYLER. Are they sisters?

Mr. JENSON. Yes, sir.

Mr. TAYLER. You live with them now?

Mr. JENSON. No; I live with my first wife?

Mr. TAYLER. Are they both in the same house?

Mr. JENSON. Yes, sir.

Mr. TAYLER. Both in the same house?

Mr. JENSON. Both in the same house.

Mr. TAYLER. Are you married to anybody else?

Mr. JENSON. No, sir.

Mr. TAYLER. Are you sealed to anybody for eternity only?

Mr. JENSON. No, sir.

Mr. TAYLER. You are not sealed to your wives' mother for eternity only?

Mr. JENSON. No, sir.

Mr. TAYLER. That is all.

The CHAIRMAN. Have you any questions, Mr. Worthington?

Mr. WORTHINGTON. We have no questions, Mr. Chairman, unless upon an examination of these books we should find occasion to ask something. We are rather at a loss about that, because here is a large book, and counsel may refer to something which, upon cross-examination of the witness, we might find entirely inaccurate.

Senator BEVERIDGE. You will have the opportunity to cross-examine.

The CHAIRMAN. The witness will remain until to-morrow.

Mr. TAYLER. I want to ask one other thing of the witness, because there is some confusion about it.

Where do you reside with respect to the places of residence of four of the plural wives of Joseph F. Smith, president of the church?

Mr. JENSON. I can testify only to three. I live pretty near to three of them.

Mr. TAYLER. Pretty near to three?

Mr. JENSON. Yes, sir.

Mr. TAYLER. Where do they live with reference to you and with reference to each other?

Mr. JENSON. Across the street from me.

Mr. TAYLER. There are three wives, then, who live in separate houses?

Mr. JENSON. Yes, sir.

Mr. TAYLER. On the opposite side of the street from you?

Mr. JENSON. Yes, sir.

Mr. TAYLER. That is all.

Senator PETTUS. Mr. Tayler, I suggest that if you have anything to read out of that book it ought to be done now, because I do not see how we could consider that any more than the verbal declarations of the writer.

Mr. TAYLER. Well, I will do that before he goes.

The CHAIRMAN. Counsel said he would call attention to any parts they rely on.

You speak of the residences of three of the wives of Mr. Smith?

Mr. JENSON. Yes, sir.

The CHAIRMAN. Is the residence of the fourth wife in that same block, or do you not know?

Mr. JENSON. I do not know; not to be sure.

The CHAIRMAN. Have you any informatian on that subject?

Mr. JENSON. No, sir.

The CHAIRMAN. Who is your next witness, Mr. Tayler?

Mr. TAYLER. Lorin Harmer.

The CHAIRMAN. Mr. Harmer, will you take the stand? Before that, however, I want to ask Mr. Jenson a question. You say you live with these two wives in the same house?

Mr. JENSON. No, sir; I live with one of them.

The CHAIRMAN. They live in the same house?

Mr. JENSON. They live in the same house. The house is large, and the other one has her special apartments.

· TESTIMONY OF LORIN HARMER.

LORIN HARMER, having been duly sworn, was examined, and testified as follows:

Mr. TAYLER. Where do you live, Mr. Harmer?

Mr. HARMER. Springville, Utah County, Utah.

Mr. TAYLER. What official position do you hold in the church?

Mr. HARMER. Not any.

Mr. TAYLER. Have you had any official position in it?

Mr. HARMER. Yes, sir.

Mr. TAYLER. What?

Mr. HARMER. I was bishop about five years, or six.

Mr. TAYLER. When did you cease to be a bishop.

Mr. HARMER. It was in 1899, I believe.

Mr. TAYLER. How did you come to cease to be a bishop?

Mr. HARMER. Well, I committed the crime of unchastity and lost my membership.

Mr. TAYLER. Were you sent to the penitentiary?

Mr. HARMER. Yes, sir.

Mr. TAYLER. How many wives have you?

Mr. HARMER. Two.

Mr. TAYLER. What are their names?

Mr. HARMER. Ellen and Ida.

Mr. TAYLER. How old is Ida?

Mr. HARMER. 48.

Mr. TAYLER. How old is Ellen?

Mr. HARMER. 49.

Mr. TAYLER. What was Ellen's name before she was married?

Mr. HARMER. Her name was Ellen Tew.

Mr. TAYLER. Do you know Ellen Anderson?

Mr. HARMER. Yes, sir.

Mr. TAYLER. Are you married to her?

Mr. HARMER. No, sir.

Mr. TAYLER. Did you ever live with her?

Mr. HARMER. No, sir; not as a wife.

Mr. TAYLER. Not as a wife? Did you have children by her?

Mr. HARMER. Yes, sir.

Mr. TAYLER. How many?

Mr. HARMER. Two.

Mr. TAYLER. How many since you were in the penitentiary?

Mr. HARMER. One.

Mr. TAYLER. You were sent to the penitentiary for having children by her?

Mr. HARMER. Yes, sir.

Mr. TAYLER. Where does she live now?

Mr. HARMER. She lives in Springville.

Mr. TAYLER. You do not live with her as wife?

Mr. HARMER. No, sir.

Mr. TAYLER. When did you have the last child by her?

Mr. HARMER. I do not know as I could tell you exactly.

Mr. TAYLER. About when?

Mr. HARMER. Oh, perhaps a year or a year and a half ago.

Mr. TAYLER. Was it not last July?

Mr. HARMER. Well, perhaps a year. I can not recollect just exactly; something like that.

Mr. TAYLER. Have you not had two children by her since you came out of the penitentiary?

Mr. HARMER. No, sir.

Mr. TAYLER. The last was last July, was it not?

Mr. HARMER. No, sir; I do not think it was. I think it was longer ago than that. Still, I have no dates.

Mr. TAYLER. Do you support that child?

Mr. HARMER. No, sir.

Mr. TAYLER. You do not?

Mr. HARMER. No, sir.

Mr. TAYLER. Who does?

Mr. HARMER. The mother.

Mr. TAYLER. Do you support the mother?

Mr. HARMER. No, sir.

Mr. TAYLER. You do not contribute to her support at all?

Mr. HARMER. No, sir; she has property of her own.

Mr. TAYLER. Do you know whether she expects to have more children?

Mr. HARMER. I do not think she does.

Mr. TAYLER. What?

Mr. HARMER. I do not think she does.

The CHAIRMAN. Mr. Tayler, I do not believe I would ask that.

Mr. TAYLER. Of course it was intended to bring out testimony as to existing circumstances and not a general expectation.

Senator BEVERIDGE. Is this one of his wives?

Senator DILLINGHAM. This is a relation that is entirely outside of the Mormon Church.

Mr. WORTHINGTON. I was about to ask whether Mr. Tayler really claims that the witness is married to the woman, and whether, when he says he is not, he is not testifying truly.

Mr. TAYLER. I suspect that there is some inference to be drawn from the fact that he continues this kind of unchaste life.

Senator BEVERIDGE. Is this one of his wives?

Mr. TAYLER. It is a woman he has had children by.

Senator BEVERIDGE. Is it one of his wives?

Mr. TAYLER. Yes; I think so. I think it is one of his wives. This sort of thing has never existed, that we know of, among the Mormons.

The CHAIRMAN. Do you expect to show that he has held the woman out to the public as his wife?

Mr. TAYLER. Undoubtedly; that he has held her out as his wife.

The CHAIRMAN. Is there anything further?

Mr. TAYLER. Where does your wife Ida live?

Mr. HARMER. She lives in the western part of the city.

Mr. TAYLER. Where does Ellen Anderson live?

Mr. HARMER. She lives on the same square.

Mr. TAYLER. On the same lot?

Mr. HARMER. Well, it is on the same block.

Mr. TAYLER. Is it on the same lot?

Mr. HARMER. What you would call the same block.

Mr. TAYLER. Is it on the same lot? How far is it from the house of Ida?

Mr. HARMER. Oh, perhaps 12 or 15 rods.

Mr. TAYLER. Twelve or 15 rods?

Mr. HARMER. Something like that.

Mr. TAYLER. Who lives with her?

Mr. HARMER. I do not know as I could tell you that. I guess her children.

Mr. TAYLER. I mean, there is no other member of her family with her but her children?

Mr. HARMER. I just wish to state for your information, Mr. Tayler, that I have not been in Springville but very little for three or four years. My business at the mines, in furnishing the mines supplies, has taken me away from Springville, and I am not so well acquainted with them things as perhaps you might think I was.

Mr. TAYLER. Your wife Ida lives there?

Mr. HARMER. Yes, sir.

Mr. TAYLER. You live with her when you are there?

Mr. HARMER. Very little.

Mr. TAYLER. You live with her when you are there?

Mr. HARMER. I have been there a few times; yes, sir.

Mr. TAYLER. Who owns the land on which the house that Ellen lives in stands?

Mr. VAN COTT. Which Ellen? Were there not two Ellens? Do you mean Ellen Anderson?

Mr. TAYLER. The last Ellen, Ellen Anderson. Who owns that land?

Mr. HARMER. I think she does.

Mr. TAYLER. You think she does? Who owns the land on which Ida's house stands?

Mr. HARMER. She does.

Mr. TAYLER. Who?

Mr. HARMER. Ida.

Mr. TAYLER. From whom did Ellen buy her land?

Mr. HARMER. I think she got it of Ida.

Mr. TAYLER. Who built the house?

Mr. HARMER. A man by the name of Silas Hutchings.

Mr. TAYLER. Who paid for it?

Mr. HARMER. I believe she did.

Mr. TAYLER. Who?

Mr. HARMER. Ellen.

Mr. TAYLER. Where did she get the money, if you know?

Mr. HARMER. I do not know that.

Mr. TAYLER. She did not get it from you?

Mr. HARMER. No, sir.

Mr. TAYLER. Or from Ida?

Mr. HARMER. Not that I know of.

Mr. WORTHINGTON. Did you marry any wife since the manifesto?

Mr. HARMER. No, sir.

Mr. WORTHINGTON. Were you at any time married, or did you have any marriage ceremony between you and Ellen Anderson?

Mr. HARMER. No, sir.

Mr. WORTHINGTON. Have you held her out at any time as being your wife?

Mr. HARMER. No, sir.

Mr. WORTHINGTON. About your being punished and sent to the penitentiary. Do you know whether Senator Smoot had anything to do with that?

Mr. HARMER. I think he did.

Mr. WORTHINGTON. What?

Mr. HARMER. Well, at that time, when I had the trouble with that woman, he was counselor to the president of the stake, and the president of the stake was quite sick at the time when I went over to Provo. I had a talk there with Mr. Smoot and he told me what the church was going to do right away, and I asked him to give me a little time that I might kindly prepare my folks for the worst.

Senator BEVERIDGE. What was the church going to do right away?

Mr. HARMER. Well, they was going to take my bishopric from me, and the offices I then held in the church.

Senator BEVERIDGE. What?

Mr. HARMER. I was bishop, and I was instructor of the priests' quorum, teachers' quorum, and deacons' quorum.

Senator BEVERIDGE. Why were they going to take those things from you?

Mr. HARMER. Because I had committed a crime that the church could not allow.

Mr. WORTHINGTON. What crime? What was the conversation between you and the Senator, about what crime you had committed?

Mr. HARMER. Well, the crime of adultery, plainly speaking, and I got in my buggy and started home. Before I got home the county sheriff caught me, and I laid it to Mr. Smoot a-sending after me. They took me back to Provo, and I stayed there all that night in Provo; and I did not think it was hardly fair. I thought he ought to give me a little fairer chance, although it was a bad crime.

The CHAIRMAN. Let me ask you right there, if you will, what year was this?

Mr. HARMER. In 1899.

The CHAIRMAN. You said you laid it to Mr. Smoot. Do you know that he sent the officer after you?

Mr. HARMER. I do not know it, but it looked very much like it, you know.

The CHAIRMAN. Have you anything further, Mr. Tayler.

Mr. TAYLER. Nothing further.

The CHAIRMAN. You may stand aside, Mr. Harmer. Who is your next witness?

Mr. TAYLER. Hyrum M. Smith.

Senator BEVERIDGE. Did I understand you to say you were also sent to the penitentiary for this crime, sir?

Mr. HARMER. Yes, sir.

The CHAIRMAN. Mr. Smith, will you be sworn?

Mr. HYRUM M. SMITH. I would prefer to affirm, Mr. Chairman.

TESTIMONY OF HYRUM M. SMITH.

HYRUM M. SMITH, having duly affirmed, was examined and testified as follows:

Mr. TAYLER. Where do you live, Mr. Smith?

Mr. HYRUM M. SMITH. I live in Salt Lake City.

Mr. TAYLER. You are one of the twelve apostles?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. TAYLER. When did you become an apostle?

Mr. HYRUM M. SMITH. In October, 1901.

Mr. TAYLER. You are a son of Joseph F. Smith?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. You say 1901?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. TAYLER. Who is your mother?

Mr. HYRUM M. SMITH. Edna Smith

Mr. TAYLER. I find, Mr. Smith, in the Deseret News of Thursday, February 25, 1904, an account of a speech or address which you are said to have delivered at a conference of Boxelder Stake a day or two before that time.

Mr. HYRUM M. SMITH. A day or two before which time?

Mr. TAYLER. A day or two before the date of the paper; do you recall being there?

Mr. HYRUM M. SMITH. If you will give me something about the date—what was the date of the paper?

Mr. TAYLER. February 25, 1904.

Senator PETTUS. Let the witness see the paper.

Mr. HYRUM M. SMITH. I think that I was there.

Senator PETTUS. Let the witness see the paper.

Mr. TAYLER. I was asking him if he was there. I will show the witness the paper, and he can look at the paragraph that is marked and tell me if that is a correct statement of what he said at that meeting.

Mr. HYRUM M. SMITH (after examining the paper). I believe that that is in substance what I said—a part of it. Shall I read it?

The CHAIRMAN. Mr. Tayler, do you want him to read that?

Mr. TAYLER. You can read it; yes, sir.

Mr. HYRUM M. SMITH. This is a synopsis of my address.

“Elder Hyrum M. Smith spoke of the agency given to man, each

to do as he pleased, whether it be good or evil, but each must take the consequences of his acts. Spoke of beautiful order of obedience in the family circle and in the Church of Jesus Christ. He said that from the viewpoint of the gospel there could be no separation of temporal and spiritual things, and those who object to church people advising and taking part in temporal things have no true conception of the gospel of Christ and the mission of the church. Elder Smith severely rebuked those who either secretly or openly revile and misrepresent their brethren."

I believe I said that.

Mr. TAYLER. That is all.

The CHAIRMAN. Where was this? I did not understand.

Mr. HYRUM M. SMITH. It was held in Brigham City.

The CHAIRMAN. In Brigham City?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. At what place?

Mr. HYRUM M. SMITH. Well, in Utah.

The CHAIRMAN. I know.

Mr. HYRUM M. SMITH. Boxelder County, Utah.

The CHAIRMAN. But was it in a tabernacle?

Mr. HYRUM M. SMITH. In a tabernacle, at a regular quarterly conference of the Church of Jesus Christ of Latter-Day Saints held at that place.

The CHAIRMAN. Was there a large attendance?

Mr. HYRUM M. SMITH. Yes, sir; very large.

The CHAIRMAN. What is your age?

Mr. HYRUM M. SMITH. I am 32 the 21st of this month.

The CHAIRMAN. How long have you been an apostle?

Mr. HYRUM M. SMITH. I have been an apostle since October, 1901.

The CHAIRMAN. Were any others of the apostles present at this meeting?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. Who?

Mr. HYRUM M. SMITH. Rudger Clawson.

The CHAIRMAN. Anyone else?

Mr. HYRUM M. SMITH. None of the apostles; no, sir.

The CHAIRMAN. Are you married?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. And you have but one wife?

Mr. HYRUM M. SMITH. Only one.

The CHAIRMAN. That is all.

Mr. WORTHINGTON. You had your wife, and but one wife, when you were selected as an apostle?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. Since you became a member of that organization, has there been any accession to it except of monogamists?

Mr. HYRUM M. SMITH. No, sir.

Senator BEVERIDGE. Mr. Smith, what did you mean in that address when you spoke about the relation of things spiritual and things temporal? Did you mean that the church assumes to control the temporal action of its members?

Mr. HYRUM M. SMITH. No, sir.

Senator BEVERIDGE. What did you mean?

Mr. HYRUM M. SMITH. I meant that the authorities of a stake, upheld

and sustained in their position by the people of the stake, ought to receive the counsel that might be given them pertaining to their temporal welfare. That is, the looking after themselves, their families, their condition in the church, taking care of their premises, being thorough good citizens in every respect, both civilly and religiously. I never had any idea of throwing out the idea that the authorities of the church had or assumed to have any absolute control over them, either temporal or spiritual.

Senator BEVERIDGE. Then you mean qualified control?

Mr. HYRUM M. SMITH. I qualify it in that way.

Senator BEVERIDGE. You said "any absolute control." Do you mean, by putting in that adjective "absolute," that while you did not advise absolute control of the church over their temporal affairs you do advise a qualified control?

Mr. HYRUM M. SMITH. Yes, sir; that is, in the influence, just as has been read here—just exercising an influence for good in counsel.

Senator DUBOIS. Mr. Smith, supposing a member of your church refuses constantly this counsel which you are disposed to give him?

Mr. HYRUM M. SMITH. Well, supposing, Senator; what is it?

Senator DUBOIS. What happens to that individual who refuses persistently to obey the counsel which your officials choose to give him?

Mr. HYRUM M. SMITH. Well, speaking for myself, I never had any of them refuse to obey counsel I have given.

Senator DUBOIS. You are not answering my question.

Mr. HYRUM M. SMITH. Well, you said counsel I gave, and I have no such case.

Senator DUBOIS. You never counsel your people?

Mr. HYRUM M. SMITH. Yes, sir.

Senator DUBOIS. Please read my question. I would like to have an answer.

The reporter read as follows:

"Senator DUBOIS. What happens to that individual who refuses persistently to obey the counsel which your officials choose to give him?"

Mr. HYRUM M. SMITH. If a person persistently refuses to receive the counsel which he is given, why, that individual would not be considered in full fellowship with those who give the counsel.

Senator DUBOIS. Would he be considered in full fellowship with the church?

Mr. HYRUM M. SMITH. Not if that counsel was given by the church.

Senator DUBOIS. Suppose it was given by a high representative of the church like an apostle. Would not the apostle in that case be the representative of the church?

Mr. HYRUM M. SMITH. Yes, sir; an apostle is a representative of the church.

Senator DUBOIS. Then he would not be in fellowship with the church if he refused to obey the counsel which the apostle of the church gave him?

Mr. HYRUM M. SMITH. Providing that counsel pertained to the church and to good fellowship in the church. He would cease to be in fellowship if he refused to obey that counsel.

The CHAIRMAN. I want to ask you one question. Does your body of apostles have frequent meetings?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. How frequently?

Mr. HYRUM M. SMITH. We aim to meet every week—once a week.

The CHAIRMAN. Do you generally attend?

Mr. HYRUM M. SMITH. Yes, sir; when I am in Salt Lake City.

The CHAIRMAN. And you have a quarterly meeting, I believe? Is there not a quarterly meeting of the church?

Mr. HYRUM M. SMITH. We have semiannual meetings of the church, and we have quarterly meetings of the various stakes of Zion.

The CHAIRMAN. Semiannual meetings of the church.

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. Have you met with Mr. Smoot at the meetings of the apostles, ever?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. How frequently?

Mr. HYRUM M. SMITH. He aimed also to meet there whenever he was in Salt Lake City.

The CHAIRMAN. He has been at several of the meetings, I suppose?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. That is all. Who is your next witness?

Senator BEVERIDGE. I want to ask a question, Mr. Smith, as to this counsel addressed to members of your church. Did you ever give any of the members of your church any political counsel?

Mr. HYRUM M. SMITH. No, sir.

Senator BEVERIDGE. Did you ever advise any of them how to vote on any question?

Mr. HYRUM M. SMITH. No, sir. That is a matter, Mr. Senator, which I consider belongs to the right of every individual; and inasmuch as I myself consider that I am capable of using my own judgment in all political matters, even so do I not give counsel in that respect.

Senator BEVERIDGE. You spoke about good citizenship and one thing and another, and you said you counseled them to make good citizens in that respect. I was interested in knowing just how far your mind went in the counsel you give, which, in your view, would make them good citizens.

Mr. HYRUM M. SMITH. Counsel to obey all of the statutes and ordinances of the municipality and the State, and no individual has to be at variance with any law, so far as I know, to be a good Latter-Day Saint, and that is what my counsel has been.

Mr. WORTHINGTON. When you speak of advising your people about temporal affairs and their being out of fellowship if they do not take the advice, what do you mean by "temporal affairs"—what kind of affairs?

Mr. HYRUM M. SMITH. When I speak of temporal affairs I mean being frugal, industrious, sustain one another, sustain home industries, build up their country, take care of their flocks and herds, properly fence their fields, and be frugal in sowing and planting, and taking care of machinery and outbuildings, and such things as that. That is what I mean by temporal advice. Those are temporal things, I believe.

Mr. WORTHINGTON. I had not intended to ask you any questions, but, since this matter has been brought up, I will. You belong to that branch of your organization which has charge principally of the missionary work?

Mr. HYRUM M. SMITH. Yes, sir

Mr. WORTHINGTON. The missionary work, as I understand, is the principal business of the apostles.

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. Do the apostles themselves go out on mission work?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. And have you been?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. You spoke about attending meetings when you were in Salt Lake City. Have you been away much lately—of late years?

Mr. HYRUM M. SMITH. Not to any extended period; not since I was an apostle.

Mr. WORTHINGTON. But before that, were you a missionary?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. Where did you go when you were traveling as a missionary?

Mr. HYRUM M. SMITH. I labored in Great Britain.

Mr. WORTHINGTON. For how long?

Mr. HYRUM M. SMITH. For two years and four months.

Mr. WORTHINGTON. Then, since you became an apostle you have made shorter journeys in missionary work?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. Have you had anything to do with instructing others who are sent out on missionary work?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. What have you had to do with it?

Mr. HYRUM M. SMITH. Well, I have had to assist in giving those instructions.

Mr. WORTHINGTON. Now, you were a missionary for two years and a half and then a missionary as an apostle?

Mr. HYRUM M. SMITH. Yes.

Mr. WORTHINGTON. And you have seen to the instruction of others?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. I want to know what you do about this matter of polygamy?

Mr. HYRUM M. SMITH. The instructions I received when I became an apostle were to the effect that plural marriages had ceased in the Church of Jesus Christ of Latter-Day Saints; that I was not to preach it or advise others to preach it, but that I was to advise them not to preach it or to agitate the question in any way; and that has been the substance of my advice to missionaries whom I have instructed.

Mr. WORTHINGTON. How about your own practice when you were a missionary?

Mr. HYRUM M. SMITH. In relation to that principle?

Mr. WORTHINGTON. Yes.

Mr. HYRUM M. SMITH. I fully adhered to that instruction.

Mr. WORTHINGTON. Now, about the books you used. There was here this morning—you were here when that Book of Mormon was produced?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. And you heard that condemnation of polygamy read this morning?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. What use have you been making of that book in your apostolic work and missionary work?

Mr. HYRUM M. SMITH. We make every effort we can to distribute that work among the people.

Mr. WORTHINGTON. How does the extent to which that book is distributed among non-Mormons, where you are doing your missionary work, compare with the distribution of the book the Doctrine and Covenants?

Mr. HYRUM M. SMITH. So far as I, myself, am concerned in missionary work, and those who immediately labored with me, we made no effort to circulate the Doctrine and Covenants among the people as a proselyting medium. The Book of Mormon was used extensively for that purpose.

Mr. WORTHINGTON. How about this book of Talmage's, the Articles of Faith, which contains the substance of the manifesto? To what extent, if at all, has that been used in your mission work of late years?

Mr. HYRUM M. SMITH. That book was not published when I, myself, filled a foreign mission, but I understand it is used extensively by the missionaries; and I, myself, have highly recommended it to missionaries about to depart for a mission.

Mr. WORTHINGTON. Both it and the Book of Mormon are in common everyday use among those who are on missions?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. Something was asked of Mr. Lyman the other day about the publication of frequent editions of the Doctrine and Covenants. Do you know anything about that?

Mr. HYRUM M. SMITH. No, I really do not know how frequently they are issued.

Mr. WORTHINGTON. Among those who are members of the Mormon Church, out there in the inter-mountain States, is the Doctrine and Covenants commonly used as one of their household books, as well as the Book of Mormon?

Mr. HYRUM M. SMITH. Yes, sir; it is practically the book of instruction in church government, and pertains more particularly to those who are members of the church than to those who are not members of the church.

Mr. WORTHINGTON. Then, among those who are your members and who know all about the manifesto and this matter being forbidden by law, the Doctrine and Covenants is used a great deal more than it is among people who are not members and when you are doing missionary work?

Mr. HYRUM M. SMITH. Yes, sir; and if I may be permitted to add here, I would like to do so in relation to the editions. I think it was relating to the Doctrine and Covenants that the question was asked, I believe, how it was that a number of editions had been issued recently.

Now, if I am not mistaken, and the Book of Doctrine and Covenants was referred to, I will say that, in my opinion, those books were purchased by the Latter-Day Saints themselves and not for distribution for proselyting purposes.

Mr. WORTHINGTON. One thing more about these apostle meetings, concerning which the chairman has asked you. You and Mr. Smoot have been present together at a number of these meetings?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. At any meeting at which you were present and

when he was present has the subject of polygamous cohabitation or polygamy been discussed, so far as you can remember?

Mr. HYRUM M. SMITH. No, sir; not that I can remember.

Mr. WORTHINGTON. Can you tell me at any meeting while you were present, whether he was there or not, whether anything has been done looking to the advocating of polygamy or polygamous cohabitation?

Mr. HYRUM M. SMITH. Looking to the advocating of it?

Mr. WORTHINGTON. Looking to it, one way or the other; and if so in what way?

Mr. HYRUM M. SMITH. I have heard things occasionally. Of course the rumors that are rife come to our ears, as well as others; and on a number of occasions I have heard it most specifically given as instruction to those present that we must use our every effort to have these things stopped, if there was any truth whatever in the rumor, which we ourselves have not believed.

Mr. WORTHINGTON. To what rumors do you refer?

Mr. HYRUM M. SMITH. That polygamy or the practice of plural marriage is being continued in the church.

Mr. WORTHINGTON. Then those rumors have been discussed and you have all agreed that everything must be done to stop it if it exists?

Mr. HYRUM M. SMITH. Yes, sir.

Mr. WORTHINGTON. What about polygamous cohabitation; that is, living with plural wives, as distinguished from taking them?

Mr. HYRUM M. SMITH. I have never heard that question discussed at all.

Mr. WORTHINGTON. If the meetings of the apostles, then, are in the nature of a conspiracy to carry on that sort of thing, you do not know about it and have not participated in it?

Mr. HYRUM M. SMITH. No, sir.

The CHAIRMAN. Mr. Smith, you say as teacher and missionary you were instructed in the line of your work?

Mr. HYRUM M. SMITH. Yes, sir.

The CHAIRMAN. And you were not instructed in relation to the question of polygamy?

Mr. HYRUM M. SMITH. Yes, sir; I was when I went on my foreign mission.

The CHAIRMAN. What were you instructed in that regard?

Mr. HYRUM M. SMITH. I was instructed to avoid a discussion of the subject at all.

The CHAIRMAN. If the question was broached and the doctrine assailed of the rightfulness of polygamy, what were you to do?

Mr. HYRUM M. SMITH. What would I do?

The CHAIRMAN. What were you to do—yes.

Mr. HYRUM M. SMITH. As a missionary—

The CHAIRMAN. I am speaking of yourself.

Mr. HYRUM M. SMITH. I frequently ran up against that very question.

Mr. WORTHINGTON. You are asked for your instructions.

Mr. HYRUM M. SMITH. My instructions, you want?

The CHAIRMAN. Yes. Was anything said to you about that?

Mr. HYRUM M. SMITH. Please repeat your question, Mr. Chairman.

The CHAIRMAN. You were instructed, you said, in relation to the question of polygamy, not to say anything about it?

Mr. HYRUM M. SMITH. Yes, sir; any more than I could possibly help, I said.

The CHAIRMAN. Now, I ask you what your instructions were, if any, if that question was broached or assailed. What was your duty then?

Mr. HYRUM M. SMITH. I do not remember that I received instructions on that particular point, further than perhaps I used my own judgment in relation to the matter.

The CHAIRMAN. What would be your judgment in such a case as that if the rightfulness of polygamy was questioned?

Mr. HYRUM M. SMITH. I suppose every Latter-day Saint elder has that thrown up to him, as I did. "You believe in polygamy. You do not practice polygamy, neither is it allowed any more in the church, but you have believed in it and practiced it." Of course that we can not deny. "It is wrong," they contend. Then I have dismissed the question by referring them to their own Bible, in which most Christians believe, and let them judge for themselves and avoid further discussion, if possible, on the question.

The CHAIRMAN. But if forced to discuss it, what would be your attitude?

Mr. HYRUM M. SMITH. Well, I never was forced to discuss it.

The CHAIRMAN. But if you were?

Mr. HYRUM M. SMITH. I do not think I could be.

Mr. WORTHINGTON. I submit, Mr. Chairman, they ought not to be asked what they would do if something happened which has never yet happened. He could only give a guess about that.

The CHAIRMAN. Very well. Have you ever had any discussion while on your missions, and discussed with anybody the question of polygamy while you were an apostle?

Mr. HYRUM M. SMITH. No, sir; I never have since I have been an apostle.

The CHAIRMAN. While you were a missionary?

Mr. HYRUM M. SMITH. While I was a missionary, yes; I had one or two discussions on the question.

The CHAIRMAN. What position did you take?

Mr. HYRUM M. SMITH. I took the position that it was a Bible doctrine—merely from, I suppose, an argumentative point of view.

The CHAIRMAN. You did not in any way counsel the practice of it?

Mr. HYRUM M. SMITH. No, sir.

Mr. WORTHINGTON. As distinguished from the belief?

Mr. HYRUM M. SMITH. No, sir; and I never argued the point with any one who was investigating Mormonism for the purpose of embracing it.

Mr. WORTHINGTON. Did any convert you made in England, so far as you know, during your two years and a half, ever become a polygamist, either as a husband or as a wife?

Mr. HYRUM M. SMITH. No, sir.

Senator HOAR. Mr. Smith, the doctrine, when you were a missionary of the church, was a doctrine of opposition to polygamy, was it not—forbidding polygamy?

Mr. HYRUM M. SMITH. That was a rule of the church; yes, sir.

Senator HOAR. Very well; I will use either the word "rule" or the word "doctrine."

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. I suppose the rules of the church were based on its doctrine, and its doctrines are that the rules should be observed?

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. However, that is a question I will not trouble you about. Did you as a missionary advocate or enforce that doctrine or rule and point out the reasonableness of it to your auditors?

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. You argued against the rightfulness of polygamy, then, did you?

Mr. HYRUM M. SMITH. I can hardly hear your question, Senator.

Senator HOAR. I asked you if you urged upon your converts, or persons you were trying to convert, the righteousness and rightfulness of the present doctrine of the church forbidding polygamy, as opposed to divine command?

Mr. HYRUM M. SMITH. I hardly know how to answer your question.

Senator HOAR. When you undertook to win adherents to your church I suppose you commended the belief and practice of your people—the present belief and practice—did you not?

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. Very well. In doing that did you commend and urge upon them the rightfulness of the present doctrine and rule of the church forbidding polygamy?

Mr. HYRUM M. SMITH. I do not know that I remember. I remember distinctly in every case informing them that it was no longer a doctrine of the church, so far as our practice was concerned.

Senator HOAR. I am not asking whether you told them it was a doctrine no longer, but whether you argued and persuaded them that it was a religious and rightful doctrine.

Mr. HYRUM M. SMITH. No, I did not argue. I have said that I avoided all argument on the question.

Senator HOAR. Well, if the rule of your church forbade polygamy, and you were trying to win converts to your faith, why did you omit from the things which you urged upon your converts the article of faith that polygamy was wrong?

Mr. HYRUM M. SMITH. Well, I can not gather you, Senator Hoar.

Senator HOAR. Will you repeat that question, Mr. Reporter, so that the witness can hear it?

The reporter read the question as follows:

“Senator HOAR. Well, if the rule of your church forbade polygamy, and you were trying to win converts to your faith, why did you omit from the things which you urged upon your converts the article of faith that polygamy was wrong?”

Mr. HYRUM M. SMITH. I have always, in my ministrations among the people, urged the rightfulness of the commandments and the doctrines of the church, and I recognized that the practice of plural marriages had ceased, and the manifesto as a doctrine of the church I have frequently urged upon them.

Senator HOAR. And forbidden it? Well, my question is did you urge upon your converts that that was a rightful and true doctrine?

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. That polygamy should be forbidden?

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. As of right? I am not now speaking of it as merely resting on the divine authority but as being right in itself?

Mr. HYRUM M. SMITH. That they should refrain from that?

Senator HOAR. Yes.

Mr. HYRUM M. SMITH. Yes, sir.

Senator HOAR. Then you did not refrain from discussing the subject of polygamy and its rightfulness in your ministrations, for you preached to your converts that it was wrong, did you not?

Mr. HYRUM M. SMITH. Now, let me explain that, Senator Hoar. You place me in a false position, entirely.

Senator HOAR. I have only asked the question.

Mr. HYRUM M. SMITH. I said I have avoided a discussion of that matter entirely. If it were to come up incidentally by a person who was favorably disposed toward Mormonism, and who might be considered an investigator, and I were asked the question, I would answer his questions to the best of my ability to the effect that while in times past plural marriages had been a doctrine and had been practiced by the church, that it no longer was practiced by the church, nor should be; and to that extent and no further have I gone in the discussion of the question.

Senator HOAR. Why did you confine yourself to the fact that the church had now altered its rule, and not enter into the question of the rightfulness of the present rule?

Mr. HYRUM M. SMITH. The principal reason for that is that with investigators of the doctrine of a church it is the first principles of the gospel that are considered, and it is seldom polygamy is spoken of, either by them or by the elders, and we have no particular occasion—

Senator HOAR. Then your answer is that it was not, in the mind of the convert with whom you were dealing, a practical question at that time?

Mr. HYRUM M. SMITH. That is my idea; yes, sir.

Senator HOAR. That is a fair answer, Mr. Smith.

Senator BEVERIDGE. Mr. Smith, this is a question that is not pertinent at all. Where were you educated?

Mr. HYRUM M. SMITH. I was educated in the church schools in Salt Lake City.

The CHAIRMAN. Mr. Tayler, have you any further witness?

Mr. TAYLER. Thomas H. Merrill.

Mr. HYRUM M. SMITH. Mr. Chairman, I would like to ask if now I can be excused, or discharged, in other words.

The CHAIRMAN. Do either of the counsel want this witness further?

Mr. TAYLER. He may be excused as far as we are concerned.

Mr. VAN COTT. We excuse him.

The CHAIRMAN. You may be excused.

Mr. VAN COTT. How is it, Mr. Chairman, in regard to Mr. Joseph F. Smith?

The CHAIRMAN. I understand from counsel, Mr. Smith, that your presence will not be required further.

Mr. JOSEPH F. SMITH. Thank you, Mr. Chairman.

Mr. TAYLER. Let me ask Mr. Joseph F. Smith a question, as to whether he could get into communication with any of these apostles who have been subpoenaed and have not been reached, and whether any instruction from him would facilitate their coming here?

Mr. JOSEPH F. SMITH. I presume I could find them in time, Mr. Tayler. I do not know how soon I could find them.

Mr. TAYLER. I would be obliged if you would give them such instruction as you can that we want them as soon as we can get them.

Mr. VAN COTT. Which ones, Mr. Tayler?

Mr. TAYLER. John W. Taylor, George Teasdale, M. F. Cowley, John Henry Smith.

Mr. VAN COTT. You know he is very ill, and that Teasdale is very ill?

Mr. WORTHINGTON. They have been subpoenaed, and are not here simply because they are not well.

Mr. JOSEPH F. SMITH. Mr. Merrill has also been subpoenaed.

Mr. TAYLER. I understood Mr. Merrill was quite ill. Of course a man who is physically incapable of coming or whose health would be affected by coming ought not be required to come.

TESTIMONY OF THOMAS H. MERRILL.

THOMAS H. MERRILL, having been first duly sworn, was examined and testified as follows:

Mr. TAYLER. Where do you live, Mr. Merrill?

Mr. THOMAS H. MERRILL. Richmond, Cache County, Utah.

Mr. TAYLER. Are you son of Apostle Merrill?

Mr. THOMAS H. MERRILL. Yes, sir.

Mr. TAYLER. What official position do you hold?

Mr. THOMAS H. MERRILL. Bishop of the Richmond ward.

Mr. TAYLER. How long have you been bishop?

Mr. THOMAS H. MERRILL. Since 1899.

Mr. TAYLER. How many wives have you?

Mr. THOMAS H. MERRILL. I have two.

Mr. TAYLER. Where do they live?

Mr. THOMAS H. MERRILL. In Richmond.

Mr. TAYLER. In the same house?

Mr. THOMAS H. MERRILL. No.

Mr. TAYLER. What are their names?

Mr. THOMAS H. MERRILL. Emma Olsen Merrill and Maggie Thompson Merrill.

Mr. TAYLER. How old are they?

The CHAIRMAN. One minute. I want to know who this witness is. What is your first name, Mr. Merrill?

Mr. THOMAS H. MERRILL. Thomas H. Merrill.

Mr. WORTHINGTON. He is a son of Apostle Merrill, Mr. Chairman.

Mr. TAYLER. How many children have you?

Mr. THOMAS H. MERRILL. I believe I did not answer that other question.

Mr. TAYLER. How is that?

Mr. THOMAS H. MERRILL. I think there is a question there I did not answer. I was interrupted before giving the answer.

Mr. TAYLER. Mr. Reporter, will you read the question that was not answered?

The reporter read as follows:

“Mr. TAYLER. How old are they?”

Mr. THOMAS H. MERRILL. My first wife is 42 years old. My second wife will be 43 years old the 15th of this month.

Mr. TAYLER. How many children have you by them?

Mr. THOMAS H. MERRILL. I have six living children by the first and four living children by the second.

Mr. TAYLER. How recently have you had children by either of them?

Mr. THOMAS H. MERRILL. My youngest child by my first wife will be 14 months old the 15th of this month. The youngest child of my second wife was 3 years old the 26th day of last January.

Mr. TAYLER. There has been no child born to this last wife you have spoken of since this 3-year-old child was born?

Mr. THOMAS H. MERRILL. No, sir.

Mr. TAYLER. That is all.

Senator DUBOIS. Mr. Merrill, where were you married to the second wife?

Mr. THOMAS H. MERRILL. In the Logan Temple, in the city of Logan, Utah.

Senator DUBOIS. Will you describe the ceremony, please?

Mr. THOMAS H. MERRILL. No, sir; not in detail.

The CHAIRMAN. Well, as fully as you can.

Mr. THOMAS H. MERRILL. I made a covenant that I would love, honor, respect, and treat her in all respects as a wife, is the substance of the ceremony that was performed on that occasion.

Mr. TAYLER. When was that? Excuse the question, Senator, unless you were going to ask it.

Mr. THOMAS H. MERRILL. That was in the year 1885, on the 21st of April, I believe—the 21st or 22d, I am not positive which.

Senator DUBOIS. Have you a certificate of that marriage?

Mr. THOMAS H. MERRILL. No, sir.

Senator DUBOIS. Is there any record of the marriage?

Mr. THOMAS H. MERRILL. Not that I know of. No certificates were required at that time.

Senator DUBOIS. No certificate was required of any marriage except that of the first wife?

Mr. THOMAS H. MERRILL. No certificate was required even of that.

The CHAIRMAN. Is that all you remember of the ceremony?

Mr. THOMAS H. MERRILL. That is not the wording of the ceremony; that is the substance of it. I do not remember that as being the wording. I do not remember the wording at all.

The CHAIRMAN. Is that all you recall, in substance?

Mr. THOMAS H. MERRILL. Yes, sir; in fact, that we were pronounced husband and wife.

The CHAIRMAN. Who performed the ceremony?

Mr. THOMAS H. MERRILL. My father.

The CHAIRMAN. Who were present?

Mr. THOMAS H. MERRILL. I do not remember the witnesses' names. There were two witnesses, I remember, both being males.

The CHAIRMAN. Was there anybody beyond that? Was there anyone else present?

Mr. THOMAS H. MERRILL. I think not.

Senator DUBOIS. You do not know whether any record of this marriage was kept or not?

Mr. THOMAS H. MERRILL. I do not know, sir.

Senator McCOMAS. He says not.

Senator DUBOIS. He says he does not know whether any record was kept.

The CHAIRMAN. Do you know whether any record is kept in the temple of marriages occurring in the temple?

Mr. THOMAS H. MERRILL. No, sir; I do not know.

The CHAIRMAN. You do not know about that?

Mr. THOMAS H. MERRILL. No, sir.

Senator OVERMAN. Do you perform marriages yourself as bishop?

Mr. THOMAS H. MERRILL. I have, I believe, upon two occasions since I have been bishop.

Senator OVERMAN. Do you keep any record of them?

Mr. THOMAS H. MERRILL. Yes, sir; that is, I keep an individual record. Now certificates are required. I fill out the certificate and the party that I solemnize is given one and I sign the other and send it to the county court.

Senator HOPKINS. There is a registry kept at the county court of each county in the State of all marriages?

Mr. THOMAS H. MERRILL. I think so; yes, sir.

Senator OVERMAN. Do you have a book out of which you marry them—any form?

Mr. THOMAS H. MERRILL. No, sir.

Senator OVERMAN. You have no form at all?

Mr. THOMAS H. MERRILL. No, sir.

The CHAIRMAN. Having performed the ceremony yourself, can you not tell us what the ceremony is?

Mr. THOMAS H. MERRILL. Well, sir, I am sure I would not use the same ceremony twice. I simply do the work and the preliminary would take care of itself.

The CHAIRMAN. You do the work. You pronounce them husband and wife?

Mr. THOMAS H. MERRILL. Yes, sir.

The CHAIRMAN. And the preliminaries you attend to as the occasion arises?

Mr. THOMAS H. MERRILL. That would be perhaps studied for the occasion.

Senator HOAR. You would require some promise from each party?

Mr. THOMAS H. MERRILL. Oh, yes.

Senator HOAR. To be a faithful husband or wife, as the case may be?

Mr. THOMAS H. MERRILL. Yes, sir.

Senator HOAR. In some form of words?

Mr. THOMAS H. MERRILL. Yes, sir; I consider that as a part of the obligation and a part of the work, that I should see that they do.

Senator HOPKINS. Does not your church have some formula that is used in marriage ceremonies?

Mr. THOMAS H. MERRILL. I have looked for it, but I have never been able to find it; and if they have I do not know where it is.

Senator HOPKINS. Then each member of the Mormon Church who is authorized to perform the marriage ceremony uses his own formula in pronouncing the couple husband and wife. Is that it?

Mr. THOMAS H. MERRILL. Now, I could answer that only as far as I am concerned. That is the way I have done it, because I was unable to find a written ceremony.

Senator OVERMAN. Is the public generally invited to these marriages?

Mr. THOMAS H. MERRILL. No, sir. Invited guests, however, have been present on both occasions, but not the public.

Senator OVERMAN. The public is not invited, not allowed to attend?

Mr. THOMAS H. MERRILL. Well, they would not think of attending unless they had an invitation on that special occasion.

Senator DILLINGHAM. Do you know of any part of the country where they would be?

Mr. THOMAS H. MERRILL. No, sir; I do not know of any.

The CHAIRMAN. Is there anything further of this witness?

Mr. TAYLER. I am through.

Mr. WORTHINGTON. We have no questions.

The CHAIRMAN. After the adjournment, Mr. Merrill, will you stop at the clerk's desk a moment?

Mr. THOMAS H. MERRILL. Yes, sir.

The CHAIRMAN. If there is nothing further of this witness, gentlemen, he will be discharged.

Mr. VAN COTT. There is one question we forgot. What is your age, Mr. Merrill?

Mr. THOMAS H. MERRILL. I will be 45 years old the 11th day of this coming June.

TESTIMONY OF ALMA MERRILL.

ALMA MERRILL, having been first duly sworn, was examined and testified as follows:

Mr. TAYLER. Mr. Merrill, where do you live?

Mr. ALMA MERRILL. I live in Richmond, Cache County, Utah.

Mr. TAYLER. You are a son of Apostle Merrill?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. What official position do you hold in the church.

Mr. ALMA MERRILL. I am a member of the presidency of Benson Stake.

Mr. TAYLER. Are you what is called first counselor?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. Who is president?

Mr. ALMA MERRILL. William H. Lewis.

Mr. TAYLER. How long have you been first counselor?

Mr. ALMA MERRILL. Since April, 1900.

Mr. TAYLER. April, 1900?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. What official position, if any, did you hold before that time?

Mr. ALMA MERRILL. President of the elders' quorum—ninth quorum of elders.

Mr. TAYLER. How many wives have you?

Mr. ALMA MERRILL. I have two.

Mr. TAYLER. How long have you been married?

Mr. ALMA MERRILL. I was first married in 1885 and I was married again in 1886.

Mr. TAYLER. What are the names of your wives?

Mr. ALMA MERRILL. Esmeralda Hendricks Merrill and Rebecca Hendricks Merrill.

Mr. TAYLER. Sisters that you married?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. Where did they live?

Mr. ALMA MERRILL. They lived in Richmond.

Mr. TAYLER. In the same house?

Mr. ALMA MERRILL. You mean now?

Mr. TAYLER. Yes.

Mr. ALMA MERRILL. No, sir.

Mr. TAYLER. You have provided a house for each one of them, have you?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. Are they near together?

Mr. ALMA MERRILL. About 40 rods, one on one block and one on another.

Mr. TAYLER. You have children by both of them?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. How many each?

Mr. ALMA MERRILL. I have eight children by my second wife and seven by my first wife.

Mr. TAYLER. How old are the youngest children?

Mr. ALMA MERRILL. The youngest child by my first wife is near 3 years old and by my second wife 3 months old.

Mr. WORTHINGTON. We have no questions.

The CHAIRMAN. Are you a son of Joseph F. Smith?

Mr. ALMA MERRILL. No, sir.

Mr. WORTHINGTON. He is the son of Mr. Merrill.

The CHAIRMAN. I misunderstood the name. Are the children all living?

Mr. ALMA MERRILL. No, sir.

The CHAIRMAN. How many are not living?

Mr. ALMA MERRILL. Three.

The CHAIRMAN. Three children born that are not living?

Mr. ALMA MERRILL. Yes, sir.

Mr. TAYLER. Mr. Chairman, I would like to inquire whether any of the witnesses who are reported as not being here the day the investigation opened have since appeared?

The CHAIRMAN. I will call the names of witnesses subpoenaed. John Henry Smith.

Mr. TAYLER. He is not here.

The CHAIRMAN. George Teasdale.

Mr. TAYLER. Not here.

The CHAIRMAN. John W. Taylor.

Mr. TAYLER. Not here.

The CHAIRMAN. M. F. Cowley.

Mr. TAYLER. Not here.

The CHAIRMAN. Samuel S. Newton. Is Mr. Newton here? He does not respond. J. M. Tanner present? Moses Thatcher? Those are the witnesses subpoenaed, except the two.

Mr. TAYLER. Yes. Mr. Chairman, I would like to take up a matter with the committee in executive session.

The CHAIRMAN. Ogden Hiles; is he here?

Mr. TAYLER. Yes; he is here.

The CHAIRMAN. Do you want to examine Mr. Hiles?

Mr. TAYLER. No; not now.

The CHAIRMAN. We will adjourn after the conclusion of the executive session.

Mr. WORTHINGTON. The last witness wants to know whether he is excused.

The CHAIRMAN. All of them are excused.

Senator McCOMAS. Has Mr. Tayler no witness he can call now before we go into executive session?

The CHAIRMAN. He can not, so I am advised. Mr. Tayler stated to me a matter upon which the committee should have an executive session before it is taken up. The committee will therefore have an executive session. The audience will retire; and at the close of the executive session the committee will adjourn until to-morrow morning at half past 10.

At 3 o'clock and 15 minutes p. m. the committee went into executive session.

Thereupon (at 3 o'clock and 55 minutes p. m.) the committee adjourned until Thursday, March 10, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *March 10, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows, Hoar, McComas, Foraker, Depew, 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. Mr. Tayler, are you ready to proceed?

Mr. TAYLER. Yes.

Mr. Chairman, I desire to give notice now respecting the Biographical Dictionary, as to which testimony was given yesterday by Mr. Jenson, who is assistant church historian, that I shall want to make reference in the course of the argument to the biographies of the apostles and the presidents.

Mr. WORTHINGTON. Those now occupying those offices?

Mr. TAYLER. The persons now occupying those offices, and Moses Thatcher, spoken of as a deposed apostle, and Brigham Young, jr., who was an apostle at the time this protest was filed and has since died. They are long, and of course I do not want to read all of them.

The CHAIRMAN. Mr. Reporter, are you taking down Mr. Tayler's statement?

The REPORTER. I am.

Mr. TAYLER. I call Mr. Worthington's attention to it.

Mr. WORTHINGTON. We are satisfied with that.

Permit me to say, Mr. Chairman, in reference to the matter which was discussed in executive session yesterday afternoon, that we are prepared to make a statement to the committee about it, and I suggest that we have another executive session shortly before the noon recess or later in the day.

The CHAIRMAN. Your wishes will be respected, and we will have an executive session at half past 11 or a quarter to 12, or else later in the day.

Mr. WORTHINGTON. It will be very short.

The CHAIRMAN. Who is the next witness?

Mr. WORTHINGTON. We wish to recall Mr. Jenson for a moment.

The CHAIRMAN. You mean now?

Mr. WORTHINGTON. Yes.

The CHAIRMAN. Mr. Jenson, will you please take the stand?

TESTIMONY OF ANDREW JENSON—Continued.

ANDREW JENSON, having been previously sworn, was examined and testified as follows:

MR. WORTHINGTON. You have testified that you are the author of this book which is called the Latter-Day Saints' Biographical Encyclopedia?

MR. JENSON. Yes, sir.

MR. WORTHINGTON. I wish to ask you, in making up your statements as to the lives of the different persons mentioned in that book, and especially as to the apostles and the first presidency—and I will confine myself to them—where you got the information that is there embodied?

MR. JENSON. About the early apostles I obtained my information from the public documents of the church; and as to the recent members I have copied some from Bishop Orson F. Whitney's sketches that he has prepared for the fourth volume of the history of Utah, and also from M. F. Cowley's History of the Lives of the Leaders.

MR. WORTHINGTON. You made it up, then, from previous publications?

MR. JENSON. Yes, sir; partly so.

MR. WORTHINGTON. Let me ask you, as to Senator Smoot, whether, in the biography which refers to him, you consulted him at all or not?

MR. JENSON. No, sir; I could not reach Mr. Smoot. He was not around. He did not see it at all before it was published.

MR. WORTHINGTON. For instance, I note that you say in the very first sentence about Mr. Smoot, that he has been "a member of the council of twelve apostles since 1898." That is a mistake?

MR. JENSON. It is a typographical error. It ought to be 1900.

SENATOR FORAKER. It should be what?

MR. JENSON. 1900.

MR. WORTHINGTON. The next statement is:

"Smoot, Reed, a member of the council of twelve apostles since 1898, is the son of Abraham O. Smoot and Anna Kirstine Mouritsen." M-o-u-r-i-t-s-e-n. Do you not know that his mother's name was Morrison?

MR. JENSON. This is the right name, I think.

MR. WORTHINGTON. This is the right name?

MR. JENSON. Yes. That is the original name—Mouritsen. She was born in a foreign land. That is the right spelling.

MR. WORTHINGTON. You did not get that from him, and you differ from him, perhaps?

MR. JENSON. I went back to the original. I know what the name is in the original language.

MR. WORTHINGTON. I merely mentioned that as an illustration.

MR. TAYLER. Where you used other publications, they were publications by officials of the church?

MR. JENSON. Not altogether.

MR. TAYLER. At least those that you named were.

MR. JENSON. Cowley's work was published by him, he being an apostle.

MR. TAYLER. And Whitney?

Mr. JENSON. Whitney is also a writer; he is a historian. He is the author of the History of Utah.

Mr. TAYLER. Is he a Mormon?

Mr. JENSON. Yes, sir.

Mr. TAYLER. What official position did he hold?

Mr. JENSON. He is also one of the assistant church historians now, but he was not at that time.

Mr. TAYLER. That is all.

The CHAIRMAN. I wish to ask you if you have a list of the bishops presiding in the different stakes in the State of Utah?

Mr. JENSON. Yes, sir.

Mr. WORTHINGTON. Mr. Chairman, you mean the bishops at the present time?

The CHAIRMAN. Yes.

Mr. JENSON. We have no list later than for the close of the year 1902. The list for 1903 is not yet completed.

The CHAIRMAN. For 1902 can you give to the committee the names of the bishops in the various stakes?

Mr. JENSON. I could not from memory. I should have to refer to the documents.

The CHAIRMAN. Have you the documents here?

Mr. JENSON. No, sir. We were not asked to bring any documents.

The CHAIRMAN. I understand. You can not do that without referring to the documents.

Mr. JENSON. No, sir; there are so many of them. I could not recall the names of all of them.

The CHAIRMAN. There is a bishop for every stake, I understand?

Mr. JENSON. No, sir. There is a bishop for every ward and a president for every stake.

The CHAIRMAN. Yes. How many stakes and wards are there?

Mr. JENSON. There are 53 stakes and about 700 wards.

The CHAIRMAN. About 53 stakes?

Mr. JENSON. Yes, sir.

The CHAIRMAN. Could you name the presidents of the various stakes; have you any data here by which you could inform us?

Mr. JENSON. I think, perhaps, I could name most of them, particularly if I could have the time to collect my thoughts.

The CHAIRMAN. Will you reflect upon it and present a list of the presidents of the various stakes in the State of Utah?

Mr. JENSON. Now or later on?

The CHAIRMAN. Later in the day; any time when you are prepared to do so.

Senator DEPEW. What do you mean by 53 states?

Mr. JENSON. I did not say "states." I said stakes—s-t-a-k-e-s.

Mr. TAYLER. It is a geographical division generally corresponding to the county lines, except that where the population is large, they have more than one.

The CHAIRMAN. The county lines, as a rule, it appears in evidence, mark the boundary lines of the stakes.

Mr. JENSON. That was the case in most instances until some time ago, but there have been many new organizations of late where there are as high as three stakes in one county.

The CHAIRMAN. Will you be kind enough to look up that data, and

I will call upon you later for it? I wish information as to the number of presidents of stakes, and their names.

Senator DEPEW. The stakes are divided into wards?

Mr. JENSON. Yes, sir.

Senator DEPEW. Are the wards subdivided, or is that the final subdivision?

Mr. JENSON. The wards are not subdivided. That is the smallest ecclesiastical division of the church, except it may be divided into districts or blocks.

Senator DEPEW. How many wards are there for each stake?

Mr. JENSON. All the way from about five up to thirty-three.

Senator DEPEW. What is the presiding officer of the stake called?

Mr. JENSON. Stake president.

Senator DEPEW. And the ward leader?

Mr. JENSON. Bishop of the ward and president of the stake is the way we name them.

Senator DEPEW. What is the relation of these officers? You have first your ward bishop. They are responsible to the stake president?

Mr. JENSON. Yes, sir.

Senator DEPEW. What are their relations to the apostles?

Mr. JENSON. They are laboring immediately under the direction of the first presidency, not of the apostles.

Mr. WORTHINGTON. It has already been brought out that the apostles are no part of the working machinery of the church.

Senator DEPEW. This organization seemed so perfect that I wanted to get the detail of it.

Mr. JENSON. There are three men, constituting the first presidency, presiding over the church, and there is a similar procedure of three presiding over each stake, and these are responsible to the presidency of the church directly.

Mr. WORTHINGTON. And not to the apostles?

Mr. JENSON. Not to the apostles.

The CHAIRMAN. Who is the head of the ward in the various stakes?

Mr. JENSON. A bishop.

Senator DEPEW. These 53 presidents of stakes elect 3, do they, who are a sort of executive committee?

Mr. JENSON. No, sir. The three presidents of the stakes are elected by the voice of the people. The president of the stake is nominated by the president of the church, as a rule, and he, as a rule, selects his own councilors or names his own councilors and they are sustained. If they are accepted by the people they are sustained by the people.

Mr. WORTHINGTON. The bishop himself has to be accepted by the people?

Mr. JENSON. The bishop himself has to be accepted by the people.

Senator DEPEW. Are the presidents who are over the bishops stake presidents or outside officers?

Mr. JENSON. They are stake presidents.

Senator DEPEW. Selected from that body?

Mr. JENSON. Selected from that body locally. They are local officers, so far as the stake is concerned.

The CHAIRMAN. But each president of a stake selects his own councilors, as they are called?

Mr. JENSON. Yes, sir.

The CHAIRMAN. Two councilors?

Mr. JENSON. They are nominated or chosen by him, and they can be accepted or rejected at the will of the people.

The CHAIRMAN. Who selects or names in the first instance the president of the stake?

Mr. JENSON. As a rule, the presidency of the church does.

The CHAIRMAN. What?

Mr. JENSON. The presidency of the church.

The CHAIRMAN. The head of the church?

Mr. JENSON. The head of the church.

The CHAIRMAN. Smith?

Mr. JENSON. The head of the whole church.

The CHAIRMAN. That is Mr. Smith?

Mr. JENSON. Yes, sir.

The CHAIRMAN. He designates the presidents of the various stakes?

Mr. JENSON. That is, the names—

The CHAIRMAN. I understand.

Mr. JENSON. Are suggested to him and he passes upon them and then they are submitted to the people afterwards in the stakes.

The CHAIRMAN. That is right. They are submitted to the people after that?

Mr. JENSON. Yes, sir; after that.

The CHAIRMAN. But they are not submitted without his approval?

Mr. JENSON. No, sir; I do not think so.

The CHAIRMAN. Who is at the head of the organization in the various wards? What is he called?

Mr. JENSON. Bishop.

The CHAIRMAN. Bishop?

Mr. JENSON. Ward bishop.

The CHAIRMAN. How are the bishops selected?

Mr. JENSON. They are selected in the same way.

The CHAIRMAN. By the president of the church?

Mr. JENSON. Well, the president of the church generally passes upon the names. Sometimes a list of names is handed him, suggested by the people in the locality where they want or need a new bishop, and then the name suggested is sent up to the president of the church, as a rule, and he passes upon it, together with his council, and then the name is submitted to the people.

The CHAIRMAN. I understand.

Mr. JENSON. And if the people accept the president's nomination he becomes bishop, and if they reject it, of course that is the end of it.

The CHAIRMAN. If the president of the church—President Smith—does not accept these names then they are not submitted?

Mr. JENSON. No, sir; I do not think so.

Senator FORAKER. I understood the witness to say the names are sent up by the people in the stake, and from the names so submitted to the president he selects one.

The CHAIRMAN. Is that your statement?

Mr. JENSON. Yes, sir; that is, sometimes it is. Sometimes only one is suggested, but in case several names are suggested for the same office he makes the selection; that is, he makes his choice known, and then it is left to the people.

The CHAIRMAN. Is it usual to send up a large number of names?

Mr. JENSON. No, sir.

The CHAIRMAN. What is the usual practice?

Mr. JENSON. I think the usual way is sending up only one name.

The CHAIRMAN. The bishops of the various wards are not acted on by the people until the president indicates his approval?

Mr. JENSON. No, sir; and yet I think there are exceptions. For instance, in the distant stakes there may be variations where the president of the church is not personally acquainted with the names that have been sent in to him, and in that case it may be left almost entirely to the presidency of the stake.

The CHAIRMAN. Now, one step further. Is there any official position below that of bishop of the ward?

Mr. JENSON. There are what we term teachers.

The CHAIRMAN. Teachers?

Mr. JENSON. Teachers.

The CHAIRMAN. How are they chosen?

Mr. JENSON. They are chosen by the voice of the people in ward conferences; that is, they are sustained there. They may be chosen by the bishops themselves, but sustained by the people in their ward conferences.

The CHAIRMAN. Are their names submitted to the first presidency?

Mr. JENSON. No, sir.

The CHAIRMAN. They are not submitted?

Mr. JENSON. They are not submitted to the first presidency.

The CHAIRMAN. Is there any officer of the church below the teacher of whom you have now spoken?

Mr. JENSON. No, sir; except the deacons. They are generally young men, very young men, who are called assistants to the teachers.

The CHAIRMAN. They get their authority from whom?

Mr. JENSON. From the bishop. None of the subordinate local officers are sustained or named by anyone except the bishop in the respective wards.

Senator McCOMAS. Did you mention the elders?

Mr. JENSON. I did not mention the elders.

Senator McCOMAS. Where do they belong?

Mr. JENSON. They belong in a stake capacity. They are organized into quorums, with presidents. There are one or more quorums of elders in the stake.

Senator McCOMAS. Who appoints them?

Mr. JENSON. The president of the stake.

Senator McCOMAS. How many are there to each stake?

Mr. JENSON. A quorum of elders, when full, consists of 96 members, and in some stakes there is but one quorum, while in other stakes there are as many as a dozen. For instance, in the Salt Lake Stake of Zion, which is a very large stake, there are fully a dozen quorums of elders.

The CHAIRMAN. Of 90 each?

Mr. JENSON. Of 96 each.

The CHAIRMAN. Ninety-six each?

Mr. JENSON. Yes.

Senator FORAKER. Is every male member of the church in a stake an elder?

Mr. JENSON. No, sir; not every male member. There are those who are not ordained to any position in the church; that is, to any degree of what we term priesthood.

Senator FORAKER. What are the qualifications of an elder?

Mr. JENSON. The qualifications of an elder are that he must be able to preach the gospel wherever he may be sent, and officiate in the ordinances at home also; to assist, as it were, mostly in local affairs.

Senator DEPEW. Now you have a stake corresponding mainly to the county division of a State, and then a number of wards in the stake. Are those wards divided territorially or by population?

Mr. JENSON. They are divided always territorially, geographically. Where there is a small town all the members of the church residing in that town generally constitute one ward. In the case of a large town, like Salt Lake City, there are 33 wards, and in some others there are from two to seven.

Senator DEPEW. Is it your idea to have so many families in each ward for a bishop.

Mr. JENSON. As much as possible. It can not be regulated.

Senator DEPEW. I mean as nearly as it can be regulated.

Mr. JENSON. In some instances there are only 25 families in a ward, and in other instances two or three hundred.

Senator OVERMAN. You spell that word "stake" s-t-a-k-e.

Mr. JENSON. Yes, sir; that is the spelling.

Senator OVERMAN. I should like to ask you what is the history of that word and its significance? Does it correspond with the word "State" in this Union?

Mr. JENSON. It is borrowed from a saying of Isaiah, where the Lord, through Isaiah, says that not one of the stakes of Zion shall ever be removed. I can give you the reference to it. It is a biblical expression, borrowed from Isaiah. It is used only by our people in a geographical sense.

Senator OVERMAN. There seems to be a similarity between the organization of your church and that of our Government. Everything centers at Salt Lake City as the capital; you have Joseph Smith as president, corresponding to our President; you have the stakes, corresponding to the States in this Government, and you have the wards, corresponding to the counties in our Government. Is it not formed all the way through as our Government is formed?

Mr. JENSON. There is certainly a similarity, but I do not think the church organization has been copied from the political divisions. But there is a similarity. I do not think it was considered at all when the stakes were organized.

The CHAIRMAN. May I ask you if the list of elders of the church, of which you have just spoken, is presented to the president of the church?

Mr. JENSON. No, sir.

The CHAIRMAN. He does not know who the elders are?

Mr. JENSON. No, sir.

The CHAIRMAN. He has no information?

Mr. JENSON. No, sir. There are so very many of them that it would be impossible for him to be acquainted with the names of all of them.

The CHAIRMAN. How many counties are there in the State of Utah?

Mr. JENSON. Twenty-six counties, I think.

The CHAIRMAN. Do you know the population of those counties?

Mr. JENSON. I could not give it from memory. It is a matter of public record.

The CHAIRMAN. Do you know of your own knowledge, or have you any information on the subject, as to the relative population in the various counties of Mormons and gentiles?

Mr. JENSON. Yes, sir; I have a general idea.

The CHAIRMAN. Have you any definite information?

Mr. JENSON. Not in the shape of figures; not with me. We have all these matters at home.

The CHAIRMAN. Are there any counties in the State where the members of the Mormon church are in the ascendant?

Mr. JENSON. Yes, sir.

The CHAIRMAN. How many?

Mr. JENSON. You mean where they are in the majority?

The CHAIRMAN. Yes, sir; numerically.

Mr. JENSON. Yes.

The CHAIRMAN. How many and what counties are they, if you can name them?

Mr. JENSON. Nearly all of the counties, I should say, with the exception of Salt Lake County, and Weber, and I think even there, when it comes to count numerically, so far as the population is concerned, perhaps the Mormons are in the majority also. In the cities it is different—Salt Lake City and Ogden—there the majority of the people are non-Mormons. They carry the elections.

The CHAIRMAN. And, aside from the two counties you have mentioned, in the other counties the numerical majority is with the Mormons?

Mr. JENSON. I might, perhaps, except Summit County. I do not know the status of Summit County.

The CHAIRMAN. Does this organization of which you have spoken—the president and the presidents of the stakes and the bishops and so on—extend to all these counties?

Mr. JENSON. I remember no exception. I think there are no exceptions.

The CHAIRMAN. That is all.

Senator DUBOIS. You did not mention the seven presidents of seventies. Is their selection also submitted to the president?

Mr. JENSON. Yes, sir; as I understand it.

Senator DUBOIS. And the presiding bishops, I think you call them. I am a little misty. I have not thought of this matter for fourteen or fifteen years. Is that the term? The first presidency comes first—

Mr. JENSON. The first presidency.

Senator DUBOIS. Then the apostles, and the presidents of seventies, and the three presiding bishops?

Mr. JENSON. Excuse me, Mr. Senator. I will give them in order. There is the first presidency; the apostles—

Senator DUBOIS. Now, the apostles—

Mr. JENSON. The presiding patriarch.

Senator DUBOIS. Let me ask about the apostles, as you are going down the list. Are their names submitted to the president?

Mr. JENSON. Yes, sir; I think so.

Senator DUBOIS. Go on down the list.

Mr. JENSON. Of course I do not meet with them in their councils, but that is my understanding of it.

Senator DUBOIS. Go ahead.

Mr. JENSON. The presiding patriarch; the seven presidents of seventies.

Senator DUBOIS. They are the presiding patriarchs?

Mr. JENSON. There is only one.

Senator DUBOIS. Only one?

Mr. JENSON. Only one.

Senator DUBOIS. Is he submitted to the president of the church?

Mr. JENSON. Yes, sir.

Senator DUBOIS. Go ahead.

Mr. JENSON. And then the presiding bishopric.

Senator DUBOIS. The seven presidents of seventies?

Mr. JENSON. The seven presidents of seventies.

Senator DUBOIS. Then the presiding bishopric, consisting of three?

Mr. JENSON. Yes, sir; that is correct.

Senator DUBOIS. Their names are also submitted?

Mr. JENSON. They are the general authorities of the church.

Senator DUBOIS. You have named the presidents of the stakes——

The CHAIRMAN. Senator Dubois asked you if their names were also submitted to the president of the church. Did you answer the question?

Mr. JENSON. The presidents of the stakes are, as I understand it. I answered it.

Senator DUBOIS. They all are. In your semiannual conferences, after the president makes his selection he submits those names to the conference of the people and they sustain them by raising their hands?

Mr. JENSON. That is correct.

Senator DUBOIS. Do the apostles join with the first presidency in submitting these names to the conference?

Mr. JENSON. No, sir; they do not join. It is generally done by one of the members of the first presidency.

Senator DUBOIS. Are not their names submitted by the first presidency and the quorum of apostles?

Mr. JENSON. That I could not say from personal knowledge, because I do not meet with them in their councils.

Senator DUBOIS. I am quite sure that has been testified to before.

Mr. JENSON. I think that is correct.

Senator DUBOIS. I may be mistaken about it.

Mr. JENSON. But I wish to state simply what I know. I do not meet with them in council.

Senator DUBOIS. Do you know Heber J. Grant?

Mr. JENSON. Yes, sir.

Senator DUBOIS. Is he a polygamist?

Mr. JENSON. I do not know. He has that reputation. In fact we have his own word to that effect.

Senator DUBOIS. Has Heber J. Grant been at the head of the missions in Japan in recent years?

Mr. JENSON. Yes, sir.

Senator DUBOIS. How recently?

Mr. JENSON. He went there, if I remember aright, in 1901.

Senator DUBOIS. When did he return?

Mr. JENSON. He returned last year.

Senator DUBOIS. Who sends an apostle to preside over the missions in any foreign country?

Mr. JENSON. The presidency of the church.

Senator DUBOIS. Do the apostles themselves have anything to do with missionaries going abroad, or sending them abroad?

Mr. JENSON. I think not. They are called just like other subordinate officers in the church are called, and they respond to the call. They can go if they choose and refuse if they choose, but the rule in our church is that we do not go on missions until we are sent. We do not, as a rule, express a desire or ask to be called on a mission.

Senator DUBOIS. I have been led to understand that the apostles had to do with the missionary work. You say the president of the stake is the one who sends people on missions?

Mr. JENSON. I did not mean to say that. I thought you were asking me about the presidency of the church.

Senator DUBOIS. The presidency of the church, I mean. I meant the presidency of the church. The president of the church does?

Mr. JENSON. When it comes to such an important position as that of a president of a mission, I think, generally, the president of the church passes upon it, but when it comes to an ordinary missionary, or set of missionaries, the apostles attend to that. They preside over the missionary affairs of the church; but I was just referring to the president of a mission, such as the opening up of a new mission, and sending out an important officer to preside. I have reason to think that the president of the church passes upon that, as a rule.

Senator DUBOIS. Without consulting anyone at all?

Mr. JENSON. I could not say as to that.

Senator DUBOIS. You do not know whether he advises or consults with anyone at all—

Mr. JENSON. No, sir.

Senator DUBOIS. When he appoints anyone to preside over a foreign mission?

Mr. JENSON. I think the president always consults with his councilors.

Senator DUBOIS. With the apostles?

Mr. JENSON. No. I have reference now to his two councilors.

Senator DUBOIS. Oh; his two councilors.

Mr. JENSON. The apostles, I should judge, in most instances, would also be consulted, because they preside over or they stand at the head of the missionary operations throughout the world.

Senator DUBOIS. Where is Heber J. Grant now?

Mr. JENSON. It is understood he is in England.

Senator DUBOIS. What is he doing there?

Mr. JENSON. He is presiding over the European missions.

Senator DUBOIS. Do you know whether he had one wife in Japan, and now has another and different wife in England?

Mr. JENSON. That I do not know.

Senator DUBOIS. When did he go to England?

The CHAIRMAN. What is his reputation in that regard, if you know?

Mr. JENSON. The only information I have of that is the testimony given before this committee. I heard President Smith say that he took his last wife to Europe—to England. I know nothing more than that.

The CHAIRMAN. Allow me a question right here.

Senator DUBOIS. I am through.

The CHAIRMAN. Was Grant reputed to be a polygamist at the time the president of the church designated him for the Japan mission?

Mr. JENSON. I think so.

The CHAIRMAN. And he took a wife with him there?

Mr. JENSON. That is what I have been informed. I do not know as of personal knowledge.

The CHAIRMAN. What is your information as to his taking another wife with him to England?

Mr. JENSON. That I know nothing of. I do not know whether it is the same one he had with him in Japan or another one. The other one I know nothing about.

The CHAIRMAN. How many wives has he?

Mr. JENSON. That I do not know.

The CHAIRMAN. By reputation?

Mr. JENSON. By reputation he has two.

The CHAIRMAN. That is all.

Mr. WORTHINGTON. I have some questions to ask.

Senator FORAKER. Let me ask a question. Are women ever made elders?

Mr. JENSON. No, sir.

Senator FORAKER. Only men?

Mr. JENSON. Only men.

Senator FORAKER. The women are not allowed to hold any official positions in the church?

Mr. JENSON. They are not ordained to any degree of priesthood.

Senator FORAKER. Do they hold any official position of any kind in the administration of church affairs?

Mr. JENSON. Only in the case of organizations such as the relief societies and the young ladies' mutual improvement associations. They are what we call auxiliary organizations of the church. They preside in these. There are such organizations throughout the church.

Mr. TAYLER. You spoke a moment ago of the general authorities of the church. I think that that term has not been defined, but it includes, as I understand, the first presidency, the twelve apostles, the patriarch, the first council of seventies, and the presiding bishopric?

Mr. JENSON. That is correct.

Mr. TAYLER. Those are the general authorities of the church?

Mr. JENSON. That is correct. There are other general officers—

Mr. TAYLER. I understand.

Mr. JENSON. But they are not called general authorities.

Mr. TAYLER. They are not called general authorities. And when, for instance, the Thatcher manifesto—that is not a correct description of it, but it identifies it—was issued it was signed by those general officers, or all of them who were available?

Mr. JENSON. Yes, sir.

Mr. TAYLER. It is so printed here. Now, how many elders are there in the church in Utah?

Mr. JENSON. It is hard for me to segregate Utah from all the other stakes, because you will remember that quite a number of our stakes are in Idaho and elsewhere.

Mr. TAYLER. In the United States, then, how many elders are there?

Mr. JENSON. I think there are about 10,000.

Mr. TAYLER. About 10,000?

Mr. JENSON. I think so.

Mr. TAYLER. Each elder is empowered by the church to solemnize marriages, is he not?

Mr. JENSON. No, sir. The great majority of the elders are not active officers. They are not called to do anything. They are elders only by title.

Mr. TAYLER. I merely want the facts. Just define who it is that, under the law of your church, is empowered to solemnize marriages.

Mr. JENSON. Really all would be empowered to do it if they were appointed to do so, but there is an order in the church that the bishops, as a rule, shall attend to that; or the higher officers.

Mr. TAYLER. Does the statute of the State give authority to an elder of the Mormon Church to solemnize a marriage?

Mr. WORTHINGTON. Is not the statute here?

Mr. JENSON. No, sir; I think not. I am willing to answer the question.

Mr. TAYLER. I am asking only for information.

Mr. JENSON. I think the term "minister" is used.

Mr. VAN COTT. Elder or minister.

Mr. JENSON. That may be.

Mr. TAYLER. Elder or minister?

Mr. JENSON. I did not recall that the word "elder" was there. But I knew it was minister.

Mr. VAN COTT. I think the word "elder" is there.

Mr. WORTHINGTON. You said that the elders are appointed by the president of the stake?

Mr. JENSON. Let me explain that. Whenever a man is to be ordained an elder his name is submitted to a general conference of the stake, and then if he is passed upon by the general conference of the stake, then he is ordained an elder. Then he becomes a stake officer—

Mr. WORTHINGTON. So that all the general officers have to be submitted to and approved by the general conference of the whole body of your church—the members of the first presidency and the apostles and the other general officers?

Mr. JENSON. Yes, sir.

Mr. WORTHINGTON. They are nominated, as we say, and submitted to the general conference of the church, and are approved, or, as you say, sustained?

Mr. JENSON. That is right.

Mr. WORTHINGTON. And if not sustained by the people they do not become their officers?

Mr. JENSON. That is correct.

Mr. WORTHINGTON. All the stake officers are in like manner submitted to the conference of the stake?

Mr. JENSON. Yes, sir.

Mr. WORTHINGTON. And if their people do not want them they turn them down?

Mr. JENSON. Yes, sir.

Mr. WORTHINGTON. And so as to the wards?

Mr. JENSON. Yes, sir.

Mr. WORTHINGTON. So that in your church organization no man can become an officer until he has been approved by the people over whom he is to preside?

Mr. JENSON. There is what we call the law of common consent

throughout the church. All the people must consent to their officers—accept or reject them. Every member of the church can vote.

Senator DEPEW. Have you any rule as to the number that constitutes a cabinet of the stake president?

Mr. JENSON. Two; that is the rule.

Mr. WORTHINGTON. You said that Heber J. Grant is reputed to be a polygamist. Do you mean reputed to have more than one wife, or reputed to be living with more than one?

Mr. JENSON. Reputed to have more than one wife. I should like that to be understood, so that in case I should ever make use of that term again—we allow that term to go unchallenged—a polygamist does not mean anything more than that he is reputed to have two wives or more.

Mr. WORTHINGTON. You have mentioned here, I think, for the first time in this hearing about the teachers, and I should like to have this record complete by having you tell us what are the duties of the teachers. They are ward officers?

Mr. JENSON. Yes, sir; they are ward officers. Their business is only to assist the bishop in a local capacity; to visit with the people.

Mr. WORTHINGTON. How about visiting with the people? What are their duties in that respect?

Mr. JENSON. To preach the gospel to them and pray with them and to teach them, we may say, in general, the principles of the gospel.

Mr. WORTHINGTON. Do you know anything about their being required, as a general thing, to make visits around through the wards to the members of the church and their families?

Mr. JENSON. They are required to do that.

Mr. WORTHINGTON. How often do they go around?

Mr. JENSON. They should go around once a month.

Mr. WORTHINGTON. So it is the business of the teacher to go to each household in the ward?

Mr. JENSON. Yes, sir; and pray with them, and teach them the principles of the gospel.

Mr. WORTHINGTON. What is their duty in relation to finding out whether anything wrong is going on; whether there is any violation of the church rules?

Mr. JENSON. That is one of their duties, to see that there is no iniquity anywhere in the church.

Mr. WORTHINGTON. That is done every week or two?

Mr. JENSON. Every month.

Mr. WORTHINGTON. And if a teacher ascertains that there is any violation of any rule of the church then it is his duty——

Mr. JENSON. It is their duty.

Mr. WORTHINGTON. To report it to the bishop?

Mr. JENSON. To report it to the bishop, and for the bishop to take action upon it.

Mr. WORTHINGTON. Then it is the duty of these people, if anyone is violating a rule of the church, to ferret it out, and bring it to the attention of the bishop?

Mr. JENSON. Yes, sir. It almost invariably begins with the teachers. That is one of their special duties.

Senator OVERMAN. Please tell me where I can find that text where the word “stake” occurs? I wish to read it for my own information.

Mr. JENSON. If the Senator will excuse me until I am excused from the stand I will hand it over to him when I can get hold of a Bible.

Senator OVERMAN. I thought you might give it offhand.

Mr. JENSON. I will give it to you later.

Mr. WORTHINGTON. Suppose that the president of the church or one of the apostles resides—he resides in some ward, of course—in a ward, and suppose that he is violating a rule of the church, whose business is it to call him to account or to report him to the bishop?

Mr. JENSON. He is no exception to the general rule. The teachers visit him just like a lay member of the church.

Mr. WORTHINGTON. Suppose the president of the church is violating a rule of the church and an apostle knows it, is it, so far as your church organization is concerned, any more the duty of the apostle than it is the duty of anybody else in the ward to call attention to it?

Mr. JENSON. No, sir. He would naturally say, “Why does not the teacher do his duty?”

Mr. WORTHINGTON. If he came from some other ward or bailiwick and interfered in that matter he would be considered as going out of his jurisdiction?

Mr. JENSON. Yes, sir; it is a rule that the general officers of the church never interfere with local affairs.

Mr. WORTHINGTON. When any member of the church, whether he is a high officer or not, is violating a rule of the church that is considered a local affair?

Mr. JENSON. Yes, sir; because he always belongs to some ward.

Mr. HOAR. What?

Mr. WORTHINGTON. He says it is a local affair and it is the business of the teacher to call him to account.

Mr. JENSON. As to moral conduct, there is no officer of the church, no matter how high, the president not excepted, who is not amenable to the bishops and the teachers. As an officer he is responsible to them for the act.

Senator DUBOIS. Mr. Jenson, going back to Mr. Grant again, what would have been the procedure if one of the apostles objected to Mr. Grant being appointed to preside over the foreign missions in Japan? Suppose Apostle Smoot had objected to the appointment of Grant to preside over the missionaries in Japan, what would have been the proceeding?

Mr. JENSON. Possibly I do not—

Mr. WORTHINGTON. He becoming an apostle ten years after that?

Senator DUBOIS. I will state that he was appointed to Japan and also to England after Mr. Smoot became an apostle.

Mr. WORTHINGTON. I understood the witness to say he was appointed in 1891.

Mr. JENSON. 1901.

Senator DUBOIS. 1901.

Mr. WORTHINGTON. I beg pardon. I thought he said 1891.

Senator DUBOIS. I should like to know what would have happened had Mr. Smoot, as an apostle, objected?

Mr. JENSON. I can not tell what would have happened, but I am sure, I feel satisfied, from my knowledge of affairs, without participating in the councils, that it would have had considerable weight if anyone would make objection. But in this case I do not know that

it was submitted to Mr. Smoot, because, as I said, the president of the church may pass upon these higher appointments alone, or may consult the apostles at will. I can not say as to that.

Senator DUBOIS. Mr. Grant was of equal authority in the church with Mr. Smoot, save and except that he occupies a higher position in the apostolate?

Mr. JENSON. Yes, sir; he is senior.

Senator DUBOIS. I should like to know what you think would have occurred if his brother apostle had objected?

Mr. JENSON. I am not competent to testify on that, because I am not a member of the quorum and I can not tell what takes place in their councils. That, it seems to me, would have been more proper to have a member of the quorum answer.

Senator DUBOIS. From your knowledge of the situation do you think Mr. Smoot did object?

Mr. JENSON. No, sir; I do not say that, because I do not know that.

The CHAIRMAN. I want to ask you one question. President Smith stated that while violating the law since 1890, he had not been prosecuted. Has he been prosecuted that you know of?

Mr. JENSON. No, sir; I do not think he has.

The CHAIRMAN. Do you know why?

Mr. JENSON. I can not tell why, except that he has not been prosecuted.

Mr. WORTHINGTON. Do you mean in the church or in the State?

The CHAIRMAN. In the State, I mean, or by the church, either. He has not been?

Mr. JENSON. He has not been prosecuted.

The CHAIRMAN. He has not been interfered with?

Mr. JENSON. Not that I know of.

The CHAIRMAN. Are non-Mormons prosecuted for like offenses which they commit in the State of Utah?

Mr. JENSON. I do not know that there are any non-Mormons in Utah who live with more than one wife, openly. I have never heard of a case.

The CHAIRMAN. Do you know of any Mormon living in the relation that the president does who has been prosecuted since 1890?

Mr. VAN COTT. Mr. Chairman, may we have that question read to him? We think perhaps it is not understood.

The CHAIRMAN. The reporter will read the question.

The reporter read as follows:

“The CHAIRMAN. Do you know of any Mormon living in the relation that the president does who has been prosecuted since 1890?”

Mr. JENSON. For what?

The CHAIRMAN. For the offense he admits he is committing.

Mr. JENSON. For unlawful cohabitation?

The CHAIRMAN. Yes.

Mr. JENSON. I do not know of any.

The CHAIRMAN. Do you know of any non-Mormons who have been prosecuted for adultery—I will put it plainly—in the State?

Mr. JENSON. I can not recall any.

Senator BEVERIDGE. Did you hear Mr. Harmer's testimony yesterday?

Mr. JENSON. Yes, sir; I heard that.

The CHAIRMAN. Do you know of any non-Mormons—

Mr. JENSON. I do not recall any non-Mormons, but there may have been cases; I do not recall any.

Senator BEVERIDGE. May I ask a question?

The CHAIRMAN. Certainly.

Senator BEVERIDGE. Were you present yesterday when Mr. Harmer gave his testimony?

Mr. JENSON. Yes, sir.

Senator BEVERIDGE. He was prosecuted, according to that testimony, and sent to the penitentiary.

Mr. JENSON. Yes, sir.

Senator BEVERIDGE. For this very offense?

Mr. JENSON. Yes, sir.

Senator BEVERIDGE. So, as a matter of fact, you know of people—

Mr. JENSON. The chairman asked for non-Mormons. That is the reason I answered in that way.

Senator BEVERIDGE. For non-Mormons alone? I thought your question first was as to Mormons?

The CHAIRMAN. It was, in the first instance.

Mr. JENSON. Of course I know of the case which was yesterday stated.

Senator BEVERIDGE. That was a Mormon?

Mr. JENSON. Yes, sir.

Senator BEVERIDGE. A bishop?

Mr. JENSON. Yes, sir; he was a bishop.

Senator BEVERIDGE. What became of him?

Mr. JENSON. He was immediately called to account and removed from being bishop of one of the wards of Springville.

Senator BEVERIDGE. The reason why I asked the question was because I understood you to say you did not know of anybody who had been prosecuted.

Mr. JENSON. I understood the chairman to ask me if non-Mormons had been prosecuted. I thought that was the way the question was put.

The CHAIRMAN. And you know of no case of that kind?

Mr. JENSON. No; I do not recall any.

Senator HOAR. The distinction has not been made clear in any question, so far as I have heard them, between the two cases. I suppose what the chairman meant to ask—at any rate I should like to ask it—is whether any Mormon who lives with a plural wife in a state of cohabitation, which, of course, is adultery according to the law, has been treated as a non-Mormon would be treated who committed adultery. That is the precise point of the question.

Mr. JENSON. I think if complaint were lodged it would be precisely the same.

Senator HOAR. It is not what would happen if a complaint were lodged. I think your answer is an entirely proper one to be added after you have answered the first question. But in fact has any Mormon who lives with a plural wife, with whom he had had the religious ceremony of marriage since 1890—I mean living with her since 1890—been prosecuted for adultery, to your knowledge, or convicted of it?

Mr. JENSON. I do not know of any such case, Senator.

Senator HOAR. This instance of which you have just spoken was the case of a Mormon who was convicted of adultery, not having married

the woman with whom he committed adultery, as I understand it. Is that true?

Mr. JENSON. Yes, sir.

Senator HOAR. Very well. If you wish to add anything about your belief in the existing conditions, it is proper to do it.

Mr. JENSON. I should like to say this in answer to the Senator's question: The Mormon people draw a clear distinction between adultery of that kind, that was presented here yesterday, and the man living with his wives, who once were his wives; that is, women who have been married to him before the manifesto. They would draw a line from a moral standpoint, a great distinction, between the two kinds of adultery, if the latter should be adultery. If a complaint was made and there was a prosecution, the outcome would be the same, yet there would be less willingness to prosecute on those lines because one is condonable and the other would not be. The Mormon people would find no justification at all for one, whereas they would for the other.

Senator HOAR. You say there would be less willingness. Is it not true beyond any question that the Mormons would be absolutely opposed to punishing criminally, if they could help it, a man for the mere offense of continuing to live with a plural wife whom he married before 1890?

Mr. JENSON. If complaints were made——

Senator HOAR. No.

Mr. JENSON. They would prosecute it.

Senator HOAR. I am going beyond that.

Mr. JENSON. I think you are right in stating that there would be a reluctance on the part of many of our people to prosecute on those lines.

Senator HOAR. Certainly. You never have heard of a complaint being made of a Mormon for that offense, have you?

Mr. JENSON. I think not.

Senator HOAR. Is there any doubt in your mind that if a Mormon should make a complaint for that offense and press it through the courts he would do an act which would make him odious to all your people?

Mr. JENSON. They would testify truthfully in every case; but I do not think they would try to make it odious.

Senator HOAR. I am not speaking of telling the truth. If there were a person living in open adultery in an ordinary community, any good citizen who took it up and carried through the prosecution—collected witnesses and applied to the district attorney and had it brought before the grand jury—would be treated as doing a public service; and I suppose that would be equally true in your community in the case of ordinary adultery?

Mr. JENSON. Yes, sir.

Senator HOAR. But if anybody were to do that in regard to Mr. President Smith—if any Mormon, having heard Mr. Smith's testimony here, were to go back to Utah and swear he heard him say that here and insist on his being prosecuted, he would do an act which would be odious to all good Mormons, would he not? That is the feeling, is it not?

Mr. JENSON. I think so. Yes; I think so.

Senator HOAR. Do not understand me as expressing an opinion one

way or another as to the propriety of it; but I am merely asking the question for information.

Mr. JENSON. I think there would be; in fact, I know there would be a great deal of difference, as I have already explained, between the one kind and the other kind. One is heinous, in our estimation, and the other would not be so much so.

The CHAIRMAN. The other what?

Mr. JENSON. The other would not be so much so.

Senator DUBOIS. Do you not know that since the manifesto several Mormons, to say the least, have been arrested and convicted, or have plead guilty?

Mr. JENSON. Yes, sir.

Senator DUBOIS. You have not testified to that? I know it is so. You know it.

Mr. JENSON. I think my testimony corroborates that.

Senator DUBOIS. No; I think not. I do not think it was plain at all.

Mr. JENSON. Then, perhaps, I have not understood the questions.

Senator DUBOIS. There is no question about it whatever. I do not see why you did not state it plainly. I know it.

Mr. WORTHINGTON. He was asked about prosecutions by Mormons.

Senator DUBOIS. No. I think we all understand that he said he did not know whether there had been any or not.

Mr. JENSON. If you will give me another question, I will endeavor to answer it.

Senator DUBOIS. There is no question that there have been prosecutions since 1890.

Mr. VAN COTT. That is admitted in the pleadings.

Senator DUBOIS. Certainly.

Mr. JENSON. I understood Senator Hoar to mean church prosecutions.

Senator DUBOIS. I wanted to clear this up.

Mr. WORTHINGTON. Among those prosecuted since the manifesto is Heber J. Grant, the apostle.

Senator HOAR. For what?

Mr. WORTHINGTON. For unlawful cohabitation, and he pleaded guilty.

Mr. JENSON. I think he was——

Senator DUBOIS. Did he not declare, after that, publicly, to the public schools, before the children, that he was a polygamist?

Mr. JENSON. Yes, sir; that is what the papers said. I was not present.

Senator DUBOIS. After he was prosecuted?

Mr. JENSON. I have never heard that statement in the papers denied.

Senator DUBOIS. No.

Mr. WORTHINGTON. You know that the assertion was made and not denied. You do not know whether it is so or not?

Mr. JENSON. No, sir; I was not present, but I saw it in the papers.

Mr. WORTHINGTON. What?

Mr. JENSON. I was not present to hear him make that statement, but I read it in the papers the next morning.

Senator DUBOIS. When he was convicted, what was his sentence?

Mr. JENSON. I think he paid a fine.

Senator DUBOIS. He did not go to jail?

Mr. JENSON. No; I think not.

Senator DUBOIS. He did not go to the penitentiary?

Mr. JENSON. No, sir.

Mr. TAYLER. You have referred to the Harmer case, which was introduced here by a question of Senator Beveridge, where the offense for which he was sent to the penitentiary was that of adultery?

Mr. JENSON. Yes, sir.

Mr. TAYLER. You, of course, heard his statement that he was living openly with his plural wife somewhere near where this woman, for adultery with whom he was sent to the penitentiary, was living? You recall that here yesterday, do you not?

Mr. JENSON. I do not know whether I understand your question?

Mr. TAYLER. You recall that he testified that he had a plural wife?

Mr. JENSON. Yes, sir.

Mr. TAYLER. Living in Richmond—was it Richmond?

Mr. JENSON. Springville.

Mr. TAYLER. And also about his relations to this woman?

Mr. JENSON. Yes, sir; now I understand you.

Mr. TAYLER. And his statement that he thought that Senator Smoot had had something to do with his prosecution?

Mr. JENSON. Yes, sir; I heard him state that here.

Mr. TAYLER. Now, the statement you have given us as to the view that the Mormons take of polygamous cohabitation and the treatment that they would accord any Mormon who would prosecute anyone charged with polyamous cohabitation, furnishes, does it not, the explanation why Mr. Smoot, seeing this man Harmer living with a polygamous wife openly and notoriously, and also committing adultery with a third woman, determined to prosecute him for adultery and to leave him unpunished for polygamous cohabitation?

Mr. JENSON. Of course I can not say as to whether Mr. Smoot knew of his plural wife at that time. I did not know it until yesterday. I did not know Mr. Harmer had a plural wife until he stated it on the witness stand here yesterday.

Mr. TAYLER. Well, assuming that knowledge of it, that explains why he was prosecuted for one and not for the other offense?

Mr. WORTHINGTON. Mr. Chairman, I submit that that is a question which any man could answer just as well as the witness.

Mr. TAYLER. He has been talking about the effect—

Mr. WORTHINGTON. He has been speaking about what he knows of the general feeling of the Mormon people.

Mr. TAYLER. Exactly; and I am asking him if that does not furnish the explanation why Mr. Smoot did not undertake to prosecute this man, whose flagrant conduct was before his eyes, for polygamous cohabitation, but did prosecute him for the other offense against the law.

Mr. JENSON. I should like to explain that so far as I know the Mormons morally—

Senator HOAR. Mr. Tayler, I think that in the discussion you should not undertake to deal rhetorically with the matter. You say his flagrant conduct was before his eyes. That is not necessary in your question.

Mr. TAYLER. Of course I sometimes have to repress the necessary inferences from the observed facts, but I do not want or desire to be rhetorical.

How far, Mr. Jenson, is Provo from Springville?

Mr. JENSON. Six miles.

Senator McCOMAS. I should like to ask you a couple of questions. Before a Mormon runs for a local office in his county he must have the consent of who, in the church, to run for the office?

Mr. JENSON. I do not think he needs to have the consent of anybody.

Senator McCOMAS. What do you know about it? You say you do not think.

Mr. JENSON. Simply because, from personal experience, I know men who have run for office independent of any advice asked for or given.

Mr. WORTHINGTON. There is a written rule of the church, adopted by the high officers of the church and promulgated some years ago, on the subject. It is in the record. It applies only to certain high officers of the church.

Senator DUBOIS. All those occupying the high offices which you have described, which are presented to the president of the church for his sanction, have to receive such consent?

Mr. JENSON. Yes, sir; and for this reason——

Senator DUBOIS. I do not care for the reason. I want to get at the facts. I ask the witness if that does not include the apostles, the patriarch, the seven presidents of the seventies, and the three presiding bishops, the president of the stakes, and the bishops?

Mr. JENSON. I should like to explain that it includes officers who are supposed to devote all their time in the interest of the church.

Senator DUBOIS. Have I named them correctly?

Mr. JENSON. Yes, sir; the general officers.

Senator McCOMAS. I wish to ask you a question. It is whether it is true that any Mormon before he runs for a public office—for a county or State office—must get the consent of some of the higher church officials?

Mr. JENSON. No, sir. If the Senator has heard that, it is not true.

Senator McCOMAS. It is not true of any Mormon?

Mr. JENSON. It is not true of any Mormon except the general officers of the church, because they are supposed to have agreed to devote all their time and interest to the church the same as a man who is employed by somebody else.

Senator McCOMAS. Then the higher officers, or the general officers as you call them, before they are candidates, either before the people or before the legislature, must obtain the consent of the president of the church?

Mr. JENSON. For this reason——

Senator McCOMAS. Answer must they or must they not.

Mr. JENSON. According to the rule they must.

Senator McCOMAS. They must?

Mr. JENSON. According to the rule laid down by the general authorities.

Senator McCOMAS. You stated the reason a while ago.

Mr. JENSON. Yes, sir.

Senator McCOMAS. The same men may engage in any private business, as officers of corporations, railroads, or otherwise, and they need not get the consent of the head of the church to engage in such private business, which would distract their minds and take their time from

the business of the church. But if they run for political office they must get the consent of the head of the church. Is that true?

Mr. JENSON. I think not.

Senator McCOMAS. What is the fact?

Mr. JENSON. I think they would naturally, in the one instance as in the other, consult with those to whom they were responsible as to whether they could engage in some other business whereby they might neglect their ecclesiastical duties. They would not be compelled to get consent, but I think both in political matters and in secular affairs they would naturally ask advice—not get permission, but ask advice—whether they could neglect their church duties and engage in business.

Senator McCOMAS. You are the historian of the church, and observe the people and their general conduct very closely?

Mr. JENSON. That is the reason—

Senator McCOMAS. And you have never known a case in which the Mormons voted solidly together?

Mr. JENSON. No, sir.

Senator McCOMAS. You never have?

Mr. JENSON. No, sir; I never have.

Senator McCOMAS. They usually divide on political lines?

Mr. JENSON. Yes, sir; ever since 1892 that has been the rule.

Mr. WORTHINGTON. You will find the rule to which I have referred on page 168.

The CHAIRMAN. The committee will now suspend the hearing. After a brief executive session, a recess will be taken until 2 o'clock this afternoon.

At 11 o'clock and 45 minutes a. m. the committee went into executive session, and upon its conclusion took a recess until 2 o'clock p. m.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Proceed, Mr. Tayler.

Mr. TAYLER. Mr. Chairman, before I call the next witness I would like to have a little more definite understanding as to the information which Mr. Jenson was to furnish respecting the authorities of the church. I may state what I would like to have—and I rather think that is what he understands he is to furnish—the names of all the authorities of the church, beginning with the first president and down to and including the bishops.

Mr. WORTHINGTON. Of course it will take some time to do that.

Mr. TAYLER. He can get that and send it after he goes home if he does not have it here. I suppose he does not have it here.

Mr. WORTHINGTON. I understood you to say you wanted that information before you put on another witness.

Mr. TAYLER. No; I wanted to have it understood what he is to furnish to the committee.

Senator DUBOIS. I want to ask Mr. Jenson a question.

TESTIMONY OF ANDREW JENSON—Continued.

ANDREW JENSON, having been previously sworn, was examined, and testified as follows:

Senator DUBOIS. I understand there is a Mormon colony in Mexico and there are missions in other places. I want to know whether or not the manifesto is considered the law of the church in Mexico, where you have a colony, where plural marriage is not prohibited?

Mr. JENSON. Yes, sir; the manifesto is in force all over the world.

Senator DUBOIS. It applies to Mexico and all the balance of the world as well as the United States?

Mr. JENSON. So I understand it; yes, sir.

The CHAIRMAN. Just one question I want to ask for information: Suppose a member of your church in good standing is directed by the president or any of the men in authority to sell his property and remove to some locality. Is that binding upon him?

Mr. JENSON. No; he is under no obligation at all.

The CHAIRMAN. He can disobey it if he wants to?

Mr. JENSON. Yes, sir.

The CHAIRMAN. What would be the effect of it?

Mr. JENSON. The effect would not be serious at all. He might be called disobedient to counsel, if it was given as counsel, but the church does not dictate in these matters.

The CHAIRMAN. They never do that?

Mr. JENSON. There was a time, Mr. Chairman, in the earlier days of the church, many years ago, in the early settlement of Utah, for instance, when they settled St. George and sent missions to what is now Nevada, when they called men to go on temporal missions, the same as they might do on preaching missions; but that was back in the earlier days in Utah, when that was necessary, and they were simply called to go, and they could refuse or accept as they chose, the same as any other mission. But of late years no such call has been made that could be called binding at all.

Mr. WORTHINGTON. I was going to ask about one matter. A witness here stated about the officers of the church giving advice to the members about their flocks and keeping their buildings in repair and being frugal, and that sort of thing. What binding effect has that sort of instruction or advice?

Mr. JENSON. It has no binding effect at all. That is also something that dates back to the early days of Utah and the pioneers there, and it was necessary for President Young and others at that time to give the younger people that advice, with his experience as to the building of meetinghouses, making water ditches, and so on; but nothing binding. It was simply advising; giving what we call good counsel; giving the people the benefit of his own experience.

Mr. WORTHINGTON. Suppose they do not accept that sort of advice and counsel; does anything follow?

Mr. JENSON. Nothing at all.

Senator DUBOIS. To illustrate now: Suppose the authorities should ask the president of the stake up in Cache Valley to select 20 families and take them up to the forks of Snake River, in Idaho, what would the president of that stake do?

Mr. JENSON. The president undoubtedly would call for volunteers and say that so many families were wanted up there, "Are there any here who want to go?"

Senator DUBOIS. Would he be likely to get 20 families?

Mr. JENSON. He would not be under obligation to get 20 families.

Senator DUBOIS. I say would he be likely to get 20 families?

Mr. JENSON. If there were 20 who volunteered to go; otherwise he would not call them.

Senator DUBOIS. Would 20 likely volunteer to go?

Mr. JENSON. In many instances the people are very anxious to go to a new country if they find there are openings for settlers.

Senator DUBOIS. Then if 20 families were called for by the authorities they would go, would they not?

Mr. JENSON. I remember nothing of that kind since 1873, as far as I am acquainted with the history of the church.

Senator DUBOIS. I am asking about the present day. I suppose you can say no if you want to.

Mr. JENSON. I will say no. It has not happened for twenty or thirty years that I know of.

The CHAIRMAN. Mr. Critchlow, take the stand.

TESTIMONY OF E. B. CRITCHLOW.

E. B. CRITCHLOW, having been first duly sworn, was examined and testified as follows:

Mr. TAYLER. Mr. Critchlow, where do you live?

Mr. CRITCHLOW. Salt Lake City.

Mr. TAYLER. How long have you lived there?

Mr. CRITCHLOW. Continuously since 1883.

Mr. TAYLER. Where were you born?

Mr. CRITCHLOW. In Mississippi.

Mr. TAYLER. When did you go to Utah?

Mr. CRITCHLOW. In 1873.

Mr. TAYLER. Have you lived there ever since?

Mr. CRITCHLOW. Ever since with the exception of five years, when I was absent from Utah at university and law school.

Mr. TAYLER. Where were you educated?

Mr. CRITCHLOW. Princeton University and Columbia Law School.

Mr. TAYLER. You are a lawyer?

Mr. CRITCHLOW. I am.

Mr. TAYLER. You are one of the protestants in this matter?

Mr. CRITCHLOW. I am.

Mr. TAYLER. When did you begin to practice law in Salt Lake?

Mr. CRITCHLOW. In 1883.

Mr. TAYLER. That was the beginning of your professional career, was it?

Mr. CRITCHLOW. It was.

Mr. TAYLER. Did you hold any official position shortly after that?

Mr. CRITCHLOW. In 1885 I was appointed assistant United States attorney and served as such two terms in that year, the May and September or October terms, in the southernmost district of the then Territory.

Mr. TAYLER. Were you ever after that appointed United States attorney?

Mr. CRITCHLOW. Yes, sir; in 1890 I was requested to and again did take the office of assistant United States attorney under Mr. Varian, at Salt Lake City, having my office there.

Mr. TAYLER. How long did you serve in that capacity at that time?

Mr. CRITCHLOW. One year.

Mr. TAYLER. What other public position have you held in Utah?

Mr. CRITCHLOW. Well, outside of school trustee nothing, excepting one term a member of the State legislature—in the first State legislature.

Mr. TAYLER. After the admission of the State, the first legislature?

Mr. CRITCHLOW. Yes, sir.

Mr. TAYLER. Have you been familiar with the course of events since you went back there in 1883?

Mr. CRITCHLOW. Quite so.

Mr. TAYLER. And have you given more attention to it than people in general?

Mr. CRITCHLOW. I think I could say so; yes, sir.

Mr. TAYLER. Of course you are familiar with the fact that the Edmunds law was passed in 1882?

Mr. CRITCHLOW. Yes, sir.

Mr. TAYLER. And that that was the first law that made unlawful cohabitation unlawful?

Mr. CRITCHLOW. Yes, sir.

Mr. TAYLER. The law of 1862 having made bigamy unlawful?

Mr. CRITCHLOW. Yes, sir.

Mr. TAYLER. Will you state first of all, so that we may have it here, just what the legislation was of 1882 and 1887, and what followed that?

Mr. CRITCHLOW. Speaking generally, the legislation of 1882, known as the Edmunds act, was an amendment of the law of 1862, adding to the penalties of that law for bigamy, or defining, rather, another crime known as the unlawful cohabitation of a man at the same time with more than one woman as his wife. It also provided for the disfranchisement of those who were guilty of the crimes of bigamy or polygamy, and appointed a commission for the operation of the election laws.

Mr. TAYLER. Following that, in 1887?

Mr. CRITCHLOW. In 1887 there was added, for the first time, the definition and punishment prescribed for the crime of adultery. There was also—

Mr. WORTHINGTON. I did not know the Edmunds act punished adultery.

Mr. CRITCHLOW. I may be in error about that.

Mr. WORTHINGTON. It is in force in this district.

Mr. CRITCHLOW. There was also a clause of the act which provided for the disestablishment of the corporation of the church and a provision made that the supreme court of the Territory should proceed to make the proper distribution of the property. The perpetual immigration fund, as I remember it, a corporation, was also dealt with in that act, and dower was established. Provisions were made for the vacation of the office of probate judge, and a few other things of that sort.

Mr. TAYLER. Now, Mr. Critchlow, will you state briefly what, within your knowledge as an official and a citizen interested in public affairs, knowing what was going on in Utah, was the situation in Utah after the passage of the law of 1882 and the attempt at its enforcement?

Mr. CRITCHLOW. The first prosecution of note—

Mr. WORTHINGTON. Mr. Chairman, I understood we were confined in these matters to what transpired after the manifesto.

Mr. TAYLER. This is only in order that we may understand what preceded it. It is not affirmative for the purpose of holding anybody responsible.

The CHAIRMAN. That was in regard to marriages, I think, Mr. Worthington.

Mr. WORTHINGTON. If this is merely a general review of the situation—

Mr. TAYLER. This is merely a general review of the situation, and indeed I do not know that I had in my mind any thought of reference to any polygamous marriage that might have been contracted, but prosecutions under that law, just to show the movement of the public mind.

Mr. CRITCHLOW. The first prosecution of note was that of Rudger Clawson, the present apostle of the church, who was convicted, as I now remember, in either October or November, 1884, and sentenced to a term of four years. That was under the act of 1862, as amended by the act of 1882, and under the machinery of that act, which provided for certain challenges to jurors on account of their beliefs, etc.

The next prosecution of particular note was that of Angus M. Cannon, the presiding bishop of the Salt Lake stake, for the crime of unlawful cohabitation.

Mr. VAN COTT. Do you mean president, Mr. Critchlow?

The CHAIRMAN. In what year?

Mr. CRITCHLOW. That was in 1885. He was called President Angus M. Cannon. He was president of the Salt Lake stake. That was made a test case in a way to test the meaning of the term "unlawful cohabitation," it being contended that the term required something more in the way of proof than the mere association of a man with a woman as his wife; that it required further proof as to their actual relations.

Mr. TAYLER. Now, continuing on, what occurred between that time and—

Mr. CRITCHLOW. In 1885, and from that time on, prosecutions were conducted with great vigor throughout the entire State. Many of the men of the Mormon Church, and the women as well, went into hiding, and, first and last, as I now remember the figures, considerably over a thousand people were convicted and sentenced.

In all these cases the opportunity was given by the court, before sentence was imposed, to the defendant to save himself from the punishment of incarceration if he would promise in the future that he would obey the law. This was made a uniform practice from the time of the very first convictions, in the spring of 1885, as I remember it.

There never were any of the members of the church who complied with or took advantage of the promise so made by the court, or rather the leniency so held out, excepting, as I now remember, three or four. Three are all that I remember. Bishop Sharp, a director of the Union Pacific Railroad at that time, and a bishop of one of the larger wards in the city, an elderly man of considerable prominence, agreed to abide by the law in the future, having been found guilty under the law as construed by the court, and was promptly removed from his bishopric, the reason given by the church authorities in the papers being that it was the policy of the church to stand firm in their principles, and that any man who was inclined to be recalcitrant or to give up this principle, which they deemed a part of their religion, was no longer worthy to hold offices of that kind.

I may say generally that that was their attitude, and that later, in the year 1889, as I now remember it, Governor Caleb W. West went to the penitentiary where a number of them were incarcerated and promised to intercede with the President for a general pardon, or amnesty, if they would agree to in the future abide by the laws; but

in their publication in the Deseret News and in their sermons, and especially at a conference held in Logan, they adopted resolutions and made declarations and professions, etc., protesting that they could not give up this doctrine, because it was a part of their religion; and they were asked—

Senator HOAR. About what date?

Mr. CRITCHLOW. That extended from 1885 along up until 1889. In 1887, the Edmunds law having been passed, we first began to hear that the church had given up the practice of plural marriage. It was supposed by non-Mormons, and I may say was currently supposed in the community, that perhaps the passage of the Edmunds law, which forfeited all their property except such as was devoted exclusively to the worship of God, might have had something to do with that.

Mr. WORTHINGTON. You mean the Edmunds-Tucker law?

Mr. CRITCHLOW. I meant the Edmunds-Tucker law; yes. Did I say the Edmunds law?

Mr. WORTHINGTON. You said the Edmunds law.

Mr. CRITCHLOW. The Edmunds-Tucker law, I meant. But whatever may have been the reason for that it was continually asserted by their leading men and by those who were not in authority in the church that as a matter of fact the church had given up the practice of entering into new plural marriages. They even went so far as to say that the church authorities had set themselves against the doctrine, or practice, rather, of unlawful cohabitation; and in 1888 it had become quite generally understood among the Mormon people, according to their statement to non-Mormons and by their statements in public prints, and by the declarations, as I have said, of their public leaders, that this, as a doctrine, was no longer observed, the doctrine of plural marriage; in other words, that no new plural marriages were being entered into.

As time went on, by virtue of these continued professions and protestations and declarations, there seemed to be a sort of an idea growing up in the community that matters were changing in that respect. So general had that become that in 1888, when an examination was held at which Angus M. Cannon was examined with reference to the doctrines and practices of the church in a case which involved some of the property of the church, he called attention to that, and gave testimony to the effect, which appears now in one of the reports of a committee of Congress, that plural marriages were no longer being celebrated, at least in the particular stake of which he was the president, and explained at some length that there had not been any for about a year—that would make it from about 1887—and that he knew this was the fact, and for the reason, as he explained, and as was a matter of common knowledge to us all there in that community, that no one could go through the endowment house, as it was called, or the temple, in order to take these sealings, or endowments, for a celestial marriage without being approved by the presiding authority of the particular stake in which he lived.

As I have said, so general was that order accepted as a fact, without close inquiry into the causes which brought it about, that in 1892, when a hearing was had before a committee of Congress with reference to the passage of a certain act which was then proposed, known as the Faulkner bill, their attorney or agent or representative, whatever he might be called, Hon. F. S. Richards, who is here, assured the com-

mittee that it was well known in that community that plural marriages had absolutely ceased; that there were no plural marriages after 1887, and he also assured the committee, just as we had been assured in that community, that the practice of unlawful cohabitation was at least upon the wane, and that it was no longer encouraged by the authorities of the church.

Now, of course, during all this time the non-Mormons in that community looked upon those protestations and professions, if I may call them such, or declarations as to the actual state of affairs, with somewhat of suspicion or misgiving, I may say, because of the fact that after the conviction of Rudger Clawson, owing to the peculiar manner in which the people live, and the solidarity, if I may use that expression, of the community, it was absolutely impossible to get evidence of the fact of the entering into plural marriages except in certain rare instances, as, for instance, down in some of the outlying counties where admissions which were testified to, etc., or peculiar circumstances arose, which made it possible to convict of the crime of polygamy—that is, the entering into the state of plural marriage—ordinarily, in all these cases where this state was entered into the fact was that the parties simply kept the matter quiet for the period of three years so that the statute of limitations applied, and then there was no more concealment about it, and the only thing they could be prosecuted for at that time was unlawful cohabitation.

So that in 1887, from the beginning of 1887, as I have said, and from that time on it was understood from all the circumstances that I have narrated that the practice of plural marriages had ceased. Of course, as a matter of fact, we all know that it did not cease and that every little while there was evidence given—

Mr. WORTHINGTON. I object to this witness testifying unless he gives the source of his information as to plural marriages after 1887.

Mr. TAYLER. We have had three of them testified to here on the stand.

Mr. WORTHINGTON. Then let him say those are the ones he refers to and we will be content.

The CHAIRMAN. Mr. Critchlow, counsel would like to have you name the instances.

Mr. CRITCHLOW. It would be impossible, Mr. Chairman, for me to give the names of all I know, because I have never made any examination as to them; but I can name at a venture a number of people who have been married and who must have been married after 1889.

Mr. WORTHINGTON. Before the manifesto?

Mr. CRITCHLOW. Some of them, I think, were married after, but I do not know about that.

Mr. WORTHINGTON. I object to his stating any of the details as to any individual transactions of this kind before the manifesto, Mr. Chairman, because the committee decided and so announced to us all that matters of that kind would not be gone into prior to the manifesto.

Senator HOAR. Mr. Chairman, I suppose that a district attorney or a lawyer in full practice might be permitted to state that lynching, for instance, had been prevalent in the last few years in this country as a matter of common knowledge, or that homicides were frequent in Massachusetts, as unhappily they have been during the last few years. The question of whether this attitude of the church is a question of good faith might be materially affected by the question whether, as a

matter of common knowledge, a certain offense continued. It is not to charge the offense on anybody, but it seems to me it is a part of the showing and that this gentleman, who knows generally these things, may go as far as that.

Mr. WORTHINGTON. If I may be permitted, Senator, I think there is a very great difference, of course, in the case that you refer to. Lynchings are matters that are public. Everybody knows of them, not only in the community, but in the land practically; and so if homicides be committed they are matters of common notoriety and knowledge. The witness has just stated there was very great difficulty during this period of proving that plural marriages took place. Now he is about to state the result of something. It must be from information that he has received as to private and secret matters, which can not be within anybody's public knowledge and which are denied. Further than that we had a very extended argument, the committee will remember, on this subject, and the committee had an executive session and announced to us that matters of that kind would not be gone into prior to 1890. Since then we have been allowed to dismiss witnesses who had very important information on that subject and whom we would have examined in regard to it had we known that this subject was to be gone into.

Senator HOAR. I have heard of no such decision of the committee. This is the first information I have of it. I think we should hear testimony to the effect that a gentleman who was or had been a district attorney of the United States understood that up to a certain time a certain offense was common in the community and that at a later time it existed occasionally, but more rarely.

Mr. WORTHINGTON. At the time I objected he was being asked as to specific names.

Senator HOAR. No; I do not think so. He was asked as to the general act, and he was beginning to answer something about specific cases, and then the objection came.

Mr. TAYLER. I understood that Mr. Worthington started out and insisted on his giving the names, which we do not care anything about at all. The witness then proceeded to give them, and then came the objection.

The CHAIRMAN. The ruling of the committee was that the question of the practice of plural marriages previous to the manifesto, as an affirmative matter, could not be inquired into; but this witness is testifying to a general condition of things, and the chair thinks it is proper for him to answer the question.

Mr. TAYLER. And of course, Mr. Chairman—I do not want to take time, and the chair knows I have not done so—even if that was a settled decision of the committee, the situation as to this would be changed even now, because a new issue appears in the case, to wit, a question—

Senator HOAR. Mr. Chairman, as the chairman has ruled that the question is competent, I move that the question be put without further discussion.

Mr. TAYLER. I only want to say that we have a question of good faith here now that was not in it at first—the statement that it had stopped in 1887.

The CHAIRMAN. I would suggest, Mr. Tayler, that that would provoke discussion on the other side, and that the proper way would be to have the question read to the witness and let him answer.

The reporter read the last part of the testimony of the witness, as follows:

“The CHAIRMAN. Mr. Critchlow, counsel would like to have you name the instances.

“Mr. CRITCHLOW. It would be impossible, Mr. Chairman, for me to give the names of all I know, because I have never made any examination as to them; but I can name, at a venture, a number of people who have been married, and who must have been married after 1889.

“Mr. WORTHINGTON. And before the manifesto?

“Mr. CRITCHLOW. Some of them, I think, were married after, but I do not know about that.”

Mr. TAYLER. Mr. Critchlow, you were going on to state what the understanding of the people in Utah was as to the good faith of the Mormon people in asserting that they had ceased the practice of plural marriages as far back as 1887?

Mr. CRITCHLOW. I do not know that I was making quite that distinction, because I want to be rather precise when I speak of the good faith of the Mormon people. I was speaking, however, of the professions of the leaders of the church as to the practice of the church, they having the authority, as was well understood, of fixing the practice, and I was saying that it was declared by them and echoed by the entire people, and finally the belief became prevalent to a certain extent among the non-Mormons, that the church had at last frowned upon and discountenanced the actual entry upon new polygamous relations. I do not now quite understand whether I was requested to give the names of such as those I knew had entered into it after 1888 or not.

The CHAIRMAN. You may omit that.

Mr. CRITCHLOW. The next matter of immediate interest, perhaps, was the attempt upon the part of the leaders of the church to secure a State constitution in 1887. A constitutional convention or rather conventions throughout the Territory were called by the People's Party, which was the Mormon people acting in a political capacity, and during that summer conventions were called and primaries were held, you might call them, and a convention was finally held in June or July of that year and a new constitution was adopted in which the crime of polygamy was absolutely prohibited. No one but Mormons took part in these events, and, so far as I am now advised and can remember, no one but Mormons took part in attempting to further this attempt to secure statehood in 1887.

A committee was appointed by leading members of the church, who came down here in the fall of that year, and I think in the fall of the next year. Mr. Joseph F. Smith, I think Mr. Richards—I am not certain about that—and some others came down and attempted to forward the adoption of that constitution and the admission of Utah as a State. This was strongly resisted by the non-Mormons, acting in the political capacity of Republicans and Democrats alike—an alliance between them—they retaining there in the State merely the skeleton of an organization for national political purposes. A hearing was had down here in that year, and instead of statehood being accomplished and permission given to form a State under that constitution, additional legislation was proposed even more stringent in many respects than that which had gone before.

In 1888 or 1889—I can not remember the date precisely—there had been considerable legislation in Idaho directed against the Mormon

people, and a test oath had been formulated up there and had been declared to be constitutional after the requisite appeal to the Supreme Court of the United States.

Senator DUBOIS. Will the witness allow me to get the dates correct? The test oath was passed in Idaho in the winter of 1884-85.

Mr. CRITCHLOW. Yes; it may have been earlier than I thought.

Senator DUBOIS. And the Supreme Court of the United States affirmed the constitutionality of it in the spring of 1890.

Mr. WORTHINGTON. In May, 1890.

Mr. CRITCHLOW. Yes; I remembered the main facts—that the appeal was pending for quite a little while.

Then, too, under the Edmunds-Tucker Act, suits were brought in escheat, and a great deal of the property was taken away from the church, so that in the spring of 1890 the Mormon Church had found that its property was taken away from it, and the test oath was declared to be constitutional, as given in Idaho. Many of their people were under indictment in Idaho for having entered into a conspiracy to leave the church in a body in order that they might escape the test oath. The constitution of Idaho had been adopted by the people and Idaho was about to be admitted as a State, and in addition to all that more stringent legislation than ever, in the nature of the Struble bill in the House and the Cullom bill in the Senate, had been introduced, and the Cullom bill had been reported back favorably, which absolutely disfranchised the Mormon people.

Mr. TAYLER. This was in 1890?

Mr. CRITCHLOW. This was in 1890. At that time we began to hear it was reported among the people of Utah that something would have to be done in order to place the Mormon people right before the country, as this bill would go through and statehood would be indefinitely postponed. This one in 1887 was the seventh or eighth attempt that had been made by the Mormons to secure statehood. Some of their prominent men, as I remember it, Mr. John T. Caine and Mr. Cannon, who was his secretary and others, brought back word from Washington that some public declaration must be made by the church which was reformatory in its nature and which would serve to put themselves in accord with the American people, or these acts would be passed and they could not obtain statehood. Some interviews were had. As I remember it an interview was had with Secretary John W. Noble—I can not just now remember whether the interview took place before September 26, 1890, or just after September 26—in which he stated that he had suggested to the heads of the church that something of this kind must be done. So that in 1890, in September, the manifesto, so called, of Wilford Woodruff was promulgated.

Of course, the prosecutions which were going on for unlawful cohabitation still proceeded, but there were no prosecutions, so far as I know, for the crime of polygamy itself—that is, the entering into the relation. This changed attitude of the Mormon people did not at first commend itself to the non-Mormons of the State and of the western country, and very serious opposition was made to any professions upon their part of sincerity in making this change; but still it was pointed out that so far as the prosecutions showed, and any evidence that was available, no new marriages were taking place, and to a certain extent some of the men were obeying the law as to unlawful

cohabitation in that there were no new cases being brought up and prosecuted, only the old ones.

In 1891 the central committee of the People's Party, which was the Mormon Church, as I have said, in its political capacity, met and disbanded the People's Party and announced the intention of thenceforward working upon political lines of the national political parties.

Senator DUBOIS. Mr. Critchlow, to make it clear, the People's Party, as I understand it, was composed entirely of Mormons.

Mr. CRITCHLOW. Entirely of Mormons.

Senator DUBOIS. And the Liberal party was composed entirely of Gentiles, non-Mormons.

Mr. CRITCHLOW. Entirely of non-Mormons. The line was drawn as sharply as, in the nature of things, it could be drawn in a matter of that kind.

Mr. TAYLER. I understand—if it is not a fact you may say so—that the Mormon leaders themselves at that time and since have always proclaimed that the People's Party was the Mormon party, the Mormon Church's party, or rather the party of the people of the Mormon Church.

Mr. CRITCHLOW. Oh, yes; there never was any question about that. The Mormon people themselves—and by the Mormon people I mean what is ordinarily spoken of as the rank and file of the people exclusive of these authorities of the church—had for some time been restive under the conditions which had been imposed upon them. The two things which had kept the community, or the Territory, rather, out of the Union for so many years were recognized by everyone as being the practice and belief in polygamy and the absolute control of the church in matters temporal; and the pressure from within was beginning to make itself felt in the way of unrest, and that of course had its effect upon the minds of the non-Mormons in their acceptance finally of the professions of the leaders of the church of their absolute sincerity in the matter of this division upon the two national party lines.

It was not until the fall of 1891, I think, that the non-Mormons to any great extent accepted this division upon the two party lines and the abolition of the People's Party as being a matter which was so far sincere that they could join in with them; and in the fall of that year many of the more prominent non-Mormons in both parties, Republican and Democratic, finally concluded to join with the rest of the party of the State in the attempt to obliterate all the past differences and to form the people into parties, Republican and Democratic, just as they exist in any other State. The leaders of the church themselves entered, of course, heartily into this matter and in every way that they could—by interview, personal, and in the press—gave expression not only to the good faith of the people themselves, but to the good faith of the leaders themselves, which was practically the only thing which the non-Mormons doubted.

I say that for the reason that I think I correctly state the feeling of the great majority of non-Mormons, if not all of the non-Mormons of the State and of the Western country, in saying that the people themselves, if relieved from the domination and the control, political and ecclesiastical, of the authorities of the church, would make rather short work of the domination in political affairs and the control in political affairs and temporal affairs, and also of the practice of polygamy.

It was in the hope and in the expectation and in the belief that the

leaders, having committed themselves absolutely to the doctrine, first, that polygamy and unlawful cohabitation was a thing of the past, and, secondly, to the fact that they themselves would no longer attempt to interfere in the temporal and political affairs of the people of the State—it was relying on those promises and feeling that the leaders themselves would be estopped by them to such an extent that they would lose their hold upon the people, if it was ever broken, that led the non-Mormons to join with them in these parties. At least, that was the argument that was used repeatedly. The celebrated—I mean celebrated in a local sense merely—interview of two of the three heads of the church in the Salt Lake Times, which was published in August, was a carefully prepared interview for the purpose of enforcing the idea—

Mr. WORTHINGTON. What were you referring to there?

Mr. CRITCHLOW. The Salt Lake Times interview.

Mr. WORTHINGTON. Mr. Chairman, he is stating now what was the purpose of the interview.

Mr. CRITCHLOW. Excuse me. I have the interview here. I perhaps ought not to state that. There was an interview between two of the heads of the church, Mr. Joseph F. Smith—

Mr. WORTHINGTON. That is, there was published in the paper what purported to be an interview?

Mr. CRITCHLOW. There was no question about its being an interview.

Mr. WORTHINGTON. Were you there?

Mr. CRITCHLOW. In a sense; not exactly. I was actively identified with the movement at that time. Senator Rawlins, my partner, and myself were both very much interested in this movement, believing it to be the solution of the entire Mormon question; and I might say, in answer to your question, Mr. Worthington, that I was connected financially and a little more closely than that with the Times itself, and knew of the preparation and publication of this interview. I, perhaps, ought to let the interview speak for itself, except to say it was prepared for the purpose and was taken by the people as meaning, without any equivocation, that at least so far as two of the heads of the church—Mr. Joseph F. Smith being still in hiding—Wilford Woodruff and George Q. Cannon, were concerned, it was the steady purpose of the leaders of the church to keep their hands entirely off of politics and let the people run things themselves, as well as to adhere to their manifesto of 1890; and it was rather assumed that polygamy and unlawful cohabitation would be a thing of the past anyhow.

The non-Mormons at first—I may say the majority of the non-Mormons under the Liberal party—refused to accept these protestations and declarations upon the part of the leaders.

I perhaps ought to go back one moment in speaking of the condition of things just before the manifesto. There had been an inquiry by one of the courts of the State into the question as to whether the members of the Mormon Church were fit subjects for naturalization, and it had been adjudicated, after a lengthy examination, that those who belonged to the church were not persons who were fit to be naturalized and become American citizens, and that ruling had been adopted in other districts of the State. I ought to state, perhaps, in that particular that I believe Judge Zane (who was the chief justice of the State, and who presided in the third district, together with other judges) did not adhere closely to that ruling. But from the spring of 1890

every judicial district of the State, excepting that particular court of the third district over which Judge Zane presided, refused to naturalize the members of the Mormon Church. Immediately after the manifesto of President Woodruff in 1890 the judges regarded that as being a declaration of the church that the doctrine in reference to the practice of these matters had been changed, and I think from that time on no objection was made.

Speaking now again of the attitude of the non-Mormons it was pointed out that this declaration was not based upon any revelation, and various other objections were made, and the fact was pointed to that the belief in the rightfulness of plural marriage was something that could not be eradicated from the system and certainly would be practiced. But little by little the non-Mormons were won over in one way or another, and I think I may say that finally, by 1892, the only possible objection made was on the part of a few people who contended not that polygamy and unlawful cohabitation were doctrines of the church, because it was understood that they had been abandoned, or the practice of them rather, but that the interference in politics would be the great objection.

But in 1892, there being before Congress a certain act known as the Faulkner bill, to give us a measure of local self-government there, a few non-Mormons appeared here, and a great body of non-Mormons also supported that bill. It was supported mainly, however, I may say, by Democrats, because it was understood to be a Democratic measure. But at least the attitude of the non-Mormon people of the State had so far changed that the majority of them were in favor either of local self-government or of the admission of the Territory into the Union as a State.

This sentiment continued to grow until, in 1893, the statehood bill was passed. Mr. Rawlins was the delegate at that time, and it was actively advocated by nearly every one of them, I think. A very inconsiderable minority of the non-Mormons in the State were still objecting.

Mr. TAYLER. That was 1894, was it not?

Mr. CRITCHLOW. In 1893, I think, the bill was passed.

Mr. VAN COTT. You speak of the enabling act.

Mr. CRITCHLOW. Yes; in the spring of 1894—

Mr. WORTHINGTON. The enabling act was in 1894.

Mr. CRITCHLOW. The convention was held in the spring of 1894. I may have got that one year wrong.

Mr. VAN COTT. It was July 16, 1894.

Mr. CRITCHLOW. The enabling act was passed in 1894 and in 1895 the convention was held. The practice of polygamy was a matter—I do not mean the practice of polygamy, but the act of marrying more than one woman—was scarcely ever heard of after that time. After 1887, that is to say, no non-Mormon at least, or scarcely any, could ever say that an instance occurred in which he was satisfied that at a particular time and place a new wife had been taken by anybody. The practice of unlawful cohabitation was not very prevalent, and yet of course there were many instances where the practice of unlawful cohabitation was known.

Mr. WORTHINGTON. Of what time are you now speaking?

Mr. CRITCHLOW. I am speaking of the time between 1887 and the time of the constitutional convention in 1895. It was what might pos-

sibly be called an era of good feeling. Nobody cared to disturb the apparent prosperity that was coming to the State, and the circumstances that had allayed the old bitternesses, as it was thought, and the fact that the church had given up the practices which had kept us aloof from the rest of the United States, led anybody to minimize any objection which might be made upon the score of want of good faith in carrying on these practices.

Of course, I think I ought to say right here that in the view of non-Mormons the mere act of entering into plural marriage between a man and a woman, nothing else appearing, although it was punished in the law as being the substantive offense, the punishment for which was very severe, was, comparatively speaking, a matter of indifference to the non-Mormon people. I am speaking now comparatively, because it made very little difference to any person in the community if, secretly and without anything else appearing, there being nothing to indicate that a woman was a man's plural wife, he had married her on a certain day. Sensibilities were not outraged in any way, but the real offense, as felt by the non-Mormon people then and now, is the practice of unlawful cohabitation; or, as the Supreme Court says, the holding out or flaunting in the eyes of the community of more than one woman as a wife, and the semblance of a family relation of that kind.

So that, when it was spoken of as the abandonment of polygamy, I think I may state with entire fairness that we did not care so much as to whether the people abandoned the practice of entering into new marriages as that they should abandon the active and—I think I may use the word—offensive practice of unlawful cohabitation.

In 1894 the enabling act was passed, and the constitutional convention was held in 1895. The reports of the constitutional convention will show, of course, what was done.

Mr. VAN COTT. I have them here if you want to refer to them.

Mr. CRITCHLOW. No, I do not care to refer to them; but I say they will show, of course, what was done and said by the various persons as to what pledges ought to be given by the people of the State of Utah with reference to the practice of unlawful cohabitation and polygamy.

Senator HOAR. Was this constitutional convention composed of persons of the Mormon faith and others, or solely those of the Mormon faith?

Mr. CRITCHLOW. It was composed—I can not give the relative proportions, but there were both Mormons and non-Mormons, both prominent Mormons and prominent non-Mormons in the constitutional convention.

Mr. WORTHINGTON. How about polygamists?

Mr. CRITCHLOW. I think there were 17 polygamists in there, and of the polygamists one, at least, had a child born to him at the time he was presiding over the constitutional convention. That was Apostle John Henry Smith.

Senator HOAR. Do you remember which way the majority was in the constitutional convention?

Mr. CRITCHLOW. The majority was Mormon.

Senator HOAR. I will not interrupt you any further.

Mr. CRITCHLOW. Such instances as that were not spoken of particularly excepting as a matter of comment in the case of a prominent

man like Apostle John Henry Smith, and then, of course, the non-Mormons could not but remark on the fact that while he was presiding over this convention there was evidence given to the world of the fact that so far as he was concerned at least he had not kept the letter or the spirit of the manifesto; but, as I said before, it was the desire on the part of the non-Mormons that these things should cease, and if matters of that kind did happen now and then it was regarded as being in the interests of good citizenship and the interest of a final solution of the question that no particular concern should be taken to prosecute matters of that kind.

I do not know that anything else in that particular connection needs to be dwelt upon to give an idea of what did happen up to the time of statehood.

Mr. TAYLER. Proceed now to the period after statehood.

Mr. CRITCHLOW. I may say this, however, that it was contended by many people at that time that the manifesto did not really suspend the practice of unlawful cohabitation as the practice of the church in its ecclesiastical capacity.

I do not know that I expressed that quite clearly. It was contended at that time, when their attention was brought to it, that, after all, that was a matter of which they were not called upon to pledge themselves to the people of the United States. Quite an effort was made in the constitutional convention, as appears in the reports and as was a matter of common knowledge there in the community at that time, to have the distinct pledge as to unlawful cohabitation put into the constitution—I mean privately, among the members, as we all understood, Mr. Varian, Mr. Goodwin, and others; but various reasons were given why they should not go beyond the exact terms of the pledge, if you call it a pledge, or the provision which was exacted from the new State by the enabling act which had just passed Congress.

Under this constitution the State was declared a member of the Union and came in on January 6, 1896. That first legislature remained in session ninety legislative days, and of course a great many bills came before them for the purpose of adjusting the Territorial condition to that of statehood.

The first thing that came to our attention was the fact, which was disclosed only at the end of the session, that there had been during the period of that legislature, and, so far as appeared, during its entire session, a committee appointed by the heads of the church to supervise the legislation.

The CHAIRMAN. What time was that, Mr. Critchlow?

Mr. CRITCHLOW. That was the first State legislature.

The CHAIRMAN. What date was it?

Mr. CRITCHLOW. It was in the first three months of 1896. We came in as a State on the 6th of January. And that has appeared from the evidence. All of the bills which had been submitted to the legislature for passage had been turned over to this committee of elders of the church for the purpose of being passed upon by them to see whether they were proper legislation for the legislature of Utah to act upon.

Senator DUBOIS. On what ticket were you elected to the legislature?

Mr. CRITCHLOW. On the Republican ticket.

Senator DUBOIS. On the straight Republican ticket?

Mr. CRITCHLOW. Well, there was but one. The Republican and the Democratic tickets were the only tickets in the field.

Senator DUBOIS. Then you are a Republican?

Mr. CRITCHLOW. Yes, sir.

The next thing that appeared in the way of a violation of what we have been apt to speak of as pledges there or promises of the leaders of the church was the deposition of Moses Thatcher for his action in becoming a candidate for United States Senator contrary to the expressed wish of his quorum.

The CHAIRMAN. I want to understand, Mr. Critchlow. Were you a member of the legislature when this discovery of the committee of the Mormon Church took place?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Ali right; go on.

Mr. CRITCHLOW. Moses Thatcher was one of the twelve apostles, and rather prominent on account of his wealth and social position, and he had rather a large personal following. He had been one of the twelve apostles who were Democrats.

Let me explain the situation in just a moment. Utah was understood to be Democratic under Territorial times. That was because, as we all understood, the Republicans were furthering the legislation which was attempting to bring to an end the conditions out there, and the Democrats being in opposition on political lines, it was rather natural that the Mormons should ally themselves with the Democratic party.

Moses Thatcher was a Democrat, and a rule was adopted in the presidency and the twelve apostles—this quorum of the leaders of the church—that the Republicans might go out and proselyte among the people all they pleased, but the Democrats must stay quiet and not do it, because it was thought best by the leaders of the church that there should be somewhere near an equal division of the people. In fact, it went even further than that, and as a part of the history of the times we know that the secretary of the first presidency sent out a letter to one of the bishops of the church saying that the policy was to—

Mr. VAN COTT. Have you the letter, Mr. Critchlow?

Mr. CRITCHLOW. I think the letter is embraced in the report of the Utah Commission, Mr. Van Cott.

Mr. VAN COTT. All right; excuse me for interrupting.

Mr. WORTHINGTON. Who is the secretary to whom you refer?

Mr. CRITCHLOW. Mr. Gibbs. That is the name, is it not, Mr. Van Cott?

Mr. VAN COTT. I think so. I did not intend to interrupt you, Mr. Critchlow.

Mr. CRITCHLOW. Mr. Gibbs, the secretary of the first presidency, sent out a letter to Bishop Wright saying the policy of the leaders was to let the people divide as nearly as possible, and then have in reserve a contingent which would be floated either way in order to affect the election.

It is only fair to say that the presidency of the church affirmed, when they were brought to task about that, that this letter was sent out without their knowledge, and they disaffirmed any such policy as that; but that was a part of the history which led up to Moses Thatcher's relations with his quorum there. He persisted in going out and talking among the people and proselyting to the Democratic cause, whereas the Republicans who went out at the same time insisted that it was a rule of the quorum that the Democrats should stay quiet.

Moses Thatcher and others of the Mormons, among others Mr. Brigham H. Roberts, insisted that that was not in accordance with the pledges that had been given and was a practice which would be destructive of the liberties of the people in the long run, and an intense controversy arose over that. The history of this controversy in large part is in the report of the Utah Commission, as I remember it, for 1895, or it may be 1896—I think 1896.

In the spring conference of 1896 Moses Thatcher's name was dropped from the quorum of the twelve apostles. That is, his name was not put up to be sustained as a member of the twelve apostles. Of course, under the practices of the church, that simply left him out of the twelve apostles, and there was no way of getting him in, because such a thing as nominating from the body of the house or nominating from the people a man to take his place in the quorum of the twelve apostles was not heard of and could not be thought of. So that it left that vacancy in there until the fall conference.

Meanwhile, during this summer of 1897, Mr. Thatcher carried on quite a spirited controversy by way of pamphlet, and his personal following, which was quite large in the church, was quite at variance with the other members of the church with reference to the rightfulness of the action of the quorum in deposing him in that way. Finally, in the fall conference of 1896—that was in October—he was again withheld from the nominations for apostleship, and was finally dropped out of the quorum.

The election was held in October, 1896, for the succeeding legislature which sat beginning about January 1, 1897, and Moses Thatcher and Mr. Rawlins, afterwards Senator, were put up, as I remember now, both of them for candidates for the United States Senate. I think that must be wrong, too, because there was only one of them to be elected. At any rate, Moses Thatcher carried on a very active campaign in the fall of 1896 for election by the succeeding legislature. This was understood to be in absolute disregard of the rule of the quorum. The rule of the quorum of the church, as the rule of every other quorum of the church, as exemplified in their acts and in their public proclamations of their doctrine to the people and in the conduct of the people with regard to those things, is that a man must be in absolute harmony and accord with his quorum. The moment he is out of harmony with his quorum he is in rebellion against it, and he must step down and out.

He was not tried upon any charges at all, and I think perhaps the controversy in part is shown by a pamphlet which has been put in evidence here, called "The Thatcher episode." He was not tried upon any charges in anyway; but it was proven against him that he was not in accord with the other members of his quorum in going before the people, and therefore he was dropped from the quorum.

He still persisted in maintaining his right to run for office against the consent of his brethren there, and it was taken up by the church and by the Deseret News actively as a church matter, and it was actively proclaimed in numerous editorials in the Deseret News from a time beginning as early as the first part of 1896 until after the legislature of 1897, in February, had elected the Senator, who happened to be Senator Joseph L. Rawlins; that this matter of a man's running as a candidate for the Senate of the United States was a matter in which the church was interested, and they had a perfect right to interfere in that and advise and control the members of the church, as a church mat-

ter, as to their duties in the premises. As I say, this is a matter of current history of the time as expressed in the editorials and other public utterances of the church. I refer to the editorials in the *Deseret News*.

The final result of the matter was that, I think, some fifty-odd ballots were taken before election finally occurred. Judge Henderson was the minority candidate, so to speak; that is, receiving a less number than the other two; but the two principal candidates were Senator Rawlins and Mr. Thatcher. The personal adherents of Mr. Thatcher were those Mormons who were attached to him by business ties, social ties, etc., and who were the more progressive, and the non-Mormons of the State, almost to a man, were sympathetic, both Democrats and Republicans, with Moses Thatcher, for the reason that it is understood that he stood for the principle which the Mormon leaders had said should thereafter control them, namely, absolute liberty in political affairs. There were some non-Mormons—I myself was one of them—who were in favor of Mr. Rawlins, although it was none of my fight at all, largely for personal reasons on my own account, but a great many were fearful that Mr. Thatcher would not finally stand the strain and would not stand for the principles finally which he was there enunciating.

The result was that during that legislature, after that many ballots—I do not know that I ought to state this as a matter of my own knowledge, because it is not. I was going to speak of the current reports as to the manner in which the church interfered.

Mr. WORTHINGTON. As to what?

Mr. CRITCHLOW. As to the manner in which the church interfered in that election—but I think I perhaps ought not to speak of those current rumors and reports, although they come almost in the domain of history.

Mr. WORTHINGTON. It would have been better to speak of them while the head of the church was here.

Senator McCOMAS. Mr. Chairman, I think he has a right to speak of them if they are matters of which he had knowledge.

The CHAIRMAN. Yes; if he had knowledge of them.

Senator DUBOIS. How many Republicans were there in that legislature?

Mr. CRITCHLOW. Three.

Senator DUBOIS. You were a gentile, of course. Were the other two Mormons?

Mr. CRITCHLOW. I do not understand you, Senator.

Senator DUBOIS. Were the other two Republican members Mormons or gentiles?

Mr. CRITCHLOW. This was the second legislature.

Senator McCOMAS. You were not in that legislature?

Mr. CRITCHLOW. I was not in that legislature. There were but three Republicans in the legislature.

Senator DUBOIS. In that legislature?

Mr. CRITCHLOW. In that legislature.

Senator DUBOIS. As a matter of current history, did not one of those Republican Mormons furnish the vote which finally beat Thatcher, and does it not show in the proceedings of the legislature?

Mr. CRITCHLOW. I think so, Senator; but I would not like to

speaking positively about that without refreshing my recollection. That is my recollection.

Senator DUBOIS. Of course, it will appear in the proceedings of the legislature.

Mr. CRITCHLOW. Yes.

Senator HOAR. Where does the election of Mr. Cannon come in?

Mr. CRITCHLOW. The election of Mr. Cannon was in the first State legislature. He was one of our two first Senators.

Senator HOAR. He was a Mormon, was he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Mr. Critchlow, was it not a Gentile Republican and not a Mormon Republican who decided that Senatorial election?

Mr. CRITCHLOW. Mr. Van Cott, I can not now remember the man's name. I could perhaps tell you if—

Mr. VAN COTT. Was it not Elmer Taylor?

Mr. CRITCHLOW. I do not think it was Elmer Taylor, Mr. Van Cott, but you may be right.

Mr. VAN COTT. All right; I thought may be I could refresh your recollection.

Mr. TAYLER. Whatever you know about the repute of the church's attitude I think is proper under this line of testimony.

The CHAIRMAN. What is that, Mr. Tayler?

Mr. TAYLER. Whatever he knows about the current repute and report as to what the church was doing about it.

The CHAIRMAN. You may state that, Mr. Critchlow.

Mr. CRITCHLOW. It is a matter of a little more than current repute. It was known to all of us who lived there in Salt Lake, where the legislature sat, that apostles were taking an active part in the campaign. Mr. John Henry Smith, who is a Republican in politics, and Heber J. Grant, who is a Democrat in politics, were both interesting themselves and did interest themselves in campaigning in behalf of one of the other candidates and against Mr. Thatcher. It must be understood that the church was not in favor particularly, so far as appeared at least upon the surface, and as I think the facts were, in favor of either Mr. Rawlins or Judge Henderson for Senator, but they were directly opposed to Moses Thatcher, because, as expressed by the Deseret News in repeated editorials, his candidacy was a direct blow at the right of the church to control the action of the members of its quorums.

The matter drifted along for days and days. As I say, 50 or 53, I think, ballots were taken before a final result was reached, and it was proclaimed in the papers that the result was going to happen on a certain day, and that the church would bring over a certain number of men to one or the other of the candidates, and it was understood they would bring them from Judge Henderson to Mr. Rawlins to elect him—not that they were particularly advocating Mr. Rawlins as against Judge Henderson, but that he seemed to be the one who could beat Thatcher.

This is a part of the common report and knowledge of the community. I can not speak of it from my own knowledge excepting as I get it directly from the candidate, Judge Henderson, himself, whom I should much prefer would speak upon this subject; but word did come from the church authorities that these men should go over to Mr. Rawlins and elect him as against Mr. Thatcher, and every one of

the men who were Mormons and were advocates of Judge Henderson did leave him excepting one man. One man stayed with him. Those who were non-Mormons went to Mr. Thatcher, as I now remember the circumstances—every one of them. At any rate, on the last ballot Judge Henderson had but one man. He was a Mormon, and he refused to go.

Mr. WORTHINGTON. Could you tell us there how many Mormons voted for Thatcher?

Mr. CRITCHLOW. I can not without the record before me.

Senator BEVERIDGE. What became of the man who refused to go?

Mr. CRITCHLOW. The man who refused to go is in Utah. He is the court reporter of the second judicial district court.

Senator BEVERIDGE. Was he turned out of church?

Mr. CRITCHLOW. No, sir.

Senator BEVERIDGE. Were any pains or penalties visited on him?

Mr. CRITCHLOW. I am not aware that there were.

Senator BEVERIDGE. Is the office he holds now an elective office?

Mr. CRITCHLOW. No, sir; it is an appointive office.

Senator BEVERIDGE. By whom?

Mr. CRITCHLOW. By the judge of the court.

Senator BEVERIDGE. Is the judge of the court an elective office?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Is he a Mormon?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. So that I should judge from that that his refusal to go subjected him to no pains or penalties or unpleasant consequences afterwards?

Mr. CRITCHLOW. So far as I know it did not, and I think not.

Senator HOAR. What was the majority of Rawlins on the final vote, about; do you remember?

Mr. CRITCHLOW. Mr. Rawlins, as I recollect, had the exact number necessary to elect, which was 32 out of 63.

Senator HOAR. So that the going over or not going over of this man made no difference.

Mr. CRITCHLOW. No; they had enough.

Senator HOAR. They had enough to elect even if the one man did not go?

Mr. CRITCHLOW. Yes.

I want to say one thing further—that, as currently reported, the statement made by this man—

Mr. WORTHINGTON. I suppose the committee has decided that whatever is currently reported is evidence?

Mr. VAN COTT. And what is in the newspapers?

Senator HOAR. No; the fact that it is currently reported or accepted as a matter of current history does not prove the fact. It does prove a condition of public sentiment and belief in the Territory, which may or may not be important on the final question of whether there is a submission on the part of a large number of voters to an ecclesiastical authority in civil affairs.

Mr. CRITCHLOW. Perhaps I ought to say, in further explanation of the matter referred to by Senator Beveridge, that in connection with this matter I have understood the fact to be, from a direct source, that the statement was made by him, when the word came to him to go (and he was a personal friend of Judge Henderson), "I will not do it,

and I know just exactly what it means, and I know that I will be sent on a mission." Now, whether the fact that he said that prevented him from being sent on a mission, or whether there were other reasons, of course, is a matter of surmise.

Senator BEVERIDGE. Was he sent on a mission?

Mr. CRITCHLOW. He was not.

Senator BEVERIDGE. It appears from that that he did not go, after all.

Mr. CRITCHLOW. He did not go.

The CHAIRMAN. Mr. Critchlow, I do not want to hurry you, but you may proceed.

Mr. WORTHINGTON. May I be permitted to ask a question there, Mr. Chairman? Could you give us any idea of the number of Mormons who voted for Thatcher, approximately? You said you could not tell how many on the final vote.

Mr. CRITCHLOW. I should say at least 10, Mr. Worthington.

Mr. WORTHINGTON. Do you know what was done with them, or if anything was done?

Mr. CRITCHLOW. No; I can not say. I do not know whether any steps were taken to discipline them or not.

Of course, if the chairman pleases, I am not asked, as I understand it, nor do I pretend to state, the general situation at all as to the interference by the church in temporal affairs, but to give those instances of which I have any general knowledge of the direct interference of the heads of the church, and I wish to be understood in this way. Of course, the church could be taken in a collective capacity to represent not only the heads and authorities, but the man at the very lowest part of the list, the teacher or the deacon; but when in Utah we speak of the church we do not speak of anyone but the authorities of the church. The presidency and the twelve apostles are the church in a practical sense to us in Utah, and the rest of them do not amount to anything. That is to say, they have to live in accordance with the counsel that they receive and act in accordance with the counsel. If they do not, they have to get out of their quorum. So that, after all, we speak of the church as the presidency and the twelve apostles.

The Evans polygamy bill, which is referred to in the protest which has been put in here, is a matter in which, as we understand in Utah, there is no question in my mind—

Mr. TAYLER. At this point you had better state the substance of that. It is in the record here, but the members of the committee may not be familiar with its terms.

Mr. CRITCHLOW. By the Evans polygamy bill is meant that act which was introduced—

Senator McCOMAS. If it does not disturb you and divert you from the line of your evidence, before you leave the matter of that election, will you state what happened to Thatcher from this effort to be elected against the direction of the church, as you say?

Mr. CRITCHLOW. Moses Thatcher was the subject of sermons by, I think, all of the twelve apostles who were present at that time at the October conference in 1896. The attitude of the quorum of the twelve apostles with reference to his conduct was explained. That was before his candidacy before the legislature. In 1897—will you hand me that chronology a moment, Mr. Tayler? I simply want to get the date.

Senator HOAR. As I understand you, this discussion of Mr. Thatcher's conduct was before he was a candidate before the legislature?

Mr. CRITCHLOW. Yes, sir.

Senator HOAR. What was the contumacy, if we may call it contumacy, that was the subject of this sermon?

Mr. CRITCHLOW. The contumacy, as expressed by them in their sermons, was his lack of harmony with his quorum.

Senator HOAR. His general lack of harmony?

Mr. CRITCHLOW. His lack of harmony, it being explained, as of course everyone knew who knew the practical workings of the matter, that as soon as a man does not see eye to eye with a majority of the quorum he is out of harmony with them, and then only two courses are open to him—either to put himself into absolute harmony by being submissive to its will, or to get out of the quorum.

Senator HOAR. I do not want to interrupt the examination as you were stating it, but I want to know in general what the want of harmony consists in?

Mr. CRITCHLOW. It was stated by the president of the twelve apostles, Lorenzo Snow, at that time, as being a want of harmony, which began when he persisted in going out among the people and not obeying the mandates of the presidency and the twelve apostles with regard to preaching politics. That was one thing.

Senator HOAR. Then the contumacy for which he was then reproved related to political action? That is what I wanted to know.

Mr. TAYLER. Just read what the chronology says about that.

Mr. WORTHINGTON. I do not understand that that chronology proves anything.

Mr. TAYLER. It is in evidence, however?

Mr. WORTHINGTON. No; I do not understand that it is.

Mr. TAYLER. It is in evidence here. It is marked there, Mr. Critchlow.

Mr. CRITCHLOW. Yes, I know; but I understood Senator Hoar to ask the question as to what he was charged with in the October conference in 1896.

The CHAIRMAN. What it was that constituted the subject of the sermons in relation to Mr. Thatcher.

Mr. CRITCHLOW. Those sermons are in part in that pamphlet which was introduced in evidence here, I think, called "The Thatcher episode," and the position of the church as understood by the people living in Utah at that time was fully expressed by the editorials in the Deseret News, one of which was the commendation of the letter of Judge E. D. Woolley, of St. George, to his sons in Salt Lake, which set that forth as being the reason why he was not in full harmony with his brethren and why they should deal with him. That letter came out and that pamphlet came out during the Senatorial campaign.

Senator McCOMAS. Now, you have restated to Senator Hoar what was the contumacy, will you answer my question, What happened to Moses Thatcher thereafter, and what was said or done by the heads of the church in respect to Moses Thatcher thereafter, because of his independent course in politics, in being a candidate for the United States Senate against their will?

Mr. CRITCHLOW. Yes; in April, 1897, just before the April conference, according to the reports made both by Mr. Thatcher and by the church authorities, a declaration of principles, originally called—let me see; that manifesto was in 1896, but in 1897—

Senator McCOMAS. Do you mean this manifesto to the saints, on page 168?

Mr. CRITCHLOW. Permit me to have a copy of the record.

Mr. TAYLER. Yes; that is the first.

Mr. CRITCHLOW. Yes, sir; that was presented to Moses Thatcher in 1896 as the declaration which he was to sign, and he refused to sign it. That was a part of his contumacy before the quorum, and that was a part of what he was disciplined for.

Now, answering the question of the Senator directly, in the succeeding year he was requested to appear before the presidency of the stake and be tried for his offenses, upon a charge which was made by, I think, Lorenzo Snow as president of the 12 apostles and the church, and the official statement of what was done to Moses Thatcher and his reconciliation with the church was published in August, 1897, in the Deseret News, and appears in full there. I can give the exact date. The findings of this council were published there in full, and in order that I may not misquote the matter at all, I would prefer to have that statement go in as a part of my statement of what did occur. He was tried for these matters, and he acknowledged that he had been wrong all the way through. He acknowledged he had been in the dark. He acknowledged that all the harsh things he had said about the 12 apostles were untrue; that he did not mean them, and that they had been acting in accordance with the spirit of God and he without it, and he subscribed to that, and, as the church chronology says, he retained—

Mr. WORTHINGTON. I object to proving matters by that church chronology.

The CHAIRMAN. Well, what was the result?

Senator McCOMAS. Before you get to the chronology, do I understand you to say he recanted, and the church gave him absolution and put him back into the fold, or not?

Mr. CRITCHLOW. I should use the word recant in that sense. He acknowledged the error of his ways and retained his fellowship only upon condition that he subscribe that recantation.

Mr. TAYLER. But not his apostleship?

Mr. CRITCHLOW. May I have permission to get the document to which I have referred?

The CHAIRMAN. Certainly.

Senator McCOMAS. He is not now an apostle, and has not been since?

Mr. CRITCHLOW. No, sir; he is not, and has not been since.

The article to which I refer in the Deseret Evening News appears in the issue of Saturday, August 14, 1897, on the editorial page, and is headed: "The case of Moses Thatcher." It is four columns and one-half in length.

Senator McCOMAS. That is the official paper of the church?

Mr. CRITCHLOW. That is the official paper of the church—yes, sir. The complaint was signed by Brigham Young—

Mr. WORTHINGTON. It is the organ of the church for the publication of various matters. The president of the church declared that the church is not responsible for its editorials.

Mr. TAYLER. It is the organ of the church; so announced by the church.

The CHAIRMAN. Go ahead, Mr. Critchlow.

Mr. CRITCHLOW. The complaint was dated July 30, 1897, which was

four or five months after the legislature had adjourned. The complaint is signed by Brigham Young, Francis M. Lyman, and Heber J. Grant, and is in these words:

“To the Presidency and High Council of the Salt Lake Stake of Zion.

“DEAR BRETHREN: We hereby prefer a charge against Brother Moses Thatcher of apostasy and un-Christianlike conduct, exhibited in public speeches, private conversations, in interviews through newspapers, and in other ways, showing a departure from the spirit of the Gospel and the doctrine and discipline of the Church of Jesus Christ of Latter-Day Saints such as to forfeit his right to fellowship and standing in the church.

“Your brethren,

“BRIGHAM YOUNG.

“FRANCIS M. LYMAN.

“HEBER J. GRANT.”

Those were three of the apostles.

The decision of the high council, consisting of Angus M. Cannon, Joseph E. Taylor, and Charles W. Penrose, the editor of the Deseret News, is as follows:

“We therefore decide 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, viz:

“That in taking the position that the authorities of the church, by issuing the declaration 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.

“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 have 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.

“That when one man is out of harmony with them in the enunciation of a rule for the guidance of the church he must submit to the rule or be regarded as not in full fellowship.

“That no member of the church has the right to oppose and bring into contempt any rule of the church which has been formulated by proper authority, especially when it has been adopted by the church as a body.

“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.”

“In this connection he may state that one such engagement was not kept, but that this was not an intentional breach of promise.

“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.

“That in failing to attend the meeting of the twelve apostles on November 12, and again on November 19, he made a grave mistake, which he now regrets, though he did not see it then in that light.

“That he believes his brethren of the apostles have been actuated by a desire for his salvation, and not his destruction, and that though their rebukes have been sharp, they were intended to bring him to a sense of his true position.

“That wherein he has wronged any of his brethren by word, deed, or improper understanding of their spirit and intent, he now asks their forgiveness.

“That he has obtained light wherein he was in the dark, and can sustain in his faith and feelings the authorities of the church, its doctrines, rules, and regulations, and desires the fellowship of the church, and humbly asks forgiveness for all his faults.

“ANGUS M. CANNON.

“JOSEPH E. TAYLOR.

“CHARLES W. PENROSE.

BROTHER THATCHER'S INDORSEMENT.

“Without qualification or mental reservation I accept this decision in full.

“MOSES THATCHER.”

Then follows a letter from Moses Thatcher, which is published in addition to that, and the acceptance of the letter by the high council.

The article in the Deseret Evening News above referred to is as follows:

THE CASE OF MOSES THATCHER.

For more than a week past there has been a great deal of curiosity manifested and great interest created by the fact that Moses Thatcher was upon trial for his fellowship in the Church of Jesus Christ of Latter-Day Saints before the presidency and high council of the Salt Lake stake. Many false statements of the causes and proceedings in the case have been given through the public prints, the information generally being only of a hearsay character, where not actually coined in the brain of the imaginative reporter. In order to correct the wrong impressions that have been made, and to present the case truthfully in all its aspects for the information of all interested, the News

now gives a brief account of the trial, with the signed documents that go to make up the record.

The proceedings before the high council were commenced by a complaint (which appears below) entered by a committee of three of the council of the apostles on behalf of the church, and Brother Thatcher at once signified his intention to appear. The case was tried under the ordinary rules of the high council, except that greater latitude than common was allowed in the introduction of evidence and in statements on either side, and adjournments were taken from time to time in consideration of the still feeble condition of the defendant's health. Thus the proceedings, which commenced on Friday, August 6, continued, with daily sessions (excepting Sunday) to August 13. Every opportunity which he could desire was given him to explain his position and feelings, and after hearing the speakers on both sides of the council, and also those who filed the complaint, he made a plea in his own behalf, in which he expressed his willingness and his desire to make right all the wrong that he had done to any of his brethren and also to comply with the decision of the council, whatever that might be. He admitted that he had been in error and in the dark; that he had been seeking for light and that it had come to him through what had been developed in this trial.

It will be seen from the findings and decision given below that the matter did not rest, as stated and supposed by some, upon Brother Thatcher's refusal to accept the declaration of principles, but rather upon his general course of hostility to his brethren, particularly those who stand at the head of the church. It appeared, however, that much of that was predicated upon a misunderstanding of their motives and purposes; and instead of taking that declaration as it stood, he assumed to make an interpretation of it corresponding to his preconceived notions of what he thought the leaders of the church intended to do. His public utterances by letters and speeches were reviewed; some of these were much modified by his explanations; others which were generally understood to refer to the presiding authorities of the church were explained as having no reference to them at all; thus the "bondage" and "oppression" and "trouble" to which he had alluded were explained to be such as he feared would come from sources outside the church and not from its leading authorities.

Great plainness of language was used in presenting to Brother Thatcher the position in which he stood and the effect produced on the public mind by the course he had pursued. After the hearing was concluded and the presidency of the stake had taken the matter under advisement, they presented the findings and decision given below, which were unanimously sustained by the high council and were satisfactory to those who filed the complaint. Time was given to Brother Thatcher to consider whether he could and would fully comply with the decision, and to formulate such a document in his own language as would express his views and feelings—this limit of time being fixed at thirty days. From his letter, which follows, it will be seen that he has at once acted in the matter, indorsing the decision in the most unequivocal manner, and manifesting a spirit of humility and repentance that will be very gratifying to all who have a real interest in his welfare. By the final approval, on the part of the presidency of the stake, of his conduct in this matter he retains his standing and fellowship in the church.

We now present, without further comment, the documents in the case, these being, in their order, the complaint, the findings of the presidency of the stake, their decision, Brother Thatcher's indorsement of that decision and his letter to the stake presidency, and the latter's acceptance of his letter and indorsement as a satisfactory compliance with the decision:

THE COMPLAINT.

SALT LAKE CITY, UTAH, *July 30, 1897.*

*To the Presidency and High Council
of the Salt Lake Stake of Zion:*

DEAR BRETHREN: We hereby prefer a charge against Brother Moses Thatcher of apostasy and un-Christianlike conduct, exhibited in public speeches, private conversations, in interviews through newspapers, and in other ways, showing a departure from the spirit of the gospel and the doctrine and discipline of the Church of Jesus Christ of Latter-Day Saints, such as to forfeit his right to fellowship and standing in the church.

Your brethren,

BRIGHAM YOUNG.
FRANCIS M. LYMAN.
HEBER J. GRANT.

THE FINDINGS.

Apostasy, as has been argued here, varies in its extent. In a general way apostasy means revolt. It is so defined in the dictionary. But the prophet, Joseph Smith, says in this connection: "The moment we revolt at anything which comes from God, the devil takes power." (Compendium, p. 288.) On this ground "apostasy" includes any revolt or departure from a rule or regulation established by the Lord, whether in person or by His appointed servants.

We consider that Moses Thatcher exhibited an apostate spirit and was unchristianlike in his conduct.

First. In his interview published in the Salt Lake Tribune, which he has admitted to be in the main correct as to his views, though not as to his exact language; he there virtually charges 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, and that this "practically annulled their former declaration." He also announced his readiness to champion "the cause imperiled" by the latest declaration of the church authorities.

Second. In giving to the public private correspondence between him and President Lorenzo Snow, which related only to church and quorum matters.

Third. By using language as follows in his reply to President Lorenzo Snow, published in the Tribune and Herald of November 11, 1896:

"Although the judges before whom I am to be arraigned have nearly all expressed an opinion as to the merits of my case; although my accusers are to sit in judgment over me; although a verdict has already been delivered against me and without a hearing.

"In a conversation with President Lorenzo Snow on a train between Salt Lake and Brigham City last Saturday, November 7, I was given

the impression that I have absolutely nothing to hope for in any other than a public hearing such as I now request."

Fourth. In writing to President Lorenzo Snow, November 11, 1896, saying:

"I shall not trouble my brethren, therefore, to convene in a special meeting named for Thursday at 2 o'clock p. m. in the historian's office."

And this after the meeting had been called at his special request.

Fifth. By resorting to the quibble that he was "not invited" to the meeting one week later, when he was notified that his case would be considered, and in stating, "since judgment in these matters has been already passed."

Sixth. In charging President Lorenzo Snow with publishing "matter in order to gratify the apparent curiosity of five young men," and describing his (Brother Snow's) explanations as "a bitter and acrimonious communication."

Seventh. By endeavoring to make it appear that the authorities of the church in publishing the Declaration of Principles had contradicted what they had previously announced in the Deseret News and an interview with the Salt Lake Times as to the political liberty of the members of the church. He used this language:

"As I have already stated, I understood the manifesto at the time it was handed me for approval just as I understand it now. While it ostensibly appeared not to restrict the liberties of the people, yet there was no limitation to its application, and in view of the fact that nearly every male member of the church holds some office, and, as there has as yet been no public decision announced as to the officers to be controlled by it, there have arisen disputes and differences of opinions as to its intent. This being true, and the danger being that it could be applied to restrict the liberties of the people, I can not sustain it. I thought then, as I think now, that such a course would be a stultification. I had never dreamed that a condition would arise in my life where I could not serve God fully and yet yield my complete allegiance to my country and to my State. 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.

"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. I do not claim that I can not be wrong; but with the light I have, 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."

Eighth. While protesting against the mingling of religion and politics, he repeatedly thrust his differences with the church into political speeches; as, for instance, in the legislature at the close of the senatorial contest and at a reception given to him at Logan February 12,

1897, and also a reception to the Idaho legislature at his house February 21, 1897:

“There is room in this new State for all societies and all organizations, but they must confine themselves within proper limits. The men who enacted the supreme law of this State made a covenant with the citizens thereof and with this nation that certain things should be done and performed, and we must keep those covenants. He who desires peace and prosperity for Utah will draw the line sharp between the rights of the citizens and the powers of the State and those of the church. He who votes for the union of the two or the overriding of the church by the State is no friend of Utah. He who invites the intervention of the church in State matters is an enemy to Utah. If we think we can bring peace and continual prosperity to this new State by temporizing with this question we will be mistaken.”

* * * * *

“With the same honesty of purpose, but with a much more joyful heart, he had voted with his quorum to grant the Saints entire political freedom. He meant it then; he just as sincerely meant it now. He who thinks because we are surrounded by the walls of statehood that it is now safe to unsay that which has been said, to proclaim by word or act that there was any duplicity or double dealing in order to secure deserved concessions, is mistaken. He had not laid aside his office in the church to obtain political honors, but because he saw dire calamity confronting the people if this course were taken. His audience knew the position he had occupied for forty years on the question of liberty, and he could not now with one act expunge that record and stultify the avowed sentiments of a lifetime.”

* * * * *

“He spoke of the struggles of the Mormon people in the early days, and dwelt on the relations between the church and the state under a republican form of government. He described the position he had taken on this subject and reviewed some of the circumstances connected with the recent manifesto and his refusal to sign it. He conceded that the church had a right to discipline its members for the infraction of church rules, but it had no right to carry church matters into political affairs.”

Ninth. In his own published explanation of the remarks he made in the legislature about a higher allegiance, as follows:

“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.

“The day must come in Utah when he who [being an officer in the State] holds a higher allegiance [to the chiefs of any alien or church organization] than that which [under his solemn oath] belongs to the State, must not be a lawmaker in the halls of the State.”

Tenth. In the same article he uses this language:

“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. It is a cause of profound gratitude and thankfulness that so many noble and true women and men, chosen as the representatives of a great and earnest people,

have stood unflinchingly in the face of intense and unscrupulous opposition day after day for more than half a hundred ballots as exponents and advocates of the principles of Jefferson and Jackson.

“It is only in this spirit that Utah will continue redeemed from a thralldom as obnoxious as that of African slavery or Russian serfdom.”

Also this:

“The State demands of its citizens and lawmakers duty well and faithfully performed under oath. The church demands of its members, the same individual, another and different thing. The ‘higher allegiance’ to which I referred would require obedience to the church. Here is a conflict. Who is responsible? Under our State constitution the church is responsible. That being so, the proper solution of the conflict and difficulty is simple. Let the church vacate the forbidden ground and all will be well.

“I repeat, those holding such ‘higher allegiance’ should find no place in the halls of the legislature.”

Eleventh. The same ideas were elaborated in his speech introducing Mr. Warren Foster at Logan, February 17.

Twelfth. No matter what were his intentions, the effect of his utterances and course on the public mind was that he was fighting the church on a vital question, namely, the political liberties of the members of the church. That he was the champion of freedom as against the chains which the church was forging to bind them; that the church was endeavoring to dominate the State and interfere with its functions, and he was opposing that attempt; that the leaders of the church had promised political liberty to the people in order to gain statehood, and then had changed their policy and promulgated a new rule to dominate them and restrict their political liberties and were thus guilty of double dealing and punic faith.

This is shown by the letter introduced by Brother Thatcher from the Presbyterian preacher at St. George; the article by the Catholic priest at Denver, introduced by Brother Grant; the letter written by Brother E. G. Woolley at St. George; the rallying around Brother Thatcher of the enemies of the church; the indorsement of the hostile press, and the cheers of the multitude who were antagonistic to the church leaders.

Thirteenth. The letter written by Elder B. H. Roberts to Brother Thatcher shows that Brother Roberts perceived the effect which had been produced on the public mind by their united course; and in not listening to the appeal thus made and not endeavoring to correct that wrong there was an un-Christian spirit exhibited by Brother Thatcher.

We recognize the fact that Brother Thatcher’s bodily afflictions have been great, and that they weakened him in mind to some extent, or rather that they tended to cloud his brain while in the time of his greatest trials. This should be considered when the degree of his wrong is determined.

Brother Thatcher evidently fostered the idea that his brethren of the twelve, or some of them at least, were his enemies and that they desired his injury, to crowd and crush him; and this affected his mind as much, perhaps, as his bodily infirmities. In this he was wrong, as he now appears to perceive.

He also evidently allowed the idea to be magnified in his mind that he was under great obligations to his party, and that these were such as to overshadow his previous obligations to the priesthood and the

church. Yet there was nothing in them to prevent Brother Thatcher from consulting with his brethren in reference to matters so important as affecting the welfare of the whole people.

Now as to the Argus matter: Brother Thatcher has cleared himself of the suspicion that he was financially interested in that paper or was responsible for its utterances and cartoons. But he might have repudiated those libels and shameful pictures in some public way, and we think he ought to have done so. The fact that prominent men have refrained from replying to or noticing falsehoods in the public prints reflecting on themselves does not apply to nor does it touch the case of Brother Thatcher's neglecting to repudiate things that reflected upon his brethren and exalted him and created the impression that he favored them. We think he erred in not condemning those things in some public manner.

As to his plea that he sustained the church authorities so strongly that he would have gone to the middle of Africa, if they had whispered to him that this was their wish, the fact that he would not conform to the simple rule which they submitted to him for his signature, weighs very heavily in contrast.

But in all Brother Thatcher's departures from the true spirit of a servant of the Lord, he was laboring under a misapprehension of the purpose of the church authorities and of the meaning of the rule in the Declaration of Principles. This was what led him to place them in a false light before the public, and thus bring them into disrepute and cause disaffection and division among the Latter-day Saints.

The spirit he has now manifested, and his expression of willingness to do all in his power to make right such wrongs as have been brought about, though unintentionally, by his course and writings, commends itself to our consideration. We are glad that light has come to him, and that he can see he was in error when he set up his individual judgment against that of all the leading authorities of the church.

It was a monstrous notion that all those leading brethren were guilty of "double dealing and Punic faith." It was one that should make any man pause and reflect, and ask himself if he himself was not in the wrong and had misjudged his brethren.

We are thankful that this investigation has been conducted in kindness and patience and deliberation, and with a desire to bring forth the truth. Brother Thatcher had the right to place his case, as he viewed it, before his brethren with as much detail as he desired. Having done so, he has submitted it to this council in a spirit of humility, which is very gratifying to us and, we believe, pleasing to the Lord.

It was also very gratifying to hear Brother Thatcher acknowledge the apostles as the mouthpieces of the Lord, clothed with authority as prophets, seers, and revelators, and acknowledge that they were seeking his salvation while probing his ailment to the very bottom. Such acknowledgments are indicative that Brother Thatcher is ready to comply with our decision, which is as follows:

DECISION.

We therefore decide 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, viz:

That in taking the position that the authorities of the church, by issuing the declaration 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.

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 have 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.

That when one man is out of harmony with them in the enunciation of a rule for the guidance of the church he must submit to the rule or be regarded as not in full fellowship.

That no member of the church has the right to oppose and bring into contempt any rule of the church which has been formulated by proper authority, especially when it has been adopted by the church as a body.

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.”

In this connection he may state that one such engagement was not kept, but that this was not an intentional breach of promise.

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.

That in failing to attend the meeting of the twelve apostles on November 12, and again on November 19, he made a grave mistake, which he now regrets, though he did not see it then in that light.

That he believes his brethren of the apostles have been actuated by a desire for his salvation, and not his destruction, and that though their rebukes have been sharp they were intended to bring him to a sense of his true position.

That wherein he has wronged any of his brethren by word, deed, or

improper understanding of their spirit and intent he now asks their forgiveness.

That he has obtained light wherein he was in the dark, and can sustain in his faith and feelings the authorities of the church, its doctrines, rules, and regulations, and desires the fellowship of the church, and humbly asks forgiveness for all his faults.

ANGUS M. CANNON.

JOSEPH E. TAYLOR.

CHARLES W. PENROSE.

BROTHER THATCHER'S INDORSEMENT.

Without qualification or mental reservation I accept this decision in full.

MOSES THATCHER.

HIS LETTER.

SALT LAKE CITY, UTAH,

August 13, 1897.

Presidents ANGUS M. CANNON, JOSEPH E. TAYLOR, and CHARLES W. PENROSE.

DEAR BRETHREN: I have before me your decision, as approved by the high council of the Salt Lake stake of Zion, specifying the conditions by which I may retain my standing and fellowship in the church.

In connection therewith it is, I believe, well understood that all arguments, deductions, and conclusions based upon erroneous premises partake of the nature of the premises themselves.

My case has proven no exception to this general rule. When it came before the council for a hearing, I informed you that I was seeking light and believed that the Lord would manifest it in the findings of that tribunal, having well-defined powers and competent jurisdiction.

So when it determined and definitely decided that there existed no disagreement or conflict as between the former authoritative public announcements respecting the individual liberty and personal political freedom of the members of the church and the announcements contained in the "declaration of principles" on the same subject (except as defined in the latter document wherein certain prominent church officials are required to seek counsel before accepting political office or entering into other engagements that would interfere with obligations already made) there appeared to my mind the light earnestly prayed for, and under the guidance of which I can accept the "declaration of principles" without stultifying myself. 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 untrammelled as contemplated in the guarantees of the State constitution.

Having repeatedly affirmed willingness to make amends where I have wronged my brethren in public utterances or otherwise while under misapprehensions as to the true situation; and as you have informed me that I may do this by accepting your decision, and as that course would prevent arguments and disputes as to whether or not I had complied in full with all requirements, I make the decision, just as you rendered it, a part of this communication, accept it by attach-

ing my signature, affix it hereto, and authorize you to make it public in any manner you may deem proper.

Here attach the decision.

Very respectfully, your brother in the gospel,

MOSES THATCHER.

[The decision appears above.]

THE ACCEPTANCE.

SALT LAKE CITY, UTAH, *August 14, 1897.*

We hereby accept the foregoing letter from Moses Thatcher and his indorsement of the decision of the high council on his case given August 13, 1897, as a satisfactory compliance with that decision, and rejoice in the light and spirit of submission which have come to Brother Moses Thatcher and his readiness to yield to the findings of the council and the authority of the presiding officers of the Church of Christ.

ANGUS M. CANNON,
JOSEPH E. TAYLOR,
CHARLES W. PENROSE,

Presidency of the Salt Lake Stake of Zion.

Senator DUBOIS. Mr. Critchlow, do you know whether or not Mr. Thatcher, in addition to being deprived of his position in the quorum of apostles, was also deprived of temporal positions which he held under the church?

Mr. CRITCHLOW. I have no recollection as to that, Senator.

Senator DUBOIS. It was generally understood, was it not?

Mr. CRITCHLOW. I have no recollection of anything of that kind, Senator.

Senator HOAR. Mr. Critchlow, either you or one of the gentlemen who put a question to you just alluded to this letter of Mr. Edwin G. Woolley to his sons. Who is Mr. Edwin G. Woolley?

Mr. CRITCHLOW. If I am correct about it, that is the Edwin Woolley who was formerly probate judge in Washington County, but I speak subject to correction on that point.

Senator HOAR. It was written from St. George to three sons, who seem to be—

Mr. CRITCHLOW. I am quite certain that is Judge Woolley. There is an Edwin D. Woolley and an Edwin G. Woolley.

Senator HOAR. This letter on page 271 of the record contains these two or three sentences, and I want to know if you can give any light upon that subject. I read from the last paragraph on page 272:

“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.”

Do you know what the political platform which was considered as being opposed to the rule of the church was?

Mr. CRITCHLOW. The political platform of 1895, as I now remember it, is the one there referred to. In 1895 the Democrats held a convention. They went out into the Territory with their speakers and campaigners, and professed to find that the Republican apostles were using what we call church influence against them; that the presidency and the apostles were going to people and saying: “Now, it is the will of the Lord that you shall vote the Republican ticket this time;” and they

came back and laid the matter before the executive committee of the Democratic party, composed of Mormons and non-Mormons, and after a session of that executive committee, the proceedings of which were taken in shorthand, as I am informed, by a shorthand reporter, Miss Lawler, who is a clerk of one of the Senate committees here now, I think. They determined, the Mormons being even more fierce in their denunciation of these matters than the non-Mormons, if possible, to reconvene their Democratic convention and give forth a declaration of principles condemning the action of the church authorities, and condemning certain apostles, Mr. Lyman, by name, for one, for their distinct acts in using their influence as apostles of the church against the Democratic party.

Senator HOAR. Did the platform——

Mr. CRITCHLOW. I had not quite finished. At this reconvened convention they adopted a supplemental platform upon that particular subject of the right of the church to interfere with the political rights of the citizen, and I understand this which the Senator has just read from this page about the cloven hoof, etc., to refer to his standing upon such a platform.

Senator HOAR. What I want to get at, if you can throw any light upon the question, is whether this Democratic platform on which Thatcher stood, opposed to the rule of the church, was a platform which declared anything except that the church had no right to exercise its rule in political affairs, which the church itself disclaimed.

Mr. CRITCHLOW. To my recollection, nothing, Senator. I can verify that, however, very easily by getting the platform, and I think it is in the report of——

Senator HOAR. It is now nearly 4 o'clock and perhaps you can present that in the morning if your testimony is to go on then. What I want to know is whether this gentleman, being a leading or influential Mormon, one of the apostles, was denounced because he declared against the rule of the church in a purely political matter. You understand my question?

Mr. CRITCHLOW. I do; yes, sir.

Senator HOAR. Now, before the committee goes to something else, I want to read, in connection with this, on page 273, a sentence in the same letter, toward the bottom of the page:

“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 know anything of the threat of the Deseret News of the supporters of Thatcher for the Senate with church power?

Mr. CRITCHLOW. The only answer I can give to that, Senator, is that there was scarcely an issue of the Deseret News during the period from the time of the election of the legislature and the open candidacy of Mr. Thatcher, until the election of Senator was finally made, that was not an editorial upon that subject.

Senator HOAR. It is a threat of church power?

Mr. CRITCHLOW. I can only say that it is, but I should have to appeal to the record to say just what I, or anyone else, might consider

a threat. But in that connection permit me to call attention to one editorial on the 18th of November, 1896, upon this subject, as follows:

“The candidacy of the person to whom all this has reference is antagonized by the News, because it is an assault upon the doctrines and organic existence of the church, of which this paper is the official organ. His appearance in the political arena at this time is nothing more nor less than this, and every candid voter in the commonwealth will admit it. He himself announces that he stands upon a platform equivalent to this very proposition. It is not a political question, for the candidate’s politics cut no figure in it. It is religious, pure and simple, in that it involves nothing more nor less than questions relative to the integrity of a religious organization, the maintenance of its discipline, and the perpetuity of its doctrines.”

Permit me to say that the address which was made by the Democratic reconvened convention in 1895 is found, beginning on page 17 of the report of the Utah Commission to the Secretary of the Interior for 1896, and that purports to give the correspondence to which I referred a little while ago.

Senator HOAR. In order that you may find what you are looking for after the adjournment, I want to call attention to another sentence in this connection in the last paragraph on page 273:

“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.”

Now, what I want to know is—the counsel may, perhaps, have something to furnish on that subject—whether that means simply that Mr. Thatcher is opposing the church in a vital place and is positively opposing the discipline of the church merely by standing on a Democratic platform which declared that the church had no right to use its power in merely political affairs. That seems to me a pretty important question.

Now, can you tell me what office—you have stated it, no doubt, but it has escaped my memory—the editor of the Deseret News held in the church or now holds in the church?

Mr. CRITCHLOW. He is one of the first seven presidents of seventies, as I remember it—no; he is counselor to the president of the Salt Lake stake of Zion.

Senator DUBOIS. He is counselor to the president of the stake?

Mr. CRITCHLOW. And is one of the members of the high council of that stake.

The CHAIRMAN. Will you be able to conclude with this witness to-night, Mr. Tayler?

Mr. TAYLER. I think, as far as I am familiar with the period to be covered, we are nearly through.

The CHAIRMAN. It is after 4 o’clock, and I think the committee will now adjourn.

Senator McCOMAS. You will be able to cover the period from the time of the second legislature down to the time of the election of Senator Smoot, will you not?

Mr. CRITCHLOW. I hardly think I should presume to do that, Senator. There are certain salient features that are, I think, within my knowledge as a matter of history, but I have not actively engaged in politics.

Senator McCOMAS. I should like to hear in regard to that matter, so far as you have it in your knowledge.

Senator HOAR. There is one other question. In your history of the political affairs of the State, so far as it related to the election of Senators, you said nothing about the election of Mr. Cannon, a Mormon. Was that done in the time when they expected harmony, and by a consent of both parties, or was that a political contest in which the church took a side, or how was that?

Mr. CRITCHLOW. The situation was about this—

Senator HOAR. Perhaps you spoke of that when I was out.

Mr. CRITCHLOW. No, I think not, Senator. The situation, in brief, was about this: As I understand frequently happens in such cases, there is a sort of tacit agreement in the State, either upon geographical lines or upon certain other lines—in Utah it happened to be upon the line pertaining to old conditions there; in other words, it was rather agreed that there ought to be at all times one Senator who represented the non-Mormons and one who represented the Mormons; and by virtue of the fact that he had been quite prominent in the bringing about of statehood, it seemed to be a rather logical thing that Mr. Frank J. Cannon, who was a Mormon, should be one of the Senators, and that, I think, went practically, I may say, among the Republicans, without any particular question, so that it left the only contest to be made between the non-Mormons, which was between Mr. Arthur Brown, Judge Bennett, and Mr. Trumbo.

Senator DUBOIS. At that time there was no rule such as exists now, was there?

Mr. CRITCHLOW. The first time we ever heard of this rule about people getting the consent was the time it was submitted to Mr. Thatcher in 1896. That is the first time it was ever put in writing, and so far as I am concerned, and so far as I know the history of it, we never heard of any such rule prior to statehood.

Senator DUBOIS. I want to ask you one question, Mr. Critchlow. You have spoken of the Idaho test oath. Have you the Idaho test oath?

Mr. CRITCHLOW. I have seen it in the constitution.

Senator DUBOIS. I should like to have it incorporated in your remarks. I think it will be of use to Senators probably in the future. I should like to have that test oath incorporated, if you can find it without difficulty.

Mr. RICHARDS. It is in 133 U. S., in the Beason case.

Mr. TAYLER. We would like to have this entire News editorial, containing the findings of the commission in the Thatcher case, incorporated in Mr. Critchlow's testimony.

The CHAIRMAN. Very well; that may go in.

Senator McCOMAS. And it should go in at the point where Mr. Critchlow refers to it.

Mr. TAYLER. Very well.

The CHAIRMAN. The committee will now adjourn until to-morrow morning at half-past 10.

Thereupon (at 4 o'clock and 10 minutes p. m.) the committee adjourned until Friday, March 11, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *March 11, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), Hoar, Foraker, Beveridge, Dillingham, Hopkins, 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. Critchlow, will you resume?

Mr. TAYLER. I may echo the chairman's statement, and ask Mr. Critchlow to resume.

TESTIMONY OF E. B. CRITCHLOW—Continued.

E. B. CRITCHLOW, having been previously duly sworn, was examined, and testified as follows:

Mr. CRITCHLOW. I was asked yesterday afternoon as to where the Idaho test oath might be found. It will be found in 133 U. S., pages 335-336.

I was also asked as to Mr. Woolley. I was not then able definitely to identify the gentleman, but I do now. Being a man I know very well, and being refreshed by the autobiographical sketch of his life found in the Biographical Encyclopedia, I recall that he has been prosecuting attorney, member of the constitutional convention, member of the Territorial legislature, and probate judge. It is also stated in the sketch that he is an alternate high councilor in the Washington stake.

My attention was called by Senator Smoot last evening to the fact that in replying to the question of one of the Senators as to what was meant by the declaration or platform of Moses Thatcher, I had stated that it was the platform of the reconvened convention of 1895, and he recalled my attention to the fact that there was a more specific platform or declaration made by Apostle Moses Thatcher in the fall of 1896, which was spoken of as the platform upon which he was making his canvass or campaign for the United States Senate.

I now recall the fact that there was published in one of the papers what purported to be an interview with him, in which he stated the principles upon which he was making his campaign, and reiterated his allegiance to the platform of 1895, of the reconvened convention, and made therein an appeal to "young Utah" to stand by him in his fight for political independence and the right of the citizen to seek political preferment independently of the dictates of the church.

The CHAIRMAN. Of whom are you speaking?

Mr. CRITCHLOW. Moses Thatcher, the former apostle, but who at this time had been deposed by the quorum of the apostles.

Mr. TAYLER. Where do you find that declaration?

Mr. CRITCHLOW. I was proceeding to say that my memory is refreshed that there was such a declaration, but it, so far as I know, was not published in the Deseret News, and that being the only newspaper to the files of which I have access at this time, I am unable to find among any memoranda which I have here or elsewhere this particular declaration to which he referred.

I may say, however, in that connection, that in December, 1896, at the time this campaign of Moses Thatcher was in progress, the apostles had met just previously and deposed him from the apostleship. He

had been before that time in a state of what might be called suspension. He had not been deprived of his apostleship, but he had not been confirmed or sustained by the people at either the April or October conferences. But in November, as I now remember it, he was formally deposed by the apostolate, and at that same time there was published and circulated very largely a rather elaborate pamphlet, gotten up by a friend of his, Mr. Calvin Reasoner, which set forth the entire situation from Mr. Thatcher's standpoint, including a long open letter from him to Lorenzo Snow, the president of the quorum of the twelve apostles, setting forth, among other things, the declaration of the principles upon which he was making his canvass for the United States Senatorship.

That pamphlet I have here, and, as I say, the letter to which I refer is very long, but the latter part of it contains the declaration of principles, which I now recall without having his interview—which might be called the platform—before me, as being substantially what was in his platform.

Mr. TAYLER. Have you that letter there before you?

Mr. CRITCHLOW. I have.

Mr. TAYLER. If his position respecting the church's interference with politics is therein briefly stated, I wish you would read it to us.

Senator BEVERIDGE. This is a letter from whom to whom?

Mr. CRITCHLOW. This is an open letter from Moses Thatcher to Elder Lorenzo Snow, president of the twelve apostles, and is dated Logan, Utah, December 12, 1896. It is chapter 11 of the pamphlet to which I have referred, called "The Late Manifesto in Politics. Practical Workings of Counsel in Relation to Civil and Religious Liberty in Utah." The particular portion to which I refer is found upon page 134 of this pamphlet, as follows:

"I do not claim that I can not be wrong. But with the light I have 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."

Perhaps I ought to say that the word "manifesto," as used here, refers not to the Woodruff manifesto of September, 1890, but to the declaration which was submitted to Moses Thatcher, in April, 1896, and which he refused to sign.

Mr. WORTHINGTON. And which is on page 168 of the record.

Mr. VAN COTT. That is the rule in regard to politics.

Mr. CRITCHLOW. Yes, sir.

Mr. WORTHINGTON. Politics or business, or anything else.

Mr. CRITCHLOW. I continue the reading:

"If, as I hold, the people have enough intelligence to deserve citizenship, then they have sufficient intelligence to become acquainted with the responsibilities of citizenship, and they have no more right to yield their judgment in respect of the exercise of the franchise than have any set of men to attempt to control that judgment.

"Whatever the cost, with the knowledge now guiding me, I must still stand where I have stood for years. 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. I did say that if the voters of the State of 'young Utah' believed I represented principles they deem deserving of recognition, and was, therefore, tendered the United States Senatorship, I would

accept. For the information of those interested, it must be understood that I am a Democrat, with all the word signifies. As a Democrat, I hold it a duty for every citizen to enjoy the privileges conferred upon him by our Government, and that it is given to no man, to no corporation, and to no body of men, to control the citizen in the exercise of his franchise."

Omitting certain portions that state what seem to be cardinal doctrines of Democratic belief, I read from page 135:

"I am with the State constitution in the declaration that there shall be an absolute separation of church and state; that the State shall not control the church, nor the church encroach on the prerogatives of the State, and to this end I have indorsed and still indorse the declarations of the Democratic reconvened convention of a year ago.

"I invite neither the support nor the opposition of the church. It has no concern in political issues. The members of my former quorum have deemed it expedient to deprive me of my priesthood. If I discuss their action, it is as a church member. As a citizen and a Democrat I concede their right to discipline me for any cause whatever. As a member of the Democratic party, as a citizen, I deny their right or their intention to interfere with my politics, the threat of the Deseret News, as the church organ, to the contrary notwithstanding."

Mr. WORTHINGTON. Does it say "their intention?"

Mr. CRITCHLOW. Yes, sir; "their intention."

"In conclusion, I desire to say that I do not complain of the treatment accorded me, nor do I murmur at the humiliation to which I have been subjected; but I can not think the threatened excommunication from the church, as intimated in some quarters, can be seriously entertained. Am I to be driven out of the church because of the manifesto? I shall try and live the religion of our Savior. I want to live and die among my brethren and friends. I desire to do my duty to my church. I wish my children to observe the principles of the Gospel that they, too, may desire to live, die, and be buried by the side of their father when they shall reach, on the hillside, a final place of peace and rest.

"With sentiments of esteem, I am, as heretofore, your brother in the gospel,

"MOSES THATCHER."

In reply to the question of Senator Hoar last evening as to what, if any, threats were made by the Deseret News against supporters of Moses Thatcher, I can only say that in the limited time which I have had to scan over the files of the News I can only refer to the editorials of November 17, 18, 19, and 20, on which last date there were two editorials, and of the 21st, of 1896, which I may say I assume, from the dates in Judge Woolley's letter, to be the editorials, in part at least, to which he refers.

I had no means of bringing in all these editorials, they being in the files of the News in the Congressional Library.

I want to say further, in this connection, that after this letter of Mr. Woolley's was written, and after this pamphlet which is now in the record, called the Thatcher Episode, was distributed, on January 8, 1897, there appeared in the Deseret News a long letter from someone whose name was not given, but who purported to be a member of the Mormon Church, residing at Ogden, addressed to Elder Brigham H. Roberts, and a very lengthy reply, taking up the question of the man-

ifesto of April, 1896, and discussing it from the standpoint of the church, as to its real or alleged interference with political rights, and this by an editorial in the same newspaper and the same date, was indorsed by the Deseret News.

In the legislature which convened in January, 1901, there was introduced a measure which is referred to commonly in Utah as the Evans antipolygamy bill. It was referred to as such by the press. It did not, however, in terms purport to in any way amend the penal statutes referring to polygamy or unlawful cohabitation, or the kindred offenses, but it was called the Evans antipolygamy measure for the reason that its purpose, as understood by the people and as claimed by the author of the bill upon the floor of the senate, was to limit the prosecution for certain classes of offenses.

Mr. WORTHINGTON. Give us a reference to the place where the author stated that on the floor.

Mr. CRITCHLOW. Yes, sir; it is in current publications of the News.

Mr. WORTHINGTON. Never mind.

Mr. CRITCHLOW. I have the papers here if you desire the citation.

Mr. WORTHINGTON. I do not want to interrupt you now. I thought you had it there.

Mr. CRITCHLOW. I have it here.

Mr. VAN COTT. Did you say 1891?

Mr. CRITCHLOW. I did and corrected it to 1901.

This measure was not very extensively referred to in its editorial columns by the Deseret News, as I now recall, prior to its passage. There were, however, in the public press of Utah interviews, or purported interviews, with various apostles of the church. I think some five or six of them were interviewed upon the question of their attitude with reference to this measure. It had by that time stirred up a very great deal of opposition among the non-Mormons, not only in the State but outside the State, so that the press of the country to a very large extent were discussing the measure and its supposed effect upon the question of the observance of the law in Utah in regard to polygamy and kindred offenses.

In these purported interviews, which appeared in some of the local papers in Salt Lake, none of the apostles of the church, so far as they were quoted in the papers, was opposed to the bill. Two of them, President Snow and Joseph F. Smith, as I recall, were in favor of the bill and others were noncommittal, Apostle Smoot, as I recall, stating that he proposed to leave it to the good sense of the legislature.

The ministerial association, which is understood to be an association of the evangelical ministers who reside at Salt Lake City, took up the matter quite vigorously, and a very great many interviews, both from Mormons and non-Mormons, were published in the local press, giving their views with respect to the advisability of the passage of such a measure. This was before its passage. The proceedings upon the floor of the senate, where the bill originated, and also in the house, were featured very extensively in the press. So it became a very burning and vital question. Senator Rawlins, at that time in the Senate, expressed himself in an interview as to the advisability of it.

Senator HOPKINS. The State senate?

Mr. CRITCHLOW. The United States Senate. Doctor Paden, one of the signers of the protest, and one of the leaders of the ministerial association, also expressed himself in an interview.

The measure passed, however, and after some little time had elapsed—I do not remember the number of days—and while this agitation and these interviews were being published and the matter was being extensively advertised throughout the country, the governor finally vetoed the act. After it was vetoed it failed to receive the requisite number of votes in either house of the legislature in order to insure its passage, and, in fact, some of those who had supported the bill in the senate, and I believe also in the house, voted to sustain the veto instead of sustaining the bill.

Senator BEVERIDGE. There was a vote taken on it?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. How many votes were there for the passage of the bill over the governor's veto?

Mr. CRITCHLOW. I would have to refer to the memorandum to tell that.

Senator BEVERIDGE. Do you remember about? It is not necessary to be scientifically accurate. What was the proportion? What did the bill pass by originally—what were the proportions?

Mr. CRITCHLOW. In the senate, as I now remember, it was 11 affirmative and 7 negative. In the house, as I recollect it, it was 25 affirmative and some 12 negative.

Senator BEVERIDGE. How many Mormons were there in the senate?

Mr. CRITCHLOW. I think 12 or 13, perhaps.

Senator BEVERIDGE. In the senate?

Mr. CRITCHLOW. I think so.

Senator BEVERIDGE. How many non-Mormons?

Mr. CRITCHLOW. The remaining number out of 18.

Senator BEVERIDGE. When it came to passing the bill over the governor's veto, do you remember substantially how the vote was?

Mr. CRITCHLOW. No, sir; I can not give that. I have not charged my mind with it, having it directly at hand in a memorandum.

Senator BEVERIDGE. Have you it conveniently there?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Let us have it.

Mr. CRITCHLOW. I observe that when the bill was passed in the house it was by a vote of 25 in the affirmative to 17 in the negative. In the issue of March 15, 1901, which was the day succeeding the day when the veto of the governor was given—

Mr. WORTHINGTON. The issue of what?

Mr. CRITCHLOW. Of the Salt Lake Herald. I observe it is stated that the senate would sustain the veto by a vote of 11 to 7, and it gives interviews with the members stating their attitude upon the question. I think I can get the number—

Mr. WORTHINGTON. I suppose the law required a two-thirds vote in each house to override the veto?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. If you can not find it easily, pass it by.

Mr. CRITCHLOW. I will endeavor to get it and place it in the record.

Senator BEVERIDGE. The governor vetoed the bill?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Was he a Mormon or a non-Mormon?

Mr. CRITCHLOW. A Mormon.

Senator BEVERIDGE. Were any Mormon votes cast against the bill in the house?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Some gentiles voted for the bill?

Mr. CRITCHLOW. Yes, sir.

Senator OVERMAN. What was the feeling in the country at the time of the veto? Were there any expressions outside of Utah?

Mr. CRITCHLOW. In the press.

Senator OVERMAN. What was the general sentiment all over the United States, so far as you could gather?

Mr. CRITCHLOW. The sentiment over the United States, so far as I could gather from the press, was that it was recognized as being a measure which had been intended to further the practice of polygamy and that it was a very proper and manly act on the part of the governor to veto it, although—

Senator OVERMAN. Prior to the time when he vetoed it, was there any indignation expressed or aroused in the country generally?

Mr. CRITCHLOW. Very largely.

Senator OVERMAN. That is the point I want to get at.

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Have you a copy of the veto?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Here?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. I wish you would give us the reason assigned. Is the veto lengthy?

Mr. CRITCHLOW. About a half column.

The CHAIRMAN. Does he assign any reason?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Read that portion of it.

Mr. CRITCHLOW. Very well.

“In my opinion nothing can be clearer than that this bill, if passed, would be welcomed and employed as a most effective weapon against the very classes whose condition it is intended to ameliorate. Furthermore, I have every reason to believe its enactment would be the signal for a general demand upon the National Congress for a constitutional amendment, directed solely against certain social conditions here, a demand which, under the circumstances, would assuredly be complied with. While it may be urged that in any event only the few could be made to suffer, is it not an odious thought, repulsive to every good citizen of whatsoever creed or party, that the whole State should thus be put under a ban?”

The CHAIRMAN. If the counsel desire it the veto message will be inserted in the record. I think that would be better.

The copy of the veto message of the governor, as found in the Salt Lake City Herald of Friday, March 15, 1901, is as follows:

To the Senate:

I have the honor to return herewith, without approval, Senate bill No. 119, “An act amending section 4611 of the Revised Statutes of Utah, 1898, in relation to the making of complaints and commencing of prosecutions in criminal cases.”

No official act of my life has been approached by me with a sense of responsibility so profound as is involved in the consideration of this bill. It is a measure of the supremest importance, and in its consequences for good or ill it easily surpasses any other proposition that ever came before this Commonwealth for legislative and executive

determination. It has been argued in both branches of the assembly with splendid force and ability, while its provisions have doubtless been eagerly discussed in the remotest hamlet of our State. With due allowance for the exaggerations that may be expected from those who warmly support and from those who with equal warmth antagonize the measure I accord to all of them, without any reservation whatever, full credit for absolute sincerity, breadth of sympathy, and a desire for the public welfare, which of themselves render it a noteworthy and unique piece of proposed legislation.

But these conditions only serve to make the responsibility of the executive the more weighty, and I could have wished to be spared the test. Nevertheless, the recollection of my oath of office, the requirements of my duty as I understand it, and the convictions of my own best judgment and my conscience unite in demanding of me that I withhold approval from this bill. If I know myself, I can sincerely say that I am anxious that the very best and wisest thing shall be done in respect to all matters that have vexed us so much in times past. And knowing this whole people as I do, it is my firm conviction that whatever the present feeling may be, they will be sincerely grateful in the days to come if this measure is not written upon the statute books.

The patience, loyalty, and conservatism of our citizens are so widely recognized that only by the passage of such a bill as this can their reputation be injured. The broad-minded and intelligent everywhere accept the situation here as it exists, and are content to let time complete the solution of the problem. Even the bigoted and the meddling have to admit that with some exceptions the conduct and integrity of the people are above reproach.

In my opinion nothing can be clearer than that this bill, if passed, would be welcomed and employed as a most effective weapon against the very classes whose condition it is intended to ameliorate. Furthermore, I have every reason to believe its enactment would be the signal for a general demand upon the National Congress for a constitutional amendment directed solely against certain social conditions here, a demand which, under the circumstances, would assuredly be complied with. While it may be urged that in any event only the few could be made to suffer, is it not an odious thought, repulsive to every good citizen, of whatsoever creed or party, that the whole State should thus be put under a ban?

Surely there is none so selfish and unpatriotic as to argue that this is preferable to the endurance of a few isolated instances of prosecution—unbacked as they are by either respectable moral support or sympathy. All of us can readily recall the conditions of the past as compared with those of to-day. In the shortest memory still remain instances, incidents of that distressing period shortly before statehood, during which so much sorrow and bitterness stalked through our community. Of still more recent date—no longer than two years ago—another outburst was threatened, and to some extent was manifested; but as a termination of the first came concession and amnesty and evidences of good faith and at length statehood, in which everybody rejoiced, and while, as a result of the second, the sun of our prosperity was for a time obscured, the clouds at length have rolled away and Utah, united, hopeful, and vigorous, is marching bravely forward to the music of Union.

I yield to no one in affection for those of my people who from the highest motives and because they believed it a divine command entered into the relation of plural marriage. Born and reared in Utah, myself a product of that marriage system, taught from infancy to regard my lineage as approved of the Almighty, and proud to-day, as I have ever been, of my heritage, it will be granted, I trust, that every instinct of my nature reaches out to shield my friends from harm and to protect them from unjust attack. Their cause is my cause, and when they are hurt I am hurt, for I am part of them. But in that same heart which is filled with sympathy for them I find also the solemn feeling that this bill holds out only a false hope of protection, and that in offering a phantom of relief to a few, it in reality invites a deluge of discord and disaster upon all.

For these reasons, briefly and imperfectly stated, and for many others which might be given at length, I am unable to approve the bill now before me.

Very respectfully,

HEBER M. WELLS,
Governor.

Mr. CRITCHLOW. At the time when it was pending before the governor, very prominent non-Mormons, both members of the ministerial association and others, appealed to the governor in the interest of the citizens of the State to veto the measure, practically upon the grounds as stated by the governor in the message which I have read.

After the measure had passed, and while it was in the hands of the governor for action, there appeared an editorial in the Deseret News, I think under date of March 12, 1901, and then after the veto message, which was on the 14th, there were numerous editorials in the Deseret News upholding the bill and contending in favor of the wisdom of that class of legislation, and of this bill in particular.

Mr. WORTHINGTON. And the members of the legislature did not respond to the views of the church as expressed through the News?

Mr. CRITCHLOW. No, sir.

Senator BEVERIDGE. Did the church authorities favor this bill?

Mr. CRITCHLOW. Those of the church authorities who expressed themselves did.

Senator BEVERIDGE. Some expressed themselves and some did not?

Mr. CRITCHLOW. I know of none of the authorities who expressed themselves against it.

Senator BEVERIDGE. Some of them expressed themselves for it and some did not express themselves?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. You say the governor was a Mormon?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Did those church authorities express themselves to the governor also?

Mr. CRITCHLOW. I have no means of knowing that.

Senator BEVERIDGE. If they did, he did not heed it?

Mr. CRITCHLOW. I do not know what expression—

Senator BEVERIDGE. He vetoed the bill, anyhow?

Mr. CRITCHLOW. Yes, sir.

Mr. WORTHINGTON. It is the contention of the prosecution here, that the Deseret News is the organ of the church and that the church, through the News, insisted that the bill should be passed over the veto.

Mr. CRITCHLOW. The next legislature after the one to which I have referred was the legislature of 1903, by which Senator Smoot was elected. The campaign which led up to this election was made by Senator Smoot from rather an early date, politically speaking, he having announced himself as early as the summer of 1902; and it was generally understood and conceded throughout the State that Senator Smoot would, in all human probability, be the next United States Senator provided the Republicans should be successful in electing a majority of the legislature of 1903.

That, however, aroused a great deal of opposition upon the part of those who were in any manner participating in partisan politics in the Republican party, and was, in at least one or two cases, the subject of quite sharply defined issues at the political convention. It was so in Salt Lake City, where the Republican convention for the nomination of members of the legislature was held for that particular district.

The Republicans were successful, and the ticket was elected, and immediately upon that, and even I think before election, certainly immediately after the election, there was very determined opposition upon the part of the Ministerial Association, and very determined expressions of opinion upon the part of non-Mormons, and Mormons as well, upon the question as to the propriety of the election of Apostle Smoot to the Senate of the United States. This was expressed both in print and in private conversation. Of course I can not recall, and I do not believe that it would be found, that any of the members of the legislature or any members of the Mormon Church expressed themselves in print in respect to that matter; but it was well known to all of us that his candidacy evoked a very wide opposition among what may be called the lay members of the Mormon Church. Many of those who were elected upon the Republican ticket to the legislature expressed themselves with more or less openness in opposition to the idea of an apostle going to the United States Senate. Of my own knowledge I have knowledge of only two such, but that was understood to be the attitude of quite a number of those who were elected. The Ministerial Association in November, over the signature of its secretary—

Mr. VAN COTT. The year, please.

Mr. CRITCHLOW. 1902; published an address in which it charged that a majority of the members of the quorum of the first presidency and twelve apostles were living in open defiance of the law, and interviews were sought, as appeared by the public press at that time, with Mr. Smoot upon the question. It was stated in some of these press articles—

Mr. WORTHINGTON. It does seem to me that when we get down to what Mr. Smoot is alleged to have said, if we are not to have the evidence of the person to whom he made the statement, we ought at least to have the statement itself, and not have hearsay in a double degree.

The CHAIRMAN. Mr. Critchlow, have you the statement?

Mr. CRITCHLOW. Yes, sir; I have the statement.

Mr. TAYLER. I suggest that it is proper to produce a newspaper which has an open challenge to Senator Smoot that if he wants proof of the fact which he denies, it exists.

Mr. WORTHINGTON. I deny the fact, and I object. Now that the witness says he has the papers here, I object to his offering any of them in evidence, on the ground that if Senator Smoot is to be charged

here—and we have now reached something that everybody will see may bear upon the case—with having made certain statements, we should have here the persons to whom the statements are said to have been made, in order that they may be cross-examined, because I am authorized by Senator Smoot to say that most or all of these interviews are falsehoods—that the interviews never took place, or if they did, were incorrectly reported.

Let me say I dispute what my friend says that, because some newspaper chooses to publish what it says a public man has said and challenges him to deny it, that is any evidence, by his not accepting a newspaper challenge and entering into a controversy with it in its columns or elsewhere, that he admits the charge. If that be so I could prove, I suppose, that every member of the Senate has done something in violation of law.

Mr. TAYLER. The thing I seek now to have presented to the committee is, that in a Salt Lake paper, published there in his neighborhood and where he was, which must have come to his attention or which will be presumed to have come to his attention, was an article, issued by the Ministerial Association, addressed to or intended for Mr. Smoot and perhaps a copy of the letter which they said they had sent to him, and referring to his denial of a certain thing and saying they proffered to prove it to him. That may not be the absolute establishment of the fact that that newspaper fell under Senator Smoot's eye. But it will not do for these gentlemen, or even for Mr. Smoot and the people who profess not to know the thing all men are familiar with, to say that it does not present a cogent representation, and such that Mr. Smoot must have known, that that sort of a publication was made before his eyes, and it called upon him, or did not call upon him, according to the view the committee may take of it, for some reply.

Mr. WORTHINGTON. Let me ask the witness a question before we proceed further. Will the witness tell us what the ministerial association is which has been so often referred to by the witness, and now by counsel?

Mr. CRITCHLOW. It seems, as I understand it, and as I am informed by members of it and from their publications, to be an association of evangelical or protestant ministers of the city of Salt Lake, excepting, however, the—

Mr. VAN COTT. There is no need to name them.

Mr. CRITCHLOW. Excepting those of the Protestant Episcopal Church. I think that is the only exception.

Mr. WORTHINGTON. It does not include the Roman Catholics or the Episcopal Church or the Mormon Church?

Mr. CRITCHLOW. It does not.

Mr. WORTHINGTON. Does it include all the others?

Mr. CRITCHLOW. So far as I am aware, it does. They have weekly meetings, as I understand, to discuss general matters of interest to all of them.

Mr. WORTHINGTON. If I understand what Mr. Tayler has just now suggested, it goes to prove that there was published in the newspapers something in the nature of accusations or charges by this association of which Senator Smoot is supposed to have taken notice. That is not what I was objecting to. What I was objecting to was what purported to be interviews with Senator Smoot, either in reference to the charges made by the association or anything else. I am not objecting to their

showing that there were published in the newspapers charges against Senator Smoot, if the committee think the time and the space here may be occupied by proving that charges were made against a public man in the newspapers, and that the making of the charges has any tendency to establish their correctness. What I do earnestly object to is the introduction of newspaper interviews or what purport to be interviews with Senator Smoot, as in the nature of admissions by him.

Mr. TAYLER. We do not want that. I do not ask it.

Mr. WORTHINGTON. Very well. Then the counsel did say that he proposed to offer something in the nature of a challenge to Senator Smoot, and I make the same objection to it—that because some newspaper chooses to say “We accuse some public man of committing an offense against the law, or doing something which might subject him to expulsion from the office he holds, and we challenge him to deny it,” and he does not take any notice of the newspaper publication, that that is a thing which ought to be put in here and receive any consideration whatever at the hands of the committee.

Here, for instance, are the Leilich charges. The Leilich charge is one which was presented to the Senate, signed by Leilich only, in which it is charged that Senator Smoot is a polygamist, that he has plural wives, and it is charged that he has taken an oath as an apostle inconsistent with his Senatorial oath. Those charges have been published all over this country, and I presume it is true that Senator Smoot has never taken any notice of them. And yet when we come here we find that even the father of this charge will not come here and say he ever has had any proof to justify the making of it, and counsel have specifically announced, from the beginning to the end, that so far as they know there is no truth in either of those charges.

I am told that Mr. Leilich is a member of this ministerial association. Is that true?

Mr. CRITCHLOW. I think not now. I think he was at that time.

Mr. WORTHINGTON. He was at that time a member of the ministerial association. He is one of the signers of both protests. He is one of the nineteen, and then he also filed this individual protest of his own. So there is a case of specific charges formally published against Senator Smoot, published all over the country, which he has never deigned to take notice of. And yet when we come to the facts of the case we find that the charges are absolutely without foundation, and that there is nobody who will come here and stand sponsor for them. If it is charged that Senator Smoot has made admissions to anybody, let those persons be brought here. The subpoena of the committee will reach them wherever they may be. Let us have their statements, made under oath, with the opportunity to cross-examine—the two sure tests of the weight of testimony.

Mr. TAYLER. Let me read the heart of this. This is the kind of a statement—

The CHAIRMAN. I should like to ask a preliminary question before you do that. You speak of a certain publication?

Mr. TAYLER. Yes, sir.

The CHAIRMAN. In a Salt Lake paper?

Mr. TAYLER. Yes, sir.

The CHAIRMAN. Charging Mr. Smoot with certain things?

Mr. TAYLER. No, sir.

The CHAIRMAN. What is it?

Mr. TAYLER. I will read it and you will see.

Mr. WORTHINGTON. That will put it in the record. Let us see what it is.

Mr. TAYLER. Let me read this.

Mr. WORTHINGTON. I understand that this is not to go into the record, and yet the stenographer is taking it down.

Senator FORAKER. Let us pass on the question before anything is read.

Mr. TAYLER. Let the stenographer not take it down.

Senator BEVERIDGE. Can you not tell us what it is?

Senator FORAKER. Tell us whether what you propose to put in the record would tend, by any other evidence, to bring it home to Mr. Smoot in such way as to charge him with responsibility for it. If so, it would be competent.

Mr. TAYLER. Of course we will, but the committee will see at once that to a certain extent some responsibility may be laid upon Mr. Smoot by this very thing.

Senator BEVERIDGE. Go ahead and read it. That will be shorter and sweeter.

Mr. WORTHINGTON. The reporter is still taking notes.

The CHAIRMAN. The reporter will not take this down.

By direction of the chairman the reporter at this point ceased to report the proceedings for some minutes.

Senator FORAKER. Mr. Chairman, I do not believe in conducting an investigation with a stenographer to make a record and then keeping anything that is said out of the record. I think everything ought to go into the record. Something arises and some one suggests, "Now, do not take this down," and it is not five minutes until what you had the stenographer omit becomes absolutely essential to a proper understanding of what follows. Every word of this debate ought to have been in the record, and I supposed it was in the record.

Mr. TAYLER. I supposed it all was being taken down except my quotation.

Senator FORAKER. No; that ought to have been put in the record, too.

I want to suggest that hereafter when somebody suggests that the stenographer "do not take this down," he wait until the committee make a ruling before acting on that suggestion.

The CHAIRMAN. The suggestion was made by Mr. Worthington.

Senator FORAKER. I do not know who made it.

The REPORTER. I did not stop taking notes until directed to do so by the chairman.

The CHAIRMAN. Mr. Worthington, while the controversy was going on about the admissibility of the evidence, protested against a record being made of the discussion.

Mr. TAYLER. I want the reporter to get Mr. Worthington's statement.

Senator FORAKER. I suggest that it all ought to go out down to this point or it all ought to go in.

Mr. WORTHINGTON. It can not go in because it has not been taken down.

Senator FORAKER. Then expurge everything from the point where Mr. Tayler offered to read the article.

Mr. TAYLER. Now let me read it or insert it, just as the chairman may see fit.

The CHAIRMAN. Do you desire to read that?

Mr. TAYLER. Yes.

Mr. WORTHINGTON. I object to the reading of it.

The CHAIRMAN. Wait a moment. The Chair is inclined to exclude it. I do not think it is permissible at this time.

Mr. TAYLER. Of course, the record now will not show what it is that the Chair is excluding, or that the Chair is familiar with the subject which he is excluding. All I want to get in the record here is the statement Mr. Worthington made that they themselves, as counsel, and by the direction of their client, Senator Smoot, deny that Senator Smoot gave out an interview.

The CHAIRMAN. Then, that purports to be the statement of Mr. Smoot, or is that the statement of the ministerial association?

Mr. TAYLER. That is the statement of the ministerial association.

The CHAIRMAN. Is there anything in it which purports to be a statement by Mr. Smoot?

Mr. WORTHINGTON. Yes.

Mr. TAYLER. This is the language, if the Chair will excuse me:

“Apostle Smoot, in his interview with the Telegram, recently professed not to know whether any of the apostles were now practicing polygamy.”

Senator HOPKINS. Mr. Tayler, if Mr. Smoot were upon the witness stand it might be proper for you to ask him if he had an interview of the kind stated. But is it, as affirmative, independent evidence, competent?

Senator FORAKER. Certainly not, unless it is accompanied by the statement of counsel that he will by other testimony connect it.

Mr. TAYLER. We expect to do that.

Senator FORAKER. The proper way to prove a matter of that kind is to present the paper to the witness when he is on the stand and ask him whether or not he made such a statement, and if he admits that he made such a statement it is competent to go in.

Mr. TAYLER. There is not the slightest controversy about that. I understand that the committee has ruled it to be incompetent.

Senator FORAKER. At this stage of the proceeding.

Mr. TAYLER. But everything that occurs here ought to go in the record, as Senator Foraker has properly said. Now, I had a colloquy with counsel here, which is just as much a part of this case as anything that has happened. I said, “Does Senator Smoot deny that he had this interview?” To which the counsel made reply that he did; that they denied it for Senator Smoot and denied it on authority of Senator Smoot.

Mr. WORTHINGTON. Let me have the paper and I will put that in the record.

Senator FORAKER. I did not want all this colloquy in the record because I thought there was anything in it of special importance to either side, but because it is necessary to be there in order that the record may be intelligible to anyone reading it. Your colloquy gave rise to certain questions, and then the colloquy does not appear.

However, I understand that counsel’s statement has now been taken down, and that it is to be accompanied by the statement of counsel for Mr. Smoot that he denies that he ever made any such statement.

At 11 o’clock and 55 minutes a. m. the committee took a recess until 2 o’clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. The committee is ready to proceed.

Mr. TAYLER. I believe we had nothing pending except the witness.

The CHAIRMAN. That is all.

TESTIMONY OF E. B. CRITCHLOW—Continued.

E. B. CRITCHLOW, having been previously sworn, was examined and testified as follows:

Mr. CRITCHLOW. Mr. Chairman, there are two statements I desire to make a slight correction upon. One is with reference to the editorial utterances of the Deseret News in respect to the candidacy of Mr. Thatcher in the fall of 1896. I stated, I think, that practically every issue of the Deseret News contained editorial utterances on the subject. Upon reference to memoranda I think that ought to be qualified. Not nearly every issue of the News, but a very great number of them, from the time that Mr. Thatcher announced his candidacy up to the time of the election, contained such editorial utterances.

Again, in speaking of the expressions of opinion as indicated in newspaper interviews of the presidency and apostles of the church with regard to the Evans bill, I said that Presidents Snow and Joseph F. Smith declared themselves in favor of the bill. I should have said President Joseph F. Smith and Apostle John Henry Smith. Upon refreshing my recollection from memoranda, I find that President Snow was noncommittal upon the subject.

The CHAIRMAN. Are those all the corrections you desire to make?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Now will you proceed; and may I ask you to proceed as rapidly as you can?

Mr. CRITCHLOW. Yes, sir. I have only this further to say with regard to the expressions of opinion and protests against the election of Mr. Smoot, that in conversation as well as in the public prints, both in Utah and elsewhere, the attention of the people was drawn to the fact that the entry of an apostle into the political arena, clothed, as the apostolate and presidency of the church are recognized as being clothed, with such tremendous power in the State of Utah, a power which extends into the most minute details of religion and business and politics, was such as could not be tolerated under our system of government, and that was the objection to Mr. Smoot.

I think I ought to say in that connection that never at any time, so far as I am aware, were the personal qualifications of Mr. Smoot or his fitness, outside of his relations to the presidency and apostolate of the church, brought into question by anyone.

Senator DILLINGHAM. May I inquire, in that connection, who was responsible for this form of petition that was sent broadcast from over the country?

Mr. CRITCHLOW. You are referring to the protest?

Senator DILLINGHAM. I am referring to the petitions that have come into the Senate from every State and almost every town in the country protesting against the seating of Mr. Smoot.

Mr. CRITCHLOW. I can only speak from information, and that is to the effect that it is due to the concerted action of certain organizations

of women, the Women's Christian Temperance Union, the International Congress of Mothers, or some such organization as that, and, I think, the Interdenominational Council of Women, if I have the name correctly, but I speak only from information on that subject, there being no organization among the protestants or any efforts of any kind made by the protestants.

Senator DILLINGHAM. Did the ministerial association have anything to do with that, so far as you know?

Mr. CRITCHLOW. I know nothing about it, but I assume from the general situation that as far as possible they were in sympathy with and probably forwarding certain of the petitions. I may say, Senator, there were certain of the petitions forwarded which I think practically all of the non-Mormons of Utah deprecated; that is, those charging, in express terms, Mr. Smoot with being a polygamist. I do not know that I saw any such petitions, but I heard there were such circulated; and, speaking again only from information and belief, I would hardly think that any of the members of the ministerial association were engaged in forwarding those petitions or sympathized with them, that not being understood to be the basis of the protest.

Senator BEVERIDGE. You do not understand, then, that Mr. Smoot himself is a polygamist?

Mr. CRITCHLOW. I have no understanding upon the question as a matter of fact at all.

Senator BEVERIDGE. Well, you understand he is not; do you not?

Mr. CRITCHLOW. I would like to be precise upon that subject. My understanding is largely a matter of deduction. I have known Mr. Smoot fairly well for a number of years, and I never heard him charged with being a polygamist.

Senator BEVERIDGE. You have spoken quite freely here of general repute and general opinion and a whole lot of other things with which you seemed to be extremely familiar.

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Is it of general repute that Mr. Smoot is a polygamist or not?

Mr. CRITCHLOW. It is not of general repute that he is a polygamist.

The CHAIRMAN. In that connection I wish to ask you, if it is not objectionable, you were one of the gentlemen who signed this remonstrance?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Will you state to the committee who the other gentlemen are, if you know them?

Mr. CRITCHLOW. I know them all.

The CHAIRMAN. Just state in a general way who they are. The names are already before the committee, but I want to know where they live and who they are.

Mr. CRITCHLOW. Dr. W. M. Paden is the pastor of the First Presbyterian Church of Salt Lake City, and has been for some three or four years. He formerly was pastor of the French Mission Church in the Latin quarter in Paris and of the Holland Memorial Church in Philadelphia. He is a graduate of Princeton University.

P. L. Williams is the general counsel of the Oregon Short Line Railroad Company in Utah and the Western States.

Mr. E. W. Wilson is the cashier of the Commercial National Bank and has been a resident of Salt Lake for twelve or fourteen years.

Mr. C. C. Goodwin was for some twenty years the editor of the Salt Lake Tribune and was formerly from California and Nevada.

Mr. W. A. Nelden is the president of the Nelden-Judson Drug Company, a wholesale drug company doing business in Utah and the Western States.

These gentlemen all reside at Salt Lake City, or did at that time.

Dr. Clarence T. Brown was at that time pastor of the Congregational Church at Salt Lake City; now at San Diego, Cal.

Ezra Thompson is a native of Utah, a mining man, and has just concluded his second term as mayor of Salt Lake City. He was born in Utah, as I remember it.

J. J. Corum is a real estate man. He has been a resident of Utah for some sixteen years, and is a man whose business, I think, is largely concerned with real estate.

George R. Hancock is a mining superintendent and has resided in Utah since 1880.

W. Mont. Ferry is a nephew of the late Senator Thomas W. Ferry, of Michigan, and is a mining man.

J. L. Leilich was at that time, as I understand, the superintendent of the missions in Utah of the Methodist Episcopal Church. I understand he is now in California, but I know him very slightly.

Mr. WORTHINGTON. He is the same man who put in a separate remonstrance charging polygamy?

Mr. CRITCHLOW. He is; yes, sir.

Harry C. Hill was upon the staff of General Butler in the late war. He was a mining man and is now retired, a capitalist.

C. E. Allen is general manager or superintendent, I do not know which, of the United States Mining Company, a large mining corporation. Mr. Allen originally went to Utah as a professor.

Mr. TAYLER. He was a member of Congress—the first Representative?

Mr. CRITCHLOW. He was the first Representative to Congress under statehood.

Mr. George M. Scott is not now a resident of Salt Lake. He resides in San Francisco. He was for a great many years the head of George M. Scott & Co., a large wholesale and retail hardware establishment. I think he has retired from business.

S. H. Lewis was at one time an assistant United States attorney, and is now the standing master in chancery of the United States circuit court for our district.

The CHAIRMAN. What was the last?

Mr. CRITCHLOW. Mr. Samuel H. Lewis. He is the standing master in chancery of the United States circuit court for our district.

Mr. H. G. McMillan is a capitalist and mining man.

Abiel Leonard was, up to the time of his death, in November last, the bishop of the Protestant Episcopal Church, diocese of Utah.

Senator BEVERIDGE. Who got this protest up, Mr. Critchlow?

Mr. CRITCHLOW. The material of it was supplied in large part by Doctor Paden, and it was written, so far as the form of it and the connecting matter, etc., was concerned, by myself.

Senator BEVERIDGE. Who got the signatures to it?

Mr. CRITCHLOW. I did.

Senator BEVERIDGE. You got up the protest, then, practically?

Mr. CRITCHLOW. Yes, sir; to the extent I have suggested.

Senator BEVERIDGE. You are a lawyer, are you not?

Mr. CRITCHLOW. I am.

Senator BEVERIDGE. What is your firm?

Mr. CRITCHLOW. Up to the first of the year it was Pierce, Critchlow & Barrette. It is now Henderson, Pierce, Critchlow & Barrette.

The CHAIRMAN. You may proceed with your narrative, Mr. Critchlow, if you have anything further to say.

Mr. CRITCHLOW. I think I have nothing further to say, except—

Senator BEVERIDGE. What is your business connection with Mr. Rawlins?

Mr. CRITCHLOW. I was his law partner for six years.

Senator BEVERIDGE. Were you his partner at the time of his last election to the United States Senate?

Mr. CRITCHLOW. Yes, sir; we dissolved our partnership when he came to Washington as Senator.

Senator BEVERIDGE. You had been partner with him up to that time?

Mr. CRITCHLOW. For six years prior to that time.

Senator BEVERIDGE. Mr. Rawlins was defeated for the Senate by Mr. Smoot?

Mr. CRITCHLOW. Well, I hardly would say—

Senator BEVERIDGE. He was a candidate, was he not?

Mr. CRITCHLOW. He was a candidate in a legislature which was Republican.

Senator BEVERIDGE. Of course; but he was a candidate before the legislature, and so was Mr. Smoot?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. And Mr. Smoot got the votes?

Mr. CRITCHLOW. Mr. Rawlins got 6 votes and Mr. Smoot got—

Senator BEVERIDGE. Got the remainder?

Mr. CRITCHLOW. Not all the remainder; nearly all.

Senator BEVERIDGE. At least, Mr. Smoot was the successful man and Mr. Rawlins did not return?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. That is what I mean when I say Mr. Smoot got the votes. That is the ordinary expression.

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Have you anything further, Mr. Critchlow?

Mr. TAYLER. Mr. Critchlow, you may state what was the general history and movement of opinion growing out of the fact, if it was a fact, publicly proclaimed, that Mr. Smoot had received the consent of his associates in the church to become a candidate for the Senate.

Mr. CRITCHLOW. The opinion among the non-Mormons and a very large number of the Mormons was that in the event that men who were of the general authorities of the church, such as the presidency and twelve apostles, were to become candidates for the United States Senate, there was no opportunity amongst the lay members of the church, so to speak, to ever aspire to any high office, for the reason that it would be understood that consent given under the circumstances, as it must necessarily be given by those in the quorum, would be equivalent to the practical indorsement of the presidency and twelve apostles, and that no member of the Mormon Church would ever dare to aspire to political preferment in opposition to the men holding such positions.

Senator BEVERIDGE. Now, in reference to that. You say "Dare to aspire?"

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. What would happen to them if they did dare to aspire? Suppose some member of the Mormon Church did dare to aspire, what would happen?

Mr. CRITCHLOW. He would undoubtedly be dealt with if he persisted in his political canvass in opposition to the will of the members of the higher quorum. He would undoubtedly be dealt with for his fellowship as being out of harmony.

Senator BEVERIDGE. What do you mean by being dealt with?

Mr. CRITCHLOW. I mean he would be called in question as being one who is out of harmony, and who is not disposed to take counsel from those who are above him.

Senator BEVERIDGE. You are speaking, now, of a member of the church as well as an officer?

Mr. CRITCHLOW. Of a member as well as an officer.

Senator BEVERIDGE. Still, what could be done with him? Out of harmony, you say. What would be done with him? Would he be punished?

Mr. CRITCHLOW. He would be disfellowshipped from the church and ostracised from the society of those who were formerly his coreligionists.

Senator BEVERIDGE. Do you know of anyone who is not an officer who has been excommunicated from the church?

Mr. CRITCHLOW. I know a great many persons who have been excommunicated from the church for being out of harmony with it.

Senator BEVERIDGE. For the offense of independent political action?

Mr. CRITCHLOW. I can not at this moment recollect any one individual man for independent political action, but in business.

Senator BEVERIDGE. Do you speak from knowledge or just from general vague report?

Mr. CRITCHLOW. I speak from this sort of knowledge, Senator, that there are a great many men throughout the State who are known as being no longer members of the church and as having been cut off for this or that or the other thing, for obstinacy for carrying on a certain line of business conduct contrary to the counsel of their superiors.

Senator BEVERIDGE. As for example, now.

Mr. CRITCHLOW. As for example, the Walker Brothers; as for example, Eli B. Kelsey,

Senator BEVERIDGE. I think this is very serious. Let us hear about Walker Brothers and Kelsey. What was there about them?

Mr. CRITCHLOW. These are comparatively old matters, Senator.

Senator BEVERIDGE. Well, what about them?

Mr. CRITCHLOW. Walker Brothers refused, as I understand it, and as the report is, to comply with the wishes of the leaders of the church in regard to the carrying on of mining operations. It was the policy—

Senator BEVERIDGE. What did the church want them to do?

Mr. CRITCHLOW. The church wanted them, as I understand the facts, to cease to engage in mining operations for the reason that it was not the policy of the leaders of the church at that time to open up the mineral resources of the State, for the reason that it would bring in non-Mormons.

Senator BEVERIDGE. Were these people Mormons?

Mr. CRITCHLOW. They were Mormons.

Senator BEVERIDGE. And they continued to open up the mining resources?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. What happened to them?

Mr. CRITCHLOW. They were cut off from the church.

Senator BEVERIDGE. They are not Mormons now?

Mr. CRITCHLOW. They are not Mormons now. There are but two of them living.

Senator BEVERIDGE. You say you understood so. From whom did you understand it?

Mr. CRITCHLOW. From the current history of the State. These things happened before I came to the State.

Senator BEVERIDGE. Are there any writings on those subjects?

Mr. CRITCHLOW. Yes; those matters have been reduced to print many times.

Senator BEVERIDGE. Do you mean in the newspapers?

Mr. CRITCHLOW. No, sir; controversial writings on the subject, occurring through a great many years.

Senator BEVERIDGE. Now, you have given one instance. We have something specific. What is the other instance?

Mr. CRITCHLOW. The instance of Mr. Eli B. Kelsey.

Senator BEVERIDGE. First of all, how long ago was this instance you have mentioned?

Mr. CRITCHLOW. That, if I am correct, occurred in the early sixties.

Senator BEVERIDGE. Oh, well, let us have something of modern history.

Mr. CRITCHLOW. The latest information I have is in regard to the Brigham City—

Mr. WORTHINGTON. I submit we ought to have something since the manifesto.

The CHAIRMAN. The witness had stated that these were old matters.

Senator BEVERIDGE. I know, but he had formerly stated that this was the general rule. He has given one instance that occurred forty years ago. I want him to give another one.

Mr. CRITCHLOW. Up at Brigham City, according to my information—and my information is information only, not my own knowledge—within the past year there has been a controversy between the leaders of the church in that particular stake and many of the members of the church with regard to certain municipal affairs. The president of the stake—

Senator BEVERIDGE. Is this a business transaction you are going to tell about?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. All right.

Mr. CRITCHLOW. The president of the stake, Mr. Charles Kelly, desired to have the municipal corporation of Brigham City become interested in an electric-lighting plant, and for that purpose—if the Senator will permit me, I would like to refer to some memoranda I have on that, because I was careful to put my information in the form of memoranda.

Senator BEVERIDGE. Oh, you expected this, then? Go ahead and get your memoranda.

The CHAIRMAN. If he has a memorandum, he has the right to refer to it.

Senator BEVERIDGE. Of course. It is very interesting.

Mr. WORTHINGTON. Where is Brigham City, by the way?

Mr. CRITCHLOW. Brigham City is in Boxelder County.

Mr. WORTHINGTON. It is in Utah?

Mr. CRITCHLOW. In Utah.

The people of Brigham City wanted to own their own electric-light plant, and a private corporation there which was engaged in the electric-lighting business induced President Kelly to favor this by offering him a present of 1,000 shares of stock. Kelly then told the mayor of the city that he had had a revelation on the subject; that he was right, and that God had told him that the city ought to be lighted by a private company, of which he, Kelly, should be the president. This matter was brought up at a meeting at the tabernacle at which were present the mayor, Mr. Bowden, Apostle Clawson, Peter Knudson, a member of the city council; Isaac A. Jenson, a member of the council, and J. P. Christianson, a member of the council. This was called, as I understand it, on Sunday afternoon to pass a resolution which Apostle Ruder Clawson and Kelly had presented to them upon this subject.

The people had an election upon the subject and, without going into details, a very acrid controversy arose between the authorities of the church and the people, and for the offense of standing in opposition to the priesthood on the subject of a municipal lighting plant a number of the people in Brigham City were brought up before the high council and lectured and tried for their fellowship.

Again, in that same stake, they had an amusement association. It was a matter—

Senator BEVERIDGE. Before you go into that—I am very much interested. This is an interesting incident. You read from memoranda there?

Mr. CRITCHLOW. I do, sir.

Senator BEVERIDGE. Where did you get the information?

Mr. CRITCHLOW. This memoranda came to me from the city attorney of Brigham City.

Senator BEVERIDGE. Who is he?

Mr. CRITCHLOW. B. H. Jones.

Senator BEVERIDGE. Is he Mormon or non-Mormon?

Mr. CRITCHLOW. I can not say whether he is in good standing as a member or not. He is of Mormon parentage.

Senator BEVERIDGE. How was he in this controversy?

Mr. CRITCHLOW. He was against the action of these ecclesiastical authorities.

Senator BEVERIDGE. So he told you and wrote out a memorandum from which you testify that this man said he had a revelation from the Lord on the subject of a municipal lighting plant?

Mr. CRITCHLOW. He did not write out the memoranda. I wrote out the memoranda.

Senator BEVERIDGE. From what he told you?

Mr. CRITCHLOW. From an extended conversation; yes, sir.

Senator BEVERIDGE. So that you are giving to the committee here as one of the instances what a gentleman told you and what you then reduced to writing?

Mr. CRITCHLOW. That is true, but is not all of the facts, if I may be allowed, Senator.

Senator BEVERIDGE. Certainly.

Mr. CRITCHLOW. This is a matter of very great notoriety in that part of the country, and the accurate information in regard to it I was attempting to get from one whom I thought would be accurate.

Senator BEVERIDGE. Of course I have observed the testimony all the morning in regard to general notoriety and current history and all that sort of thing, all of which is more or less vague; but that is specific. Details are to the point and are of interest. The reason of my question is to see whether there was something you knew yourself or something you had heard of, and if you had heard of it from somebody, whether it was from an interested person.

Mr. CRITCHLOW. It was from the city attorney of Brigham City, who was a part of the controversy.

Senator BEVERIDGE. Was he present at that meeting?

Mr. CRITCHLOW. I do not know whether he was or not.

Senator BEVERIDGE. Where did he get it?

Mr. CRITCHLOW. I did not ask him that. I have my supposition on the matter.

Senator BEVERIDGE. As a citizen of Utah, do you yourself believe that anybody out there told the common council that they had a revelation from the Lord on an electric-light plant?

Mr. CRITCHLOW. I have not the slightest doubt of it, Senator; not the slightest doubt in the world.

The CHAIRMAN. Now, the next incident you were about to mention?

Mr. CRITCHLOW. The other incident is one about which a great deal has been written in the papers in Utah, in Salt Lake City, and in Brigham City—a matter of very great notoriety—and has been commented upon by the Deseret News editorially, and refers to the action of the authorities in Brigham City in cutting off from the church members of the church for going to a certain dance hall to dances, contrary to the counsel of the priesthood. As I say, it is rather a long story. I had not thought of venturing to weary the committee with the relation of all these matters.

Mr. TAYLER. Before you go on, do you mean they were cut off because they went to a dance hall because dancing was wrong?

Mr. CRITCHLOW. Not at all, but because it was a dance hall that was not favored by the authorities of that State.

Mr. TAYLER. Why not favored—because it was an immoral place?

Mr. CRITCHLOW. Not at all, but because it was run by people who were not in favor of the priesthood. They were members of the church, but they had ventured——

Senator DILLINGHAM. That incident was referred to by President Smith the other day.

Mr. TAYLER. Yes; that is the one about which I inquired of President Smith. I only wanted to eliminate any question of whether a moral question was involved in it.

Senator OVERMAN. Do they have their own dance halls?

Mr. CRITCHLOW. Do you mean the people in these various communities?

Senator OVERMAN. The church itself?

Mr. CRITCHLOW. Not the church; the church as an organization of the church body has no dance halls that I am aware of.

Senator OVERMAN. They have dance halls that the church encourages against other dance halls directed by other people?

Mr. CRITCHLOW. No; I hardly think so. This matter of the dance hall in Brigham City, or rather the controversy, arose over the dance hall, not because it was a dance hall, but because the business enterprise which was here in question happened to be a dance-hall enterprise or an amusement-company enterprise.

Mr. TAYLER. Had the church an opera house or something of that sort down there?

Mr. CRITCHLOW. The church had an interest, as I understand it, in an opera house that was in opposition to this amusement company. I ought to say, I think, for my own sake, that I had not at all expected to speak of this, and therefore had not refreshed my recollection from the memoranda, of which there is an abundance upon this subject.

Mr. WORTHINGTON. You said for these things the members were cut off. What do you mean by "cut off?" Do you mean excommunicated?

Mr. CRITCHLOW. Yes; disfellowshipped. As the expression goes in that community, the right hand of fellowship is withdrawn from them.

Mr. WORTHINGTON. Does that mean they are out of the church altogether, or in some sort of suspended state?

Mr. CRITCHLOW. The understanding we have in the community is that they are cut off from the church and out of the church from that on.

The CHAIRMAN. This related to a business enterprise?

Mr. CRITCHLOW. Yes.

The CHAIRMAN. You say it was reported that Mr. Smoot in his candidacy for the Senate had received the indorsement of the church or the church authorities—the consent of the church authorities?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. How general was that?

Mr. CRITCHLOW. Why, it was absolutely unanimous, so far as I know. There never was any question about it, and it appeared in a public interview of Mr. Smoot's, and was never questioned.

Mr. WORTHINGTON. I move to strike that out and leave it out of the record. I understood we reached that conclusion before the recess—that what was published in the prints about interviews with Senator Smoot would not be competent evidence to go into this record.

The CHAIRMAN. My question was as to the general repute.

Mr. CRITCHLOW. It was understood as going without question, as being a fact which must of necessity exist, because under the rules and practice of the church he could not become a candidate without obtaining the consent.

The CHAIRMAN. Was it or not generally understood that he had received such consent?

Mr. CRITCHLOW. It certainly was generally so understood.

Senator BEVERIDGE. Let me ask you a question or two, if you please. I assume—if I am not right, you can tell me—that the members of the Mormon Church usually accept the so-called revelations when their superiors give them. Is that correct, do I understand?

Mr. CRITCHLOW. Speaking as a practical matter, Senator, I say that they do accept them in the sense that they act in accordance with them, whether as a matter of conscience and belief—

Senator BEVERIDGE. I mean as far as their actions are concerned.

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. You further state that there was a revelation from this mayor, was it—that the mayor got a revelation on the subject of electric lighting, which he laid before the council?

Mr. CRITCHLOW. Pardon me. I said the president of the stake.

Senator BEVERIDGE. Well, the president of the stake; it is the same thing. And the whole matter then occasioned a very bitter controversy between the president of the stake and the people on this subject of electric lighting?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. How do you reconcile that with the people accepting in their actions these revelations which you say it is their custom to do? They did not accept it in that instance, did they?

Mr. CRITCHLOW. Do you ask for my explanation of the fact?

Senator BEVERIDGE. Yes.

Mr. CRITCHLOW. In this particular case they went before the people and the people refused to take the revelation from Mr. Kelly.

Senator BEVERIDGE. Yes.

Mr. CRITCHLOW. I assume that is the explanation to be made.

Senator BEVERIDGE. Evidently the people did not think Mr. Kelly's revelation was valid in that instance on electric lighting.

Mr. CRITCHLOW. I think that is so. I might say in this connection—

Senator BEVERIDGE. The reason I asked that, Mr. Critchlow, is because although you said you stated this upon the information of the district attorney up there, you yourself believed it as a citizen of Utah.

Mr. CRITCHLOW. Pardon me. I did not say that I believed that he had had a revelation or that they accepted it—

Senator BEVERIDGE. No; that you believed the occurrence.

Mr. CRITCHLOW. I believed the occurrence as to the fact that Mr. Kelly would state to these people that he had a revelation or that it was the will of the Lord that such and such things be done. I have not the slightest doubt that that thing might happen.

Senator BEVERIDGE. You said you had no doubt it did happen.

Mr. CRITCHLOW. What I meant to say by that is—

Senator BEVERIDGE. It amounts to the same thing. There is no use splitting hairs.

Mr. CRITCHLOW. What I meant to say was that there was nothing incredible about that sort of a statement.

Senator BEVERIDGE. Very well.

Mr. TAYLER. Mr. Critchlow, there is nothing I recall now to ask you on this general subject of political influence. Is there anything you have to say in that connection?

Mr. CRITCHLOW. I only have this to say, that I have not attempted in any way to make any exhaustive statement as to the effect or extent of the element of the interference by church authorities, either in business or political affairs. I merely spoke of one or two things here. There are many things, of course, which are within my general knowledge as a member of that community and of which I could only speak as a member of the community. There are many of these things that are within the direct knowledge of very many persons who could undoubtedly be brought to speak of them, but I have not attempted to go into such matters as that. There are very many matters, too, I may say, with regard to the direct interference of minor officials of the church in political affairs which ought not, I think, be traced or laid

at the door of the leading authorities of the church any further than the leading authorities of the church are understood to be responsible for the general practices and course of conduct in the church. I might refer, and I do refer, in that particular, to such minor matters as the influence of the voters in a certain locality by church officials, as such.

Senator DILLINGHAM. To what?

Mr. CRITCHLOW. The influence brought to bear upon the voters in any subdivision or locality by leaders of the church, as such, in the way of giving counsel as to the proper method of casting their ballots. I say those would be matters pertaining to a particular locality, and which ought not be brought home to the general authorities of the church any further than they might be argued to be responsible for that course of conduct which grows out of the giving of counsel in matters of that sort.

The CHAIRMAN. Mr. Critchlow, one question: Under the constitution of the State of Utah, are there some general officers designated and appointed by the legislature, do you know?

Mr. CRITCHLOW. I do not now recall such officers. There are quite a number of officers who are appointed by the governor and confirmed by the senate.

The CHAIRMAN. The reason I asked is that it has been stated here in some way that officers in the State government are appointed by the legislature. I want to know whether you know that to be the fact or not, whether there are any such?

Mr. CRITCHLOW. I do not recall any officers now appointed by the legislature, save their own officers while they are in session.

Senator BEVERIDGE. You helped prepare this case, did you not, with Mr. Tayler?

Mr. CRITCHLOW. Only since I have been here, since I arrived in Washington; not at all before that.

Senator BEVERIDGE. It is perfectly proper for you to do so, of course. You are not employed?

Mr. CRITCHLOW. No, sir.

The CHAIRMAN. Have you anything further, Mr. Tayler?

Mr. TAYLER. How long have you lived in Salt Lake City?

Mr. CRITCHLOW. Continuously since 1883.

Mr. TAYLER. Over twenty years. During the past six or eight years what has been the general repute of Joseph F. Smith, the president of the church, as to living with plural wives?

Mr. CRITCHLOW. That he is a polygamist and that he is living in the practice of his faith as a polygamist, living with his wives, in cohabitation with them.

Mr. TAYLER. As to Francis M. Lyman?

Mr. CRITCHLOW. I am hardly able to say with regard to him in the community of Salt Lake specially, because his home was supposed to be for a number of years in Tooele.

Mr. TAYLER. I want to know if he has a general reputation there in that respect. If he has, say so; and if he has not, say so.

Mr. CRITCHLOW. He has the general reputation of being a polygamist, as all the apostles have of living with their wives where they are polygamists.

Mr. TAYLER. All the apostles, do you mean?

Mr. CRITCHLOW. All the apostles who are polygamists.

Mr. WORTHINGTON. I suppose the others live with their wives, too.

Mr. TAYLER. John Henry Smith?

Mr. CRITCHLOW. The same as regards him.

Mr. TAYLER. John W. Taylor?

Mr. CRITCHLOW. The same.

Mr. TAYLER. Apostle Merrill?

Mr. CRITCHLOW. The same.

Mr. TAYLER. Heber Grant?

Mr. CRITCHLOW. The same.

Mr. TAYLER. M. F. Cowley?

Mr. CRITCHLOW. The same.

Mr. TAYLER. Brigham Young, jr., before he died?

Mr. CRITCHLOW. I am unable to say with regard to Brigham Young, jr., because, according to my present recollection, he was away from the State considerable of the time.

Mr. TAYLER. Cowley?

Mr. CRITCHLOW. Cowley you asked me about; the same with regard to him.

Mr. TAYLER. Teasdale?

Mr. CRITCHLOW. I am unable to say that there was any general reputation with regard to Mr. Teasdale.

Mr. TAYLER. How many judges are there of the nisi prius courts in Utah?

The CHAIRMAN. Before you get to that, Mr. Tayler, may I ask on question?

Mr. TAYLER. Yes.

The CHAIRMAN. How general is this reputation as to the apostles?

Mr. CRITCHLOW. I would say as general as the reputation of any person with reference to his status as to being a married or an unmarried man.

The CHAIRMAN. Go on, Mr. Tayler.

Mr. TAYLER. How many judges?

Mr. CRITCHLOW. Ten, as I now remember it.

Mr. TAYLER. Do you know how many of them are non-Mormons?

Mr. CRITCHLOW. I can tell you upon a moment's reflection. I have not the data at hand.

Mr. TAYLER. I do not know as to the history. We will find that out otherwise. I would rather have that all complete, beginning with the constitution and running on down. You may inquire, gentlemen. We will take that up later.

The CHAIRMAN. Is that all, Mr. Tayler?

Mr. TAYLER. Yes.

Senator BEVERIDGE. I want to ask one question. You said you got up this protest and that you secured the signatures to it.

Mr. CRITCHLOW. Yes.

Senator BEVERIDGE. How did you happen to do that?

Mr. CRITCHLOW. It happened in this way. Before the Roberts matter was on before the House of Representatives, I was applied to by my friend, Doctor Paden, who was a college mate of mine, to assist him in getting up the protest. I wrote the protest in the Roberts case.

Mr. WORTHINGTON. Who did you say?

Mr. CRITCHLOW. Doctor Paden, the first signer of this protest. I wrote the protest and advised the committee as to the proper method, in my judgment, of getting it before the House of Representatives.

Senator BEVERIDGE. That is, in the Roberts case?

Mr. CRITCHLOW. In the Roberts case.

Senator BEVERIDGE. Were you employed in that case?

Mr. CRITCHLOW. Not at all. I never received any employment in any of these matters.

Senator BEVERIDGE. That is all right.

Mr. CRITCHLOW. When this matter came up he again applied to me and said that he was one of the committee of the ministerial association; and again, as a matter of general interest as a citizen, I took the matter up and studied over it considerably, and with him drafted this protest. It was then to have been submitted as a protest from the ministerial association. I stated to him that, on account of the prejudices which had been engendered in the State against the ministerial association—because up to that time they had been the only persons who had ever protested against the condition of affairs there—if others than members of the ministerial association could be gotten to sign that protest it would have much more weight locally and perhaps some more weight in the country at large. He expressed himself as more than gratified if that would be done, and I told him I had no doubt I could secure from my own acquaintance at least fifteen or twenty persons to sign that. I did secure all but the names of the three persons who are there as members of the ministerial association—Doctor Paden, Mr. Brown, and Mr. Leilich.

Senator BEVERIDGE. So these signers consist of three names of the ministerial association, yourself, and your friends?

Mr. CRITCHLOW. Yes, sir; I do not mean by that necessarily personal friends, but acquaintances—friends and acquaintances.

Senator BEVERIDGE. I thought you said your friends?

Mr. CRITCHLOW. Yes, sir; not intimate friends of mine, but acquaintances.

Senator DILLINGHAM. Then are we to understand that this movement was really inaugurated and pushed by the ministerial association in the first instance?

Mr. CRITCHLOW. In the first instance it was inaugurated by them because, if I may say so, they were up to that moment the only persons who ever made any public protest against the condition of affairs in that State.

Senator DILLINGHAM. I understand you to say that that association has among its members representatives from all of the churches except the Roman Catholic and the Episcopal.

Mr. CRITCHLOW. I think I am correct in saying that. If there were any that were outside at that time I am not aware of them, but just now I think the representative, for instance, of the Congregational Church, who is a person other than Doctor Brown, is, I think, not a member of the Ministerial Association.

Senator DILLINGHAM. Then, in the past, it is true, I suppose, that all of the religious denominations, through their ministers and their chief officers, have taken an active interest in the politics of Utah?

Mr. CRITCHLOW. I think so; yes, sir.

Senator DILLINGHAM. Is that true or not true in respect of the Episcopal Church and the Roman Catholic Church?

Mr. CRITCHLOW. No, sir; and when I say that they took an active interest in politics it is only in the sense that the politics and the religion of Utah have been so absolutely interwoven that a man could not take an interest in the religious aspect of the matter without tak-

ing an interest in the effect of the religious system upon the political status.

Senator BEVERIDGE. As I understand you, Senator, you want to know what they do?

Senator DILLINGHAM. Yes; I was asking simply what they did.

Mr. CRITCHLOW. They take the same interest in politics that members of the same denominations do, within my observation, in other States.

Senator DILLINGHAM. Is it not true that they have been a combined force against the force of the Mormon Church?

Mr. CRITCHLOW. They have endeavored to be, I think, sir.

Senator DILLINGHAM. That is what I wanted.

Senator BEVERIDGE. In politics?

Mr. CRITCHLOW. I think not in politics, sir. I do not think they have ever run for office or taken any interest in politics—

Senator BEVERIDGE. Do they advise the members of their churches?

Mr. CRITCHLOW. Not to my knowledge.

Senator BEVERIDGE. What is the current understanding?

Mr. CRITCHLOW. The current understanding is that they never attempt to do such a thing.

Senator DILLINGHAM. Have the members of their churches been candidates for office.

Mr. CRITCHLOW. Yes, sir.

Mr. WORTHINGTON. Against Mormons?

Mr. CRITCHLOW. Yes, sir.

Senator DILLINGHAM. I want to ask you whether these 19 protestants here are all of one political party?

Mr. CRITCHLOW. They are not.

The CHAIRMAN. Can you state their politics in a general way?

Mr. CRITCHLOW. My recollection is that about twelve or thirteen of them are Republicans and the remainder are either Democrats or their political faith is not known to me.

The CHAIRMAN. Speaking about the various denominations, was not the last signer there the bishop of the Protestant Episcopal Church?

Mr. CRITCHLOW. He was.

Senator OVERMAN. Do you mean to say the Episcopalians and Catholics are perfectly satisfied with the condition of affairs out there?

Mr. CRITCHLOW. No, sir.

Senator OVERMAN. That would seem to be the effect of your answer to Senator Dillingham.

Senator DILLINGHAM. I understood the witness to say that the ministerial association was made up of representatives of all the other churches except those. If I misunderstood you, I want to be corrected.

Mr. CRITCHLOW. That is the way I understood it, Senator.

Senator OVERMAN. What I want to understand is whether the Episcopalians and Catholics are satisfied with the condition of affairs out there.

Mr. CRITCHLOW. Judging from their expressions, by no means; not any more so than any other. The ministerial association I do not understand to be an association for the purpose of interfering in civic affairs or political affairs or in temporal affairs, but merely for the purposes for which such associations ordinarily exist in other communities. That is my understanding of it.

Mr. WORTHINGTON. I understand you consider it politics for reli-

gious organizations to get a man into the Senate, but it is not politics to try to get him out.

Mr. CRITCHLOW. I have no understanding upon that subject. In fact, I have not known that they made any effort to get anybody into the Senate.

Mr. WORTHINGTON. You said the Mormon Church did. The effect of what you said is that the Mormon Church has put Mr. Smoot here, and that is politics.

Mr. CRITCHLOW. I say the leaders of the Mormon Church have given their consent, and that Mr. Smoot comes here, and that Mr. Smith and his coleaders of the Mormon Church are responsible for the condition of things there, and that Mr. Smoot is responsible for things there, because by one word Mr. Smoot could either stop what is going on there or would no longer be an apostle of the Mormon Church.

Senator BEVERIDGE. Are you testifying to a fact?

Mr. CRITCHLOW. I am testifying to a fact; yes, sir. I beg your pardon—a deduction.

Senator BEVERIDGE. Are you testifying to a deduction?

Mr. CRITCHLOW. I am testifying to a deduction which the whole community of Utah makes from the known facts which exist there.

Mr. WORTHINGTON. What you are saying has no reference to what I asked, Mr. Critchlow. I understand one complaint here is that the Mormon Church is in politics, and that one thing they have done in politics is to send a Senator here. Is that so?

Mr. CRITCHLOW. In the sense in which you ask it, I think so. In the sense in which the words might be understood, I think not, Mr. Worthington.

Mr. WORTHINGTON. I thought that was the principal complaint.

Senator BEVERIDGE. Have you any more questions, Mr. Worthington?

Mr. WORTHINGTON. We have not cross-examined him yet.

The CHAIRMAN. Are you through, Mr. Tayler?

Mr. TAYLER. Yes, sir.

The CHAIRMAN. Proceed, Mr. Worthington.

Mr. WORTHINGTON. Mr. Van Cott will conduct the cross-examination.

The CHAIRMAN. Proceed, Mr. Van Cott.

Mr. VAN COTT. Mr. Critchlow, how many times did you meet with the ministerial association in preparing this protest?

Mr. CRITCHLOW. Not once.

Mr. VAN COTT. How many times did Doctor Paden?

Mr. CRITCHLOW. With me?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. Many times.

Mr. VAN COTT. Who was the first person who suggested this protest?

Mr. CRITCHLOW. To me?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. Doctor Paden.

Mr. VAN COTT. Then you worked with him a while on it?

Mr. CRITCHLOW. I worked with him all the time on it.

Mr. VAN COTT. All the while? When did you next or first take anyone into your confidence, if I may use that expression, in regard to the protest?

Mr. CRITCHLOW. You mean myself personally?

Mr. VAN COTT. Well, so far as you know?

Mr. CRITCHLOW. I think the fact that Doctor Paden and I were preparing this protest was known to the committee that had been appointed by the ministerial association to draft it all the time.

Mr. VAN COTT. Who were the committee that were appointed?

Mr. CRITCHLOW. As I said, as I understood it, Doctor Paden, Doctor Brown, and Mr. J. L. Leilich.

Mr. VAN COTT. That was the committee appointed by the ministerial association?

Mr. CRITCHLOW. As I understood it.

Mr. VAN COTT. So that, as you understood, before that the ministerial association had met and considered the matter and had appointed this committee?

Mr. CRITCHLOW. That is what I understood.

Mr. VAN COTT. About how long were you engaged in its preparation, Mr. Critchlow?

Mr. CRITCHLOW. I should think about four or five days; that is, in such time as I could spare from my office to devote to it.

Senator OVERMAN. Let me ask a question right there. Were there any expressions, either by newspapers or general expressions, that this matter ought to be taken up, and warning the people against electing Smoot, that something might happen?

Mr. CRITCHLOW. That was contained in various publications by the ministers' association as early as November, in 1902.

Senator OVERMAN. But outside of the ministerial association?

Mr. CRITCHLOW. Why, Senator, the situation is this: People there talk freely among themselves, and not for publication; they are very chary about talking for publication or taking any active part in matters of this kind. Therefore, while the expressions among friends of mine and acquaintances of mine were uniform and very, very common, indeed, yet it never got into print, because people who are practicing law or people who are selling merchandise or people engaged upon a salary, or work of that kind, do not care to incur enmity.

Senator OVERMAN. Was there any protest among the people generally, in addition to the formal protest gotten up by you?

Mr. CRITCHLOW. You mean a protest expressed in words only?

Senator OVERMAN. I mean a protest among the public.

Mr. CRITCHLOW. Very generally among the non-Mormon people; I might say almost universally, except among those who had particular reason—

Senator OVERMAN. I understand you reduced this to form?

Mr. CRITCHLOW. I reduced this to what I supposed to be a proper form of protest.

Senator OVERMAN. And you say that expresses the general sentiment of the people?

Mr. CRITCHLOW. Yes; I do.

Mr. VAN COTT. As to this general sentiment that you have mentioned, did any of them come forward and volunteer to sign your protest?

Mr. CRITCHLOW. No, sir. They knew nothing about it until they were asked to sign it.

Mr. VAN COTT. And they never formed any affirmative movement to have a protest filed?

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. With the exception of the ministerial association?

Mr. CRITCHLOW. That is all.

Mr. VAN COTT. When you prepared this protest did these 19 protestants meet together?

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. You obtained signatures separately?

Mr. CRITCHLOW. In large measure, separately. On one occasion four or five came together to my office and two or three of them took the protest home to read it. I remember Mr. P. L. Williams particularly took the protest and read it carefully and scanned it over. He had it overnight, as I remember it.

Senator BEVERIDGE. By the way, on that point will you let me interrupt you? Did anybody sign the protest without reading it, as they so often sign petitions?

Mr. CRITCHLOW. I can not say about that, unless there is one instance. I think there is one man who did not read it in my presence, and I do not think had an opportunity of reading it at all. The substance of it was stated to him; and he signed it without its being read over. All the rest of them read it over carefully, so far as I know.

Senator BEVERIDGE. You just said to them something like this: "Here is the protest against Smoot and Mormonism. It is all right; sign it." And they signed it—just the way those things are usually done. Is that it?

Mr. CRITCHLOW. That was not the way this was done.

Senator BEVERIDGE. Then the way this was done was how?

Mr. CRITCHLOW. The other gentlemen were there and read it over, and some of them were reading it over. There were one or two copies. Some of them had already signed it and started to tell this gentleman, whom I have no hesitation in saying was Mr. Ezra Thompson, at that time mayor of the city, and he said, "That is all right; I know what is in it," or words to that effect, and signed it.

The CHAIRMAN. I understood Mr. Critchlow to say he stated the substance of it.

Mr. CRITCHLOW. Yes; I think he knew before he came there what the substance of it was.

Mr. VAN COTT. If you stated the substance to him, Mr. Critchlow, you must have taken some time to state all that is in this protest of about 26 pages of printed matter.

Mr. CRITCHLOW. I do not think so.

Mr. VAN COTT. Now, calling your attention to the first protestant, Mr. P. L. Williams—he has always been bitterly opposed to the Mormon Church, has he not?

Mr. CRITCHLOW. He has always been bitterly opposed to the practices of the Mormon leaders. I do not think he has been opposed to the Mormon Church.

Mr. VAN COTT. Did you not say a while ago that you meant by the expression, "the leaders," that that included the church?

Mr. CRITCHLOW. I said and meant that in all concerted action there they are the ones we look to as being the church.

Mr. VAN COTT. Did you not say in substance that the rest did not amount to anything?

Mr. CRITCHLOW. I did.

Mr. VAN COTT. Then he has always been bitterly opposed, in the sense that you explain, to the Mormon Church?

Mr. CRITCHLOW. To the Mormon Church in that sense; yes, sir.

Mr. VAN COTT. Now, Mr. Critchlow—not intending it for any offense at all, but simply to get information—you have been, too, have you not?

Mr. CRITCHLOW. I have always taken occasion to oppose the domination of the church and their practices.

Mr. VAN COTT. That is not quite the question. You have always been bitterly opposed to the Mormon Church, have you not?

Mr. CRITCHLOW. I do not admit the word “bitterly,” Mr. Van Cott. I admit the word “opposition” to its very fullest extent.

Mr. VAN COTT. C. C. Goodwin—he has always been, has he not?

Mr. CRITCHLOW. He always has been opposed to the Mormon Church; yes, sir.

Mr. VAN COTT. He has been the editor for many years of a principal gentile newspaper in Utah?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And a very influential paper?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. J. L. Leilich was one of the members of the ministerial association?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And he is the one who signed the other protest?

Mr. CRITCHLOW. I am so informed. I know that from the record only.

Mr. VAN COTT. Do you not know it by general repute?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. There is no question about that, is there?

Mr. CRITCHLOW. Not in my mind.

Mr. VAN COTT. And he swore to it?

Mr. CRITCHLOW. I see by the record that he does, and I assumed that he did, from general repute and from what there appears.

Mr. VAN COTT. Which one of these was prepared first, Mr. Critchlow, the protest that you signed or the one that Leilich signed individually?

Mr. CRITCHLOW. I know absolutely nothing about the Leilich protest. The first I heard of it was when it was filed at Washington, whereupon, as perhaps the record shows, the protestants in Salt Lake disavowed the allegations of that protest.

Mr. VAN COTT. And is it not a matter of current rumor—general report—believed by you, that Leilich did not file his protest until after yours was filed?

Mr. CRITCHLOW. Yes, sir; that is my understanding of it, that he used the first protest as a basis for his, as I understand it.

Mr. VAN COTT. And I call your attention to this, that the first protest, that is, the protest that is signed by the nineteen, is dated January 26, 1903, and the protest signed by Mr. Leilich alone is dated the 25th of February, 1903—about a month later. That would be about your judgment, would it, from what you know?

Mr. CRITCHLOW. That is about my recollection of the relative dates when I heard of them and knew of them.

Mr. VAN COTT. So that when Mr. Leilich signed this first protest and said in substance that the protestants accuse Mr. Smoot of no offense cognizable by law, Mr. Leilich had read over the protest?

Mr. CRITCHLOW. Yes; he had, I know.

Mr. VAN COTT. Then a month later, after signing a statement to that effect, under oath he states that Senator Smoot is a polygamist, and that he is advised by counsel that it is inexpedient at this time to give further particulars concerning such plural marriage and its results, or the place it was solemnized, or the maiden name of the plural wife. That is correct, is it?

Mr. CRITCHLOW. Well, it is correct, as you state, that that was put into his protest; but perhaps I ought to say, Mr. Van Cott, that Mr. Leilich urged upon Mr. Paden and myself to put in many things which we refused to put in because we did not know of the absolute truth of them, and this subsequent protest of Mr. Leilich was, as I am informed, prepared and filed while Mr. Leilich was in Washington. I speak only from information on that point, however.

Mr. VAN COTT. Did Mr. Leilich give you that particular information that I have read?

Mr. CRITCHLOW. That he was a polygamist?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. He told me that——

Mr. VAN COTT. Now——

Mr. CRITCHLOW. I beg pardon.

Mr. VAN COTT. I thought perhaps that would admit of an affirmative or negative answer.

Mr. CRITCHLOW. Yes; he gave me what he said were sources of that kind of information. Does that answer the question?

Mr. VAN COTT. Did he in substance give you the information that is here stated, namely, that Mr. Smoot was a polygamist; that there was a secret record of the marriage, and that he knew the name of the plural wife, and where she lived, and things of that kind. Did he give you that information?

Mr. CRITCHLOW. No; he gave me what he said was such information, but I knew it was not information at all.

Mr. VAN COTT. It was not information at all?

Mr. CRITCHLOW. It was not anything upon which he had information or what would be information to me.

Mr. VAN COTT. Is it not the general repute in Utah that Mr. Smoot is not a polygamist?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. Have you any doubt?

Mr. CRITCHLOW. Up to the time when Mr. Smoot became an apostle there was no question of that kind raised among any people, and I should say that it was his general repute beyond any question.

Mr. VAN COTT. How about since his election as an apostle?

Mr. CRITCHLOW. The only thing that comes in to qualify that is the question whether they would permit anybody to go into the quorum of the twelve apostles who had not become sealed to somebody. That is the only thing which questions it.

Mr. VAN COTT. Is that the general opinion?

Mr. CRITCHLOW. The general opinion is that he is not a polygamist.

Mr. VAN COTT. Was it the general opinion out there that a man had to be a polygamist to be an apostle?

Mr. CRITCHLOW. It is among many people who are, or who profess to be, well acquainted with the doctrines of the church.

Senator BEVERIDGE. What is your opinion?

Mr. CRITCHLOW. I have not any fixed opinion about it. It depends entirely upon the person at the head of the church at the particular time. If a person comes into the church at the present time I should think the chances were in favor of Joseph F. Smith requiring him to live his religion in some form or other before he could become an apostle. With Lorenzo Snow, I do not think it was so. With Wilford Woodruff, there might—

Senator BEVERIDGE. Do you think at the present time Mr. Smoot is a polygamist?

Mr. CRITCHLOW. I do not.

Senator BEVERIDGE. Do you think at the present time that it is necessary, in order that a man may become an apostle, that he shall in some form be such?

Mr. CRITCHLOW. I can not say that I have any definite and fixed belief upon that subject. It is a matter of inference and deduction only, and the arguments for and against are so weighty on either side that I can not say I have any fixed belief about it.

Senator BEVERIDGE. Though you have a fixed belief about Smoot himself.

Mr. CRITCHLOW. I have a fixed belief about his status, that he is not a polygamist.

Mr. VAN COTT. You are well acquainted with George A. Smith?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He is an apostle?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. What is the general repute as to whether or not he is a polygamist?

Mr. CRITCHLOW. The general repute is that he is not a polygamist.

Mr. VAN COTT. Hyrum M. Smith?

Mr. CRITCHLOW. The general repute is that he is not a polygamist.

Mr. VAN COTT. What about Anthon H. Lund?

Mr. CRITCHLOW. The general repute is that he is not a polygamist.

Mr. VAN COTT. John R. Winder? You know his present status?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. That he is not a polygamist?

Senator BEVERIDGE. Are all those men apostles?

Mr. VAN COTT. These men are all apostles with the exception of John R. Winder?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. John R. Winder is first counselor to President Smith?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. You say that Lund is an apostle?

Mr. CRITCHLOW. I misspoke myself there. He belongs to the first presidency instead of the apostolate.

Mr. VAN COTT. He is an apostle, is he not, notwithstanding that he is in the first presidency? He is also an apostle?

Mr. CRITCHLOW. He is not numbered in the twelve now, as I understand it.

Mr. VAN COTT. No; I do not ask you whether he is in the twelve.

Mr. CRITCHLOW. I am not acquainted with the doctrines enough to know whether a man ceases to be an apostle when he rises to the presidency or not.

Senator BEVERIDGE. The first presidency is still higher?

Mr. CRITCHLOW. It is.

Senator BEVERIDGE. Then the point is the same.

Mr. VAN COTT. Did I understand you to say, in answer to a question propounded by Senator Beveridge, that you did not believe Joseph F. Smith would allow an apostle to come into the quorum unless he was a polygamist?

Mr. CRITCHLOW. No, sir; I did not say that; at least I did not mean to say it. I meant to say that I very much question whether Joseph F. Smith would consent to a man coming into the apostolate without he either was then or was willing to live up to the principles of the religion as he preaches and professes them, which includes the sealing for eternity, as is commonly understood.

Mr. VAN COTT. That is, you said before, to quote some of your words, "unless he would live his religion?"

Mr. CRITCHLOW. Live his religion. That is a common phrase used in Utah.

Mr. VAN COTT. Do you want the committee to understand by that expression that he is a polygamist when he goes in, or that he has to become a polygamist thereafter?

Mr. CRITCHLOW. I want the committee to understand only this: That I do not believe—and it is a matter simply of my own private belief, deduced from what I know of the man and his teachings and his course—he will permit a man to be an apostle unless he were either at the time of his election in the status of having lived his religion to that extent, or that he would become such, unless he were a member of the Smith family.

Mr. VAN COTT. That is, if he were a member of the Smith family you think he would allow a person to become an apostle without either being a polygamist or expecting him to become one?

Mr. CRITCHLOW. I think that would very largely influence Mr. Smith in permitting a man to become an apostle. If he were his son or his nephew, I think he might be willing to waive any qualification of that sort.

Mr. VAN COTT. You heard Mr. Smith's testimony on the stand here?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You heard his emphatic declaration to the effect that plural marriages had stopped?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You think, notwithstanding those declarations, he would not allow a person to become an apostle except under the circumstances you have named?

Mr. CRITCHLOW. I have stated my impression and belief upon that subject as fully as I know how.

Mr. VAN COTT. Since Senator Smoot became an apostle, that would not apply to him?

Mr. CRITCHLOW. I do not understand. You mean as—

Mr. VAN COTT. That Smith was not then the president of the church?

Mr. CRITCHLOW. Smith was not the president at that time.

Mr. VAN COTT. No; you have also stated just now that your belief is that John R. Winder is not a polygamist at the present time, and you have also stated that he holds a higher office. How do you recon-

cile your statement in regard to Winder with what you have just stated?

Mr. CRITCHLOW. I stated, I think, my belief as to his present status.

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. And his repute?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. I have no method of reconciling that or a great many other things that I see. Mr. Winder has always been a prominent man in the church, and has been moved up step by step, and is a very popular man both with Mormons and with non-Mormons; a very estimable man.

Mr. VAN COTT. How do you explain this statement with reference to Anthon H. Lund?

Mr. CRITCHLOW. I can explain it only from information, and that is that his first wife will not consent to his taking another wife, and has never consented to it.

Mr. VAN COTT. From the impression you have given the committee, have you not endeavored to have the committee understand that the influence of the church with one of its prominent members is more influential than the influence of a wife?

Mr. CRITCHLOW. I do not know that I have attempted any such thing. I know of a great many instances—

Mr. VAN COTT. No. Has not that been the general purport of your testimony, and of the impression that you have wished to convey to them—that that is true?

Mr. CRITCHLOW. I hardly think so, Mr. Van Cott. The influence of the wife, as I have observed it, is stronger even than the influence of the church. In many instances—

The CHAIRMAN. In order to have it appear in the record in connection with this, will you permit me to ask a question right here?

Mr. VAN COTT. Certainly.

The CHAIRMAN. I will wait, if you prefer.

Mr. VAN COTT. Proceed.

The CHAIRMAN. You speak of the influence of the wife against the habit of taking a second wife.

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. Do you know any instance of that kind?

Mr. CRITCHLOW. A number of them.

The CHAIRMAN. Among high church officials?

Mr. CRITCHLOW. Yes, sir.

The CHAIRMAN. I wish you would name them.

Mr. CRITCHLOW. President Hatch, of Wasatch County, is one notable instance which comes to my mind. Bishop—president, I think he was; President Cluff—was he president or bishop?

Mr. VAN COTT. I think he is neither at the present time.

Mr. CRITCHLOW. I know he is not.

Mr. VAN COTT. President Cluff, he was.

Mr. CRITCHLOW. President Cluff, of Summit County, is another notable instance.

The CHAIRMAN. What about that?

Mr. CRITCHLOW. The reputation among non-Mormons always was that the reason why they were not polygamists was because their wives would not tolerate it, and they were women of exceptional strength of

mind and of character, and the men were willing to respect the wishes of their wives even against whatever other influence might have been brought to bear upon them. I am not saying that influence was brought to bear upon them especially.

The CHAIRMAN. Do you know of any other instances?

Mr. CRITCHLOW. Yes; I rather dislike to mention them, however, but only from the fact that they are within the circle of my personal acquaintances. I will do so if the committee desires it. Mr. Miller, who is now dead, whose widow is a lady that we all know, I think, and respect very highly in Salt Lake, was a man in the same position, who refused to take a wife at the behest of the church because of his——

Senator DILLINGHAM. Before or since 1890?

Mr. CRITCHLOW. These were all before 1890.

The CHAIRMAN. That is all.

Mr. CRITCHLOW. I do not wish the committee to understand that this is by any means exhaustive, but it illustrates a class of people in the community.

The CHAIRMAN. We do not care to go into the details of it. You know of many instances of that kind?

Mr. CRITCHLOW. I know and have known of many instances of that kind.

Mr. VAN COTT. Do your answers as to President Smith extend to his nephew, George A. Smith, with respect to going into the apostolate without the expectation of becoming a polygamist?

Mr. CRITCHLOW. I do not think that Mr. George A. Smith would go into the apostolate without being willing to subscribe to all the doctrines and live up to all of the practices of the church, and upon that basis I make the same remark as to him that I would as to any other apostle who was elected at this time, with the single saving exception that possibly, inasmuch as he is a relative of the president and of two of the other apostles, there might be some exception. I do not mean to say that he would necessarily be required to promise that he would do this, that, or the other, but that he would be of that class of people who would be willing to live their religion.

Mr. VAN COTT. Do you mean by that that he would marry a plural wife in the face of the manifesto?

Mr. CRITCHLOW. I believe that if he were commanded by his quorum to marry another wife he would do so.

Mr. VAN COTT. In the face of the manifesto?

Mr. CRITCHLOW. In the face of the manifesto.

Mr. VAN COTT. And the statements that have been made by President Smith, in regard to the manifesto, I understand you do not believe. I want to get your mental attitude.

Mr. CRITCHLOW. I would have to ask you to particularize with regard to what statements.

Mr. VAN COTT. When he says that plural marriages have stopped.

Mr. CRITCHLOW. When he says that plural marriages have stopped, I understand him to use the words in a different sense from what I would use them, or anyone else would use them.

Mr. VAN COTT. Then you do not believe him in that particular?

Mr. CRITCHLOW. In the sense in which I would use those words, I do not think he is correctly stating the fact.

Mr. VAN COTT. You do not believe him. I want to see if I understand you correctly, and I want to get your mental attitude.

Mr. CRITCHLOW. I believe Mr. Smith, when he says plural marriages have stopped, is using the words in a sense different from that in which those words would be understood by yourself or myself or anyone else.

Mr. VAN COTT. Mr. Critchlow, you are a lawyer?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. I have asked the question several times about that: Do you believe that President Smith is not speaking the truth when he says that plural marriages have stopped?

Mr. CRITCHLOW. I believe he is not speaking the truth, if you wish me to say it. He is not speaking the truth with regard to conditions as they exist in Utah, which I suppose he must know as everyone else knows them.

Mr. VAN COTT. Calling your attention back to the protest, did you have correspondence with anyone regarding the procedure that would be adopted in regard to filing the protest in the United States Senate?

Mr. CRITCHLOW. Not at all.

Mr. VAN COTT. Who filed it?

Mr. CRITCHLOW. It was sent by registered mail, as I now remember it, to President Frye of the Senate. If it was sent to anyone else officially I do not now recall it.

Mr. VAN COTT. Have you been assisting Mr. Tayler?

Mr. CRITCHLOW. In what way? Since I have been here?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. I have been rendering such assistance as I could.

Mr. VAN COTT. That, is in regard to questions, and papers, and things of that kind?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you assist him by correspondence before you came?

Mr. CRITCHLOW. Not at all. I never corresponded with Mr. Tayler in my life.

Mr. VAN COTT. Where were you subpoenaed?

Mr. CRITCHLOW. I was not subpoenaed in a technical sense. I was telegraphed by the Sergeant-at-Arms to come here at the very earliest moment.

Mr. VAN COTT. You came in answer to the telegram?

Mr. CRITCHLOW. Yes, sir; I did.

Mr. VAN COTT. What date did you come?

Mr. CRITCHLOW. I left on Tuesday, the 16th, and arrived on Friday, whatever date the succeeding Friday would be, on the 19th, I think.

Mr. VAN COTT. Of February?

Mr. CRITCHLOW. Of February.

Mr. VAN COTT. What date did you get the telegram?

Mr. CRITCHLOW. I received the telegram the Tuesday previous, which would be the 9th.

Mr. VAN COTT. Mr. Critchlow, calling your attention now back to 1902, you know Jacob Moritz?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You have known him for some time?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He was a nominee on the Republican ticket that year, was he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And the Republican ticket was elected with the exception of him?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He was defeated?

Mr. CRITCHLOW. He was.

Mr. VAN COTT. Did the ministerial association make a fight on Jacob Moritz?

Mr. CRITCHLOW. I think they did.

Mr. VAN COTT. He was a gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And a Republican?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And he runs a brewery?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Mr. Moritz is an excellent gentleman, is he not?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. A good citizen?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. A gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. A Republican?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And he runs a brewery in Salt Lake City?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. The ministerial association made a fight on him?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. And he was beaten?

Mr. CRITCHLOW. He was.

Mr. VAN COTT. Have you any doubt but that it was the result of that fight which defeated him?

Mr. CRITCHLOW. I have not any doubt that they influenced enough votes to defeat him.

Senator BEVERIDGE. How did they influence the votes? Did they advise people to vote against him?

Mr. CRITCHLOW. They and the W. C. T. U. and other organizations—

Senator BEVERIDGE. Did they advise and counsel people to vote against him?

Mr. CRITCHLOW. I have not any recollection as to how they worked. I know they expressed their disfavor of a man who was engaged in that business.

Senator OVERMAN. In what business?

Mr. CRITCHLOW. The brewery business.

Senator BEVERIDGE. They did take an active part in politics, then?

Mr. CRITCHLOW. They took a part, a somewhat active part, in that respect.

Mr. VAN COTT. They printed resolutions in the newspapers against him?

Mr. WORTHINGTON. Resolutions which they themselves had adopted at their meetings.

Mr. CRITCHLOW. Since you mention it, I think probably they did. I do not recall them.

Mr. VAN COTT. In that same year, and I think about October 15, 1902, and maybe it was a little later, did not the Ministerial Association meet and discuss the proposition of selecting Gentiles from the Democratic and Republican tickets, and that the non-Mormons would support them alone?

Mr. CRITCHLOW. I did not know that that had come up that year, but it is possible it did.

Mr. VAN COTT. Did you hear—

Senator BEVERIDGE. What was the general understanding about that? Excuse me, Mr. Van Cott.

Mr. VAN COTT. Certainly.

Senator BEVERIDGE. What was the general understanding, apparently, about it?

Mr. CRITCHLOW. I do not recall, Senator, whether it was that year or later when it was done.

Senator BEVERIDGE. Has it been done at any time?

Mr. CRITCHLOW. It has been done.

Senator BEVERIDGE. At any time has there been a general understanding of that kind?

Mr. CRITCHLOW. That was the fact.

Senator BEVERIDGE. You have been testifying as an expert on general understanding and I thought you might know what the general understanding was as to this matter.

Mr. VAN COTT. What did you answer?

Mr. CRITCHLOW. I answered that I did not recall whether it was that year or some later year that it happened—in 1903. But it is entirely probable that it happened in 1902.

Mr. VAN COTT. Whatever year it was, you remember the fact?

Mr. CRITCHLOW. I remember some such action as that having been taken by them.

Mr. VAN COTT. Do you remember the names of the ministers who took part in that?

Mr. CRITCHLOW. Only by remembering in a general way the names of the members of the association, and I can remember many of them.

Mr. VAN COTT. Doctor Paden?

Mr. CRITCHLOW. Doctor Paden was one.

Mr. VAN COTT. Doctor Brown?

Mr. CRITCHLOW. He was a member.

Mr. VAN COTT. Rev. Mr. Axton?

Mr. CRITCHLOW. I think he had gone away by that time.

Mr. VAN COTT. Rev. Mr. Wake?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. Rev. Mr. Simpkins?

Mr. CRITCHLOW. I think he was a member.

Mr. VAN COTT. Rev. Mr. Washington?

Mr. CRITCHLOW. I do not recall that man.

Mr. VAN COTT. Now, calling your attention—

Mr. CRITCHLOW. Oh, he was a colored man, I believe.

Mr. VAN COTT. I think so.

Mr. CRITCHLOW. He died; but whether he died prior to the fall of 1902 or since I do not recall.

Mr. VAN COTT. Now, in 1902, the proposition there was to get up a printed ticket, was it not?

Mr. CRITCHLOW. I do not recall the particulars of it at all, and I have not seen any memoranda or newspaper that referred to it in any way, and so I have not had my memory refreshed at all.

Mr. VAN COTT. In the Moritz campaign, then, you understand, do you not, that the ministers did work with the members of their churches to defeat Mr. Moritz?

Mr. CRITCHLOW. I do not think they worked with the members of their church any more than they worked with the community at large.

Mr. VAN COTT. I do not believe I limited my question quite in that way. I asked you if they did not work with the members of their churches—

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And with others?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did not they preach in their churches against the election of Mr. Moritz?

Mr. CRITCHLOW. Not so far as I know.

Mr. VAN COTT. Were they not so reported in the newspapers?

Mr. CRITCHLOW. That is possibly true.

Mr. VAN COTT. Do you remember it?

Mr. CRITCHLOW. I do not.

Mr. VAN COTT. Now, calling your attention to 1900, do you know the Reverend Mr. Jayne?

Mr. CRITCHLOW. I do not.

Mr. VAN COTT. Did you ever—

Mr. CRITCHLOW. I beg pardon. I knew there was such a man, and I may possibly have met him, but I had no acquaintance with him.

Mr. VAN COTT. Did you hear of the circumstance that Mr. Jayne labored with the members of his church to support the Republican ticket?

Mr. CRITCHLOW. No, sir; I never heard it.

Mr. VAN COTT. You never heard that?

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. You stated that you thought you had more information on current affairs and things of that kind in Utah than people generally. What do you mean by that statement?

Mr. CRITCHLOW. I mean only this, that I would have, I think, more information on current matters than people who had not paid any particular attention to them, and who were not interested in the questions which have vexed the State of Utah for so many years, as I always have been, without speaking of the profession of law, which we generally regard as putting us more closely in touch with political and civic matters than other professions do.

Mr. VAN COTT. In 1885, you said, you were assistant United States prosecuting attorney for two terms?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Under whom were you a deputy?

Mr. CRITCHLOW. W. H. Dickson.

Mr. VAN COTT. He was a gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And prominent and vigorous in the prosecution of polygamy and unlawful cohabitation?

Mr. CRITCHLOW. Exceedingly so.

Mr. VAN COTT. For some time?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You stated that you served two terms. Where?

Mr. CRITCHLOW. At Beaver, in Beaver County, where the court was held at that time.

Mr. VAN COTT. About how far is that south of Salt Lake City?

Mr. CRITCHLOW. I should think about 280 miles; 250 or 280 miles.

Mr. VAN COTT. And over what period of time did those two terms extend?

Mr. CRITCHLOW. For about five weeks, as I now remember, in the May term, and about the same length, as I now remember, in the September or October term.

Mr. VAN COTT. In 1890 you again held that office?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. For a year?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Under whom was that?

Mr. CRITCHLOW. Mr. Varian.

Mr. VAN COTT. Charles S. Varian?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He is a Gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And always has been?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He has been vigorous and successful in the prosecution of polygamy and unlawful cohabitation cases?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. Now, in 1890 and in part of 1891, you served in Salt Lake County as assistant to him?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Under Mr. Varian?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you prosecute Joseph F. Smith during that time?

Mr. CRITCHLOW. I did not. I have no recollection of prosecuting him. There may have been an indictment in the office against him, but he was not arrested during my time.

Mr. VAN COTT. Or John Henry Smith?

Mr. CRITCHLOW. I can not recall that his name came before our office at the time I was in there.

Mr. VAN COTT. Do you remember of one conviction in Salt Lake County during the year 1890 or 1891, either for polygamy or for unlawful cohabitation?

Mr. CRITCHLOW. I can not recall any at the present time.

Mr. VAN COTT. Not one?

Mr. CRITCHLOW. I can not.

Mr. VAN COTT. Did you attempt to prosecute Joseph F. Smith or John Henry Smith in either one of those years for unlawful cohabitation?

Mr. CRITCHLOW. I have no recollection of attempting it.

Mr. VAN COTT. Calling your attention now——

Senator BEVERIDGE. You would have a recollection if you had prosecuted them?

Mr. CRITCHLOW. I think so; except for the fact that Joseph F. Smith—

Senator BEVERIDGE. Joseph F. Smith was a prominent man, the president of the Mormon Church, and if you had attempted to prosecute him you would have a recollection of it?

Mr. CRITCHLOW. I think so.

Senator BEVERIDGE. So, as a matter of fact, you can answer whether you did attempt it or not?

Mr. CRITCHLOW. I can answer according to my recollection, that I did not.

Senator BEVERIDGE. Of course, we answer everything according to that.

Senator OVERMAN. Why did you not prosecute him? You were a Government officer and you knew he was living in unlawful cohabitation?

Mr. CRITCHLOW. Joseph F. Smith was not in the country at that time, as I now recall.

Senator BEVERIDGE. Is that the reason why you did not prosecute him?

Mr. CRITCHLOW. I can not say that was the only reason. Of course prosecutions were based upon information brought in and put before the grand jury by those who were willing to volunteer it, or those of the deputy marshals who were able to procure it; and it is by no means easy to procure. Whenever information was brought in it certainly was laid before the grand jury, which was the only method of prosecution.

Senator BEVERIDGE. Did you attempt prosecutions against Mr. Smith or any of these men?

Mr. CRITCHLOW. I can not say I attempted it any further than to take charge of the information which the deputy marshals would bring in. They were the ones who were seeking out this information, and whenever it was obtained it was used against any of the Smiths or the apostles or anyone else.

Senator BEVERIDGE. As a high officer of the law, if you yourself had knowledge, if you knew it was a matter of common repute, if you yourself knew the circumstances, of any violation of the law by any of these gentlemen, would it be your duty simply to sit there and wait until some person brought you information in a formal way on that subject or would it be your duty to take the initiative?

Mr. CRITCHLOW. It would be my duty to attempt to stir up the proper officers of the law, who at that time were supposed to be the deputy marshals, to procure the information?

Senator BEVERIDGE. Did you do that?

Mr. CRITCHLOW. Against Mr. Joseph F. Smith?

Senator BEVERIDGE. Or any of these prominent men as to whom you have testified as having been notorious in this regard?

Mr. CRITCHLOW. I do not recollect that I did.

Senator BEVERIDGE. Why not?

Mr. CRITCHLOW. Because I had no information with regard to it that was not common to everybody else, and it was not information sufficient to convict. But the information that was before us all with regard to these matters at that time was that polygamy had stopped, and that unlawful cohabitation, while it was going on after September,

1890, that it was going to be stopped. There was rather a disinclination upon the part of everybody connected with the prosecution of offenses to stir up these matters, because we thought it would work itself out; that the situation would become alleviated by the general progress of time.

Mr. VAN COTT. Now, Mr. Critchlow, that was just the situation, was it not, that there was a general disinclination on the part of anyone in Utah to prosecute for unlawful cohabitation at that time?

Mr. CRITCHLOW. You mean after the manifesto?

Mr. VAN COTT. After the manifesto.

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. That was true. You knew that the general reputation was that Joseph F. Smith was a polygamist and was living in unlawful cohabitation, did you not?

Mr. CRITCHLOW. I think Mr. Joseph F. Smith was not in the country.

Mr. VAN COTT. I am inclined to think it will turn out differently. I am calling your attention to this—

Mr. CRITCHLOW. I am speaking largely with reference to what we knew about him around Salt Lake.

Senator BEVERIDGE. If he was there at that particular time did you know these facts?

Mr. CRITCHLOW. I think I did. I think I knew the reputation as to the facts.

Mr. VAN COTT. You would not have prosecuted him if he had been there, would you? I mean you would not have initiated the prosecution?

Mr. CRITCHLOW. After the manifesto?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. I think that in all probability, as near as I can get at my state of mind at that time, it was, that very shortly after the manifesto, under the conditions that existed and that we thought were going to exist, there was no inclination on the part of the prosecuting officers to push these matters as to present cohabitation—I think that is so—thinking it was a matter that would immediately die out.

Mr. VAN COTT. John Henry Smith was there?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. It was well known that he was living in unlawful cohabitation?

Mr. CRITCHLOW. That was our understanding of it.

Mr. VAN COTT. So well known was this, was it not, to non-Mormons there generally, that where they knew that a prominent Mormon was living in unlawful cohabitation they made no objection to it in the way of protesting to the officers? Is not that true?

Mr. CRITCHLOW. Do you mean the non-Mormons generally?

Mr. VAN COTT. I mean the non-Mormons generally.

Mr. CRITCHLOW. I think that is true.

Mr. VAN COTT. They were disposed to let things go?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. That was the general feeling?

Mr. CRITCHLOW. Yes, sir; I think so.

Senator OVERMAN. When was that?

Mr. CRITCHLOW. During the time of the manifesto, in September,

1890, on down to very recent times; pretty nearly up to date, or practically up to date. Perhaps even now, if I was going to say what was the general inclination—

Senator OYERMAN. The general inclination in Utah is not to prosecute Mr. Smith?

Mr. CRITCHLOW. Tho general inclination in Utah is not to prosecute Mr. Smith.

Senator BEVERIDGE. Then what have you to say, on that point, as showing the great popular indignation?

Mr. CRITCHLOW. There is no inclination on the part of the non-Mormons, and I suppose the Senator refers to non-Mormons, rather than to Mormons—there is no sentiment there in Utah, no great amount of sentiment there in Utah, that would favor putting Joseph F. Smith in the attitude of being persecuted for his religion.

Mr. VAN COTT. You speak of the general disinclination to prosecute Mr. Smith at the present time. That is true generally of polygamists who were such before the manifesto, is it not?

Mr. CRITCHLOW. Yes, sir; it is so.

Mr. VAN COTT. Calling your attention now to a little different subject, do you know Frank J. Cannon?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He was United States Senator?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He had also been a Delegate in Congress when Utah was a Territory, had he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. At that time he was on the Republican ticket?

Mr. CRITCHLOW. When he ran for Delegate? Yes.

Mr. VAN COTT. That is what I meant. To refresh your recollection, I think I state it correctly when I say that was 1894, the fall of 1894?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. That is correct, is it not?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. Did you go on the stump for Frank J. Cannon?

Mr. CRITCHLOW. In 1894? Yes, sir.

Mr. VAN COTT. You spoke at a good many places in Utah?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. Advocating Republican principles?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. And advocating the election of Frank J. Cannon?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And right up to the time of his election?

Mr. CRITCHLOW. I certainly did not cease my efforts until the time of the election, although I may not have spoken up to the time of the election.

Mr. VAN COTT. That is the intent of my question.

Mr. CRITCHLOW. Yes, sir; up to the time of the election

Mr. VAN COTT. Do you remember particularly whether, at the grand rally that is usually held by the political parties in Utah, in Salt Lake theater, in Salt Lake City, just before the election, you spoke at that for the Republican party?

Mr. CRITCHLOW. I do not now recall.

Mr. VAN COTT. You remember a little political document that was circulated by Republicans in that campaign called Nuggets of Truth?

Mr. CRITCHLOW. I remember it.

MR. VAN COTT. I have not one here to show you, but I may have before you leave the stand. In that pamphlet, Nuggets of Truth, which you say you saw often during the campaign—

MR. CRITCHLOW. Too often.

MR. VAN COTT. You saw it very often, anyway?

MR. CRITCHLOW. I did.

MR. VAN COTT. It was a little document that was issued for the purpose of converting the Mormon voters to Republicanism, was it not?

MR. CRITCHLOW. I assume that was the object. That was apparently the object of it.

MR. VAN COTT. Right on the front page of that little pamphlet there was a picture of Joseph Smith, the founder of the Mormon Church?

MR. CRITCHLOW. Well, it might as well have had it. If you suggest it as being there, I have no doubt of its being there.

MR. VAN COTT. I think it was there. It also had the name and picture of Brigham Young.

MR. CRITCHLOW. I have no doubt that it was there, if you suggest that it was.

MR. VAN COTT. And Daniel H. Wells?

MR. CRITCHLOW. The same answer as to that.

MR. VAN COTT. And on the back, Frank J. Cannon?

MR. CRITCHLOW. The same answer as to that.

MR. VAN COTT. There was an argument made all the way through that these men were very ardent protectionists?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. And that the Mormon people should support Frank J. Cannon on the ground that all their leaders had been protectionists?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. Now, you went on the stump advocating the election of Mr. Cannon?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. And you knew that pamphlet was in circulation?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. And I understood you also to say that you saw it too often?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. Do I assume by that that that particular kind of political proselyting did not have your approval?

MR. CRITCHLOW. It did not.

MR. VAN COTT. You knew it was used?

MR. CRITCHLOW. I knew it was used. It received our very severe disapprobation and the disapprobation of nearly every leader of the Republican party.

MR. VAN COTT. Did it not also have the emphatic disapproval and condemnation of Joseph F. Smith, who is now the president of the church?

MR. CRITCHLOW. It may have had.

MR. VAN COTT. And he is a strong Republican?

MR. CRITCHLOW. He is said to be. I think he is.

MR. VAN COTT. You know he is a strong Republican?

MR. CRITCHLOW. Yes, sir; I think he is. I have never talked with him on the subject or heard him make a speech.

SENATOR OVERMAN. Who issued that paper?

Mr. VAN COTT. I was just going to that. Shall I proceed, Senator? I would just as soon that you should.

Senator OVERMAN. Go ahead. I would rather have you do it.

Mr. VAN COTT. Who was the chairman of the Republican party in Utah at that time?

Mr. CRITCHLOW. I am inclined to think it was Charles Crane. He was either the chairman of the county committee or the Territorial committee; I think of the Territorial committee.

Mr. VAN COTT. I think so. Charles Crane was a gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And had been for many years?

Mr. CRITCHLOW. Yes, sir; and is still.

Mr. VAN COTT. And is still? Had he ever been a Mormon?

Mr. CRITCHLOW. Never, to my knowledge.

Mr. VAN COTT. Do you know who got it up?

Mr. CRITCHLOW. I only know by repute.

Mr. VAN COTT. By repute, who got it up?

Mr. CRITCHLOW. Charles Crane and Ben Rich.

Mr. VAN COTT. Ben Rich is a Mormon?

Mr. CRITCHLOW. A Mormon elder.

Mr. VAN COTT. Crane and Rich got up that pamphlet, and it was circulated all over the State of Utah?

Mr. CRITCHLOW. I do not think so. It was suppressed as far as possible.

Senator BEVERIDGE. On account of the severe condemnation it received at the hands of the Republican leaders?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Outside of Crane and Rich and some others?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. The Republican leaders did not approve of that sort of campaigning?

Mr. CRITCHLOW. No, sir.

The CHAIRMAN. Was Cannon a polygamist at that time?

Mr. CRITCHLOW. This was Mr. Frank J. Cannon.

The CHAIRMAN. I know it.

Mr. CRITCHLOW. He never has been a polygamist, nor has he ever been reputed to be such, to my knowledge.

Mr. VAN COTT. Coming to a different subject, calling your attention now up to just before the constitutional convention, you remember the agitation that there was to enable the Territory to become a State?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. In a general way?

Mr. CRITCHLOW. In a general way.

Mr. VAN COTT. You know that the Republican party had up members for the constitutional convention that year?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. That would be 1895?

Mr. CRITCHLOW. 1894, would it not? In 1894 we elected, and in 1895 they met, did they not?

Mr. VAN COTT. Well, which ever was the year, and I do not remember the year, the Republican party had its ticket in the field?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Now, calling your attention to Salt Lake County—that is where you live?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. That is the principal county in Utah?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Salt Lake City is situated there?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you vote for your ticket in Salt Lake County that year?

Mr. CRITCHLOW. I undoubtedly did.

Mr. VAN COTT. Did you vote for John Henry Smith?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. He was a polygamist?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Known to be a polygamist?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you think you were encouraging polygamists to live in unlawful cohabitation because you voted for John Henry Smith to be a member of the constitutional convention?

Mr. CRITCHLOW. I did not think I was voting on that subject; no; I did not think I was.

Mr. VAN COTT. Elias Morris was a polygamist?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. He was on the ticket?

Mr. CRITCHLOW. If you suggest it, I have no doubt it is so.

Mr. VAN COTT. And Richard G. Lambert?

Senator BEVERIDGE. Did you vote for Morris?

Mr. CRITCHLOW. I can not remember whether he was a Republican or a Democrat. I did not vote for him if he was a Democrat.

Mr. VAN COTT. No; he was a Republican.

Mr. CRITCHLOW. If he was on the ticket I probably voted for him.

Mr. VAN COTT. I am only mentioning the Republicans to you. How about Richard G. Lambert?

Mr. CRITCHLOW. If he was on the Republican ticket; yes.

Mr. VAN COTT. You went out on the stump also, as late as 1894, with John Henry Smith?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He was a Mormon apostle?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Living in polygamy?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. I mean living in unlawful cohabitation.

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You traveled with him disseminating Republican principles?

Mr. CRITCHLOW. As best I knew how.

Mr. VAN COTT. That was done for some time?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. Let me ask you a question right here. Did you protest to him against his practices?

Mr. CRITCHLOW. Against the practices of Mr. Smith?

Senator BEVERIDGE. Yes.

Mr. CRITCHLOW. No, sir; except—

Senator BEVERIDGE. Did you admonish him?

Mr. CRITCHLOW. No, sir; not at all.

Senator BEVERIDGE. When you were assistant United States dis-

trict attorney did you admonish any of these gentlemen or warn them to cease their practices?

Mr. CRITCHLOW. Not at all.

Mr. TAYLER. Did you prosecute any of them?

Senator BEVERIDGE. He has answered that he did not.

Mr. CRITCHLOW. I can not recollect. I think I did. I think I prosecuted a number of them. I am very sure I did.

Mr. VAN COTT. But not in 1890 or 1891?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. I thought you answered to the contrary?

Mr. CRITCHLOW. I think I said I did not recall any, but I think we did prosecute a number.

Senator BEVERIDGE. You said in answer to a question that you did not prosecute or attempt to prosecute Mr. Smith and other gentlemen who were high in authority and whom you knew to be guilty of these offenses. That is what I supposed you had reference to.

Mr. WORTHINGTON. Mr. Smith said he was away from 1884 to 1890 in Hawaii. He was there in 1891 and signed the manifesto.

Mr. VAN COTT. Have you finished?

Senator BEVERIDGE. Yes.

Mr. VAN COTT. Did you go out on the stump with other polygamists besides John Henry Smith?

Mr. CRITCHLOW. I do not know; but I think that John Morgan was a polygamist. I think he was.

Mr. VAN COTT. You were out with him?

Mr. CRITCHLOW. I was in 1892 and 1893, but whether in 1894 or not I do not know, because he died along about that time.

Mr. VAN COTT. Mr. Critchlow, is it not the fact that the general feeling in Utah, among non-Mormons—leaving the Mormons out of view—has been that if all plural marriages had ceased since the manifesto, these relations of unlawful cohabitation they were practically willing to close their eyes to?

Mr. CRITCHLOW. I think so, except in cases where they were really absolutely offensive, or where they occurred in such a manner as to be really examples to the people. Amongst the higher officials, and even with them, I think it would be fair to say that people were inclined to minimize these things as much as possible for the peace of the State and the community and for its upbuilding, and to remove the reproach of it before the country.

Mr. VAN COTT. Now, as to John Henry Smith, the fact that a child was born to one of his plural wives during the time of the constitutional convention non-Mormons, as a general rule, were disposed to overlook if they felt satisfied that there were no more plural marriages?

Mr. CRITCHLOW. Yes, sir; I think so, and felt that the thing would work itself out in the future.

Mr. VAN COTT. Now, the other matter that you spoke of—this offensive flaunting. I wish you would give to the committee a little more in detail what you understand by that, and I call your attention now to the language used by the Supreme Court of the United States where it has quoted that particular phrase.

Mr. CRITCHLOW. What would be offensive to one person of course might not be to another. If a man had a polygamous wife and family right by my door side, and his children associated with mine, and he visited a half or a third of his time there and a half or a third of his

time somewhere else, and it was placed there under my face, it might be offensive to me, while to you or to somebody else, living in another part of the town, it might not be offensive.

Again, where a man takes two sisters under the same roof, that might be offensive to the whole community. Then again, it might be entirely innocent and unoffensive to a great class of people who do not care anything about those things.

Again, I may say, where a man has a polygamous wife in a community and brings other polygamous wives there and makes a sort of a colony of it, then it becomes offensive even to a whole community. That sort of thing becomes offensive, in a greater or lesser extent, dependent entirely upon the sensibilities of the people immediately affected.

Mr. VAN COTT. But where the polygamists have had their wives living in separate houses, and have simply kept up the old relations without an offensive flaunting before the public of the relations, it has been practically passed over, has it not?

Mr. CRITCHLOW. Yes, sir; as a matter of fact it has been. A man—

Mr. VAN COTT. Is not this the fact also, that you did not deem yourself as being lowered in the community in any way when you went on the stump with John Henry Smith?

Mr. CRITCHLOW. I certainly did not, or I should not have gone.

Mr. VAN COTT. No; I mean that was the general feeling with the non-Mormons?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. And in the questions I have put to you, you understand that I do not mean to say that you belittled yourself or that you lowered yourself in any way by doing those things. You did not consider it so?

Mr. CRITCHLOW. I did not.

Senator OVERMAN. The Mormon church is divided politically out there?

Mr. CRITCHLOW. Yes, sir.

Senator OVERMAN. Did you ever know it to vote as a body for any one ticket?

Mr. CRITCHLOW. That is a hard question to give a definite answer to. The strangest things do result and a person's analysis, or the temperament and disposition with which he came to make the analysis of a particular vote, would influence the conclusion at which he arrives.

Senator OVERMAN. What did you arrive at?

Mr. CRITCHLOW. In many cases the conclusion I have arrived at is that they have voted almost solidly for some men.

Senator OVERMAN. All over the State?

Mr. CRITCHLOW. Perhaps I ought not to use the phrase "almost solidly," but there has been a large contingent whose vote was susceptible to the influence of their leaders, which has been thrown as a solid mass in favor of one candidate and against the other. I might take, for instance—

Senator OVERMAN. Sometimes for a Republican and sometimes a Democrat?

Mr. CRITCHLOW. Yes, sir; for instance, when Mr. Van Cott's partner, Mr. George Sutherland, ran for member of Congress, Mr. Sutherland complained, and, as I think, had great reason to complain, that

a large mass of the Mormon vote had been thrown solidly against him, and, while he was elected, it was by a greatly reduced majority over the rest of the ticket. I can not give the instances of it now, but many and many circumstances came up to prove to my mind and to his that that had been done.

Senator BEVERIDGE. Why were they against him?

Mr. CRITCHLOW. Because the man who was running against him was a Mormon, and a popular man as well as a Mormon, and was favored, as we thought, and as Mr. Sutherland thought, and many of his friends thought, by the leaders of the church for election at that time.

Senator BEVERIDGE. That might be the case in any State with any church, with a popular member of any denomination, might it not?

Mr. CRITCHLOW. Truly; and that is the reason why I say these instances are hard to recognize, and that the question whether the instances given will be persuasive as proof upon any mind depends largely upon the attitude with which you approach them.

Senator BEVERIDGE. But—

Mr. CRITCHLOW. May I proceed for just a second?

Senator BEVERIDGE. Go ahead.

Mr. CRITCHLOW. There were instances which occurred in this campaign of a particular character which led to this belief. That was that we knew of circumstances in which teachers of the church, or those in authority in the church, had taken tickets and left them as samples for the brethren and sisters to vote, in which, while they were asked to vote the Republican ticket as a whole, they were asked to scratch the name of Mr. Sutherland and to vote for Mr. King.

Senator BEVERIDGE. Notwithstanding all that, Sutherland was elected?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. That is to say—assuming that the church did attempt to throw its membership solidly against Sutherland—it did not succeed in doing so?

Mr. CRITCHLOW. If you would make that assumption, but that is an assumption I do not make.

Senator BEVERIDGE. At all events Sutherland was elected, notwithstanding the fact that his opponent was a Mormon and a popular man?

Mr. CRITCHLOW. Yes; but elected by a very narrow majority.

Senator BEVERIDGE. Is it true that the majority of the voters are Mormon or not?

Mr. CRITCHLOW. A majority are Mormon.

Senator BEVERIDGE. So that, in a constituency where a majority are Mormons and where he was running, he being a gentile, against a Mormon, who was also, you say, a popular man, Sutherland nevertheless was elected?

Mr. CRITCHLOW. Yes, sir; Mr. Sutherland was elected in common with the rest of the Republican ticket.

The CHAIRMAN. What year was that?

Mr. CRITCHLOW. 1900.

Mr. VAN COTT. So that in that instance the influence of the Mormon Church against Mr. Sutherland was much less potent than was the influence of the Ministerial Association against Jacob Moritz?

Mr. CRITCHLOW. I have no means of making a comparison, because they are so different.

Mr. VAN COTT. It was more successful? I will put it that way.

Mr. CRITCHLOW. Yes, sir; more successful.

Mr. VAN COTT. I was asking you about going on the stump with John Henry Smith at the time of the question by Senator Overman. So well did men, like John Henry Smith and others who are polygamists, stand in Utah that non-Mormons thought nothing of this association with them in political affairs and business affairs, and things of that kind?

Mr. CRITCHLOW. I think that is true.

Mr. VAN COTT. Suppose John Henry Smith had come to your house with a plural wife under circumstances so that it was appropriate for him to stay over night, would you have invited him to stay?

Mr. CRITCHLOW. If I knew it was his plural wife, I do not think I should have.

Mr. VAN COTT. You do not think you should have?

Mr. CRITCHLOW. I do not think I would have.

Mr. VAN COTT. After thinking back of the feeling there has been in Utah in reference to these men, do you think you would not have invited them to stay over night in your house, under circumstances which were appropriate for you to invite him?

Mr. CRITCHLOW. I can speak only for myself. I do not think I ever would have.

Mr. VAN COTT. Do you believe that is the general feeling among the gentiles of Utah?

Mr. CRITCHLOW. No; I do not think it was.

Mr. VAN COTT. It is not the general feeling?

Mr. CRITCHLOW. I do not think so.

Mr. VAN COTT. If he came there with a wife and introduced you to her as Mrs. Smith and you did not know which wife it was, would you have inquired before you had extended an invitation to them to remain over night at your house?

Mr. CRITCHLOW. I certainly would not.

Mr. VAN COTT. You would have invited him and her to stay?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. So that your answer simply goes to the extent that if you knew that it was a plural wife you think you would not have invited him to stay over night?

Mr. CRITCHLOW. You were asking me if John Henry Smith and a plural wife should come to my house—

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. I can answer that because I knew that Mr. Smith was a polygamist, and I would be apt to find out in some way which Mrs. Smith it was that came along with him.

Mr. VAN COTT. I put the supposition if you did not know which wife he had with him?

Mr. CRITCHLOW. Mr. Van Cott, that is a very difficult question to answer, because many men have put away their first wives and are living with their second or their third wives exclusively, as the case may be. I do not think I can give a satisfactory answer to your question.

Mr. VAN COTT. I am anxious to probe that a little further and to get your mental attitude on the question. If John Henry Smith had come to your house, under circumstances that were appropriate for you to ask him to stay overnight, with your acquaintance with him,

and he had a wife with him who was introduced to you as Mrs. Smith simply, would you have invited them to stay over night?

Mr. CRITCHLOW. If I understood that the woman he had with him was the woman he was living with regularly, whether she was his first or second wife, or anyone else, so that she was the woman who for the time being was occupying that status in the community, I should not hesitate a moment to say that that was Mrs. Smith; but I certainly should not have wanted to have Mr. Smith come with, or to put myself in the attitude of having him come one time with one Mrs. Smith and come into my family and meet my children and stay one night, and then have him come with another Mrs. Smith. That is as near as I can analyze my mind.

Mr. VAN COTT. You have answered a question which I did not ask you, about bringing one wife one time and another wife another time. I have asked you if Mr. Smith, at the time you were associated with him and friendly with him, had come to your house, and, under circumstances appropriate to invite him to stay overnight, and he had a wife with him whom he introduced as Mrs. Smith, and you did not know which Mrs. Smith she was, you would have hesitated to ask them to stay overnight?

Mr. CRITCHLOW. I do not think I can answer your question any more fully or satisfactorily than I have.

Mr. VAN COTT. The feeling among gentiles would have been to invite him to stay overnight?

Mr. CRITCHLOW. I think that is true.

Mr. VAN COTT. It is true not only of John Henry Smith, but of men generally?

Mr. CRITCHLOW. Polygamists generally?

Mr. VAN COTT. I mean polygamists generally.

Mr. CRITCHLOW. No, sir; I do not think so—not of polygamists generally. Mr. John Henry Smith was a different man from polygamists generally.

Mr. VAN COTT. You were very intimate with him?

Mr. CRITCHLOW. Not very intimate; politically intimate.

Mr. VAN COTT. That is what I mean.

Mr. CRITCHLOW. Friendly, as we are to-day.

Mr. VAN COTT. You associate with him?

Mr. CRITCHLOW. I do when occasion warrants.

Mr. VAN COTT. I suppose you would be perfectly willing to trust Mrs. Critchlow to associate with Mrs. Smith?

Mr. CRITCHLOW. I never met his wife.

Mr. VAN COTT. You would not have any doubt from what you know of Mr. Smith's family?

Mr. CRITCHLOW. I think that is true.

Mr. VAN COTT. While it would not be true of every one, would it not be true of other men whom you know in Utah who are polygamists?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. The same answer?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And particularly of a man with whom you are intimately acquainted and intimately associated?

Mr. CRITCHLOW. I think so.

Senator BEVERIDGE. I am interested in the revelation about the

light plant. I understood you to say that you got this information from an attorney out there?

Mr. CRITCHLOW. Yes, sir.

Senator BEVERIDGE. And that he, of course, got his information from somebody else outside of general repute?

Mr. CRITCHLOW. Necessarily, I assume.

Senator BEVERIDGE. So that that testimony amounts to this—that you say that a man said to you that somebody else said to him that the president of the stake had a revelation on the subject of an electric-light plant at this place, that he laid it before the council, and there was a disruption, etc.?

Mr. CRITCHLOW. A disruption?

Senator BEVERIDGE. Between the council or the people or somebody?

Mr. CRITCHLOW. I take it in a legal sense that is as close as it comes to being evidence.

Senator BEVERIDGE. I was very much interested in the revelation with respect to the light plant.

At 4 o'clock and 10 minutes p. m. the committee adjourned until to-morrow, Saturday, March 12, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *March 12, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), Hoar, McComas, Dillingham, 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. Van Cott, you may proceed.

TESTIMONY OF E. B. CRITCHLOW—Continued.

E. B. CRITCHLOW, having been previously sworn, was examined and testified as follows:

Mr. VAN COTT. Mr. Critchlow, do you expect any compensation for any work or services which you have performed in this case?

Mr. CRITCHLOW. Not the slightest.

Mr. VAN COTT. Do you hold any official position in the church over which Doctor Paden presides?

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. Nothing at all?

Mr. CRITCHLOW. Nothing at all.

Mr. VAN COTT. You are not a deacon in the church?

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. When I asked you the question yesterday whether Mr. P. L. Williams and Mr. C. C. Goodwin and yourself, respectively, were bitterly opposed to the Mormon Church, did you understand by that that I was simply indicating the state of mind and was not using the word "bitterly" as a term of reproach?

Mr. CRITCHLOW. I think I understood that. I understood you to use the word in the sense that the Deseret News always refers to anyone who speaks against the practices of the Mormon Church or its domi-

nation in the affairs of the State. They call every man "bitter" who dares to speak out and who does not apologize for them.

Mr. VAN COTT. Did you understand it in the sense that it was a vigorous, emphatic opposition, and did you answer it in that sense?

Mr. CRITCHLOW. I can hardly say now in what connection you asked the question, but I mean to say, as to the state of mind on the part of Mr. Williams, Mr. Goodwin, and myself, or any of the protestants, I do not believe it is fair to say that there is the slightest bitterness. I simply—

Mr. VAN COTT. A vigorous, emphatic opposition?

Mr. CRITCHLOW. Emphatic and outspoken opposition instead of apology.

Mr. VAN COTT. When I came to read over the examination I thought that the word "bitterly" might be construed to have a meaning that I did not intend, and that was the sense in which I put the question to you. Did you answer those questions in that sense—that it simply meant a vigorous, emphatic opposition?

Mr. CRITCHLOW. I think I did; at least I think I have now made myself clear.

Mr. VAN COTT. You know from experience, do you not, Mr. Critchlow, that as a general rule it is very easy to inflame the public mind where charges of polygamy are made in Utah?

Mr. CRITCHLOW. I think it is very hard to inflame the public mind. It is very difficult to get anybody to believe it.

Mr. VAN COTT. Of the people of the United States?

Mr. CRITCHLOW. Of the people of the United States.

Mr. VAN COTT. I am speaking of the people of the United States.

Mr. CRITCHLOW. Well, I think it is; because we have been saying that the leaders of the church were disobeying the laws for years, and the people of the United States would not believe it until the president of the church came here and said so.

Mr. VAN COTT. Do you not think that the Leilich charges, for instance, did create a great wave of popular indignation among the people of the United States?

Mr. CRITCHLOW. I think not; rather a mild surprise than anything else.

Mr. VAN COTT. You do not think it created among the people of the United States any sentiment, or a great popular wave of sentiment against Mr. Smoot when that charge was made?

Mr. CRITCHLOW. I am hardly in a position to judge as to that. I know it was denied immediately so far as it could be, by the protestants, and I think that ought to have had some weight. Whether it did or not I do not know.

Mr. VAN COTT. Did you, before persons other than Mr. Leilich, make the statement to Mr. Leilich that you testified to yesterday, to the effect that he had no legal evidence at all in regard to Mr. Smoot being a polygamist?

Mr. CRITCHLOW. Mr. Leilich submitted his statements as to what could be shown by this one and that one, and persons not named, to me in the presence of Doctor Paden—to Doctor Paden and myself.

Mr. VAN COTT. Were there any others?

Mr. CRITCHLOW. No, sir. I never met Mr. Leilich except at Doctor Paden's study, except it was once in my office.

Mr. VAN COTT. Did you, or Doctor Paden in your presence, communicate that information to others of the committee?

Mr. CRITCHLOW. I did not, and whether Doctor Paden did or not I do not know. I met no one of the ministerial association, as I said, except Doctor Paden, and Mr. Leilich on one or two occasions, in the presence of Doctor Paden.

Mr. VAN COTT. After you made this statement to Mr. Leilich he filed his sworn protest down here charging polygamy against Mr. Smoot?

Mr. CRITCHLOW. It must have been, because I never saw Mr. Leilich after ours was filed.

Mr. VAN COTT. After the protest of Leilich had been filed here, did you ever see or know of any public statement being made to the effect that Mr. Leilich had no information sufficient to make that charge against Mr. Smoot?

Mr. CRITCHLOW. Do you mean a public, printed statement?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. I think the Deseret News has made that statement time and time again, and I think other papers have.

Mr. VAN COTT. Did you, or did Doctor Paden, or any of the committee ever make a statement to the effect that Mr. Leilich had no sufficient basis on which to make that charge?

Mr. CRITCHLOW. No, sir; we did not know what he might have gotten, of course, after he left Utah. We did not believe he had any.

Mr. VAN COTT. I wish to call your attention back to 1892. You will remember that you stated in substance that when the hearing was had on the Faulkner bill, the statements and arguments that were made were principally by Democrats, because it was a Democratic measure. Calling your attention generally to that statement, H. W. Smith was one of those who made an argument before the committee, was he not?

Mr. CRITCHLOW. So the report says, and that is according to my recollection.

Mr. VAN COTT. And he is the reputed author of the Idaho test-oath bill, also?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He was a judge in Utah?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Appointed by President Cleveland while Utah was a Territory?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. John W. Judd was appointed by President Cleveland to Utah as a judge?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. He was from Tennessee?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did Mr. Judd afterwards hold the position of United States district attorney?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. T. J. Anderson; where was he from and what position did he hold?

Mr. CRITCHLOW. He was appointed from Iowa to a Territorial judgeship by President Harrison.

Mr. VAN COTT. Judge Anderson made a statement before the committee on the Faulkner bill, did he not?

Mr. CRITCHLOW. I should have to refer to the record. I do not recollect, Mr. Van Cott.

Mr. VAN COTT. Mr. Critchlow, if the record shows that it was T. J. Anderson, that is the same individual?

Mr. CRITCHLOW. Undoubtedly.

Mr. VAN COTT. And Mr. Judd also?

Mr. CRITCHLOW, Yes, sir.

Mr. VAN COTT. Now Frank H. Dyer?

Mr. CRITCHLOW. I remember him.

Mr. VAN COTT. Who was he?

Mr. CRITCHLOW. The United States marshal of Utah, appointed by President Cleveland in his first term.

Mr. VAN COTT. He made a statement before the committee?

Mr. CRITCHLOW. So the record shows.

Mr. VAN COTT. Ex-Senator Rawlins made a statement?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. Who is he?

Mr. CRITCHLOW. Ex-Senator Rawlins?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. Do you mean me to give his record?

Mr. VAN COTT. He was a Delegate in Congress from the Territory of Utah?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. And United States Senator?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And a gentile?

Mr. CRITCHLOW. Yes, sir; in the sense that he is not a Mormon.

Mr. VAN COTT. I will say a non-Mormon.

Mr. CRITCHLOW. He is of Mormon parentage.

Mr. VAN COTT. Caleb W. West; who was he?

Mr. CRITCHLOW. He was appointed governor of Utah, from Kentucky, by Cleveland.

Mr. VAN COTT. And he was a non-Mormon?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. All these gentlemen made arguments before the committee on the Faulkner bill?

Mr. CRITCHLOW. So the record shows.

Mr. VAN COTT. Calling your attention to some of the various things that led up to statehood, in a general way—and if I state them inaccurately just correct me—before statehood, and before the constitutional convention met in Utah, there had been hearings, had there not, down here at various times, all tending toward new legislation for the Territory of Utah?

Mr. CRITCHLOW. There had been a number of such.

Mr. VAN COTT. In 1882 there had been a hearing at the time the Edmunds bill was passed?

Mr. CRITCHLOW. I should have to refer to the record, because I was not then living in Utah and have no personal knowledge of it.

Mr. VAN COTT. Calling your attention to 1886, was not a hearing then had on the Edmunds-Tucker bill?

Mr. CRITCHLOW. There were a number of those hearings. I can not be precise as to dates.

Mr. VAN COTT. Do you remember the hearings that were had in 1888 and 1889, both in the House and the Senate?

Mr. CRITCHLOW. I only know that there were such hearings. I have not examined the record as to them and have no special recollection now.

Mr. VAN COTT. Do you remember that Robert N. Baskin was down here a number of years endeavoring to have legislation passed to correct the evils in Utah?

Mr. CRITCHLOW. I think that is true.

Mr. VAN COTT. You remember that the non-Mormons—practically all of them—were contributing toward keeping him here on these matters?

Mr. CRITCHLOW. All those who felt sufficient interest and could.

Mr. VAN COTT. Up to the time the enabling act was passed, do you know of anything in the Territory of Utah or the State of Utah in the way of polygamy, in regard to unlawful cohabitation, in regard to the church interfering in politics, in regard to the church interfering with the temporal affairs of the people, or anything of that kind, that had not been ventilated before the different committees of Congress?

Mr. CRITCHLOW. Do you ask me as to a specific instance, Mr. Van Cott?

Mr. VAN COTT. No; generally.

Mr. CRITCHLOW. I do not think that any hearings before Congress, which were merely arguments as I understood them and not trials in the sense of the giving of evidence, ever disclosed or attempted to disclose specific instances with respect to them, but were more arguments from a given standpoint as to what were the general conditions existing out there. I do not know that I can answer your question any more plainly than that, further than to say that I do not now recall any specific instances of things that might have been spoken of in those hearings if the counsel, because that is all they were, cared to speak of them.

Mr. VAN COTT. Let me see if this refreshes your recollection. Did not Mr. Baskin in these various hearings call attention, for instance, to the Mountain Meadow massacre? Did he not mention specific instances of the church interfering in politics, interfering with temporal affairs?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. And testimony being taken and statements being made in great detail, and that the printed records here show it. Are you familiar with those things, if they exist?

Mr. CRITCHLOW. I am not familiar with these records at all. I never have examined them.

Mr. VAN COTT. Also you remember the hearing before Judge T. J. Anderson, who is mentioned, in regard to naturalization?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. I will ask you whether all of that was not brought out.

Mr. CRITCHLOW. All of it?

Mr. VAN COTT. Wait just a moment. I will see about it. [A pause.] I will leave it for the moment. I am not sure just now whether it was all or the major portion of it.

Mr. CRITCHLOW. I beg pardon.

Mr. VAN COTT. Maybe I had better reframe the question. Do you know whether the testimony which was taken before Judge Anderson

on naturalization was either wholly or the material parts of it brought out before the committees of Congress, so that they knew the general character of that testimony?

Mr. CRITCHLOW. I do not know, Mr. Van Cott.

Mr. VAN COTT. You do not know?

Mr. CRITCHLOW. I know the testimony was in existence; that is all.

Mr. VAN COTT. If that all appears by printed record, as indicated by the different questions I have asked, Mr. Critchlow, in a general way, do you know of anything now in Utah that had not been developed up to the time of the enabling act?

Mr. CRITCHLOW. Do I understand you to ask me whether I know of facts existing in Utah of a different kind from those which existed prior to the enabling act? Is that the question?

Mr. VAN COTT. Yes; and what I have recited here in a general way.

Mr. CRITCHLOW. No. All I have been trying to say is that the facts as they now exist are all too much similar to the facts that did exist prior to 1892, or similar.

Mr. VAN COTT. I have not asked you in my question with respect to the time since the enabling act. I was asking you if you know of any general line of facts before the enabling act other than what I mentioned to you.

Mr. CRITCHLOW. It is difficult for me to get the scope of your question, but if I understand it correctly this would be an answer: The condition of affairs as we supposed they existed, and as we hoped and supposed they would thereafter exist, were fully set forth in the hearings on the enabling act. As to whether or not any different state of facts now exists—

Mr. VAN COTT. I have not asked you about that.

Mr. CRITCHLOW. I think the condition was as fairly set forth as the rather biased character of the hearing would permit, because there was no contest made upon the question that the church had given up polygamous cohabitation and polygamy.

Mr. VAN COTT. If I make myself clear, the exact point is, do you know of anything in a general way that could be charged against the Mormon people in Utah up to the time of the enabling act that had not been disclosed to Congress up to that time? That is the exact point.

Mr. CRITCHLOW. No; I do not think so—more or less fully disclosed.

Mr. VAN COTT. Judge McBride was also down here in aid of some of those bills?

Mr. CRITCHLOW. Judge McBride was quite frequently in Washington on public matters for the Liberal party, whether in one year or another.

Mr. VAN COTT. That was the non-Mormon party?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. C. E. Allen was also here before statehood, was he not?

Mr. CRITCHLOW. In 1892.

Mr. VAN COTT. He was here in opposition to the bill?

Mr. CRITCHLOW. He was here in opposition to the Faulkner bill in 1892.

Mr. VAN COTT. Orlando W. Powers was here in opposition to the Faulkner bill in 1892?

Mr. CRITCHLOW. So the record shows.

Mr. VAN COTT. All these men, and supported by others, were vigorous in their opposition to statehood for Utah up to and before the time of the enabling act, were they not?

Mr. CRITCHLOW. You mean Powers, Allen, Baskin—

Mr. VAN COTT. And others.

Mr. CRITCHLOW. McBride.

Mr. VAN COTT. And others.

Mr. CRITCHLOW. There was a large number who were all at times in opposition to it.

Mr. VAN COTT. Now, at the present time, Mr. Baskin is chief justice of the supreme court of the State of Utah?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And after statehood, was Mr. Allen sent here as Congressman?

Mr. CRITCHLOW. He was our first Congressman.

Mr. VAN COTT. And Judge McBride has left the State?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Calling your attention now to the time of the first State legislature, and that would be the legislature which was elected in the fall of 1895, would it not—

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And the legislature which would meet in January, 1896?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Were you a member of the legislature?

Mr. CRITCHLOW. I was.

Mr. VAN COTT. Is that the session of the legislature at which Arthur Brown was elected United States Senator?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you know a man at that time by the name of Arthur Stayner?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you move to make him minute clerk?

Mr. CRITCHLOW. I do not know. If he were the caucus nominee of the Republicans, I certainly did. I might have done so. We had a caucus to decide upon our officers, and I think I moved the slate.

Mr. VAN COTT. Was he a polygamist?

Mr. CRITCHLOW. He was reputed to be at the time he died. Whether he was in 1896 or not I can not remember, but I think he was.

Mr. VAN COTT. He was reputed to be a polygamist?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. When you were in the legislature at any time did you ever propose the repeal either of sections 2833 or 2848, 2849, and 2850 of the Revised Statutes of Utah? Those are the sections to which Senator Hoar called attention the other day. If you would like to refresh your recollection I will hand you the book.

Mr. CRITCHLOW. I remember what they are. I do not think I ever did.

Mr. VAN COTT. Do you know who was the author of the sections commencing with 2848 and ending with 2850?

Mr. CRITCHLOW. Let me see them. It was in the legislature of 1892 that those were passed.

Mr. VAN COTT. I do not remember. This book would not show the authorship.

Mr. CRITCHLOW. No; no, I could not say.

Mr. VAN COTT. Let me refresh your recollection. Do you remember that Judge J. G. Sutherland drafted section 2849?

Mr. CRITCHLOW. Yes, sir; he drafted it for the purpose of a certain specific lawsuit that he wanted to win.

Mr. VAN COTT. And he was a gentile, was he not?

Mr. CRITCHLOW. Yes; he was a gentile, but he did not take any very active part in politics.

Mr. VAN COTT. You do not mean by that that he was; or ever had been, a Mormon?

Mr. CRITCHLOW. He was the attorney for the Mormon Church, and of course he never took any great part in the Liberal party.

Mr. VAN COTT. That is Judge Sutherland, of Michigan?

Mr. CRITCHLOW. Yes, sir; the author of Sutherland on Damages.

Mr. VAN COTT. Do you mean to convey the impression, in any way, that he ever was a Mormon?

Mr. CRITCHLOW. Not at all; but he was not what is frequently referred to as an anti-Mormon—that is, a man who worked and spoke against the leaders of the Mormon Church.

Mr. VAN COTT. That is, he was quiet.

Mr. CRITCHLOW. Very quiet, indeed.

Mr. VAN COTT. Now, let me ask you are you sure that Judge Sutherland was ever attorney for the Mormon Church?

Mr. CRITCHLOW. Yes, sir; he was attorney for the Mormon Church, my recollection is, in the Cannon case and in the Musser case. He was the attorney in a number of matters of litigation. I can not recall them now, but I know very well that he was.

Mr. VAN COTT. Let me ask you whether it is not—

Mr. CRITCHLOW. I think he was in the escheat case as well.

Mr. VAN COTT. I will ask you about the escheat case. Are you not mistaken in saying that he had anything to do at all with the escheat case?

Mr. CRITCHLOW. Well, I am, of course, speaking from recollection of matters that are quite aged now, and I may be mistaken, of course.

Mr. VAN COTT. In the Cannon and the Musser cases, have you any means of saying that he was not representing those defendants personally rather than being employed by the church to represent them?

Mr. CRITCHLOW. Well, I can only say this, that at that time I was associated in a business way with Mr. Arthur Brown, and he was in the case, and the understanding in the office was that he was in for the church, and that Judge Sutherland was. Those were test cases, you will remember.

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. The Cannon case; the Musser case was to a certain extent

Mr. VAN COTT. Was Senator Brown in those cases?

Mr. CRITCHLOW. He was in the Musser case, I know.

Mr. VAN COTT. Were you associated with Senator Brown?

Mr. CRITCHLOW. In the sense of being at that time his associate in the office under a salary; that is all.

Mr. VAN COTT. Would you designate yourself, as you did Judge Sutherland, as a church attorney?

Mr. CRITCHLOW. Not by any means. I never received any fee at all?

Mr. VAN COTT. Calling your attention to the legislative ticket that

was voted on in 1895, Emeline B. Wells was on the Republican ticket, was she not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. For State senator?

Mr. CRITCHLOW. That is my recollection.

Mr. VAN COTT. Was Angus M. Cannon, sr., on the Republican ticket for State senator?

Mr. CRITCHLOW. My recollection is that Emeline B. Wells did not remain on the Republican ticket up to the election, but was taken off because—no; I can not remember about that.

Mr. VAN COTT. You do not remember?

Mr. CRITCHLOW. I do not recollect of her sitting in the senate.

Mr. VAN COTT. Is not that the year that the Republicans lost?

Mr. CRITCHLOW. You said 1895?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. No; the Republicans won, and sent two Senators to Washington.

Mr. VAN COTT. Probably she is the one who lost, then?

Mr. CRITCHLOW. I do not think so, because we won out on the whole ticket in Salt Lake County.

Mr. VAN COTT. Was there an election in 1896 also?

Mr. CRITCHLOW. Oh, yes; for the legislature of 1897.

Mr. VAN COTT. I was in error in asking you about 1895. In 1896 was Emeline B. Wells on the Republican ticket for State senator?

Mr. CRITCHLOW. She may have been. If you suggest it as being so—

Mr. VAN COTT. I show you what purports to be a certified copy—

Mr. CRITCHLOW. I have not any doubt, since it appears here, that she was.

Mr. VAN COTT. And Angus M. Cannon was one of the candidates for State senator on the Republican ticket?

Mr. CRITCHLOW. I think at that time he was a Democrat, but he may have been a Republican at that time.

Mr. VAN COTT. Angus M. Cannon, sr., was always a strong Republican, was he not?

Mr. CRITCHLOW. I thought he was a Democrat for a while.

Mr. VAN COTT. Look at this paper and see if you can not refresh your recollection by the company he was in as to whether he was not on the Republican ticket.

Mr. CRITCHLOW. From this diagram it seems he was on the Republican ticket. I was only giving you my impression—that he was at one time a Democrat and acted with them. I may be in error about that. If you suggest this as being correct, I have no hesitation in saying that that is probably it.

Mr. VAN COTT. I have no information except what the certified copy shows.

Mr. CRITCHLOW. I think I took no part in that campaign.

Mr. VAN COTT. Did you vote your ticket that year?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And if Angus M. Cannon, sr., was on the Republican ticket, you voted for him?

Mr. CRITCHLOW. No, sir; I do not think so.

Mr. VAN COTT. You do not think so?

Mr. CRITCHLOW. I have not voted for any polygamist for a number of years.

Mr. VAN COTT. You voted for John Henry Smith in 1895?

Mr. CRITCHLOW. Yes, sir; I did.

Mr. VAN COTT. Why would you draw a distinction between voting in 1895 for John Henry Smith and in 1896 for Angus M. Cannon, sr.?

Mr. CRITCHLOW. It would be difficult to say; but anyone who knows the two men can readily see why a distinction might be made as to Angus M. Cannon for any public position.

Mr. VAN COTT. Did you vote for Emeline B. Wells?

Mr. CRITCHLOW. I can not remember whether I did or not. I would not want to say.

Mr. VAN COTT. Calling your attention to the Edmunds bill of 1882, both adultery and unlawful cohabitation were defined in that act?

Mr. CRITCHLOW. My recollection is that adultery was not defined until 1887. I would have to appeal to the record, but that is my distinct recollection. We never prosecuted for adultery until after 1887.

Mr. WORTHINGTON. I prosecuted under the Edmunds Act in this District for adultery in 1885.

Mr. CRITCHLOW. I will not be positive about it when it is so easy to get the record.

Mr. VAN COTT. Whichever year it was, whether it was 1882 or 1887, those two offenses were both clearly defined, were they not?

Mr. CRITCHLOW. They certainly were in 1887.

Mr. VAN COTT. That is, polygamy was defined as a separate and distinct offense from unlawful cohabitation?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And the difference between those two acts was further made plain by judicial decisions, was it not?

Mr. CRITCHLOW. I do not think there was any special difference between the two acts which needed judicial determination. One was an amplification of the legislation of the former act.

Mr. VAN COTT. Probably, Mr. Critchlow, you do not understand me, or I have not asked the question plainly?

Mr. CRITCHLOW. I do not understand you.

Mr. VAN COTT. These two offenses, unlawful cohabitation and polygamy, were further made plain by judicial decisions, were they not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. So that when those acts were passed, whether it was in 1882 or 1887, the difference between unlawful cohabitation and polygamy was clearly understood by the people in Utah?

Mr. CRITCHLOW. It ought to have been clearly understood. It was the most vital question we had there in Utah.

Mr. VAN COTT. Many cases came to the supreme court of the Territory?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And cases going to the Supreme Court of the United States?

Mr. CRITCHLOW. Of course, there were different questions that came up. The same questions, I do not think, came more than once each.

Mr. VAN COTT. No; but I mean pointing out the difference—pointing out what was unlawful cohabitation in its various phases?

Mr. CRITCHLOW. I understood the Supreme Court of the United

States to say that they did not care to point out definitely what was unlawful cohabitation.

Mr. VAN COTT. They did point out in that case whether the acts constituted unlawful cohabitation?

Mr. CRITCHLOW. They pointed out in the Cannon case——

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. The fact that the mere holding out, as we expressed it, or the "flaunting," to use the word of the Supreme Court, without proof of more intimate relations between the parties, was sufficient to constitute the offense.

Mr. VAN COTT. Now, in a general way, polygamy, as defined by that act, was the marrying of more than one woman?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Whether the husband lived with her or not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And the unlawful cohabitation consisted in the holding out of more than one woman as a wife?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. In whatever shape it was done?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. So that in Utah, particularly, people, from the newspapers and from judicial decisions and trials in court, knew very well the difference between polygamy and unlawful cohabitation?

Mr. CRITCHLOW. I think they ought to, and they must have.

Mr. TAYLER. If it will not interrupt you there, because we do not want to take it up later, I wish to insert the fact here that the Edmunds Act did not make adultery an offense. It was the Edmunds-Tucker Act that made it, and the prosecutions to which Mr. Worthington has referred must have been for unlawful cohabitation, if they occurred between 1882 and 1887. I have the statute here.

Mr. VAN COTT. That is practically immaterial.

Mr. TAYLER. I understand, but it seemed to discredit Mr. Critchlow.

Mr. VAN COTT. Oh, no.

Mr. TAYLER. I do not mean it was intended for that purpose.

Mr. VAN COTT. I did not understand Mr. Critchlow to give more than a tentative opinion; that he thought it was not in 1882.

Mr. TAYLER. The statutes are here in full.

Mr. VAN COTT. It makes no difference. The acts will go in later, which will make it clear.

Mr. WORTHINGTON. Mr. Chairman, can we send for the twenty-second volume of the Statutes?

The CHAIRMAN. Certainly. Mr. Tayler, do you want any of those sections inserted in the record?

Mr. TAYLER. Oh, no.

The CHAIRMAN. You have just called attention to the fact?

Mr. TAYLER. That is all.

Mr. VAN COTT. So that whenever the act punishing adultery was passed, the serious punishment was for which—adultery or unlawful cohabitation?

Mr. CRITCHLOW. Do you mean serious in the sense of the penalty imposed?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. The severest penalties were imposed for polygamy, the marrying, which involves proof of marriage and the ceremony.

The next most severe penalty was for adultery, as I now remember it, and the slightest for unlawful cohabitation.

Mr. VAN COTT. For polygamy what was the punishment?

Mr. CRITCHLOW. My recollection is a maximum of five years. That is my recollection.

Mr. VAN COTT. What was it for unlawful cohabitation?

Mr. CRITCHLOW. A maximum of six months' imprisonment and \$300 fine.

Mr. VAN COTT. It could be both?

Mr. CRITCHLOW. Or both.

Mr. VAN COTT. Was there not a fine, also, for polygamy?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. Do you remember what amount? Have you any idea what it was?

Mr. CRITCHLOW. I can not now remember. I think the maximum was \$1,000, but I speak subject to correction.

Mr. VAN COTT. So that the Edmunds bill punished polygamy and unlawful cohabitation in 1882?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And the severer punishment was for polygamy?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Now, when the constitutional convention met in Utah, what year was it?

Mr. CRITCHLOW. 1895.

Mr. VAN COTT. And there were many gentiles in it, comparatively speaking?

Mr. CRITCHLOW. A large number of gentiles were there.

Mr. VAN COTT. And a good many gentile lawyers?

Mr. CRITCHLOW. I think perhaps five or six.

Mr. VAN COTT. And a number of Mormons, of course?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And C. C. Goodwin, the editor of the principal Gentile paper in Salt Lake, was a member of the convention?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. At any rate there were a great number of these men who knew the difference between polygamy and unlawful cohabitation?

Mr. CRITCHLOW. I think they must have known it, of course.

Mr. VAN COTT. Have you the least doubt about it?

Mr. CRITCHLOW. Not the slightest.

Mr. VAN COTT. Some of the lawyers had been engaged in the prosecution of those cases—that is true, is it not—Mr. Varian, for instance?

Mr. CRITCHLOW. He is one I know had. I was trying to think whether there were any more.

Mr. VAN COTT. I do not know whether Mr. Van Horne had. David Evans had?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. At Ogden?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. So that many of these people well understood the difference between the two offenses?

Mr. CRITCHLOW. As I have stated, I have no doubt in the world that they did.

Mr. VAN COTT. During the discussion of the provision in the Utah constitution prohibiting further plural marriages is it not a fact that

Mr. Varian, who was at one time United States district attorney, expressly avoided putting anything into the constitution in regard to unlawful cohabitation, and mentioned the other offenses that had been made punishable by the Edmunds bill and the Edmunds-Tucker bill; and for the purpose of refreshing your recollection I call your attention to volume 2 of the Proceedings of the Constitutional Convention of Utah, on pages 1736, 1737, and particularly the marked part on page 1738.

Mr. CRITCHLOW. I, of course, recognize and identify this volume as containing the printed reports of the proceedings of the constitutional convention, and I only wish to say that I do not understand that this pretends to be anything more than what occurred publicly on the floor. I have an understanding as to what occurred between the members that is not reported in there.

Mr. VAN COTT. I am asking you now so far as the printed report goes—

Mr. CRITCHLOW. I identify that book, and the whole of it, as being the published reports of the debates in the constitutional convention and the proceedings.

Mr. VAN COTT. Is there anything in the discussions that you know of or that you have ever heard of, so far as they are reported and put in the bound volumes, that is any different from what I have called your attention to?

Mr. CRITCHLOW (after examining the volume). I can not undertake to say. I never made the examination, Mr. Van Cott, upon any such theory as that, but I do remember of having looked at one time or having my attention called at one time to some remarks of Mr. Goodwin with regard to the inclusion of the offense of unlawful cohabitation in the pledge or guaranty that was required to be inserted in the constitution of the State. But where to find it, or whether, indeed, I correctly recollect the purport of it, I would not attempt to say without investigation.

Mr. VAN COTT. Mr. Chairman, we should like to have pages 1736, 1737, 1738, commencing on page 1733 with the president's declaration—

Mr. WORTHINGTON. Mark it.

Mr. VAN COTT. On page 1736 I notice that Mr. Goodwin speaks, also.

Mr. WORTHINGTON. He is one of the protestants here?

Mr. VAN COTT. Yes, sir; he is one of the protestants.

The CHAIRMAN. Indicate to the reporter what you wish to go into the record and it will be inserted.

Senator HOPKINS. What is the object of the offer of it?

Mr. VAN COTT. The purpose of the offer is to show that when the attention of the constitutional convention was called to the enabling act, namely, prohibiting forever the celebration of plural marriages, the convention had before it a condition that had existed in Utah, namely, that they had been punishing unlawful cohabitation and polygamy; that when they came to the adoption of the constitution it was no oversight in omitting the punishment of unlawful cohabitation from the constitution; that their attention was invited to it, and they expressly omitted legislating on the subject of unlawful cohabitation, but instead legislated against polygamy.

Mr. WORTHINGTON. That is in the constitution.

Mr. TAYLER. There is no doubt there was a law passed by the State forbidding unlawful cohabitation.

Mr. VAN COTT. That is a different thing, Mr. Tayler. So as to get in the whole discussion, because I might have overlooked something—

Senator HOPKINS. Does what you offer purport to give the speeches of members of the constitutional convention?

Mr. VAN COTT. Yes, sir; a stenographic report of their speeches. I now offer it, beginning on page 1736, going down to and including the vote on page 1749, where it is marked as carried.

Senator HOPKINS. Who are these men who are speaking? Do they speak with any more authority than any other members of the constitutional convention?

Mr. VAN COTT. These are all the members, as I understand, who spoke on that subject. And I shall proceed, after it is in, to ask Mr. Critchlow about it.

The matter referred to is as follows:

“The president declared the article adopted and referred to the committee on compilation and arrangement.

“The convention then proceeded to the third reading of the article entitled schedule.

“Sections 1 and 2 were read.

“Mr. RICHARDS. Mr. President, I desire to offer a section to be known as section 3, as follows:

“‘SEC. 3. Persons who at the time of the admission of the State into the Union may be confined under lawful commitments or otherwise lawfully held to answer for alleged violations of any of the criminal laws of the Territory of Utah shall continue to be so confined or held until discharged therefrom by the proper courts of the State.’

“The section was adopted.

“Mr. VARIAN. Mr. President, I offer an amendment to section 2, to insert at the end of section 2 the following:

“‘The act of the governor and legislative assembly of the Territory of Utah, entitled “An act to punish polygamy and other kindred offenses, approved February 4, A. D. 1892,” in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.’

“I desire to give a reason for this amendment, which I am impressed is a strong one. The enabling act requires the convention to provide by irrevocable ordinance that polygamous or plural marriages are forever prohibited. In the ordinance adopted by this convention this declaration is made: ‘The following ordinance will be irrevocable without the consent of the United States and the people of this State.’ First, among other things, polygamous or plural marriages are forever prohibited. Now, while this is strictly in accord with the letter of the act of Congress, it is not in accord fully with the spirit of that act, because it must be confessed, I think, that it was the intention of the people of the United States assembled in Congress that a prohibition in fact, as well as by words, should be evidenced by the organic law of this State. Of course, the declaration that we have already adopted in the ordinance is not self-executing. It amounts to nothing except like one of the ten commandments.

“It might have the effect of a moral law upon the minds and consciences of those who look upon the constitution as a guiding instru-

ment for their lives. Nor have we accomplished the purpose, as I view it, by our declaration, in the schedule sought to be amended, that all laws of the Territory of Utah now in force shall be continued in force. The moment this State enters into the Union all Congressional acts of this kind fail, so far as their operation is concerned, within this State. There was passed in 1892 by the legislature of the Territory an act substantially—indeed, I may say, literally—in accord with or following the act of Congress upon the subject. That act defines and provides penalties for the specific offenses, polygamy, unlawful cohabitation, adultery, incest, and fornication. Now, that law I apprehend is not in force in Utah to-day, and the reason is that Congress entered upon that field of legislation and covered the whole subject-matter.

“There was nothing left for the Territorial legislature to act upon. That being so, it is not included within this provision of section 2, and if it is desired that there shall be a compliance with the intent of the act of Congress, and with the understanding everywhere, in spirit as well as in letter, it would be necessary for this convention to make some positive declaration, adding the force of law, which would be self-executing; that is, that the courts would undertake to execute it without further legislation upon the subject. This act of the Territorial legislature entered a field that was already occupied, and as long as the Congress had occupied that field, of course nothing was left for the Territorial legislature to act upon, and, as I desire that there shall be nothing thrown in the way of the approval of this constitution by those in authority at Washington, I make this suggestion to this convention for their consideration, whether or not it will not be wise, having in mind the general conditions and circumstances attendant upon the passage of this enabling act and the difficulties that theretofore had existed in bringing to a conclusion a long and laborious struggle, to in terms adopt and enact this first section relating to this particular offense already enacted by the Territorial legislature.

“MR. MALONEY. You say the legislature in 1892 invaded the field already occupied by Congress. On the approval of this constitution by the President, would not that act of the legislature be in just as full force and effect as any act of the legislature which is continued in full force by section 2 of this act?

“MR. VARIAN. No.

“MR. MALONEY. Why not?

“MR. VARIAN. Because you can only continue in force a law. If there is anything in the form of an act that is not a law, for instance, we will say it were unconstitutional. Simply by a declaration continuing a dead act in force when it never was in force does not accomplish what you purpose doing. It is clear what this convention intended to do—all laws now in force. It did not intend to revivify laws or acts purporting to be laws which were never in force or which were unconstitutional. We take the Territorial legislation as we find it, and every law that is in force at the time of the adoption of the constitution will be continued. I personally care nothing about it.

“MR. RICHARDS. The purpose of this, as I understand, is to make this act ir repealable, so far as polygamy is concerned; is that not so?

“MR. VARIAN. No; I was not thinking of that so much as I was of the positive declaration—

“MR. RICHARDS. Would not that be the effect of the amendment?

“Mr. VARIAN. No; I do not think——

“Mr. RICHARDS. I asked you to look at it and think——

“Mr. VARIAN. Well, I have said no. I say no again. It would not be the effect of it, and I was going to say, Mr. President, that there is no power on earth, in the Congress of the United States, that can force from this people an irrevocable law. That is the merest illusion in the world. This people can next year amend this constitution, and strike out everything concerning polygamy if they want to. Every lawyer knows that. It is just a question of their own good sense and judgment whether they shall do it or not.

“Mr. RICHARDS. It seems to me that my question was not apprehended. When I spoke about a law being irrevocable, of course I did not refer to the amendment to the constitution. That could not be repealed by the legislature, I take it.

“Mr. VARIAN. I don't know why the gentleman should ask me a question like that. Of course, if it is in the constitution it can not be repealed by the legislature. I care nothing about it myself; I am firmly convinced that it will add very materially in aid of the adoption of the constitution.

“Mr. THURMAN. I desire to ask, Mr. Varian, if the amendment you propose would not enact a great deal more than Congress requires of us in the enabling act.

“Mr. VARIAN. In what way?

“Mr. THURMAN. Well, if I remember that act, it goes into detail.

“Mr. VARIAN. Well, but the amendment confines it to that particular matter. It does not touch the other offenses mentioned in this act at all. It does not touch cohabitation, nor adultery, nor incest, nor fornication.

“Mr. RALEIGH. Mr. Varian, will this be in the hands of the legislature?

“Mr. VARIAN. Yes; perhaps I did not make myself clear. The legislature can, of course, enter upon this field; but here we are in this situation: When this constitution goes back, after it has been adopted by this people, if there is any opposition to it it will be concentrated at Washington. I presume there are a number of things, possibly, that may be brought up by those who are opposed to the admission of Utah as a State, numbering a large number of classes of people in the United States.

“Then it will be said, I apprehend, the Congress of the United States, as a condition of giving this enabling act to the people of Utah, exacted or attempted to exact from them an impossible condition; that is, that they should make the enactment of a penal prohibition irrevocable; but it was the intention of the act. They will say to the people of the United States that this people would not only literally but in spirit conform to this enabling act and the wishes of the people of the United States in that particular. They have not done it. They have evaded that question by putting in a mere declaration which is not self-executing, and the moment the President of the United States issues his proclamation there is not a law in the State of Utah that affects this question; and who will say when the legislature will act upon it? Who can say whether you can get votes enough in the legislature to pass affirmatively an act? That is what they will say; at least that is what I offered this for, upon the theory that some misapprehension of that kind may exist.

“Mr. JAMES. Mr. President, of course I am not able to discuss this question from the legal standpoint, but I do believe that there is a great deal in what the gentleman from Salt Lake has just said. You will remember, Mr. President, when this matter came up in the bill of rights, it was suggested by the gentleman from Cache that it was not broad enough to cover the requirements of the enabling act, and he made some remarks upon it and so did I at the time, and I believe still that the words used in the bill of rights, that it shall be forever prohibited, are not sufficient to cover the requirements of the enabling act. The enabling act, to my mind, requires of this convention that they should do something specific, that it should be understood, that it should not be a general declaration.

“The language is such that perfect toleration of religious sentiment shall be secured, etc., and ends, ‘provided that polygamous or plural marriages are forever prohibited.’ Now, you see it is the language of the enabling act. It is based upon a condition, and in order to carry out the requirements of that enabling act you must say something specific regarding what this constitution shall be and how it shall be enforced, and I believe the gentleman from Salt Lake (Mr. Varian) is very correct in his position. I believe that it will raise a question, when this constitution goes back to Washington, whether we have complied with the enabling act strictly regarding this provision.

“Mr. EVANS (Weber). Mr. President, I am of opinion, as I stated before when we had the question of ordinance before the convention, that we have already strictly complied with the enabling act. I do not believe that there is any danger respecting the proclamation of the President on that question. I do not think any issue will ever be made. We have upon our statute books a law punishing polygamy and kindred offenses, and which, as has been stated by Mr. Varian, is properly ineffectual and void, because Congress had invaded the same field of legislation. There has always been a difference of opinion between lawyers respecting that particular question. I believe that the law upon the statute books would be in force upon the adoption of this constitution under section 2 of the article we are now considering.

“If the view be taken that that law was unconstitutional and ineffectual at the time of its passage, a nice constitutional question arises here upon Mr. Varian’s amendment—that is, as to whether a void law can be revived and given life by reference to it in the constitution which we are framing. It is a generally well-understood question that constitutional conventions have no legislative power. Although we say that we are legislating all the time in our constitution, yet in the broader sense we have no power to legislate in a general way, such as is generally given to a legislature. Now, is not this an attempt to do that very thing? Is not it an attempt here in this convention to legislate upon the statute books a penal law punishing the offense named? That is to say, this convention is attempting to revive what is termed by the gentleman a void law. It is attempting to revive something upon the statute books which in itself was a nullity. Now, I don’t take that view. I believe the law was valid. I have always entertained that view, and I believe that it would be in force upon the adoption of this constitution, and for one I can not support this amendment, because I believe it to be wholly unnecessary and an unusual method of making a constitution. To revive a law or to make a law

out of that which is pretended to be ineffectual and void by reference to it merely in a constitution is certainly a very singular thing.

“Mr. SQUIRES. I would like to ask the gentleman, provided this act approved February 4, 1892, is a valid law, what is to prevent the next legislature or any succeeding legislature from repealing it?

“Mr. EVANS (Weber). There is nothing at all.

“Mr. SQUIRES. Then, we certainly will not be complying with the enabling act.

“Mr. EVANS (Weber). There is nothing at all. No. The Congress never understood that the people of Utah would not repeal this particular law which punishes the offense named. As has been properly stated by Mr. Varian, as a matter of constitutional law, we have the right at any time, when we secure statehood, to revise and repeal and amend our constitution and to leave this out altogether. The people in their sovereign capacity would have the right, if they saw fit, to resume the practices which they have practiced heretofore, by proper amendments to the constitution. This is an inherent power, an inherent right. Judge Cooley lays it down as clearly as can be in his work on constitutional limitations, and I think no lawyer will dispute it. As I understand it, this is simply designed for the purpose of satisfying the authority which will proclaim Utah a State. That is all. Now, that being the only purpose of it, I think we have fully complied with the enabling act when we use its exact language and say that polygamy shall forever be prohibited in the State.

“Mr. EICHNOR. Do you mean to say that any constitutional convention in the future could nullify the compact with the United States?

“Mr. EVANS (Weber). Oh, no. That is because of the fact that that would be prohibited by the Constitution of the United States itself, but the Constitution of the United States does not place any restriction upon the States with respect to the practice of polygamy or kindred offenses. Consequently, we would have a right to reform our government just as we please.

“Mr. KERR. I would like to ask Mr. Varian or Mr. Evans a question. In the article on ordinance, is the statement that polygamous or plural marriages shall forever be prohibited. I desire to ask if, under this provision, the legislature could repeal the law which defines those offenses and provides punishments for violation?

“Mr. VARIAN. Does the gentleman ask me?

“Mr. KERR. Either gentleman.

“Mr. EVANS (Weber). I think it would have that right.

“Mr. VARIAN. I prefer to answer it myself, if the gentleman is asking me. I am quite satisfied that my position is confused and not understood, or at least it seems so, from the remarks of Mr. Evans. It is this: First, that there is no Territorial law on the statute books (when I say law I mean valid law) touching upon this question. That may be tested by any canon of common sense. There was a Congressional law on the statute book fixing certain penalties. Supposing the Territorial law had fixed other penalties, which would prevail? You can not occupy the same space with two different lawmaking bodies at the same time. Second, that being so, they will say when this constitution is adopted there is no law touching this question. There is nothing that will evidence the good faith of this people upon this question. And it will be a makeweight upon the proposition, is my idea, unless something of this kind is done, showing that this conven-

tion intends to carry out the spirit as well as the letter of the enabling act.

“MR. EVANS (Weber). If that is your purpose, why not say in the ordinance it is declared to be a felony?”

“MR. VARIAN. Because I do not agree with you at all in your criticism, that this convention is not able to legislate in this way. I draw a distinction between legislating in matters now existing in the Territory and legislating in the constitution for the future State.

“MR. GOODWIN. Mr. President, Mr. Evans says it would be an unusual proceeding, and probably it would, but the circumstances are unusual. This has never confronted any other Territory when applying for statehood, and the point in it is this, when Mr. Thurman the other day thought that the article in the ordinance was not sufficient, that it ought to be strengthened, I was in hopes his idea would be carried out by the convention solely as an evidence of good faith. It won't make any difference in the future. There is no State where the laws are enforced against the public sentiment of the people.

“Now, if public sentiment of the people of this Territory is that the ordinance shall be backed by legislation which will make penalties and enforce them; that will be done. If a change should come and the sentiment should be that it was nobody's business, we will do what we please. That will be the rule. The question that confronts us is just this: We know that almost every church organization outside of Utah in the United States will scan this constitution. They will study it with a disposition to, if possible, find some fault in it. Now, when they do that, and there is merely a declaration that there will be no more polygamy, they will simply laugh. They will say, 'Those people have simply made a declaration and have provided no means on earth to enforce it.' It is not what is to be after statehood is obtained, but it is how to obtain statehood. For instance, the President of the United States is, I am told, a member of the Presbyterian Church. I think he is a little lax [laughter], but no matter. He may have fixed it all right with his own soul. He professes to be a Presbyterian. He has a great many Presbyterian friends. He is a lawyer. He construes things exactly as I would construe them, when he has the capacity to [laughter].

“Now, when this constitution is carried up to him, we will suppose a case. We will suppose in the same election by which this constitution is approved there should be Republican officers elected all over this State. He not only will have the Presbyterian Church behind him, but he will have every Democratic officeholder in Washington and all through the country telling him that there is a point where he can afford to delay. It won't make a bit of difference to Utah what is in this constitution in regard to that particular matter. The idea is to have something to present to the President which he and his friends can find no flaw in—that is, that the enabling act has not only been carried out in the letter, but the means have been provided to enforce its mandate.

“I had intended to offer and try to argue an amendment to the ordinance. This amendment this morning covers the case, and what objection is there to passing it? Are we at this time in the convention going to say it is legislation? It is on a theme that we have no precedent for. We are confronted here with this condition. The enabling act tells us that we must (and I presume means in an effective

way) declare forever against polygamy and plural marriages. We ought to do it in such good faith that there would be no question about it. If two years hence, or four years hence, the legislature desires to do anything else, it can do it. If the constitution is adopted and Utah is admitted as a State, the people can revise or call a convention, and make a new constitution within a year or two. Let us go as the sovereign States went. Every one of them had statutes. They had provisions in regard to slavery, that there should be no more slavery or involuntary servitude. It was finally enacted in the Constitution of the United States, and other provisions; and while some of them did not intend to keep those provisions there was nothing in what they presented that there could be any criticism of.

“As far as the words go, the words were apt. They said, ‘I care nothing about the future. I am perfectly willing to trust it. I have perfect faith it will be all right.’ But let us fix it so that the President of the United States, at least, can not, in his obstinate way, say, ‘It does not suit me; you had better go back and try it over.’ You know, Mr. President, he does not want any more silver Congressmen. You know he has peculiar ways. Once or twice he has pretty nearly neutralized the law, and when eight or ten of his constituents get around him and tell him he ought to do it, then he takes it upon himself to think that he was raised up by God Almighty to be the savior of the United States, and when a man gets in that frame of mind there is no telling what he will do. Let us fix it so that neither he nor his friends can criticise one word. It will make no difference to Utah. Let us act in absolute good faith, so far as our words are concerned, and have it fixed so that a penalty, if that is disobeyed, can be inflicted.

“MR. MALONEY. Mr. President, I do not concur in the views of the gentleman from Salt Lake. The Congress of the United States provided that in Utah we should stop these practices, and in a great measure have enforced that law. In 1892, through our legislature, we said we would quit that. Now, the position of the first gentleman from Salt Lake who spoke is that the act of 1892 is an absolute nullity, that it is null and void, because the legislature of Utah had invaded a field previously occupied by Congress and therefore it is void. I do not agree with him on that, but, of course, if the two acts were in conflict the law of Congress must prevail. But they are not in conflict. As I remember, in our act of 1892 we went still further than the Edmunds-Tucker bill. Now, there is no court that has ever declared the act of 1892 of our legislature unconstitutional or null and void that I ever heard of. I claim it is in force now and has been ever since it was enacted. The reason it has never been enforced is because the prosecuting attorney of the Territory preferred the Congressional enactment, and preferred the penalties imposed by the Edmunds bill, and the Tucker-Edmunds bill. If Mr. Varian is right, and that act is void, I say section 2 of this act breathes life into it and makes it just as valid as any other Territorial enactment.

“MR. VARIAN. How can you take that position when it says the laws of the Territory of Utah now in force—

“MR. MALONEY. I say it is in force, but I say, conceding for the sake of the argument that it is a nullity, it is in force by section 2 of this act. I do not agree with Mr. Varian that it is not in force and never has been. I do not think the proposition is tenable. Now, if the President is so hard pressed for an excuse that that will be the excuse

for not issuing the proclamation when the enabling act makes it obligatory upon him, it is a mighty slim excuse and other excuses will be provided if he does not have this one. Now, I say we have strictly and literally complied with the enabling act, and I think it is wholly unnecessary.

“Mr. ANDERSON. Mr. President, I am opposed to this amendment. I think that the enabling act is fully complied with at present, and I do not think that it is necessary that we pursue this question with any further special legislation. Therefore, I am opposed to it and will vote against it.

“Mr. THURMAN. Mr. President, at first I was opposed to the amendment proposed by the gentleman from Salt Lake until he stated his reasons for it, and having heard his reasons, I shall now support the amendment. I think it ought to prevail. I agree with him (while not wishing to engage in any discussion on that branch of the question) in believing that the law of 1892, passed by the legislature, was absolutely void and of no effect, and never has been, for the reason suggested by him. I had occasion to go over that ground, in 1888, in the legislature, and came to the conclusion that the Territorial legislature had no power whatever to deal with that question, unless it might have been perhaps some ancillary legislation—something that had not been touched upon by the Congress of the United States. When he first proposed his amendment, I did not think that that act, not being in force, could be revived, and thought it was fully covered by section 2 as it stands.

“I have some doubts whether the ordinance that we have adopted is a sufficient compliance with the enabling act, at least in spirit. It is true that we use the exact words of the enabling act, but if this Territorial act is without force and is void we will at least find ourselves in this position that while we have declared in the constitution that polygamous marriages are forever prohibited, when the constitution goes into effect and before the legislature sits we must say there will be no effective law upon this subject at all in force in this State. The declaration that we make in the ordinance is not effectual, except in a normal sense. The moral effect of the whole State by its representatives in convention declaring that a certain thing shall be forever prohibited of course has great weight, but there is a view that may be taken of that which is this, that at most it is merely an inhibition upon the legislature ever sanctioning an establishment of that kind, but it is not a law against it with penalties. In other words, it is without effect.

“Now, I think I have taken the position to do everything that I think I can conscientiously and consistently do to present this to the President of the United States, without the instrument containing anything in itself which will afford him a just reason for rejecting it by saying that it does not comply with the enabling act. I think, gentlemen, we who have labored here to make this constitution up to this time ought now to obtain the fruits of it, to do everything we can upon this or any other occasion to put this matter before the President of the United States in a way that he will have no excuse in performance of his duty. For the reason suggested, and by way of showing a more determined disposition upon our part to comply not only in the letter, but in the spirit, with the demands of the enabling act, I shall support it.

"Mr. MALONEY. Do you suppose the Congress required us to legislate in the constitution?"

"Mr. THURMAN. Well, I wish to say to the gentleman from Weber that upon this proposition it has come very near requiring it. If it was anything else, I would agree with you; but they say that we must provide by ordinance, irrevocable without the consent of the United States, that a certain thing shall forever be prohibited.

"Mr. MALONEY. Which we have done.

"Mr. THURMAN. Have we provided it, or have we merely declared it shall be prohibited?"

"Mr. MALONEY. We have literally followed the language of the enabling act.

"Mr. THURMAN. Have we prohibited it?"

"Mr. EVANS (Weber). Let me ask you a question. Is not it just as much prohibited as slavery is prohibited in the Constitution of the United States?"

"Mr. THURMAN. It seems to me——

"Mr. MALONEY. The language is 'polygamous or plural marriages are forever prohibited.' If that is not prohibiting, I don't know what they could do to prohibit. But while on the floor I will say I will vote for the amendment, but I think it is absolutely unnecessary.

"Mr. THURMAN. I want to ask you a question. Suppose a polygamous marriage is contracted after we become a State, is there anything to prevent it?"

"Mr. MALONEY. There is a constitutional declaration against it.

"Mr. THURMAN. Does that prevent it?"

"Mr. MALONEY. I think it does.

"Mr. THURMAN. In what way?"

"Mr. MALONEY. By the very language.

"Mr. THURMAN. It says it shall not be done. Where is your penalty?"

"Mr. MALONEY. There is an act of the legislature already in existence.

"Mr. THURMAN. I am taking the position that it is not in existence.

"Mr. MALONEY. There is where I differ from Mr. Varian.

"Mr. THURMAN. You have made your speech on that. I am making one on the other side.

"Mr. EVANS (Weber). Then point out the penalty if you can find it—where the penalty is for slavery.

"Mr. THURMAN. I believe that when the Constitution of the United States said that slavery should forever be prohibited every State in the Union had a provision of that kind in force.

"Mr. EVANS (Weber). Oh, no.

"Mr. THURMAN. Well, they came pretty near it.

"Mr. EVANS (Weber). They were compelled to put it in after that.

"Mr. THURMAN. They did put it in, but that has nothing to do with the question. The Constitution of the United States, with that provision, did not have to be passed upon by some functionary above the United States. We are talking here now about what this great—his majesty, may do. I believe we are all in good faith on this question. I do not understand that anybody here impugns the good faith of this convention, but the question is to show it.

"Mr. VARIAN. May I answer that question as to the Constitution of the United States?"

“Mr. THURMAN. Yes, sir.

“Mr. VARIAN. The thirteenth amendment provides that neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States. That would be made operative simply by the affirmative action of the Federal courts, by releasing men from slavery. It would require no further legislation.

“On motion, the convention then took a recess until 12.30 p. m.

“AFTERNOON SESSION.

“The convention met pursuant to adjournment, President Smith in the chair.

“The PRESIDENT. Gentlemen, section 2, with the amendment of Mr. Varian, is now before the house.

“Mr. ROBERTS. Mr. President, I am in favor of adopting the amendment offered by the gentleman from Salt Lake. I think, sir, that it should prevail. First and principally, that it may appear without any equivocation whatsoever, that in absolute good faith, the people of Utah intend to carry out the condition upon which statehood is to be granted to the Territory, for Congress did require, by its enabling act, an express stipulation upon this subject, and I believe its intention was to have a declaration that would be effective and not merely an empty assertion, and I think a provision of this character is absolutely necessary to the document we are drafting in order to establish beyond all question the fact that we intend to carry out to the letter our agreement as expressed in the compact with the United States; but, sir, I do not think that this amendment should be adopted by this convention in the spirit in which it was discussed by the gentleman from Salt Lake (Mr. Goodwin) this morning.

“One of the reasons urged for having a stenographic report of these debates, as I understand it, was for the purpose of assisting those who will interpret the constitution, in understanding what the intent of the convention that framed the constitution was; and, sir, if we adopt this amendment in the spirit in which that gentleman discussed it, those who shall interpret the constitution in the light of what was said upon the various propositions would be led to conclude that this amendment was not adopted by the convention with any real intention to have it put in force, but merely for the purpose of removing from the eyes of the President of the United States, who is to pass upon this instrument, and his counselors, and to silence any opposition that might be raised against it on the part of sectarian peoples throughout the United States, and that it was not a real bona fide determination on the part of this constitutional convention to carry out that provision with good intent.

“Now, sir, I scorn all such proceedings as that. I believe that what we do here we do with real intent of heart and without nonsense, and for that reason and in this spirit we should adopt this amendment and then have it carried out just as it is intended to carry it out. I hope, sir, that these remarks and the remarks that other gentlemen have made and doubtless will make upon this provision of the constitution will have the effect of removing from the proceedings of this convention this seeming insincerity which ought not to exist in a convention of this character. Why, sir, we would give little credit to the intel-

ligence of the man who is to pass upon this instrument before our labors shall be finally completed, in bringing Utah into the Union, if we suppose that he could not see through this flimsy screen that it is proposed to cast over our conduct here if we let this provision go in under the spirit of that discussion; and, sir, I hold that we ought to adopt it in a spirit of earnestness and with honest intention to make it effectual.

“Mr. VAN HORNE. Mr. President, it seems to me that the discussion of this question raises a question of construction on the intent of the enabling act; and if that be so, it occurs to me that the way in which we propose by the amendment to remedy any doubt which might exist is not the proper way of proceeding in this case. The enabling act provides that the convention shall provide by ordinance, irrevocable without consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship, provided that polygamous or plural marriages are forever prohibited. In accordance with that, and in the strict pursuance of the letter of the requirement, we have by ordinance provided directly what we had to provide under that enabling act. The question comes simply on our compliance with the spirit of the enabling act. No one doubts but the letter has been complied with.

“If it be necessary for us to comply with the spirit of the enabling act as well as with the letter of that act, would it not have been the proper way for us to have put into the ordinance, irrevocable, without the consent of the United States, and all the people of the State, the necessary legislation to show that we intended to carry out the spirit of that enactment? If so, the article should have been put in directly following the first subdivision of the ordinance. That not having been done, the question comes as to what is the better way to provide for this meeting the spirit, or supposed spirit, of an enactment by Congress. It seems to me that the kind of amendment contemplated is improper and not the best plan for several reasons. The constitution is not complete in itself. It refers to something outside of the constitution, as a means of interpreting the intent of the framers of the constitution. It leaves to future construction the question of whether that was a law, or whether by our reference to it in this constitution we made it a law that was binding upon the people of this Territory and could be enforced.

“My idea is that if Congress intended anything by the requirement that we should pass such a provision in an article irrevocable without the consent of Congress—if they intended anything more than is meant by the moral prohibition, that would be included in the strict following of the words of the enabling act. It intended that by putting a provision of that sort in the constitution Congress might, by legislation, refer the enforcement of that compact to United States courts. If they did so intend, the question before us is, Does the amendment, as it is now proposed, meet that objection of the act?

“The PRESIDENT. The gentleman's time has expired.

“Mr. CHIDESTER. Mr. President, I desire to move the previous question.

“The PRESIDENT. With the permission to Mr. Varian to close, as it is Mr. Varian's motion.

“Mr. VAN HORNE. Mr. President, I wish to move the insertion of a provision to be called section 3 in this article.

“The PRESIDENT. We have just had section 3.

“Mr. EVANS (Weber). If the convention will permit it, I want to make a suggestion or two. I am of opinion, Mr. President and gentlemen of the convention, that the proposition made by Mr. Van Horne is right. We are now considering what we call a schedule. If we are simply attempting to comply with the enabling act, and want to make a prohibition of polygamy effectual, we should put it in the ordinance, as it is required that an ordinance be passed which would be irrevocable without the consent of the United States. Of course, I do not recede from the position which I took this morning upon this question, and I now simply want to call attention, gentlemen, to one fact, that the amendment proposed by Mr. Varian points out one class of offenses and seeks to revive and bring into life a law which is admitted by the gentleman to have been ineffectual and void, and it only revives that one particular class of offenses.

“There are kindred offenses in the law of 1892; indeed, all the offenses which were named in the act of 1887. If this amendment prevails the result will be this, that if that law is ineffectual, or whether it is effectual or not, the one class of offense only named in the amendment will be continued in force. So far as the other class of offenses, and many of them are more odious than the one aimed at, it will be repealed, and the people of Utah will be permitted to violate those laws or engage in that class of offenses with impunity. Mr. Varian will not dispute this proposition, because this constitutional convention is simply pointing out the one class of offenses, that of polygamy; whereas numerous other classes of offenses in the same law are not covered, not only by any law of Congress, but are not covered by any law of the Territory, and it is class legislation of the worst sort, and not only that, it seems to me like impugning the good faith and the integrity of the people of Utah when they renounced this practice. If we are not ready to go into the Union under the present condition of things as we understand them let us stay out.

“A law which does not have the moral sentiment of the people can never be enforced in any way. That is a common and well-known maxim of law. Why, then, point out a particular offense in the manner in which it is pointed out in the amendment of the gentleman, and why undertake to insert in the schedule, which the enabling act does not provide for at all, upon the shallow pretense that it will be satisfactory to the Executive of the nation? Gentlemen, if you want a State, do that which is sensible, and do that which is right; do that which is patriotic, that which is honorable. If we can not get statehood by going through the front door, let us not sneak around like a burglar through the back door, for the purpose of securing that which we are all desirous of obtaining. If you want to defeat statehood, transcribe from the reporter's notes the remarks from the gentleman this morning, castigating the Chief Executive of the nation and holding him up in ridicule, and send a transcript of those notes to the President and show him the estimation in which he is held in a convention sitting under an enabling act, whose actions he must approve, and then see what the result will be, and that, too, by one of the leaders of the majority upon this floor. I do not entirely agree with my friend Mr. Roberts on this, but I agree with him upon one point, that such

remarks coming from any gentleman respecting the Chief Executive of the nation are an insult to that officer.

“Mr. ANDERSON. I would like to ask if the substitute of Mr. Van Horne is before the house?

“Mr. VARIAN. No, sir. Mr. President, I do not propose to attempt to answer the arguments of my friend from Weber County. Driven from position to position, he flutters about and appeals to this sort of prejudice and the other sort of prejudice, when we are dealing with a legal question first and a question of expediency next. Whether this shall be admitted into the schedule or the ordinance makes no difference. The question we are disposing of now is the question as to whether it shall be put in at all or not, and after that shall have been disposed of we may determine in what part of the constitution it shall be placed. It is the sheerest pettifoggery to distract and disturb the attention of the convention to a point of that kind.

“In 1888 a similar law was introduced into the Territorial legislature of this Territory. My distinguished friend, Mr. Thurman, from Utah County, whose keen and analytical legal mind always adorns and adds to every question he discusses, then was chairman of the committee on judiciary, and he wrote a report to the legislature right on the line of his speech to-day, in the line of my thought and argument this morning. I do not remember who his associates were upon the committee. I have not been able to get the volume of the journal of that year, but the proposed act was rejected, because it was in conflict with the law of Congress.

“In 1892, four years later, my distinguished friend from Weber County was chairman of the judiciary committee of the council. This present act was presented. It was reported by that committee through its chairman, with Mr. Baskin, now mayor of this city, a lawyer of forty years' standing, presumably acquainted with the jurisprudence of the Territory and of the United States, presenting a minority report at great length upon the same line, resurrecting and adopting with approval the report of my friend, Mr. Thurman, the chairman of the judiciary committee of 1888. It went through, but there was no other lawyer on the committee on judiciary, except my friend, Mr. Evans, as I remember it. It went into the house, there passed without question, a layman being chairman of the judiciary committee. I take it that the people of this Territory have once decided in the legislature that this act which was subsequently passed in 1892 was in conflict with the law of Congress and void.

“Now, if that be so, what sort of a law have you upon the statute book to indicate to the people of the United States and to the Congress that you are in earnest and in good faith in your manifesto that you all adopted here two or three years ago? Gentlemen say that it ought not to go into this part of the constitution, and yet in the preceding lines of this very section you have undertaken to carry into effect in the coming State all laws which are in force in the Territory of Utah. If this act were a law, if it were in force, of course it would be included within the general provision, and there would be no necessity to make special provision for it; but not being in force, it is necessary, in order to comply with the spirit as well as the letter of the act of Congress and the intention of the people of the United States, and as my friend from Davis says, the bona fide intention of the people of Utah, that you should place this declaration upon the statute book.

"I am tired of quibbling and playing with these questions. I am here in good faith. I gave up two years and a half ago. I want statehood, and I want it the coming January, and I do not desire to play fast and loose with these questions. If you are in good faith, as you say you are, it will be asked, Why do you object to placing upon this statute book, the organic law of your Commonwealth, the fact you do intend to prevent the crime of polygamy? What does 'prohibit' mean? Does it not mean prevent? I ask my friend from Salt Lake, and colleague, more learned in philological lore than myself, whether it is one of the synonyms of prevent, and if the interpretation must not be put upon the use of that language in the act of Congress, that it means to prevent the practice of polygamy and plural marriage? How are you going to prevent it, unless you put some penal enactment into force, that the courts and executive officers under your State government may be able to administer your law well in that behalf? In reply to the gentleman who last spoke, I did not undertake to inject into this organic law legislation on the subject of other offenses. It was not involved in the act of Congress. I care nothing about them, and simply seek to meet the issue which I believe is tendered to these people, and I want to remind you all that in the construction of law, civil law as well as the law of God, and religious law, that it is the letter that killeth, and the spirit giveth life.

"Mr. EVANS (Weber). I would like to ask you a question. The gentleman will agree with me that your amendment will repeal the other kindred offenses in that statute?

"Mr. VARIAN. No; there is nothing to repeal. If you want the other kindred offenses, my answer is, prohibit them by law under penalties. Your legislature that meets in March next must enact a law. I do not enter upon that subject because I am not meeting that issue. I am simply meeting the issue which is tendered here, as I think, to carry out in spirit the act of Congress and the will of the people of the United States, so that no stumbling block may be thrown in the way of this onward march toward statehood; and I agree with my friend from Davis—I do not put it upon the grounds that were stated here this morning—I do not like a sneak. I would not desire anything to be done that was not done in good faith, but I believe that this people intend this in good faith, and therefore I believe that they will ratify this action here to-day.

"Mr. EVANS (Weber). I would like to ask a question. Suppose the act of 1892 were valid?

"Mr. VARIAN. If the law were valid, I should not then introduce——

"Mr. EVANS (Weber). Wouldn't it then repeal everything except the polygamy?

"Mr. VARIAN. If the law were valid it might repeal by implication, although repeals by implication are not favored.

"The motion for the previous question was agreed to.

"Mr. GOODWIN. Mr. President, I arise to a question of personal privilege. I find that the harmless remarks of mine this morning have been construed into very great disrespect to the President of the United States. I wish to say no gentleman has more reverence for the high office of President of the United States than I. I wish to say that the man in that office is entitled to just as much respect as he can inspire, and if the present incumbent is entitled to any more respect now than when he was sheriff of Erie County it is because of his acts.

I ask this convention to put this thing, that there might be nothing in the way of statehood, and I pointed out that he has before now nullified certain laws of the United States—one, the silver law for four months; one, the Chinese law for four months. I wish now to point out further that he has thrown every opposition over all the West, kept people poor, from settling the lands—

“MR. THURMAN. Mr. President, I arise to a point of order.

“THE PRESIDENT. I think the gentleman is overstating the question.

“MR. EVANS (Weber). Let the gentleman proceed if he wants to drive a nail in his coffin.

“MR. GOODWIN. I only want to say this—my friend from Weber can put it in with the balance of the speech to send to his majesty, as the gentleman from Utah called him, to show that the Republicans in this convention do not care one straw for him personally.

“MR. MALONEY. Mr. President, I wish simply to state now, for the purpose of explaining my vote, that since speaking I have investigated the question carefully, and I have come to the conclusion that the act of February 4, 1892, is still in force, and this is simply unnecessary.

“The roll being called on the adoption of Mr. Varian’s amendment to section 2, the result was as follows:

“Ayes, 72.—Allen, Bowdle, Brandley, Button, Cannon, Chidester, Christiansen, Coray, Corfman, Crane, Creer, Cunningham, Cushing, Driver, Eichnor, Eldredge, Emery, Engberg, Farr, Francis, Goodwin, Green, Hammond, Hart, Halliday, Hill, Hughes, Hyde, Ivins, James, Johnson, Kiesel, Kearns, Kerr, Kimball (Salt Lake), Lambert, Larsen, L.; Larsen, C. P.; Lemmon, Lowe, Wm.; Lowe, Peter; Lund, Maeser, Mackintosh, Morris, Moritz, Murdock (Beaver), Murdock (Wasatch), Murdock (Summit), Nebeker, Page, Partridge, Peterson (Sanpete), Preston, Raleigh, Richards, Roberts, Robertson, Ryan, Sharp, Shurtliff, Snow, Squires, Stover, Strevell, Thompson, Thurman, Van Horne, Varian, Wells, Whitney, Williams.

“Noes, 16.—Anderson, Boyer, Call, Evans (Weber), Evans (Utah), Heybourne, Howard, Jolley, Low (Cache), Maloney, Maughan, McFarland, Peterson (Grand), Robison (Wayne) Thorne, Warrum.

“Absent, 16.—Adams, Barnes, Buys, Clark, Gibbs, Haynes, Keith, Kimball (Weber), Lewis, Miller, Peters, Ricks, Robinson (Kane), Spencer, Symons, Thatcher.

“Paired, 2.—Pierce, Thoreson.

“The president declared the amendment adopted.”

MR. VAN COTT. Is the Mr. Varian who speaks on this subject the same person to whom you have already referred?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. Mr. Maloney—who is he?

MR. CRITCHLOW. He is a lawyer living at Ogden, at one time United States commissioner, and now I think one of the referees in bankruptcy of the United States circuit court.

MR. VAN COTT. He is a gentile?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. And in politics a Democrat?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. And from Tennessee?

MR. CRITCHLOW. Yes, sir.

MR. VAN COTT. Calling your attention to Mr. Richards—who is he?

Mr. CRITCHLOW. I do not know whether it is C. C. or F. S. Richards I think it is F. S. Richards.

Mr. VAN COTT. Mr. Richards, were you a member of the constitutional convention?

Mr. FRANKLIN S. RICHARDS. I was.

Mr. VAN COTT. Was your brother?

Mr. RICHARDS. No, sir.

Mr. VAN COTT. It is Mr. F. S. Richards. Is Mr. F. S. Richards a lawyer?

Mr. CRITCHLOW. Both are lawyers.

Mr. VAN COTT. Mr. Richards is a Democrat and belongs to the Mormon Church?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Calling your attention to Mr. Thurman, who is he?

Mr. CRITCHLOW. Mr. Thurman is a Mormon, a lawyer living at Provo; a member of the constitutional convention.

Mr. WORTHINGTON. A polygamist or monogamist?

Mr. CRITCHLOW. A polygamist.

Mr. VAN COTT. Mr. Evans?

Mr. CRITCHLOW. Is that Dave?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. He was at that time a resident of Ogden City, a lawyer, of Mormon birth and parentage, but non-Mormon, liberal, and formerly an assistant United States attorney.

Mr. VAN COTT. Mr. James?

Mr. CRITCHLOW. Mr. James is a non-Mormon, living at Salt Lake City; mining man, retired.

Mr. VAN COTT. Mr. Squires?

Mr. CRITCHLOW. Mr. Squires is a non-Mormon. He lives at Salt Lake City, or in its vicinity.

Mr. VAN COTT. Mr. Kerr?

Mr. CRITCHLOW. Mr. Kerr is at present a Mormon, a polygamist, and the head of the agricultural college at Logan.

Mr. VAN COTT. Mr. Goodwin?

Mr. CRITCHLOW. Mr. Goodwin I have already spoken of as the editor.

Mr. VAN COTT. That is right. Do you know who Mr. Anderson is, whose name appears in the discussion?

Mr. CRITCHLOW. Andrew Smith Anderson. I do not know him. I do not recall him.

Mr. VAN COTT. Mr. Roberts?

Mr. CRITCHLOW. Brigham H. Roberts.

Mr. VAN COTT. The one who has been mentioned?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And Mr. Van Horne?

Mr. CRITCHLOW. Mr. Van Horne was a non-Mormon. He is judge of the court of first instance, at Cairo, Egypt.

Mr. VAN COTT. I believe I have covered the number, although I am not sure.

Now, in the enabling act for Utah there was no provision against unlawful cohabitation, was there, Mr. Critchlow? Would you like to look at the book to refresh your recollection?

Mr. CRITCHLOW. I think there is.

Mr. VAN COTT. Will you find it, please?

Mr. CRITCHLOW. I think that the Congress of the United States when they passed the act saying that "polygamous or plural marriages are forever prohibited," meant to prohibit the marriage ceremony, which was a comparatively immaterial thing, and the actual living in the state of polygamy. That has always been my contention about it. Of course, I am no more capable of judging of that than is anyone else.

Mr. VAN COTT. No one in the constitutional convention took that view of it, did he?

Mr. CRITCHLOW. I do not know whether they did or not. They were very tender in treating that subject; very tender.

Mr. VAN COTT. The provision in the enabling act is this:

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited."

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. Is there anything in the enabling act bearing on the question, except what I have read?

Mr. CRITCHLOW. Not to my recollection.

Mr. VAN COTT. Is it not a fact that you stated yesterday that gentiles generally regarded the offense of polygamy as more serious than the offense of unlawful cohabitation?

Mr. CRITCHLOW. No, sir; it is just the opposite.

Mr. VAN COTT. Just the opposite?

Mr. CRITCHLOW. Just the opposite. In a punitive sense, if I may use that term, where a man was convicted of the offense, of course the penalty was the more serious for polygamy; but in the moral sense, in the civic sense, the offense that touched us and touches us in Utah, is the actual living in, the practice of polygamy.

Mr. VAN COTT. Then when Congress provided the severe punishment for polygamy and a comparatively light punishment for unlawful cohabitation your idea is that Congress meant that unlawful cohabitation, which was punished lightly, comparatively, was the serious offense, and that polygamy, for which there was a severe penalty, was the light offense?

Mr. CRITCHLOW. I would not want to say what Congress understood or thought.

Mr. VAN COTT. But is that your construction of it?

Mr. CRITCHLOW. My theory of it is that they did not properly graduate the penalties. They ought to have made a maximum penalty quite severe, and more severe, even, for unlawful cohabitation than for polygamy. But every case must stand upon its own particular features.

Mr. VAN COTT. That is, you think that Congress was wrong in the legislation it passed?

Mr. CRITCHLOW. Oh, no. I do not think it was wrong. I think that is a question of detail which, of course, must be left to the discretion of Congress, and Congress, sitting here at Washington, could not appreciate all the circumstances that existed in Utah.

Mr. VAN COTT. Do you not think that the people of the United States are offended more by polygamy than they are by simple unlawful cohabitation?

Mr. CRITCHLOW. Do you mean the sovereignty of the United States, in view of the law as it exists?

Mr. VAN COTT. I mean the people; I am talking of the people.

Mr. CRITCHLOW. No, I do not. I think the people of the United States have the same view of those things that we do there in Utah who do not believe in practicing polygamy.

Mr. VAN COTT. Then, when Mr. Rawlins, whom you have mentioned as a lawyer and a gentile, got through Congress this enabling act prohibiting polygamous or plural marriages, and said nothing about unlawful cohabitation, did you regard that as a breach of faith on his part?

Mr. CRITCHLOW. A breach of faith against whom—against the United States or against the Government of the United States?

Mr. VAN COTT. Against the Government of the United States.

Mr. CRITCHLOW. Against the Government of the United States?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. You did not?

Mr. CRITCHLOW. No, sir; I did not.

Mr. VAN COTT. When the constitutional convention met, and they passed a provision in the constitution prohibiting plural marriages forever, but not mentioning unlawful cohabitation, do you think that C. C. Goodwin and Varian and all the gentiles—

Senator McCOMAS. Mr. Chairman, the witness was asked what the people of the United States thought—some 80,000,000—and now what these certain people who participated in a debate in the constitutional convention thought about this provision. He can not know and he can not tell us, and because that is a vain thing, I think perhaps Mr. Van Cott might suspend that character of examination.

Mr. VAN COTT. I have stopped that.

Mr. WORTHINGTON. In his direct examination, Mr. Critchlow testified as to what he thought the people of the State of Utah thought.

Senator McCOMAS. He may give what he thinks is the public sentiment in a community, but you are now asking him what five or six members of the constitutional convention thought, and what they thought is of very little consequence here. If you are allowed to put in the record what they said, I think that will suffice on that subject, for they themselves said what they thought on that point, and I think we ought to rest on that.

Mr. VAN COTT. I should like to have the question read.

The reporter read as follows:

“Mr. VAN COTT. When the constitutional convention met and they passed a provision in the constitution prohibiting plural marriages forever, but not mentioning unlawful cohabitation, do you think that C. C. Goodwin and Varian and all the gentiles”——

Senator McCOMAS. I think an examination of that character will not enlighten us or influence our minds or the mind of the Senate.

Mr. VAN COTT. The question I was about to ask, and which is unfinished, is on an entirely different subject. It must be remembered that Mr. Critchlow has gone over this subject, giving general history and current matters, and giving his opinion to a great extent. So we are forced, to a certain extent, to go into the matter of his opinion.

Senator McCOMAS. Because there may have been a failure to object to it in the examination in chief is no reason why we are bound to sit here and listen to improper cross-examination. We want to hear

everything that is within the limit here and relevant in some sense; but I do not like the prolongation of an examination, such as to ask a witness as to what he thinks the people of the United States think, and by such questions as what Mr. Rawlins thought, what Congress thought, and what these members of the convention thought, especially after counsel has been allowed to put in exactly what they did think on this particular point as represented by what they said. It is clearly wasting time.

Mr. WORTHINGTON. I think the record should show that we did object to this line of examination. I think Senator McComas was not here. When this reputation testimony by this witness was attempted to be put in, we did object over and over again; but, as it was put by Senator Hoar, it was determined that it was competent for this committee, sitting as a grand jury, to go into these matters, whether they referred to Senator Smoot or not.

Senator McCOMAS. I was here at the time.

The CHAIRMAN. Mr. Worthington, the proceedings to which you have called attention are in the record. Now, if Mr. Van Cott will go ahead, and if Mr. Critchlow will answer the questions directly, without enlarging on them, we can get along with this matter a great deal more rapidly.

Mr. VAN COTT. This question was on a different subject entirely. I will ask the reporter to read it again.

The reporter read as follows:

“Mr. VAN COTT. When the constitutional convention met and they passed a provision in the constitution prohibiting plural marriages forever, but not mentioning unlawful cohabitation, do you think that C. C. Goodwin and Varian and all the gentiles?”—

Mr. VAN COTT. I did not finish it.

The CHAIRMAN. He can not know what the people of the United States might have thought.

Mr. VAN COTT. I submit that he can know that just as well as he can know what all the people of Utah thought.

The CHAIRMAN. He lives in Utah; and while he lives in the United States generally, he does not know what the people of the United States, for instance, in Alaska, may think about it.

Mr. VAN COTT. I will ask the reporter to read the question.

The reporter again read the question.

Mr. VAN COTT. I will finish it.

When the constitutional convention met and they passed a provision in the constitution prohibiting plural marriages forever, but not mentioning unlawful cohabitation, do you think that C. C. Goodwin and Varian and all the gentiles purposely omitted all reference to unlawful cohabitation?

Senator McCOMAS. That is the very question to which I object, now that you have been allowed to put in the record exactly what they said. You know from that what they thought about this particular proposition. Why ask this man what he supposes they thought, or whether they purposely omitted something which was in their minds and did not include it in their speech, or vote, or act?

The CHAIRMAN. You ask him to interpret what their language and their votes mean. They speak for themselves.

Senator McCOMAS. You have given their language.

The CHAIRMAN. Yes; and it speaks for itself.

Mr. VAN COTT. I should like to state the position very briefly on this point, so that it will be understood, because I thought it important, and I still think so, and I should like to state it to Senator McComas and others if I may be excused for doing so.

It is this: Mr. Critchlow has answered that the gentiles in Utah consider the serious offense unlawful cohabitation and not polygamy. Now, with a view of testing him on that, I called his attention to the Edmunds bill and the Edmunds-Tucker bill, which provided the more serious punishment for polygamy and the lesser penalty for unlawful cohabitation. Then I called his attention to the enabling act, which did not mention unlawful cohabitation, but only polygamy, and then I called his attention to the constitutional convention, which, in its action, mentioned polygamy and not unlawful cohabitation. Then I asked him about the discussion in the constitutional convention by such men as Goodwin, who had always been opposed to polygamy—

The CHAIRMAN. All that has gone into the record—every word of it. All that they said is now in our record.

Mr. VAN COTT. It is for the purpose of testing that that I wish to put to Mr. Critchlow the direct question, as to whether he believes that these men thought—

The CHAIRMAN. They thought what they said.

Senator HOPKINS. You were asking something about what Congress understood about that. Is it not fair to presume that a man who was not in Utah and who was not familiar with Morman practices, would understand that if plural marriages were stopped, unlawful cohabitation would cease?

Mr. VAN COTT. That is an argument—

The CHAIRMAN. The chair does not think it is material. I want to get along as rapidly as possible.

Mr. VAN COTT. Calling your attention to Mr. Smoot's candidacy, did Mr. Smoot announce that he was a candidate before the election of 1902?

Mr. CRITCHLOW. Yes, sir; at least if he did not personally announce it it was announced for him in such a way that it was understood to be authoritative from him.

Mr. VAN COTT. How far back?

Mr. CRITCHLOW. My recollection now would be as early as June.

Mr. VAN COTT. Was it not as far back as 1898, and did not the minority in the legislature, the Republicans being in the minority, vote for Mr. Smoot for United States Senator?

Mr. CRITCHLOW. They voted for him and they voted for me. They had only 3 votes out of 63, and it was a compliment which was passed around to a lot of us.

Mr. VAN COTT. Was not Mr. Smoot, though, later, and before 1902, discussed more seriously as a candidate for the United States Senate than any other gentleman in the Republican party?

Mr. CRITCHLOW. He was prior to his appointment as an apostle of the church—prior to April, 1900, that would be.

Mr. VAN COTT. It was known that he was going to be a candidate, in all probability, before he became an apostle?

Mr. CRITCHLOW. His name was mentioned as a Senatorial possibility, if I may use that expression.

Mr. VAN COTT. Coming down to the convention in September, 1902,

which was held in Salt Lake County, were you a member of the convention?

The CHAIRMAN. What convention was that?

Mr. VAN COTT. The Republican convention.

Mr. WORTHINGTON. Of 1902?

Mr. VAN COTT. 1902.

The CHAIRMAN. What is your answer?

Mr. CRITCHLOW. Yes, sir.

Senator McCOMAS. You mean a State convention, I suppose?

Mr. VAN COTT. A county convention. Mr. Critchlow, it was well known at that time that Smoot was a candidate for United States Senator, was it not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And it was well known in the selection of senators—

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. I mean the state senators and representatives—

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. That he was going to be a candidate?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. I will show you the paper if you do not recollect; but did you move to make unanimous the nomination of those senators and representatives who were for Mr. Smoot?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. You did?

Mr. CRITCHLOW. I did. That might be misunderstood, and I think I ought to be allowed to explain.

The CHAIRMAN. We have your answer, and you may explain it if you want.

Mr. CRITCHLOW. I fought them as hard as I knew how. I fought every man who I thought would vote for Mr. Smoot if he went to the senate. There was quite a good deal of feeling, and it was rather a three-cornered fight. I was there in the interest of Mr. George Sutherland, attempting to forward his hopes, and when we were beaten, as a mere matter of courtesy, in order to win as much as possible for future fights, or any other reason you please, I moved to make it unanimous. That was all there was to it. They had us beaten, and I thought they might as well have it unanimous.

Mr. VAN COTT. You knew that meant Reed Smoot for United States Senator if the Republican party won?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Did you go out on the stump that fall, too?

Mr. CRITCHLOW. I think not. I do not now remember of going.

Mr. VAN COTT. Let me ask you in particular, as I have been informed to that effect, and I have no more definite information that I can give you—

The CHAIRMAN. Ask your question, Mr. Van Cott.

Mr. VAN COTT. Mr. Chairman, I am asking it.

The CHAIRMAN. I understood you were stating what you had been informed; that you had been informed so on and so forth. Ask the question.

Mr. VAN COTT. I am stating that because I am not able to show him the paper. May the reporter read the question?

The CHAIRMAN. Certainly.

The reporter read as follows:

“Mr. VAN COTT. Let me ask you, in particular, as I have been informed to that effect, and I have no more definite information that I can give you”——

Mr. VAN COTT. I will finish the question.

Let me ask you, in particular, as I have been informed to that effect, and I have no more definite information that I can give you to refresh your recollection, whether you did not speak at Springville for the Republican ticket in that campaign?

The CHAIRMAN. That was 1902?

Mr. CRITCHLOW. Yes, sir; I believe I did.

Mr. VAN COTT. You knew, then, that if the Republican party won, as you stated yesterday, in all human probability Mr. Smoot would be the candidate?

Mr. CRITCHLOW. Unless we could dissuade him, or the people from electing him, we knew he would be elected.

Mr. VAN COTT. You also knew from the Thatcher incident, did you not, that Mr. Smoot would have to get leave of absence from his quorum to become a United States Senator, or get consent?

Mr. CRITCHLOW. I did.

Mr. VAN COTT. As defining your mental attitude at this time, is not this correct? If Mr. Smoot were a non-Mormon at the present time, he would be entirely unobjectionable as United States Senator?

Mr. CRITCHLOW. I may say even more than that. If he were not a member of the presidency and the apostolate, he would be unobjectionable to me as a member of the United States Senate.

Mr. VAN COTT. If he were a member of the church, but not of the general authorities?

Mr. CRITCHLOW. Not of the general authorities. That is a better way to put it, perhaps.

Mr. VAN COTT. It is because he is one of the general authorities?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You knew that when you moved to make unanimous the nominations of senators and representatives?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. Was not Mr. Eichnor, a gentile, chairman of the Republican county committee in Salt Lake County in that year?

Mr. CRITCHLOW. If you suggest it as being the fact, I have no doubt of it.

Mr. VAN COTT. I will put the question generally to you. In the principal counties in that campaign were not the chairmen of the county committees gentile Republicans?

Mr. CRITCHLOW. I have no recollection upon that subject, Mr. Van Cott.

Mr. VAN COTT. Is it not your opinion that the rank and file of the members of the Mormon Church are just as much controlled by the leaders as the general officers of the church are controlled by the leaders?

Mr. CRITCHLOW. No; as a general statement put in that way, I think not.

Mr. VAN COTT. Did you not state yesterday that the people, of themselves, practically amount to nothing, and that it is just the leaders?

Mr. CRITCHLOW. I say, when we speak of the church, we do not

consider the mass of the people. We consider the leaders, and their policy, and their aims. The church is controlled by the leaders. In that sense I say the people do not amount to anything in political or ecclesiastical considerations.

Mr. VAN COTT. That is, they can be controlled absolutely by the leaders?

Mr. CRITCHLOW. Yes, sir; if the leaders want to control them.

Mr. VAN COTT. If that is true, then, how is it the leaders have any less control over a lay member in the Mormon Church than they have over one of the apostles in the Mormon Church?

Mr. CRITCHLOW. Read that question.

The reporter read as follows:

“Mr. VAN COTT. If that is true, then, how is it the leaders have any less control over a lay member in the Mormon Church than they have over one of the apostles in the Mormon Church?”

Mr. CRITCHLOW. They do not, if you consider a single individual member; but if you consider the whole body of the church, less. Do I make myself plain?

Mr. VAN COTT. I will take the answer. But your other answer has been, as I understand it, that they have just as much control over a lay member as they would have over an apostle—that is in regard to controlling his action.

Mr. CRITCHLOW. If you take a lay member, an individual lay member, yes.

Senator HOPKINS. I want to understand you on that point. Do you say that the Mormon Church has no more influence over Senator Smoot now than it would have if he were United States Senator without holding the position he does in the church?

Mr. CRITCHLOW. I do not know that I can answer that question yes or no. What I meant to say is this: Given any individual lay member of the Mormon Church, and the leaders of the church gave to him a command to obey certain counsel, that thus and so is the will of the Lord, and we want you to do it, that man must do it or he must get out of the church.

I would say that would be the attitude of a member of the quorum of the apostles and first presidency. If the president or the quorum of the apostles said to a member thus and so you must do, he must do it or get out of the quorum of apostles. When I say that they do not have the control over the people as a mass I mean to say this: That they can not go, nor so far as I have observed or ever heard do they ever go, out in the community and say to the people as a mass so and so must be done.

Their orders, and behests, and counsel are given to individuals; and in respect of the control of the people in political affairs, they never do say, and indeed it would be subversive of the very object of their control if they did, to the Mormons as a mass, “You become Republicans,” or “You vote the Democratic ticket this year.” That would be subversive of the very element of control which is valuable to them. There are certain persons in the Mormon Church, in a community, to whom they may say, “I want you to see that So-and-so votes this ticket” or “the other ticket,” and enough are set apart or controlled in that way from this floating contingent to make the thing go anyway they please.

Senator HOPKINS. Now, is Senator Smoot any more under the con-

trol of the Mormon Church in the discharge of his duties as United States Senator than he would be if he were simply a lay member of that church, holding no office whatever in the church?

Mr. CRITCHLOW. That I am unable to say except in this way: He would have to obey the members of his quorum or his particular ruling file leaders in any particular; and, viewing it in that sense, any good member of the Mormon Church is just as much under the control of the president of the church, of course, as is the quorum, and if possible it might be even more so, because of the difference in elevation between the president and subordinate member.

Senator HOPKINS. In other words, he has more to lose now if he should disobey the church than if he were a lay member?

Mr. CRITCHLOW. Yes, sir.

Senator HOPKINS. That is, he has his ecclesiastical position to lose, in addition to the good will of the church, a position he could not lose if he were simply a member, because he would not hold it.

Mr. CRITCHLOW. True; but if I might be permitted to add just one observation there, from the history of the church and its practical operations we know that the president of the church and the quorum of apostles are always one, absolutely one, in unison and in harmony upon any particular question, or if one gets out of harmony, as Moses Thatcher did, he gets out of the quorum of apostles.

The CHAIRMAN. You said, but I did not quite understand you, that if the president and the apostles directed a certain thing to be done by an individual he would have to do it. Do you mean one of the quorum?

Mr. CRITCHLOW. I mean any member of the church, because all power centers in the president. He is the man, of course, who has control, not only over the quorum of apostles, but over all the members all the way down—absolute control.

The CHAIRMAN. Suppose the president and a majority of the twelve apostles should direct a certain thing to be done by one of the apostles.

Mr. CRITCHLOW. Then he must do that thing or get out of the apostolate. He is no longer in harmony with them the moment he does not cheerfully and readily and willingly acquiesce in the mandates of the church. Those, we say, are what they have proclaimed as being their doctrine and beliefs and practices, and those are what we find to be the results in actual practice in the community.

The CHAIRMAN. Do you mean to say that it must be done, whatever the command upon the individual?

Mr. CRITCHLOW. I do; yes, sir; whatever the command.

Mr. VAN COTT. If Mr. Smoot were a bishop instead of being just a lay member, and as United States Senator, if he did not obey counsel, according to your view, he would be disfellowshipped, and in that case he would have more to lose than a lay member, would he not?

Mr. CRITCHLOW. In a temporal, pecuniary sense, I think; yes, sir.

Mr. VAN COTT. Yes, sir?

Mr. CRITCHLOW. Regarding offices in the church as different from fellowship.

Mr. VAN COTT. Yes; and if he were a counselor to a bishop instead of simply a teacher in a ward, and if he were United States Senator and should disobey counsel, he would be disfellowshipped and in a sense would lose more?

Mr. CRITCHLOW. I think, so far as one may speculate upon those subjects, that would be true.

Mr. VAN COTT. But in regard to the real control, from your standpoint, that the Mormon Church has over its members, the church has no more control over Mr. Smoot now than if he were not an apostle. Is that correct?

Mr. CRITCHLOW. That is correct.

Mr. VAN COTT. So that if, hereafter, any Mormon should be a United States Senator, he could be charged with being subject to the will and dictates of the church absolutely just the same as Mr. Smoot is in this case?

Mr. CRITCHLOW. No, sir. If he is a member of the quorum the will and the practices and the control of the church are his will, his control. His views are absolutely molded into harmony with those of the head of the church, whereas if he does not belong to that quorum, then it can not so be said. That is what I am trying to enforce.

Mr. VAN COTT. Suppose Mr. Smoot, then, belonged to the bishops' council, and that he were elected United States Senator.

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Then, if he is not in harmony with them and not subject to their will, he is just as liable to be disfellowshipped as though he were a twelve apostle?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And just as subject to obey counsel as if he were a twelve apostle?

Mr. CRITCHLOW. Yes, sir.

Senator OVERMAN. Did you know Orson Pratt?

Mr. CRITCHLOW. Orson Pratt, sr.?

Senator OVERMAN. Yes, sir.

Mr. CRITCHLOW. I think he died before I was born.

Senator OVERMAN. Did you ever see a book printed by him, called "Orson Pratt's Works?" In other words, I want to ask you whether this, which I am about to read, is their teaching now. This is a book printed in 1884, by one of the apostles, from which I read the following:

"The kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. God, having made all beings and worlds, has the supreme right to govern them by His own laws, and by officers of His own appointment. Any people attempting to govern themselves by laws of their own making, and by officers of their own appointment, are in direct rebellion against the kingdom of God."

Is that the teaching now of this church, as you understand?

Mr. CRITCHLOW. I am unable to say—

Mr. WORTHINGTON. From what page do you read?

Senator OVERMAN. Page 41. It is a book which was handed to me this morning.

Mr. WORTHINGTON. What is the title of the book?

Senator OVERMAN. I will read it:

"A Series of Pamphlets on the Doctrines of the Gospel, by the late Elder Orson Pratt, one of the twelve apostles of the Church of Jesus Christ of Latter-Day Saints.

"Printed at the Juvenile Instructor office, Salt Lake City, Utah. 1884."

Mr. TAYLER. What is the date?

Senator OVERMAN. 1884. This book was handed to me as being in circulation in the State of Tennessee to-day. I want to know whether this, so far as you know, has been indorsed or condemned by the church. I should like to ask Mr. Jenson, unless gentlemen object, because I think he knows more about it.

Senator McCOMAS. I think you ought not to interrupt the order of examination.

Senator HOPKINS. That is something foreign to the point now under consideration.

Senator OVERMAN. It is on this very point as to the right of Mr. Smoot to obey or disobey the church. Here is a paragraph that says that everything is subordinate to the church, and that is the reason why I brought it in here. I want to know if that is their teaching to-day.

Mr. CRITCHLOW. It undoubtedly is, if the Senator please. It is a theocracy, a hierarchy, a government of priests, and the highest priest must necessarily govern, and that may be illustrated and enforced by almost every issue of the Deseret News, in which the sermons of their presidents, and seventies, and so on, are published every week and have been for ten years past. That is true of current volumes and the volumes of former years.

Senator McCOMAS. I was trying to get a chance to ask you a question. A while ago you said: "In a pecuniary sense," speaking of the apostles. Did you mean that the president and the councilors and the apostles are salaried officers?

Mr. CRITCHLOW. I am unable to say about that. The only thing I meant was that they certainly get a living in some way. I never knew of Joseph F. Smith having property of any particular amount until he became president of the church. Many of the apostles are men who have no particular business, and yet live, and it is understood live off some sort of revenue from the church.

Mr. WORTHINGTON. Is that competent? He says it is understood they live off the revenues of the church.

Mr. CRITCHLOW. I have no knowledge on the matter at all.

Senator McCOMAS. He can say in respect of what he has heard; that is, what is the general reputation in the community. If I understand the witness, he says that that is a matter of general repute and acceptance in the community.

Mr. CRITCHLOW. Yes, sir; and I have seen it stated that they do receive a salary, but I can not now recollect what it was. They receive something for their services.

Senator McCOMAS. Just there, I would be very glad if counsel are able to say whether the president of the church and the first councilors and the apostles are paid salaries or are given something for maintenance or support out of the church revenue.

Mr. VAN COTT. I do not know. I will have to inquire and find out.

Senator McCOMAS. Will you find out?

Mr. VAN COTT. I am not advised on those things. I will have to inquire and find out the details.

Senator McCOMAS. Will you inquire?

Senator HOPKINS. I suppose the president of the church has a salary the same as a bishop in the Methodist Church

Mr. VAN COTT. I do not think the bishops receive any compensation.

Senator McCOMAS. I am not asking about the bishops—

Mr. VAN COTT. Senator Hopkins spoke of the bishops.

Senator McCOMAS. But whether the president and the counselors and the apostles hold salaried offices, because, in answer to a question by Senator Hopkins, Mr. Critchlow said that as between a lay member and these high officials there was this difference—that the high Mormon officials had much to lose, naming several things, and saying also “in a pecuniary sense.” It is easily ascertainable, I suppose.

Mr. WORTHINGTON. We will ascertain the fact.

Mr. VAN COTT. We will, so as to have it accurate.

Senator McCOMAS. Proceed, gentlemen.

Mr. VAN COTT. Shall I proceed?

The CHAIRMAN. Yes, sir.

Mr. VAN COTT. I understood you to say yesterday that Mr. Smoot had been indorsed by the church for United States Senator. Will you please give us the information on which you based that statement?

Mr. CRITCHLOW. The information was that of current understanding and report in the State of Utah at the time, and since reenforced by the statement which I heard Joseph Smith make, that he had received the consent of the members of the apostolate, the first presidency.

Mr. VAN COTT. When you said “indorsed” did you mean that Mr. Smith had given consent?

Mr. CRITCHLOW. That is all I meant.

Mr. VAN COTT. That is all you meant?

Mr. CRITCHLOW. That is all I meant.

Mr. VAN COTT. Do you remember a circumstance of Apostle Lund being beaten in Sanpete County when he ran for the legislature?

Mr. CRITCHLOW. No; I do not.

Mr. VAN COTT. Calling your attention to the Thatcher episode, I understood you to say the other day—

The CHAIRMAN. Mr. Van Cott, how much time will you need for the completion of the cross-examination of this witness?

Mr. VAN COTT. I can not tell exactly from my notes, but I should think it would be an hour, anyway.

The CHAIRMAN. Then the committee will take a recess at this time.

Thereupon (at 12 o'clock and 50 minutes p. m.) the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Proceed with Mr. Critchlow, Mr. Van Cott.

TESTIMONY OF E. B. CRITCHLOW—Continued.

E. B. CRITCHLOW, having been previously sworn, was examined and testified as follows:

Mr. VAN COTT. Mr. Critchlow, you spoke the other day of the political rule that was announced by the church in regard to its leading officials going into business and politics and things of that kind, and I understood you to say, in substance, that nothing had ever been heard of that rule until that time. Do I state you correctly?

Mr. CRITCHLOW. Yes, sir; I think so.

Mr. VAN COTT. Do you mean by that, or do you wish to be understood by that, that the rule you have mentioned was not in force before that time?

Mr. CRITCHLOW. I could have no knowledge on the subject. I was only speaking as to the state of my own information.

Mr. VAN COTT. Your statement is founded on common understanding, is it—common talk?

Mr. CRITCHLOW. Yes, sir; so far as it came to my knowledge.

Mr. VAN COTT. Did you read the "Thatcher episode?"

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Was it partly founded on that?

Mr. CRITCHLOW. I think not.

Mr. VAN COTT. I believe you have already stated that you thought that Wilford Woodruff was an honest, conscientious man?

Mr. CRITCHLOW. He was so regarded by the non-Mormon community as being such a man.

Mr. VAN COTT. And you so regarded him?

Mr. CRITCHLOW. I had no personal acquaintance with Wilford Woodruff.

Mr. VAN COTT. That was his general reputation among the non-Mormons, was it not?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. That rule contains this statement, does it not? I call attention to page 168 of the printed record, just reading the particular part that bears on this:

"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."

Do you notice what it says about having "always prevailed in the church?"

Mr. CRITCHLOW. I note that.

Mr. VAN COTT. That is signed by Wilford Woodruff, is it not?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. Do you wish the committee to understand that you contradict that statement?

Mr. CRITCHLOW. I do, in so far as it seems to indicate, if it does indicate, or express publicly a rule that was well known in the community; and in that connection, and in view of the inference, I wish to say that President Woodruff was an exceedingly old man at that time, being over ninety—I think he was over ninety-four when he died—and recognized, I think, by non-Mormons and by Mormons as being very largely under the control of his counselors and the leading men of the church; that he was mentally not as strong as he had been in his younger days.

Mr. VAN COTT. Well, he was not too old, in your opinion, was he, to speak the truth?

Mr. CRITCHLOW. Of course not.

Mr. VAN COTT. Now, John Henry Smith also makes a statement in this Thatcher episode about this rule. Do you regard him as a truthful man?

Mr. CRITCHLOW. In anything where his church is not involved I would.

Mr. VAN COTT. Where his church is involved?

Mr. CRITCHLOW. I regard him as being like any of the rest of them.

Mr. VAN COTT. Well, how is that?

Mr. CRITCHLOW. Making statements that are not true as to matters of fact as respects their practices.

Mr. VAN COTT. Mr. Chairman, to save time in going over this Thatcher episode, so as not to take up a great deal of time in reading it, I just ask to have the pamphlet go in.

The CHAIRMAN. I think that is in, Mr. Van Cott.

Mr. VAN COTT. That is all I care for. Mr. Critchlow, in giving your opinion as it bears on the Thatcher episode, I understood you expressed not only your opinion but what was the common understanding among the non-Mormons of Utah of this rule.

Mr. CRITCHLOW. As to the prevalence of the rule and its notoriety before that time, do you mean?

Mr. VAN COTT. And as to its propriety.

Mr. CRITCHLOW. If I made any statement about the propriety of it, I do not now recollect it, Mr. Van Cott; but I have attempted to speak and to distinguish wherein I hold different opinions personally from those of the non-Mormons generally.

Mr. VAN COTT. Was it not your intention to convey the idea to the committee that the propriety of the rule was questioned and denounced by the non-Mormons of the State of Utah?

Mr. CRITCHLOW. I think so. I think I did express that opinion. Anyhow, I do intend now to express that opinion.

Mr. VAN COTT. In part, when you say that does that come from the editorial expressions of the principal Republican gentile newspaper of Utah?

Mr. CRITCHLOW. Oh, I think not. I do not think that I gather my views on those subjects to any great extent from any one paper.

Mr. VAN COTT. In part, did you?

Mr. CRITCHLOW. In so far as any such editorials may have expressed my own views they may have been intensified or, rather, corroborated by editorials. I would hardly want to say they were not.

Mr. VAN COTT. Without going over those editorials at the present time, so as not to take the time to do that, I call your attention to the fact that the principal Republican gentile paper in Utah approved of that rule. Do you remember that as a fact?

Mr. CRITCHLOW. I do not remember it as a fact, but it may have been done, because the Tribune, for a while, took a very peculiar stand upon many things.

Mr. VAN COTT. And that was one of the peculiar stands, was it not, in your opinion?

Mr. CRITCHLOW. I think so.

Mr. VAN COTT. The principal gentile paper in Salt Lake City is a Republican paper, is it not?

Mr. CRITCHLOW. Yes. Well, I do not want to distinguish between the Herald and the Tribune. They are both gentile papers.

Mr. VAN COTT. Do you call the Herald a Republican paper?

Mr. CRITCHLOW. But you asked me whether the principal paper is not a Republican paper.

Mr. VAN COTT. I did not mean to put it that way. Probably I did.

The CHAIRMAN. What rule are you speaking of, Mr. Van Cott?

Mr. VAN COTT. The rule in regard to politics and business, on page 168 of the record.

As you have mentioned the Tribune, I will call it that. That is the principal gentile Republican paper in Utah, is it not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And was, away back during the Thatcher episode?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. If that paper expressed approval of that rule and defended its propriety, then your opinion in part is not taken from that paper at all, is it?

Mr. CRITCHLOW. Not at all, because the Tribune opposed anything that seemed to be Democratic or that the Democrats seemed to be in favor of, and the Democrats were making a sort of campaign issue against that rule, and the Republican paper took the opposite view, I suppose, for party reasons.

Mr. VAN COTT. Yes; and where the Tribune, for instance, the principal gentile Republican paper of Utah, defends a rule like that, then you disagree with it on that point as to the propriety of the rule, and your opinion in regard to current rumor and current history is not made up from a source of that kind. Is that true?

Senator HOPKINS. Mr. Van Cott, suppose it is or is not, what is the point of that examination?

Mr. VAN COTT. It is simply this, Senator, to find out whether or not Mr. Critchlow's opinion is in part formed from the gentile Republican paper. That is the purpose of it.

Senator HOPKINS. One question, I think, would settle that.

The CHAIRMAN. Ask him that question directly, Mr. Van Cott.

Mr. VAN COTT. That is the question I have asked.

Mr. CRITCHLOW. I can answer it in no other way than I have, that in so far as the paper expressed my views on matters of general public interest, in important matters of that kind, I can not say, of course, but what my views were strengthened by anything the Tribune might say; but I was almost always in opposition to the Tribune.

Senator BEVERIDGE. Did these papers help to form your opinion?

Mr. CRITCHLOW. I do not think so.

Mr. WORTHINGTON. The witness did state over and over again, as we all remember, that the opinions he formed about the general reputation and sentiment of the community were formed very largely from what he saw in the newspapers.

The CHAIRMAN. He has answered the question, Mr. Worthington.

Mr. CRITCHLOW. I understand the Senator's question to apply particularly to this manifesto rule, and so answered.

Senator BEVERIDGE. I agree with the Senator from Illinois, that if there is any pertinency I think it is a direct question.

The CHAIRMAN. Go on with your questions.

Mr. VAN COTT. You spoke of the Democratic reconvened convention. That was called, was it not, because the Democrats were of the opinion that the church was meddling in the politics, Mr. Critchlow?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And they adopted a platform and quite severely denounced the church, did they not?

Mr. CRITCHLOW. They denounced the leaders of the church; yes, sir.

Mr. VAN COTT. They denounced the leaders of the church?

Mr. CRITCHLOW. Some of them.

Mr. VAN COTT. The great majority of that convention were Mormons, were they not?

Mr. CRITCHLOW. Yes, sir; I rather think so. I am pretty certain that is true.

Mr. VAN COTT. And did you, on the stump in that year, ridicule the Democrats for meeting again and denouncing the church for interfering in politics?

Mr. CRITCHLOW. I did not.

Mr. VAN COTT. I asked you the other day if Elmer Taylor left Moses Thatcher and voted for Mr. Rawlins. Have you refreshed your recollection, or have you any way of refreshing it, since the other day?

Mr. CRITCHLOW. I have not had time to go to the only source of information I have, which would be the Deseret News files.

Mr. VAN COTT. The other day, Mr. Critchlow—and I call attention to the typewritten record, page 83—you spoke to this effect, that the “word did come” from the church authorities that these men should go over to Mr. Rawlins and elect him as against Mr. Thatcher. How did you know about that word coming, as you have stated it?

Mr. CRITCHLOW. From many conversations I have had with Judge Henderson.

Mr. VAN COTT. Did Judge Henderson tell you?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And who told Judge Henderson?

Mr. CRITCHLOW. Judge Henderson was there and in the midst of it, and they were his supporters.

Mr. VAN COTT. But who told Judge Henderson?

Mr. CRITCHLOW. I do not know who told him, if it was a matter of telling at all. If it was a matter of oral communication at all, I do not know.

The CHAIRMAN. You got the information from Judge Henderson?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And in regard to the statement that this particular person made about being sent on a mission, did you also get that information from Judge Henderson?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You also spoke of the threats that the Deseret News made on different occasions in regard to the persons who were supporting Moses Thatcher. Of course those were directed against Mormons, were they not?

Mr. CRITCHLOW. I presume that they were; yes, sir.

Mr. VAN COTT. You also stated in substance, did you not, that the supporters of Judge Henderson left him and voted for Mr. Rawlins?

Mr. CRITCHLOW. I did not say they all voted for him. Some of them went to Mr. Thatcher, you remember, when they left Judge Henderson.

Mr. VAN COTT. They all left Mr. Henderson but one?

Mr. CRITCHLOW. That is my recollection of the fact.

Mr. VAN COTT. And Daniel Hamer is the one, is he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. I looked it up from the record. Some of the supporters of Judge Henderson were Gentiles, were they not? To refresh your recollection on that, Mr. Critchlow, I call your attention to the senate journal, second session of the legislature of the State of Utah, 1897, and to page 130, where it mentions those for Henderson.

Mr. TAYLER. Mr. Chairman, while the witness is looking at that, I want to say just a word, in justice to myself, but not in reference to this question or this line. Many things have been asked that I thought were not relevant or in any way competent. I have not objected, because I shall not object to any question that is asked this witness. If the committee should feel that the examination is going along lines that are not profitable, I want the committee to interpose, because we do not want to be accused of attempting to narrow the inquiry.

Mr. WORTHINGTON. You do not mean that suggestion to apply to this inquiry?

Mr. TAYLER. Not at all. I only took advantage of this little time to make that statement.

Mr. CRITCHLOW. I recognize two and possibly three as being non-Mormons. There were three, as I am now reminded.

Mr. VAN COTT. How do you explain, Mr. Critchlow, in view of the testimony you gave about the church having these men leave Henderson and support Rawlins or Thatcher, the fact that the gentiles left Judge Henderson?

Mr. CRITCHLOW. Because they wanted to elect Thatcher if possible. They were in favor of some one who was not to be elected by the church, and, Thatcher running against the church, the gentiles went to Thatcher, as I have said, because that was the general idea in the community, that he stood for the opposition to church domination.

Mr. VAN COTT. Did those same gentiles vote for Thatcher?

Mr. CRITCHLOW. These three that you have spoken of?

Mr. VAN COTT. That you mention.

Mr. CRITCHLOW. All three; yes, sir.

Mr. VAN COTT. All three went to Thatcher?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. During the time it was charged that the church was interfering in politics, was not the church at the same time denying it in just as strong terms as it was charged?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And President Woodruff was one of them, was he not?

Mr. CRITCHLOW. I do not remember whether he ever came out in any signed interview, and when you ask me about the church, I had in mind particularly the Deseret News. I can not remember that the presidency came out in any signed statement. The Deseret News did deny it, as I remember it.

Mr. VAN COTT. Do I state it correctly, Mr. Critchlow, that you stated the other day that the sympathy of the non-Mormons was with Moses Thatcher?

Mr. CRITCHLOW. As a class, it was.

Mr. VAN COTT. That he should be allowed to run for the United States Senate?

Mr. CRITCHLOW. As a class, I think that is true.

Mr. VAN COTT. Now, Moses Thatcher was a polygamist at that time, was he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Living in unlawful cohabitation?

Mr. CRITCHLOW. I think probably he was.

Mr. VAN COTT. Afterwards the non-Mormons very properly went after B. H. Roberts, when he came here to Congress, did they not?

Mr. CRITCHLOW. You ask me as to the propriety or as to the fact?

Mr. VAN COTT. As to the fact or both, or whichever you want to put.

Mr. CRITCHLOW. I say yes as to both.

Mr. VAN COTT. And Thatcher was in exactly the same condition as Roberts, so far as being a polygamist and living in unlawful cohabitation was concerned?

Mr. CRITCHLOW. Yes, sir.

Senator HOPKINS. The one stood for the church and the other against it, as I understand your testimony?

Mr. CRITCHLOW. Yes, sir; that is distinctly it.

Mr. VAN COTT. In 1895 when Mr. Roberts ran he ran just as much against the church as Moses Thatcher did, did he not?

Mr. CRITCHLOW. In 1899?

Mr. VAN COTT. In 1895.

Mr. CRITCHLOW. Did he run?

Mr. VAN COTT. That was the time he was defeated. I have the date right, I think.

Mr. CRITCHLOW. I do not know whether he did just as much or not, because just about that time he was labored with for six weeks by the apostles and he finally recanted and came in, just as Moses Thatcher did afterwards. Now, whether he recanted before the election or afterwards I am unable to say without looking at memoranda.

Mr. VAN COTT. Do you not remember this, though, Mr. Critchlow, that he went through the first campaign fighting the church?

Mr. CRITCHLOW. The campaign of 1895?

Mr. VAN COTT. The first campaign.

Mr. CRITCHLOW. The campaign of 1895, do you refer to?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. I do not remember whether he had quit fighting the church by the time the election came around or not.

Mr. VAN COTT. Was he not fighting the church all through the first election?

Mr. CRITCHLOW. I say I can not remember. Just about that time, between the reconvened convention and some time in the next year, he got into line with the church and listened to the counsel of the apostles.

Mr. VAN COTT. To identify the time, Mr. Critchlow, was it not during his first political campaign that he was in the fight with the church, and was it not during the time he was in harmony with the church that he was elected?

Mr. CRITCHLOW. He was in harmony with the church when he was elected. There is no question about that; and he had come back into harmony with the church by April, 1896. Now, whether he was back in harmony with the church at the time of the election in November, 1895, is what I say I can not just now recall.

Mr. VAN COTT. You can not tell. All right. Calling your attention to that naturalization case that you mentioned——

Senator HOPKINS. Mr. Van Cott, before you leave that point, you asked him if in 1895 he was fighting the church. What do you mean by that? Was the church taking an active part in that campaign?

Mr. VAN COTT. No, sir; I mean this, Senator, that Mr. Roberts in 1895 refused to sign this rule in regard to politics and business, etc.,

and that he waged his first campaign just like Mr. Thatcher waged his campaign for United States Senator.

Mr. TAYLER. Now let us have that explanation.

Senator HOPKINS. But you do not mean to convey by that expression that the church was taking an active part in that?

Mr. VAN COTT. Not at all. I simply mean that he was in exactly the same position as Mr. Thatcher, and no other.

The CHAIRMAN. Mr. Tayler, what was your question?

Mr. TAYLER. I was going to suggest it would be a good time for Mr. Critchlow to explain that episode.

Mr. VAN COTT. I have asked Mr. Critchlow, and I understood him to say he could not tell whether he was in the same position as Mr. Thatcher or not, but if Mr. Critchlow can explain it I would be glad to have him do so.

Mr. TAYLER. I understood him to say he does not know whether he recanted before or after the election.

Mr. VAN COTT. That is the reason I dropped the subject, because he could not tell.

Mr. TAYLER. Whether he recanted or not, I would like to know about that.

Mr. CRITCHLOW. I know as to the question whether he recanted or not, but the exact date—

Mr. VAN COTT. I did not ask you about that. What I asked you about was whether he went through the first campaign in the same position as Thatcher, namely, that he would not sign that rule.

Mr. CRITCHLOW. I have already said I can not give the date when he recanted.

Mr. VAN COTT. I did not ask you, Mr. Critchlow the date when he recanted. That was not my question. What I asked you was this: Whether when Mr. Roberts went through that first political campaign he, during all that time, had refused to sign this rule?

Mr. CRITCHLOW. I can only say that the date of the reconvened convention, which was in October, I think, he was apparently in the same attitude as to that rule that Moses Thatcher was. Now, whether he recanted between that date and the election, which would be the end of the campaign, I say I am unable to recall or state.

Senator OVERMAN. Did he recant at all?

Mr. CRITCHLOW. Yes, sir; as I have stated, there is no question about that. It is a matter of record that he did.

Senator OVERMAN. How?

Mr. CRITCHLOW. In the sermons of the apostles and leaders of the church explaining this manifesto matter, that he was for some six weeks prayed with and labored with by the apostles, and finally he stated that he had a vision in which a number of his dead and gone ancestors came to him and he saw them in a state of—

Mr. VAN COTT. Coma?

Mr. CRITCHLOW. No; he saw them lost and in perdition because of the fact that he could not go into the temple and be baptized to save their souls; and for the sake of his dead ancestors, and in order that he might enjoy the privileges of the church and be baptized for them, he put himself in harmony with the apostles of the church.

The CHAIRMAN. Who is this Roberts?

Mr. CRITCHLOW. Brigham H. Roberts.

Senator HOPKINS. Then, by putting himself in harmony, he was to abandon his political ambitions at that time. Was that it?

Mr. CRITCHLOW. It was to subscribe to this manifesto. That was made the test with him whether he was in harmony or not. If he was not willing to subscribe to that manifesto of April, 1896, he was not in harmony with them and could not enjoy the privileges of a member in full standing in the church, which included the privilege of going in the temple and being baptized.

Mr. VAN COTT. Let me suggest this and see if it refreshes your recollection at all on it. Was it not some time after the election in 1895 before Mr. Roberts signed that rule?

Mr. CRITCHLOW. If you suggest that that be the fact, I have no doubt that it is so, Mr. Van Cott.

Mr. VAN COTT. Well, I will let it go if you do not remember it. Calling your attention, Mr. Critchlow, to the naturalization case which you mentioned, who presided at that case?

Mr. CRITCHLOW. Judge Thomas J. Anderson.

Mr. VAN COTT. He is the same judge who came down and spoke in favor of the Faulkner bill in 1892, is he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And in regard to not allowing persons who belonged to the Mormon Church to become naturalized, that was all done away with a short time afterwards, I believe you stated?

Mr. CRITCHLOW. Immediately after the manifesto, I am reminded by the church chronology that Judge Anderson ruled that he would adhere to his former position on that subject, not believing that the manifesto was in good faith, but that shortly after that he did change his ruling on that and the Mormons were admitted to naturalization.

Mr. WORTHINGTON. You are speaking now of the manifesto of 1890?

Mr. CRITCHLOW. I am; yes, sir.

Mr. TAYLER. Right here, if you will excuse me, I suggest that the ruling of Judge Anderson be put into the record.

The CHAIRMAN. Is there any objection to it?

Mr. VAN COTT. I do think it is proper to put it in on our cross-examination.

Mr. TAYLER. I do not care to put it in at this point, but I make the suggestion here that it go in.

Mr. VAN COTT. We would like to meet that when we come to it.

Mr. TAYLER. Then I make the offer now. It has been referred to here for the first time.

Mr. WORTHINGTON. Have you copies here? For one, I would like to see what they are.

Senator HOPKINS. I suppose, technically, if they object to it, it could not be put in on their cross-examination.

Mr. TAYLER. It would not interfere with the examination at all, nor need it be put in at this point of the examination.

The CHAIRMAN. I understand it is simply suggested by Mr. Tayler, and counsel would like to examine it before the question is passed upon.

Senator OVERMAN. Where are the opinions found?

Mr. CRITCHLOW. Did you ask me, Senator?

Senator OVERMAN. Yes; where do you find the opinions?

Mr. CRITCHLOW. The opinion, I suppose, will be found as a part of the records of the third judicial district court. It has, however, been printed and circulated within the last year.

Mr. VAN COTT. Who was the principal counsel in that case in endeavoring to prevent the Mormons from being naturalized?

Mr. CRITCHLOW. It would be hard to distinguish between Judge Baskin and Mr. Dickson.

Mr. VAN COTT. They were both in it?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And Robert N. Baskin is now the chief justice of the State of Utah?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. What year was that that that case was tried?

Mr. CRITCHLOW. My best recollection is it was the spring of 1890, though it may have been in 1889 or the winter of 1889-90.

Mr. VAN COTT. At that time the non-Mormons had on a very warm political campaign, did they not, in an endeavor to carry Salt Lake City?

Mr. CRITCHLOW. If it was any time subsequent to the summer of 1889, that would be true.

Mr. VAN COTT. I will ask you now if this fight that was made to prevent these Mormons from being naturalized was not just before that election, when the gentiles were attempting to carry Salt Lake City?

Mr. CRITCHLOW. If it was, as I surmise, in the winter of 1889-90, that would be true.

Mr. VAN COTT. Now, before that there had never been an objection to Mormons being naturalized in the courts, had there?

Mr. CRITCHLOW. In the way of a studied, formal objection, with people prepared to furnish proofs, no.

Mr. VAN COTT. Judge Zane was the principal judge out there, in the sense that he had tried most of these unlawful cohabitation and polygamy cases, was he not?

Mr. CRITCHLOW. He had tried the most important cases. As to number it would be hard to say as between him and Judge Henderson, at Ogden.

Mr. VAN COTT. And Judge Zane refused to follow the ruling?

Mr. CRITCHLOW. Yes; as I stated.

Mr. VAN COTT. Calling your attention now to the Evans bill, will you state just what is the substance of that bill and the particular point in it that you consider objectionable; or, if you do not remember it, I will undertake to state it to you.

The CHAIRMAN. That bill is in the record, is it, Mr. Van Cott?

Mr. CRITCHLOW. The page is 11 of the record, if I correctly note your question.

Mr. VAN COTT. Yes. I wanted to get the point, so the committee will have right before it the particular point.

Mr. CRITCHLOW. Well, it is 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 the father or mother of such person.

As to that, the proviso is objectionable in Utah.

“And no prosecution for unlawful cohabitation shall be commenced except on complaint of the wife or alleged plural wife of the accused.”

Mr. VAN COTT. Will you just keep the section before you, Mr. Critchlow, please?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. The bill did not aim at polygamy at all, did it, as to who might make complaint?

Mr. CRITCHLOW. As to polygamy?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. Apparently not.

Mr. VAN COTT. Now, calling your attention to the unlawful cohabitation, the particular objection was as to the people being limited who might go and swear to a complaint, was it not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Was it because such legislation was unusual that it was objectionable in your mind, or because it was passed in Utah as to this particular kind of an offense?

Mr. CRITCHLOW. You are speaking now of unlawful cohabitation?

Mr. VAN COTT. Yes, sir; of unlawful cohabitation.

Mr. CRITCHLOW. I have no knowledge of any other community where that is practiced, so it must be dealt with with reference to the particular conditions in Utah.

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. Of course the objection to it was that it left it within the power of the members of the Mormon Church to prosecute or not, just as they pleased, and if they were practicing unlawful cohabitation, polygamous cohabitation, of course they must have done it because they thought it was right, or at least not objectionable, and of course they would not complain of it.

Mr. VAN COTT. There are many States, are there not, Mr. Critchlow, where they have a provision that, for instance, in cases of adultery only the husband or wife may complain?

Mr. CRITCHLOW. I have been told there are a number of States of that kind. I have never made any investigation.

Mr. VAN COTT. Then the point you made in mentioning this is because it dealt with the subject of unlawful cohabitation in limiting who might prosecute?

Mr. CRITCHLOW. No, sir.

Mr. VAN COTT. It was not?

Mr. CRITCHLOW. No, sir; the adultery part of it is practically as objectionable.

Senator HOPKINS. If you will allow me right there, there are not many States that have such laws as that, are there?

Mr. VAN COTT. Iowa, Michigan, Minnesota, Oklahoma, Oregon, and North Dakota have statutes to this effect, that only the husband or wife can complain; and in Michigan and several other States it is to the effect that they can only complain within one year after the offense is committed.

Mr. WORTHINGTON. You are speaking of where the offense is adultery?

Mr. VAN COTT. Yes, sir; that is the reason I wanted to get the point of Mr. Critchlow's objection.

Senator HOPKINS. Do the States make any distinction between cases of adultery and living in an open state of adultery?

Mr. VAN COTT. In Illinois, and in a great number of States that have adopted the Illinois statute, there is no offense that is known as fornication or adultery as we know it, but it is only punished when persons are living in an open state of adultery. That is the rule in Illinois

and a great many States. That is the reason I was questioning Mr. Critchlow on this particular point of unlawful cohabitation.

Mr. WORTHINGTON. Unlawful cohabitation, of course, is adultery.

The CHAIRMAN. Proceed.

Mr. VAN COTT. There was very great opposition to the legislature passing this bill at all, was there not, Mr. Critchlow?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. In the legislature itself?

Mr. CRITCHLOW. Very great opposition; yes, sir.

Mr. VAN COTT. And while the bill passed the legislature, it was vetoed by the governor?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Mr. Critchlow, you stated yesterday, in substance, if I quote you correctly, that the church had interfered in the politics of Utah. Is that correct?

Mr. CRITCHLOW. Yes, sir. I think that is the way I stated it.

Mr. VAN COTT. Now, calling your attention to the election of 1895—and I call your attention to Richard W. Young and Thomas Maloney—would those returns, in your judgment, bear out that statement? And, so that you may have it before you, I call your attention to the certified copy of the returns so that you can look at it.

Mr. CRITCHLOW. Is that all of the question?

Mr. VAN COTT. Yes, sir.

Mr. CRITCHLOW. I do not think I or anyone else—well, I will say myself—I do not think I could take the returns of any election and analyze them so as to prove to a moral certainty to myself or to anybody else that the church had interfered in any election.

Mr. VAN COTT. Let me ask you this question, then, in view of your answer. You have already mentioned the attitude and position that Mr. Baskin held in Utah and has always taken in regard to the Mormon church. When Mr. Roberts ran and Mr. Baskin ran, one for Congress and one for the supreme court, their vote was practically the same, was it not, speaking from recollection?

Mr. CRITCHLOW. I would be unable to state as to that, Mr. Van Cott.

Mr. VAN COTT. You can not state from memory?

Mr. CRITCHLOW. No, sir.

Mr. TAYLER. Is that in 1895?

Mr. VAN COTT. In 1895.

Mr. CRITCHLOW. I wish to say in regard to that question that if I have inadvertently said that Judge Baskin's attitude in regard to the church and matters of public interest in which the church is concerned has always been the same and is now, I would like to qualify it.

Mr. VAN COTT. Oh, no.

Mr. CRITCHLOW. You embodied it in your question.

Mr. VAN COTT. The fact is, is it not, that Judge Baskin, since statehood, has been what? I will let you state it.

Mr. CRITCHLOW. He has been an indifferentist as to many things.

Mr. VAN COTT. Do you mean by that that he has been too much in harmony with the Mormon church?

Mr. CRITCHLOW. I can only say that he is indifferent with regard to a great many things about which he was not at all indifferent before statehood.

Mr. VAN COTT. He is a gentile still?

Mr. CRITCHLOW. Oh, yes, sir.

Mr. VAN COTT. And up to the time of statehood he was one of the main fighters against the church? That is, up to the enabling act, I will put it.

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Mr. Critchlow, I call your attention now to the election returns for the year 1901, and I call your attention to this: I understood you to state yesterday, either in answer to my question or the question asked by one of the Senators, that the church took a strong hand against Mr. Sutherland when he ran for Congress. Have I stated you substantially correct?

Mr. CRITCHLOW. I do not think I said "took a strong hand," but that the church did interfere; but I am not particular about the words, because anything that they did would be done with strength if they started out to do it.

Mr. VAN COTT. I may be mistaken. I thought Senator Beveridge asked you if they threw their whole influence against Sutherland and in favor of King, but I may have forgotten the language. Inviting your attention to that subject, the opponent of Mr. Sutherland was William H. King, was it not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Who has been a member of Congress?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. William H. King is a very strong campaigner, is he not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. A very hard man to beat?

Mr. CRITCHLOW. Yes, sir; he is a strong man in the Democratic party.

Mr. VAN COTT. And he is a good campaigner, is he not?

Mr. CRITCHLOW. He is a good campaigner.

Mr. VAN COTT. And even if the church should keep out of the fight and not get into it at all, Mr. King would be a very strong man in a campaign, would he not?

Mr. CRITCHLOW. Yes; it requires a very strong man to beat him.

Mr. VAN COTT. Just for the purpose of asking the next question, will you tell us what was the difference between King and Whitecotton, for instance, according to those returns; and Mr. Whitecotton was on the Democratic ticket, was he not, that year?

Mr. CRITCHLOW. Will you point them out? I do not know on what system this chart is constructed.

Senator HOPKINS. Mr. Van Cott, what is the purpose of pursuing this examination along this line?

Mr. VAN COTT. The purpose is this, Senator: That Mr. Critchlow stated yesterday, in substance, as I remember, that the church had used influence against Mr. Sutherland and in favor of Mr. King. I wanted to ask two questions to show that the difference between Judge Barch, who was a gentile, and Mr. Sutherland, who was on the same ticket, in their vote, was as much as the difference in the vote between King and Whitecotton, to show that church influence was not used.

Mr. WORTHINGTON. And if it was used, it did not amount to anything.

Mr. VAN COTT. I will ask you if the total vote for Whitecotton is not 44,472?

Mr. CRITCHLOW. It so appears on this record.

Mr. VAN COTT. And the total vote for William H. King was 45,939?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. They were both Democrats?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Both running through the State?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Now, I call your attention to Mr. Sutherland's vote.

Mr. Sutherland was a Republican?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And running through the State?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. His vote was 46,180?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. I call your attention now to Judge Bartch; he was a gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And he had sentenced some Mormons for unlawful cohabitation and polygamy when he was United States district judge in territorial days?

Mr. CRITCHLOW. If you suggest it as being so it is probably true. I did not remember.

Mr. VAN COTT. His vote was 47,443, was it not?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. There was just as much difference between Judge Bartch and Sutherland as there was between King and Whitecotton, was there not?

Mr. CRITCHLOW. Yes, sir. That is one of the elements of the figuring that we rather relied upon in coming to the conclusion that we did; that he had been hurt; that Judge Bartch got so many more than Sutherland did, although George Sutherland, as we thought, was a much stronger campaigner, or ought to have been, than Judge Bartch.

Senator HOPKINS. How are these tickets prepared?

Mr. CRITCHLOW. We have the Australian ballot system.

Senator HOPKINS. So that all the Democratic candidates are on one ticket?

Mr. CRITCHLOW. Yes.

Mr. VAN COTT. Is the county attorney in Salt Lake County at the present time a gentile?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And has been for how long back?

Mr. TAYLER. Just wait one moment. Is Judge Bartch of the same party as Mr. Sutherland?

Mr. CRITCHLOW. Yes, sir.

Mr. TAYLER. Could you not give us the difference between the majority that Mr. Sutherland had for Congress, as the Republican, and the majority that Judge Bartch had for judge?

Mr. CRITCHLOW. It is a mere matter of figuring from this.

Mr. TAYLER. I wish you would state that. I infer that one is about 1,000 and the other 4,000.

Mr. VAN COTT. Four thousand?

Mr. CRITCHLOW. One was a few hundred and the other was something over 1,000.

Mr. VAN COTT. Well, the figures will show. We could figure it out, Mr. Tayler.

Mr. TAYLER. Just pass it up here and I will do that while you proceed.

Mr. VAN COTT. The county attorney in Salt Lake County has been a gentile for how long back?

Mr. CRITCHLOW. The county attorney's office in Salt Lake County has been filled by gentiles, or non-Mormons, rather, for some five or six years, I think.

Mr. VAN COTT. Are some of the twelve apostles Democrats?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. You mentioned that the church interferes in the minutest details of business. I believe that was your expression. Will you give us some instances where they have interfered in business affairs, say within the last five years?

Mr. CRITCHLOW. I do not know that I said that they do interfere at all times, or I certainly did not mean to be understood as saying that they do interfere at all times in the slightest business affairs, but that they may, and the church does interfere, I think I stated, and as to instances—

Mr. WORTHINGTON. In the last five years he asks you.

Mr. CRITCHLOW. It was pretty widely understood at Salt Lake City that the church interfered as to the erection of a union depot there between the Rio Grande Western and the Oregon Short Line Railroad Company in the action of the city council. Of course I do not suppose it could be proven at all. That is the sort of thing that is always talked of and understood.

Senator HOPKINS. That is one item.

Mr. CRITCHLOW. Well, the church by its authorities, namely, the president of the stake and the apostle, Rüdger Clawson, unless everybody is mistaken, certainly did interfere in Brigham City in the amusement company matter.

Mr. VAN COTT. That is the one that has been gone over?

Mr. CRITCHLOW. It was not thoroughly gone over. It was mentioned.

Mr. VAN COTT. Well, what others, Mr. Critchlow?

Mr. WORTHINGTON. In the last five years?

Mr. CRITCHLOW. I can not attempt to say, Mr. Van Cott. I can not recall any matters of public interest now in which they have interfered; and as to a man's private business, that is a subject on which I have no personal knowledge.

Mr. VAN COTT. By the way, Mr. Critchlow, in that electric-light business you mentioned the other day, has your firm any connection with litigation that has grown out of that?

Mr. CRITCHLOW. Not the slightest. There are other matters which now occur to me. The instances are very numerous in law practice where a man has been taken through the high council and an arbitration forced upon him and afterwards phases of it get into the civil courts.

Mr. VAN COTT. For instance?

Mr. CRITCHLOW. Well, one case in which your firm was involved.

Mr. VAN COTT. What was it?

Mr. CRITCHLOW. A water case, down there below Salt Lake City.

Mr. VAN COTT. What case?

Mr. CRITCHLOW. It was a case which Mr. Sutherland was trying about a month or six weeks ago.

Mr. VAN COTT. Could you give me the name of it? I do not recognize it. That is the reason I ask you.

Mr. CRITCHLOW. The party represented by your firm was a woman. My only information on the subject comes from Mr. Sutherland.

Mr. VAN COTT. Who represented the other party, so that we may identify it?

Mr. CRITCHLOW. I can not recollect who were on the other side. Possibly Mr. Richards's firm; I can not recollect now. I can not recollect, Mr. Van Cott.

Mr. RICHARDS. I never heard of the case.

Mr. VAN COTT. Mr. Critchlow, I would refresh your recollection, but I do not know anything about it.

Mr. CRITCHLOW. I can give another instance, if you desire.

Mr. VAN COTT. Yes; in the last five years.

Mr. CRITCHLOW. The case of the Deep Creek Land and Live-Stock Company against Jenson; or the parties were reversed, I think, on the record.

Mr. VAN COTT. Is it not true, Mr. Critchlow, that in that matter it was a simple case of where the parties agreed on three arbitrators and that the church absolutely had nothing to do with it?

Mr. CRITCHLOW. No, sir; I do not think so.

Mr. VAN COTT. That is not true?

Mr. CRITCHLOW. I do not think so; because I—excuse me.

Mr. VAN COTT. Proceed, if you had not finished.

Mr. CRITCHLOW. I understood it was a trial before the high council of these particular stakes. The Jenson matter did not go into a trial before the high council, because it was a verdict rendered in a court of law. According to my information Mr. Jenson was appealed to and an attempt was made, after the judgment was rendered, to compel him to submit to an arbitration by the high council. I do not mean to say, Mr. Van Cott, that it was the presidency and the twelve apostles in each of these instances that did this, but you asked me about the church, and I took it to mean the priesthood.

Mr. VAN COTT. All right. Now, any other instance, Mr. Critchlow, in the last five years.

Mr. CRITCHLOW. None other occurs to me just now, Mr. Van Cott. [A pause.] Oh, yes; there is one other that I can mention.

Mr. VAN COTT. All right; I would like to have it.

Mr. CRITCHLOW. That is the interference of certain church authorities (I do not know whom) in certain water litigation between the city of Salt Lake and various canals leading down to Salt Lake City. The West Jordan Canal people, if I get the name just right, were approached by persons exercising influence emanating or purporting to emanate from the priesthood in order to get them to do certain things and submit to certain things in the litigation which was prevalent there in the courts.

Mr. VAN COTT. Now, do you think of any other at present?

Mr. CRITCHLOW. None within my observation or about which I could give any tangible sort of information.

Mr. VAN COTT. Mr. Critchlow, yesterday you mentioned in regard to a committee of elders of the church being appointed to supervise legislation that was passed by the legislature of Utah in the beginning of 1896?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. Who were those men?

Mr. CRITCHLOW. Mr. Charles W. Penrose, W. W. Riter, James Sharp, William H. King, F. S. Richards, and one other. I will think of him in a moment, but I can not recall his name now—Joseph M. Tanner.

Mr. VAN COTT. The matter that you mentioned of Eli B. Kelcey—was that covered by your answer to Senator Beveridge that that was in the sixties?

Mr. CRITCHLOW. Covered as to date?

Mr. VAN COTT. Yes.

Mr. CRITCHLOW. That is my best recollection. It is a matter purely historical. It is not at all within my recollection, although I know his sons.

Mr. VAN COTT. You also mentioned the rumors in regard to unlawful cohabitation, polygamy, etc. Was one of those cases you refer to the case of H. S. Tanner?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. That is one of the cases you want the committee to understand you refer to?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. And that is the same case that was investigated by the grand jury afterwards, was it not?

Mr. CRITCHLOW. Investigated by the grand jury of Salt Lake County; yes, sir.

Mr. VAN COTT. That is what I mean.

Mr. CRITCHLOW. Yes, sir; that is one of the cases.

Mr. VAN COTT. Mr. Critchlow, under the amnesties of President Harrison and President Cleveland, you remember the language, do you not, to the effect that those people who live within the law are granted amnesty?

Mr. CRITCHLOW. In the future; yes—who in the future comply with these laws.

Mr. VAN COTT. Yes; that is the point. Do you know of any member of the Mormon Church who obtained amnesty and who lived within the law at the time the amnesty was granted who afterwards disobeyed the law and violated the amnesty that had been granted to him?

Mr. CRITCHLOW. No, sir; I have no knowledge of my own on the matter and have no information, save that we have been told by members of his family and members of the church generally that George Q. Cannon did observe the terms of the amnesty.

Mr. VAN COTT. And President Woodruff?

Mr. CRITCHLOW. Well, President Woodruff was some 80-odd years old, and it was supposed that he was observing any law of that kind.

Mr. VAN COTT. You stated, I believe, the other day, did you not, that there were thousands who did obey the law in regard to unlawful cohabitation. Do I state you correctly on that?

Mr. CRITCHLOW. I do not remember of making that statement, Mr. Van Cott.

Mr. VAN COTT. I may be mistaken, Mr. Critchlow. It may be your statement was in reference to another matter—the opposition to Senator Smoot. You do not remember, anyway, of any persons at the present time who obtained amnesty who afterwards violated the pardon that had been granted to them?

Mr. CRITCHLOW. Why, hundreds of them. If I correctly understand your question, all of the polygamists obtained amnesty and have violated it. Do I misunderstand your question, Mr. Van Cott?

Mr. VAN COTT. I think so, Mr. Critchlow.

Senator HOPKINS. Two questions back you must have misunderstood him, because you cited two instances there which are not in harmony with this answer now.

Mr. VAN COTT. That is correct. I will ask it again. Mr. Critchlow, under the amnesties of President Harrison and President Cleveland, the amnesty was granted on condition that in the future they should live within the law?

Mr. CRITCHLOW. Yes, sir.

Mr. VAN COTT. So that all those persons who did live within the law in the future were pardoned?

Mr. CRITCHLOW. I so understand the effect of an amnesty.

Mr. VAN COTT. Now, do you know of any of those persons who commenced to obey the law as to unlawful cohabitation so as to be pardoned who afterwards violated the law of unlawful cohabitation?

Mr. CRITCHLOW. I so understood your question, and I said that the only persons—that I could not know as to whoever, if anyone, started to obey the law, but if my information is correct, George Q. Cannon did start to obey it and did obey it, so that his amnesty held good to him as long as he lived.

Senator HOPKINS. Right there, Mr. Witness; when you answered a few questions back in regard to that you were simply giving the exceptions—those who obeyed the law rather than the reverse of that?

Mr. CRITCHLOW. Yes, sir; that was my intention.

Mr. VAN COTT. The further question I would like to have answered is this, please: Do you know of anyone who commenced to obey the law and then afterwards disobeyed the law as to unlawful cohabitation?

Mr. CRITCHLOW. I have said repeatedly that I could have no means of knowing who did begin to obey the law, because—

Mr. VAN COTT. Then you do not know of any person who commenced to obey the law and then afterwards disobeyed it?

Mr. CRITCHLOW. No. For aught I know they may have every last one of them disobeyed it all the way through.

Mr. VAN COTT. Yes; that is right. Mr. Critchlow, I am reminded of just one point. Calling your attention to this committee that you have mentioned, consisting of Penrose, Riter, Sharp, King, Richards, and Tanner, to supervise legislation, how do you know the church appointed those men to supervise legislation?

Mr. CRITCHLOW. By the church, I suppose you mean the leaders of the church, as I mean it?

Mr. VAN COTT. Yes. How do you know?

Mr. CRITCHLOW. By the admissions made by George Q. Cannon and by Heber J. Grant and by certain of the members of the committee in public interviews, which were had with them directly after the charge was made, which was in April, 1896.

Mr. VAN COTT. And in what papers were those interviews reported?

Mr. CRITCHLOW. They were reported in the Salt Lake Herald, at that time edited by Brigham H. Roberts; in the Salt Lake Tribune, and I think the interviews with George Q. Cannon and Heber J. Grant were also in the Deseret News, but of that latter I can not speak with definiteness.

Mr. VAN COTT. Have you other sources of information on this subject than you have mentioned?

Mr. CRITCHLOW. Yes, sir. Mr. Joseph Monson, who was a member of the house from Cache Valley, had given me the information, and before it was made public he wrote me a letter stating exactly what had occurred at the beginning of the session between himself and Bishop Stevens, who was a member of the house from Ogden, stating that the leaders of the church had thought it was best that, inasmuch as the legislature was inexperienced, there ought to be some members of the priesthood or some members of the church appointed as a committee to look over legislation and pass on it and see that it was all right; and that letter was published in the paper, together with the other evidence of the fact of the existence of this committee.

Mr. VAN COTT. Then you have the letter?

Mr. CRITCHLOW. I have not the original letter with me, Mr. Van Cott. I can not find it. It is perhaps among my correspondence; but the letter was published in the papers.

The CHAIRMAN. What paper was it published in?

Mr. CRITCHLOW. It was published in the Herald and in the Salt Lake Tribune, and I am rather inclined to think in the News. It was also published in some of the eastern papers—the New York Evening Post, I remember, for one.

Mr. VAN COTT. That is all, Mr. Chairman.

The CHAIRMAN. Mr. Tayler, have you any questions?

Mr. TAYLER. Just one question. The Edmunds Act, besides punishing polygamous cohabitation with certain penalties, disqualified for office what were called polygamists?

Mr. CRITCHLOW. Yes, sir.

Mr. TAYLER. And the word polygamist has been defined by the Supreme Court of the United States as being one who lives in polygamous cohabitation, has it not?

Mr. WORTHINGTON. Can you not give a reference to the case, Mr. Tayler?

Mr. CRITCHLOW. I would not like to speak definitely or precisely in reference to that.

Mr. TAYLER. Yes; I think it can be found.

Mr. WORTHINGTON. It would be better to get it from the decision than to get it from the witness.

Mr. TAYLER. The Supreme Court of the United States has defined a polygamist not as one who is in the act of taking a plural wife, but one who lives with plural wives.

Mr. WORTHINGTON. I only want the case to which you refer.

Mr. TAYLER. Yes; I will give it to you in a moment. It is a case decided by Justice Matthews, anyhow.

Mr. VAN COTT. Is that the Murphy-Ramsay case?

Mr. TAYLER. Yes; that is it. That is all.

The CHAIRMAN. Judge Hiles, will you take the stand?

Let me give you the figures. If they are not correct we can correct them at some later time. They are taken officially. At the election in Utah, in 1900, Sutherland, Republican, received for Representative in Congress 46,108 votes, and King, Democrat, 45,939, being a majority of 241 for Sutherland.

The Republican candidate for supreme judge received 47,443 votes and the Democratic candidate 44,472, showing a majority of 2,971.

The Republican candidate for mayor received 47,600 and the Democratic candidate 44,447, indicating a Republican majority of 3,153.

Mr. VAN COTT. But, Mr. Tayler, what was the difference between Whitecotton and King? That was the particular point.

Mr. TAYLER. In the East we figure the result by majorities.

Mr. VAN COTT. You have compared people on opposite tickets.

Mr. TAYLER. I understand that Mr. Sutherland was the Republican candidate for Congress and King the Democratic candidate. That is right, is it not?

Mr. VAN COTT. Yes; that is correct.

Mr. TAYLER. And that Mr. Bartch was the Republican candidate for judge. Is that right?

Mr. VAN COTT. Yes.

Mr. TAYLER. And Mr. Whitecotton was the Democratic candidate for judge?

Mr. VAN COTT. Yes.

Mr. TAYLER. The majority of the Republican candidate for judge was 2,971, and of the Republican candidate for Congress, Mr. Sutherland, was 241.

Mr. VAN COTT. The point is this: See the difference between Judge Bartch, who was on the Republican ticket, and Mr. Sutherland, who was also on the Republican ticket. See what that difference is. Then look at Mr. King and Mr. Whitecotton and see what the difference is.

Senator HOPKINS. These figures will show that.

The CHAIRMAN. The figures will go into the record, and the inference to be drawn is a matter of argument.

TESTIMONY OF OGDEN HILES.

OGDEN HILES, having been first duly sworn, was examined and testified as follows:

Mr. TAYLER. Judge, where do you live?

Mr. HILES. I live in Salt Lake, sir.

Mr. TAYLER. How long have you lived there?

Mr. HILES. Some seventeen or eighteen years; about eighteen years.

Mr. TAYLER. Where did you come from to Utah?

Mr. HILES. From California, San Francisco.

Mr. TAYLER. Did you receive an appointment at that time?

Mr. HILES. Yes, sir.

Mr. HILES. Yes, sir.

Mr. TAYLER. As what?

Mr. HILES. An appointment as assistant United States attorney for Utah Territory.

Mr. TAYLER. How long did you continue to act as assistant United States attorney?

Mr. HILES. About three years and a half.

Mr. TAYLER. Did you hold any other official position after that?

Mr. HILES. I was in 1895 elected as one of the judges of the third judicial district court and served five years.

Mr. TAYLER. You are not now holding office?

Mr. HILES. No, sir.

Mr. TAYLER. You are practicing law?

Mr. HILES. Yes, sir.

Mr. TAYLER. In Salt Lake City?

Mr. HILES. Yes, sir.

Mr. TAYLER. Now, Judge Hiles, we do not desire to go over the ground that Mr. Critchlow went over except in so far as you have special information respecting the field that he covered, nor do I want to arrest you by asking questions where it seems unnecessary. What special information have you respecting the condition of affairs there between 1883 or 1884, or the time you went there, and the manifesto?

Mr. HILES. Well, as I have said, from 1886 to 1889 I was in the United States attorney's office as assistant.

Mr. TAYLER. Yes.

Mr. HILES. And during what were called the polygamy prosecutions I drew more indictments and prosecuted more cases under the Edmunds law and the Edmunds-Tucker law than any other officer. My duties called me from Ogden to Salt Lake, to Provo and to Beaver, in all parts of the Territory; and, as I say, I drew more indictments and prosecuted more cases under those laws than any other officer. I examined hundreds and I may say thousands of witnesses during that time.

Mr. TAYLER. Now proceed.

Mr. WORTHINGTON. What time does that refer to, Judge?

Mr. VAN COTT. 1886 to 1889.

Mr. HILES. Yes. My first direct acquaintance with public affairs in Utah was, as I say, commenced in 1886, when I was appointed. At that time, under orders from the Attorney-General's office here in Washington, we were directed to proceed and prosecute offenders against these laws with as much vigor as we could, and we did proceed, commencing in the forepart of 1886. There had been some prosecutions in 1885. We had not proceeded far before it was made very clear as a general fact—it was already pretty well known in the community—that the people of Utah were living under a theocracy, under a government of priests. This state or condition was disclosed by the examination of witnesses before the grand juries by the examination of jurors touching their qualification to sit as jurors in polygamy cases, as they were called—

Mr. TAYLER. Now tell us definitely what you mean by that—what answers were given?

Mr. HILES. Invariably, if we would ask a Mormon whether he would obey the laws of the United States or the laws of the church, he would say that he would obey the law of the church. As stated by Mr. Critchlow yesterday, in every case—or in most every case—the judge would offer the defendant who was convicted the clemency of suspension of judgment if he would agree to obey the law, and he would be asked whether he would in future obey the law. He would say no. "Why not?" "Well," he would say, "I choose to obey the law of God rather than man-made laws." If we suggested that the laws of the Republic were mild and that any lady or gentleman of standing might live under them without coming in hostility to them, he would say it made no difference. If we asked him what the law of God was, he said it was that which was revealed to them in their doctrine and covenants and in the Bible, and as expounded to them by the authorities—that is to say, the authorities of the church.

Mr. TAYLER. Were such declarations exceptional, or the rule?

Mr. HILES. They were universal at first. For the first two years there was no case except the case mentioned by Mr. Critchlow, Bishop

Sharp, where they would agree to obey the law. It was regarded by the Mormons and by the priesthood as a badge of apostasy to agree to obey the law. I do not know that anyone was disfellowshipped for it, but it was considered an act of apostasy to agree to obey the law.

These prosecutions continued for some time and until the passage of the Edmunds-Tucker law in 1887, which added to the offenses of polygamy and unlawful cohabitation the offense of adultery.

The CHAIRMAN. We can not hear you, Judge.

Mr. HILES. I say the Edmunds-Tucker law was passed in 1887, and it added to the offenses of polygamy and unlawful cohabitation the offense of adultery and provided a quite severe penalty for it. I do not remember what it was, but we immediately took advantage of that in every case where we could bring a case of adultery. Instead of unlawful cohabitation, we prosecuted for adultery, and after the pressure upon the people became so great—many of them were poor people and could ill afford to pay their fines and costs out of their hard earnings—they commenced, and many of them would promise to obey the law, and did promise to obey the law, and judgment was suspended in every instance.

After this, in 1889, there was a more evident disposition on the part of the Mormon people to obey the law, and, as has been said, the people became restive under the continuous hammering of the Government to enforce the law, and they began to insist that something should be done. About 1889 or 1890 the Supreme Court of the United States confirmed the validity of the Idaho test oath. About the same time the Cullom bill was introduced into Congress, and the Struble bill, and we told the people that unless they made a change the Congress of the United States would certainly pass a law disfranchising them, and upon those representations and under those conditions the people, I say, insisted that something should be done. It was a matter of general discussion between Mormons and Gentiles. Mormons and Gentiles at that time began to meet and discuss the situation. Before that they would not discuss the matter at all of the differences between Gentile and Mormon.

In 1890 it was concluded that something would be done by the church toward an amelioration of these conditions, and upon that the Government seemed to relax its prosecution. There were prosecutions, however, all the way through 1890 up to the issuance of the manifesto in 1891, but there was some relaxation of the pressure of the law officers upon the people. There was a general disposition among all kinds of people to do something that would ameliorate these conditions, because it was a hardship upon the Mormon people.

In 1891 the manifesto was issued—

Mr. TAYLER. In September, 1890, the manifesto was issued.

Mr. HILES. September, 1890; yes. I was thinking it was 1891, but it was in September, 1890.

The CHAIRMAN. I am sorry to trouble you, Judge, but we can not hear what you say.

Mr. HILES. I thought I was speaking loud and distinctly.

The CHAIRMAN. Now you are.

Mr. HILES. I say that the manifesto was issued in September, 1890. Upon that it was given out in the public press in interviews with the heads of the Mormon Church that polygamous cohabitation was included within the manifesto as well as polygamy, the taking of new

wives, and I believe for a time there was an observance of that, I do not know for how long; but gradually since statehood, as it is called, there has been a recurrence of those old conditions. Polygamous cohabitation has become more flagrant. We see continually coming on a new crop of polygamous children, and it seems to a great many people—I have not watched the thing personally myself much; I have taken no interest in politics in late years, or in general public affairs—but it seems to a great many people with whom I talk that they are getting back to old polygamous conditions and that they are not obeying the law of the State of Utah in that respect.

After the admission of Utah as a State, the polygamists took the position that there was no inhibition in the constitution of the State of Utah against polygamous cohabitation; that the inhibition was against polygamy merely, and that the framers of the constitution, having put in an interdiction against polygamy—

Mr. TAYLER. Polygamous marriages?

Mr. HILES. Polygamous marriages, new marriages, having omitted to say anything about polygamous cohabitation or unlawful cohabitation and those other offenses that were mentioned in the Edmunds law, that therefore there was no offense in Utah such as unlawful cohabitation and adultery. When I was judge a case came up before me upon a habeas corpus in which counsel took that position, and I decided that the law was constitutional.

Mr. TAYLER. You mean they invoked the rule *expressio unius, exclusio alterius*?

Mr. HILES. Yes; that was the rule they invoked. They said the constitution having made an interdiction only against polygamy there was no such offense, and that it was unconstitutional for the legislature to pass a law. I may add here that the constitution, in what is called the schedule, continued in force those old United States or Territorial laws against polygamy and unlawful cohabitation.

Mr. TAYLER. Continued them in force until you passed laws of your own?

Mr. HILES. Yes, sir; that case, however, was not appealed to the supreme court. I decided that they would have to obey the law; that the law was a good law; but subsequently a case from Cache County went to the supreme court involving the same question, and the supreme court held the same way, that the laws against polygamous cohabitation were good and valid.

Mr. WORTHINGTON. You mean the supreme court of the State, do you not?

Mr. HILES. The supreme court of the State; yes.

Senator DILLINGHAM. May I ask one question right there?

Mr. HILES. Yes, sir.

Senator DILLINGHAM. I understood you to say they took the ground that the State had no constitutional right to pass a law against adultery?

Mr. HILES. Against adultery or against unlawful cohabitation?

Senator DILLINGHAM. Did you use them synonymously, those terms?

Mr. HILES. Yes. When I speak about polygamous cohabitation, I include everything. Of course they are not technically so.

Senator DILLINGHAM. But, as between persons to whom they were not married plurally, the legislature had no right to pass an act against adultery; that is, adultery with a person outside?

Mr. HILES. Yes; it included everything, not only under the guise

of plural marriage, but adultery in any respect. That was the contention, and it was overruled, as I have said. Subsequent to that this Evans bill was introduced into the legislature, which has been mentioned by Mr. Critchlow, which, if it had passed, would, I suppose, have nullified the law against these practices.

Mr. VAN COTT. Which practices, may I ask right there, Judge?

Mr. HILES. These malpractices that I am speaking about.

Mr. WORTHINGTON. Adultery and polygamous cohabitation?

Mr. HILES. Polygamy, adultery, and unlawful cohabitation. They are kindred offenses.

Mr. WORTHINGTON. It did not affect polygamy at all?

Mr. HILES. The Evans bill had no reference to polygamy. I am going on as rapidly as I can because I want to get through. I can not stop to make explanations unless it is desired, of course.

The CHAIRMAN. Proceed, Judge.

Mr. HILES. In addition to these complaints which are made against the church for its infraction of these laws is the continual complaint that they are interfering with the political and secular concerns of the people. Those complaints are made in different ways and come in different forms. Sometimes they come in the form of public addresses. Senator Frank J. Cannon only a year or two ago held a meeting in the Salt Lake opera house or Salt Lake theater and denounced to the people these alleged interferences by the Mormon Church with the government of politics and the business concerns of the people.

As I say, I can not give you specific instances of these interferences in politics and in business of the Mormon Church with the people, but it is a matter which is of common knowledge. It is what we call community knowledge. Everybody in town seems to think and to know that they do interfere, not, of course, in every election, that is to say, in the election of every particular man who is on a ticket, but whenever they do interfere it is effectual. Whenever they indorse a man he will be elected. Whenever they put upon him the seal of their disapprobation, he will not be.

Senator HOPKINS. Now, Judge, is it the practice of the church at each election, local and general, in the State to take part and select some for election and others for defeat?

Mr. HILES. No; not as a rule. It is only occasionally. They do not take up each man on the ticket and say whether he shall be elected or shall not be elected, but if they do take up a man and say that he shall be elected, he will be elected.

Senator HOPKINS. Is it any more than where a good Methodist is running, other good Methodist brothers think he is a little better by reason of that, and give him their vote? Or do they exert a wider and more potential influence in elections?

Mr. HILES. Yes; their influence is more effectual because it is an organization which controls large masses of men and women. It is an organization which is distinct from the Government of the United States and the government of the State of Utah, and exercises political and secular control over the affairs of the people.

Mr. TAYLER. Have you anything else in mind, Judge, to say?

Mr. HILES. No; that is all.

Mr. TAYLER. You may inquire, gentlemen.

The CHAIRMAN. I want to ask a question. I understand that it is contended that the constitution of the State of Utah and the laws of

the country prohibit the entering into plural marriages but do not prohibit polygamous cohabitation. Is that the contention?

Mr. HILES. That was the contention until the decision by the Supreme Court. That was the contention. I do not say that they would contend for it now. Mr. Roberts, in his argument in favor of the retention of his seat in Congress, used the same argument, if I remember; but it is not now put forth because the Supreme Court has everruled them.

Senator HOPKINS. How recent is that decision, Judge?

Mr. HILES. I can not remember when it was. It was as many as four years ago. I can not remember the title of the case nor the report. It is as many as four or five years ago, because it was decided before I left the District bench.

The CHAIRMAN. You may inquire, gentlemen.

Mr. VAN COTT. Will you give an illustration of your statement to the effect that the church interferes in secular and political affairs in the State of Utah, say, within the last five years? What you know, say, of your own knowledge, to start with.

Mr. HILES. Do you want an instance?

Mr. VAN COTT. Yes, sir.

Mr. HILES. Well, the election of Mr. Smoot is one. Smoot would not have been elected to the United States Senate if he had not been approved by the authorities of the Mormon Church.

Mr. VAN COTT. Right there, Judge, before you go on, do you mean by that that if Mr. Smoot had been a lay member in the church and had run for United States Senator he would not have been elected, or do you mean if he were an apostle and did not get a leave of absence or consent, that then he would have been defeated?

Mr. HILES. I mean that Mr. Smoot would never have been elected United States Senator unless he had been an apostle and had received their consent and their indorsement. When Mr. Smoot's candidacy was announced and it was known that he had the consent of the church, it was then known that he would become Senator of the United States.

Mr. VAN COTT. But Mr. Smoot was a candidate for Senator, was he not, before he became an apostle?

Mr. HILES. Yes; a perfunctory candidate.

Mr. VAN COTT. A perfunctory candidate?

Mr. HILES. Yes. He was not seriously considered until he became an apostle and after his candidacy, subsequent to his apostolate.

Senator HOPKINS. Do you mean that his standing in the Republican party of the State was such that he was not seriously considered until they learned that the church was for him?

Mr. HILES. His standing in any party—the Republican party, the Mormon party, or any party. I mean he had no standing as a candidate for the United States Senate, and when it was known that he was a candidate, then everybody said, "Why, that is the end of it. That settles it."

Mr. VAN COTT. And your opinion is, Judge, that he would not have been selected for United States Senator if he had not been an apostle?

Mr. HILES. He would not.

Mr. VAN COTT. And do you mean by that that no Mormon Republican would be selected for United States Senator unless he was an apostle, or do you not go to that extent?

Mr. HILES. Oh, no; a Mormon may become a United States Senator without being an apostle, but I say that in Smoot's case he would not have been unless he was an apostle.

Mr. VAN COTT. Please state the basis on which you make that statement, your means of knowing it, what knowledge you have in making it.

Mr. HILES. Why, his standing in the community of Utah and his relation to other men who would be candidates.

Mr. TAYLER. Louder, Judge.

Mr. HILES. His relations there to the community of Utah, and his standing as compared to other candidates for the Senate, or who might become candidates.

Mr. VAN COTT. For instance, name one candidate for the United States Senate belonging to the Mormon Church and to Republican politics whom you consider more prominent for the position than Mr. Smoot.

Mr. HILES. Why, Governor Wells.

Mr. VAN COTT. Go ahead; who else?

Mr. HILES. I do not know many Mormons who are Republicans. They are Mormons.

Senator HOPKINS. Do you mean by that that they are Mormons before they are Republicans or Democrats?

Mr. HILES. Yes, sir; that is what I mean. That is the fact.

Mr. VAN COTT. Senator, may I have that answer read? Some one spoke to me and I lost it.

The CHAIRMAN. The reporter will read the question and answer.

The reporter read as follows:

“Mr. VAN COTT. For instance, Judge, name one candidate for the United States Senate belonging to the Mormon Church and to Republican politics whom you consider more prominent for the position than Mr. Smoot.

“Mr. HILES. Why, Governor Wells.

“Mr. VAN COTT. Go ahead; who else?”

“Mr. HILES. I do not know many Mormons who are Republicans. They are Mormons.

“Senator HOPKINS. Do you mean by that they are Mormons before they are Republicans or Democrats?”

“Mr. HILES. Yes, sir; that is what I mean. That is the fact.”

Senator HOPKINS. The evidence, as I have understood it, is that Mr. Smoot has always acted with the Republican party out there and that his influence has been strong with that party and that he has favored the election of men who belonged to that political faith.

Mr. HILES. Yes; I think that is the history of it. Heber J. Grant is now a Republican. He has been a Democrat.

Mr. WORTHINGTON. That sometimes happens in other States, does it not?

Mr. HILES. Yes, sir.

Senator HOPKINS. Is or is it not a fact that Mr. Smoot has been a consistent, straightforward Republican all his mature life, or ever since he took any part in politics?

Mr. HILES. Well, I have heard so.

Mr. VAN COTT. Do you know anything to the contrary?

Mr. HILES. I know nothing to the contrary.

Mr. VAN COTT. Now, Judge, to come back to the other question, how do you know that Reed Smoot would not have been a candidate

for the United States Senate if he had not been one of the twelve apostles?

Mr. HILES. I say he would not have been elected. He might have been a candidate. I do not know what his ambitions are, independently.

Mr. VAN COTT. Tell how you know he would not have been elected.

Mr. HILES. Sir?

Mr. VAN COTT. What are your means of knowledge that he would not have been elected if he had not been one of the twelve apostles?

Mr. HILES. Because there are men in politics in Utah who have much more influence simply as politicians than he has and whom the people would prefer.

Mr. VAN COTT. And yet—

Senator HOPKINS. Do you mean by that that his position in the party has been such that he had no reasonable claim to such a promotion?

Mr. HILES. Yes; no reasonable claim to such a promotion, and if he had he could not obtain it, in my judgment. Of course, that is a matter of opinion.

Senator HOPKINS. You are giving it as your opinion. Have you anything upon which you predicate that, which you can give to this committee, which will enable us to judge from those facts?

Mr. HILES. It is only from the general talk of men in the Republican party and in the Democratic party. They say, to use slang parlance of the day, he would not be "in it" if he were not an apostle.

Mr. WORTHINGTON. "They say."

Mr. HILES. That is the general public opinion. That is the popular sense of the thing, and of course the popular good sense is a pretty accurate guide. It controls me.

Senator HOPKINS. When Mr. Smoot was first a candidate, or was first mentioned as a candidate, were there other Republicans mentioned as competitors of his for the Republican nomination?

Mr. HILES. No; not after it was known that he was a candidate. Nobody presumed—

Senator HOPKINS. Before he was mentioned, were there any other Republicans in Utah who were mentioned as probable candidates to be taken up by the Republican party of that State and advanced to the position of United States Senator?

Mr. HILES. Yes.

Senator HOPKINS. Who were they?

Mr. HILES. There were Governor Wells, I think Governor Thomas, Arthur L. Thomas, and others. I can not remember them just now, but there were other men there.

Senator HOPKINS. Is Senator Smoot a man who has in former campaigns taken an active part and gone out and spoken for his party, and exerted his influence to see that the local and State tickets should be elected, and the Republicans should win not only in the State but that the electors from the State should be Republicans?

Mr. HILES. I think he has been active in politics, but the extent of his activity I do not know. I never spoke to him but once in my life, and that was to-day, although I have known him for many years, and I do not know much about it.

Senator HOPKINS. You have been speaking about reputation and general knowledge. What is the general knowledge and reputation as to Mr. Smoot being an active participant in Republican politics out there?

Mr. HILES. He has been reasonably active in politics. Just how active I do not know. I do not know whether he ever made a speech for the Republican party or not. I never heard and never read of any of his speeches.

The CHAIRMAN. I want to ask a question. I understood you to say that Mr. Smoot could not have been elected to the Senate if he had not been an apostle, and if he had not had the consent of the church. Was Mr. Frank Cannon an apostle?

Mr. HILES. Frank J. Cannon?

The CHAIRMAN. Yes.

Mr. HILES. No, sir.

The CHAIRMAN. He is a Mormon?

Mr. HILES. Yes, sir.

The CHAIRMAN. And he was elected to the Senate?

Mr. HILES. Yes, sir.

Mr. WORTHINGTON. How do the Mormons come to allow some men to come to the Senate who are not polygamists?

Mr. HILES. Sir?

Mr. WORTHINGTON. I asked you how you account for the Mormons allowing some men to be sent to the Senate, including one of the present Senators, who are not Mormons?

Mr. HILES. That is a matter of policy with them. I do not know—

The CHAIRMAN. Is there anything further?

Mr. VAN COTT. The first Senators from Utah were Frank J. Cannon and Arthur Brown?

Mr. HILES. Yes, sir.

Mr. VAN COTT. And Arthur Brown was not a Mormon?

Mr. HILES. No; he was not a Mormon.

Mr. VAN COTT. Now, the next Senator was J. L. Rawlins?

Mr. HILES. Yes, sir.

Mr. VAN COTT. He is not a Mormon?

Mr. HILES. Yes; he is a Mormon.

Mr. VAN COTT. Joseph L. Rawlins is a Mormon?

Mr. HILES. Yes, sir.

Mr. VAN COTT. All this other information and testimony that you have given—

Mr. HILES. I have heard Mr. Rawlins say he was not a Mormon. He was baptized a Mormon. He was reared among them. His father was a bishop—his father was Bishop Rawlins.

Mr. VAN COTT. Because he was born of Mormon parentage and because his father was a Mormon, do you understand that that makes him a Mormon?

Mr. HILES. Pretty close.

Mr. VAN COTT. Pretty close?

Mr. HILES. Yes.

Mr. VAN COTT. So that if persons leave the church and if they happen to be of Mormon parentage, in your opinion they are pretty close to being Mormons. Is that right?

Mr. HILES. Yes, sir.

Mr. VAN COTT. That is right. Is all the testimony you have given along the line on which you have testified and do you speak with just as much knowledge on other matters as this, namely, that Joseph L. Rawlins is a Mormon?

Mr. HILES. He is a Mormon under the qualifications I have named; yes, sir.

Mr. VAN COTT. Under the qualifications you have named?

Mr. HILES. Yes, sir.

Mr. VAN COTT. That is, he is pretty close to being a Mormon?

Mr. HILES. Yes, sir.

Mr. VAN COTT. And all your other testimony is just along that same line; just as close?

Mr. HILES. No; I do not qualify my other testimony as I qualify that. I know what I am talking about, sir.

Mr. VAN COTT. You do know that?

Mr. HILES. Yes, sir; I know—

Mr. VAN COTT. That Rawlins is a Mormon?

Mr. HILES. With those qualifications. He told me the other day that he is not a Mormon.

Senator HOPKINS. Is Senator Rawlins a man who stands up against the church, as I take it you and the gentleman across the way here do?

Mr. HILES. Yes; he will stand out now against the church.

Senator HOPKINS. Rawlins will?

Mr. HILES. Yes, sir. He is opposed to these interferences. Mr. Frank J. Cannon is the same way. Mr. Smith said here the other day that Cannon is a poor Mormon, but Frank Cannon is a good Mormon, in my judgment. I know he is a good Mormon, and he is opposed to these interferences, and so are many of the Mormon people. They are protesting against it all the time.

Mr. VAN COTT. You say that Senator Rawlins is "now" opposed to the church. Do you mean by that that formerly he was in accord with the church?

Mr. HILES. No. He believed once in their good faith. He does not now believe in their good faith.

Mr. VAN COTT. Was there ever a time since you went to the Territory of Utah that Rawlins was either a Mormon or counted by the public as being a Mormon?

Mr. HILES. Oh, yes.

Mr. VAN COTT. There was?

Mr. HILES. Yes, sir.

Mr. VAN COTT. Most of the time?

Mr. HILES. When I first went to the Territory he was regarded as a Mormon.

Mr. VAN COTT. The next Senator was Thomas Kearns, a gentile?

Mr. HILES. Thomas Kearns is a gentile.

Mr. VAN COTT. And Reed Smoot?

Mr. HILES. And Reed Smoot comes next.

Mr. VAN COTT. You class three of them as Mormons—that would be Mr. Smoot, Mr. Rawlins, and Mr. Cannon—who have gone to the United States Senate?

Mr. HILES. Mormons with this qualification, that they are opposed to the church's interferences—those two Mormons, Rawlins and Frank J. Cannon.

Mr. VAN COTT. Were they when they were elected?

Mr. HILES. I think they were; yes, sir.

Mr. VAN COTT. Judge, you also spoke of the church interfering in political and secular affairs, and I will ask you whether your testimony on that point applies to, say, the last five years?

Mr. HILES. Yes; it applies to all the time.

Mr. VAN COTT. Will you mention some instance or instances in the last five years that you know of?

Mr. HILES. No. I told you that I had no knowledge of any specific instance, because I have no connection with the Mormon priesthood, but these are things which are constant sources of complaint. I hear these complaints that are made by Mr. Critchlow. I see them in the newspapers.

Mr. VAN COTT. You also heard Mr. Critchlow say, in one instance, that some one had told him that some one had said that some other person had said so and so. You heard that statement made, too, Judge?

Mr. HILES. I have heard a good deal of hearsay testimony here; yes, sir.

Mr. VAN COTT. Judge, in your experience on the bench, is not hearsay testimony very dangerous?

Senator HOPKINS. I object. That is improper.

Mr. VAN COTT. I withdraw the question.

Let me call your attention to another circumstance you mentioned.

The CHAIRMAN. The committee will pass on the value of the evidence.

Mr. VAN COTT. I withdraw the question. It was simply with a view of reaching Judge Hiles's mental attitude.

Calling your attention to the matter you mentioned in connection with the Utah State convention, in regard to plural marriage, do you mean to say that the claim that was made that a statute could not be passed punishing unlawful cohabitation, because it would be unconstitutional, was made by the Mormon Church or was made by some attorney in a particular criminal prosecution?

Mr. HILES. It was made by attorneys in court.

Mr. VAN COTT. It was made by an attorney in court?

Mr. HILES. Yes, sir; and as I say, further, by Mr. Roberts when he was trying to defend his position before the House of Representatives.

Mr. VAN COTT. Confining ourselves at present to the court proceedings—

Mr. HILES. Yes.

Mr. VAN COTT. You did not understand it was the church that was making that claim?

Mr. HILES. Oh, no. I do not know that the authorities ever put forth that.

Mr. VAN COTT. No.

Mr. HILES. I will not say that.

Mr. VAN COTT. It was simply in some criminal prosecution where the claim was made?

Mr. HILES. Yes, sir.

Mr. VAN COTT. You also mentioned an occasion when the Mormon people first commenced in the prosecutions to say they would obey the law. I want to get the date when that was.

Mr. HILES. That was after the passage of the Edmunds-Tucker law—in 1887, I think it was. These prosecutions had been going on for about two years.

Mr. VAN COTT. Before that they had refused to obey the law?

Mr. HILES. Yes, sir; some did after that.

Mr. VAN COTT. And some did after?

Mr. HILES. Yes, sir.

Mr. VAN COTT. But the majority promised to obey the law?

Mr. HILES. I should think not a majority.

Mr. VAN COTT. You think not?

Mr. HILES. No; a good many of them did in order to escape the penalty.

Mr. VAN COTT. Did I understand you correctly that it was given out in the press after the passage of the manifesto that the Mormon people would obey the law as to unlawful cohabitation?

Mr. HILES. It was given out in interviews——

Mr. VAN COTT. In interviews?

Mr. HILES. That were published in the press.

Mr. VAN COTT. I see.

Mr. HILES. And I think in the testimony before Mr. Loofbourow, the commissioner.

Mr. VAN COTT. That was the escheat case?

Mr. HILES. Yes; that was the construction which the headmen of the church put upon the manifesto, that it included unlawful cohabitation and adultery as well as polygamy.

Mr. VAN COTT. I wanted to know if that was the matter you referred to. I wanted to identify it.

Mr. HILES. That matter and other matters.

Mr. VAN COTT. Now, you stated that at first the Mormon people commenced to obey the law as to polygamous cohabitation. Do you know that of your own knowledge, or is that a matter of general reputation?

Mr. HILES. It is not my own knowledge, but a matter of general public belief. The people thought that "old things are passed away * * * and all things are become new." They thought that for two or three years.

Mr. VAN COTT. What is the basis for your statement that polygamous cohabitation is now more frequent than it was formerly?

Mr. HILES. You hear of a greater number of polygamous children being born. You will see a polygamist driving down the street with his polygamous wife. You would not see that between 1886 and 1890.

Mr. VAN COTT. And, for instance, Judge, who?

Mr. HILES. I know one instance, but I do not want to mention his name, because he is a friend of mine, although he is a polygamist.

Mr. VAN COTT. We will excuse you from mentioning his name.

Mr. HILES. That is to say, I have received acts of kindness from him, and I would not say anything that might be to his injury.

Mr. VAN COTT. We do not ask you for his name. Will you give us the name of any other person, if you know it?

Mr. HILES. No. I can not now recall where I have seen a polygamist with his wife.

Senator HOPKINS. On that point, President Smith testified that he went to St. Louis with one woman and to California with another.

Mr. VAN COTT. That is very true. I was simply asking the Judge for the basis of the statement he made; that is all.

That is all, Mr. Chairman.

The CHAIRMAN. Have members of the committee any questions to ask?

Mr. TAYLER. Is that all?

The CHAIRMAN. Yes. Have you any questions?

Mr. TAYLER. A few. Relating to the subject concerning which you have just testified, that different conditions exist now, and have recently—in the last four or five years—from those that existed from 1886 to 1890, do you recall a circumstance in the case of Mrs. Mattie Cannon, who sat in the legislature; did she?

Mr. HILES. Yes, sir. That is an instance—

Senator DILLINGHAM. I misunderstood the witness. I understood him to say that the period when the improvement began was in 1890, and since that time it had been growing more flagrant.

Mr. HILES. Since statehood; since 1896.

Mr. TAYLER. Say from 1887 to 1896.

Senator DILLINGHAM. I mean since statehood.

Mr. HILES. There was a period between the manifesto and the admission of the Territory of Utah as a State when we thought the old things would pass away and new conditions would come about.

Senator HOPKINS. Some of the witnesses who have testified here have conveyed the impression, at least to my mind, that these children that you speak of are the result of polygamous marriages that took place prior to the manifesto, and that since that time they have not taken on plural wives. What is your knowledge on that subject?

Mr. HILES. I have no knowledge. I have no knowledge of any marriage since the manifesto, and I have no knowledge of any marriage before the manifesto.

Senator HOPKINS. You speak in your testimony here of seeing a resident of the State come down the street with a plural wife.

Mr. HILES. Yes.

Senator HOPKINS. Is that instance that you had in mind and to which you gave expression in your testimony, one where the woman was a plural wife prior to the manifesto or since?

Mr. HILES. That I do not know. I doubt if she was a plural wife before the manifesto, because they are young people; comparatively young.

Mr. WORTHINGTON. Then we must have the name.

Senator HOPKINS. What I want to know is whether or not the testimony which has been given here is testimony that we can rely upon, and that these plural marriages have been stopped substantially since the manifesto, and that the offense is in continuing to cohabit with plural wives that were plural wives before that time.

Mr. HILES. Senator Hopkins, I dislike to pass judgment upon the trustworthiness of other witnesses, and that I can not do. I will say this, however, that in all these deliverances which are given upon the subject of polygamy and upon their polygamous relations, the testimony of the witnesses must be taken with reserve.

Senator HOPKINS. Yes; very well, Judge. What place is your home in Utah?

Mr. HILES. Sir?

Senator HOPKINS. Where do you live in Utah?

Mr. HILES. At Salt Lake City.

Senator HOPKINS. What is the population?

Mr. HILES. About 60,000.

Senator HOPKINS. Do you know of any instances in Salt Lake City, where you have lived for the last seventeen years, of any Mormon taking a plural wife since the manifesto?

Mr. HILES. I can not say that I do.

Senator HOPKINS. Do you know of any instance in the State of Utah since the manifesto where a professed Mormon or anybody, whether a professed Mormon or not, has taken a plural wife?

Mr. HILES. In what time?

Senator HOPKINS. In the State.

Mr. HILES. In the seventeen years I have been there?

Senator HOPKINS. No; since the manifesto.

Mr. HILES. No; I can not say that I do, and I can say further that I do not know of any case where they took them before the manifesto. Those marriages are always secret.

Senator HOPKINS. I want, for my benefit, to know whether there is a distinction between the cases that existed before the manifesto and since. You say you do not know of any since. Have you any evidences that you can present to the committee, either in Salt Lake City or the State, where Mormons have taken plural wives since the manifesto?

Mr. HILES. I know of no instance.

Senator HOPKINS. Can you state to the committee that it is even your belief that they have taken plural wives since that time?

Mr. HILES. I can say it is my belief that they have, because there are as many polygamists in Utah now as there ever were, I believe.

Senator HOPKINS. You say "there ever were." You mean, of course, that with the increased population the proportion goes on just the same as it did prior to the manifesto?

Mr. HILES. Well, I do not know that it increases in the same ratio as the population does. I would not say that.

Senator HOPKINS. If that condition exists is it not within the range of such gentlemen as yourself, who are opposed to polygamy, to produce some evidences to the committee of that by pointing out that in Salt Lake City—

Mr. TAYLER. I ought to state here that we do not claim that Judge Hiles knows anything on this subject. We have a large body of proof upon that point—

Senator HOPKINS. Very well.

Mr. TAYLER. Ready to be presented to the committee.

Senator HOPKINS. Then I will not pursue it further. As I say, the witnesses who have already been examined on that point have stated—

Mr. TAYLER. I understand.

Senator HOPKINS. That it ceased at the time of the manifesto, and as this witness entertains different views, I wanted to know what he knew upon the subject.

Mr. TAYLER. Of course the Senator will discover the difficulty of securing proof of that character.

Senator HOPKINS. I recognize it.

Mr. TAYLER. We had an instance a day or two ago which we concluded, and will perhaps continue to conclude, was polygamy—in the case of Lorin Harmer—but he contended that it was a common illicit relation.

The CHAIRMAN. I want to ask you if you know of any instance where children have been born since 1890 to persons who were living in polygamy before that date and now continue that relation. Do you know anything about it?

Mr. HILES. Yes.

The CHAIRMAN. What do you say about that?

Mr. HILES. I think——

Senator HOPKINS. I think that is not denied by Mr. Smith.

The CHAIRMAN. No; it is not denied by Mr. Smith, but I want to know what the witness knows about it.

Mr. HILES. I know that such is the case.

The CHAIRMAN. What is the case; that children are being born?

Mr. HILES. Yes; children are being born and they have been born since statehood.

The CHAIRMAN. Since statehood and since the manifesto?

Mr. HILES. Since the manifesto.

The CHAIRMAN. Of parents married previous to 1890?

Mr. HILES. Yes, sir.

The CHAIRMAN. Do you know how general that is?

Mr. HILES. The polygamists are all having children the same as before.

The CHAIRMAN. Is there any further question?

Mr. VAN COTT. Yes, sir.

Senator HOPKINS. I want to ask one further question. Witnesses thus far have spoken of the percentage of Mormons who are polygamists. Have you any figures upon that subject?

Mr. HILES. I never have figured upon that subject at all and what I know is only in a general way.

Mr. HOPKINS. The percentage of polygamists among the Mormons, as stated by witnesses who have already testified, is exceedingly small, and I want to know whether you have any figures which would either corroborate or disprove the figures which have already been presented to us.

Mr. HILES. I have no figures as to the percentage of the population which is polygamous.

Mr. TAYLER. The figures vary from 3 to 25 per cent.

The CHAIRMAN. Is there anything further?

Senator HOPKINS. I have never been here when it was stated as 25 per cent. I have been here when the witnesses said it was 3 per cent.

Mr. VAN COTT. Did you answer Senator Hopkins that you believed this man whom you mentioned had taken a plural wife since the manifesto?

Mr. WORTHINGTON. Your friend.

Mr. HILES. I believe it only from the circumstance that they are comparatively young people. The manifesto was twelve or fourteen years ago.

Mr. TAYLER. I do not think under the circumstances he ought to be compelled to disclose the name. He did not volunteer it.

Mr. VAN COTT. Either way. It can either go out or else we want the name, because we want to put the man on the stand.

Mr. WORTHINGTON. I do not think it ought to be allowed to go out.

The CHAIRMAN. The witness does not state that it was since statehood.

Mr. VAN COTT. Yes, sir; since the manifesto.

Mr. WORTHINGTON. The great point, or one of the great points, is whether plural marriages have been given up, and here is a specific instance given, and the fruits of it appearing in the man driving around in Salt Lake City with his children. We think that being the case, we

ought to have the name, so that the committee can know and we may be able to show whether or not the relation began before the manifesto.

Senator OVERMAN. The whole matter was brought out on cross-examination, and therefore he ought not to be required to give the name, I think.

Mr. VAN COTT. I beg pardon.

Senator OVERMAN. I may be wrong.

Mr. VAN COTT. You are.

The CHAIRMAN. Do you state to the committee that the people of whom you speak were married since the manifesto?

Mr. HILES. No, sir; I do not know it.

The CHAIRMAN. You have no knowledge on that subject?

Mr. HILES. No, sir; I have not.

The CHAIRMAN. I do not think you should be compelled to disclose his name.

Mr. VAN COTT. We will not press it.

Mr. WORTHINGTON. How old are the people? I will ask as to the husband first. How old is he?

Mr. HILES. The husband, I should say, is about forty; maybe he is older than that.

Mr. WORTHINGTON. How old is the wife?

Mr. HILES. The plural wife is past thirty.

The CHAIRMAN. Past thirty?

Mr. HILES. Yes, sir.

Mr. WORTHINGTON. How old is their oldest child?

Mr. HILES. That I do not know. They have several children.

Mr. WORTHINGTON. You have seen them out driving?

Mr. HILES. But it was with a young child, a babe in arms.

Mr. WORTHINGTON. For all you know they may have children 15 years old?

Mr. HILES. Yes; I do not know anything about it.

The CHAIRMAN. Is there anything further of this witness? There was an intimation from one side or the other that the attorneys desired to recall Mr. Jenson for other questions.

Mr. TAYLER. We have completed the testimony of the witnesses who have responded to the subpoenas sent out, and the committee will readily understand that it was not until we examined those who have been examined that we could know in some respects what other testimony would be required. We are anxious, of course, and insist, if it is possible to accomplish it, that the witnesses who have been subpoenaed, and are not here, should be here at such time as the committee may determine, and also that some other witnesses; whose testimony is discerned now to be valuable, should be brought here. I simply give that information to the committee so that it may determine what may be done and fix a time——

The CHAIRMAN. For the present you have no other witnesses?

Mr. TAYLER. We have no other witnesses.

The CHAIRMAN. I will ask you to confer with the chairman and other members of the committee as to your witnesses, who they are, where they reside, and what you expect to prove by them.

Mr. TAYLER. We will do so.

The CHAIRMAN. So that we may have some idea——

Senator HOPKINS. I should like to know from the lawyers whether

the defense have any witnesses whom they are willing to put on now, or do they prefer to wait until Mr. Tayler closes his case.

Mr. WORTHINGTON. We should prefer to wait, Senator, until the case for the prosecution has been closed?

The CHAIRMAN. Very well. Mr. Tayler, if you will see me and let me know about the witnesses, I shall be obliged.

Senator DILLINGHAM. Perhaps there ought to be conferences with counsel on both sides.

The CHAIRMAN. As I understand it, counsel for the respondent have indicated that they do not now desire to call any witnesses.

Senator DILLINGHAM. I mean as to the adjournment.

The CHAIRMAN. If there are no other witnesses present, the Chair will suggest that if it is agreeable to the committee I will confer with Mr. Tayler and ascertain where these witnesses are and how soon they can be got here, and the moment they can be got here I will call the committee together.

Mr. TAYLER. Most of them are in Utah, and of course it will take some time, and it will certainly be ten days or two weeks before we could reasonably expect to get them.

The CHAIRMAN. As soon as I can ascertain this, there will be a meeting of the committee. Perhaps we will have a meeting on Monday, so that at the very earliest date—

Mr. WORTHINGTON. Mr. Tayler, why did you wait until the examination of this witness was concluded before having the others subpoenaed, thus creating this hiatus?

Mr. TAYLER. Of course that is a matter of detail in the control of our side of the case, but I have conferred with the chairman about it. I am very sure there are several apostles of this church whose attendance I asked Mr. Smith to procure (and he stated that he had control of their movements), whom I want, and they know I want them.

Mr. VAN COTT. They are being looked up.

Mr. TAYLER. And they are the ones I want first. The others will follow.

The CHAIRMAN. Perhaps, Mr. Worthington, you will remember that 8 witnesses who have been subpoenaed have not appeared.

Mr. WORTHINGTON. Yes, sir.

The CHAIRMAN. And I understand Mr. Tayler desires to have them here.

Mr. WORTHINGTON. If those are the witnesses he asks for, I understand it, but he spoke of having a large number of witnesses, or a large amount of proof on the subject of plural marriages since the manifesto, and I thought he had some witnesses on that subject.

The CHAIRMAN. The committee will stand adjourned, subject to call. I want to ask the attorneys if they require the presence of Judge Hiles, Mr. Critchlow, or Mr. Jenson. If not, they will all be discharged. [A pause.] They are discharged. If they will come to the desk here arrangements will be made with them.

Thereupon, at 4 o'clock and 25 minutes p. m., the committee adjourned subject to the call of the chairman.

WASHINGTON, D. C., *April 20, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), Depew, Beveridge, Hopkins, Pettus, Dubois, Bailey, and Overman; also Senator Smoot; also John G. Carlisle and R. W. Tayler, counsel for protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent; and Franklin S. Richards, counsel for certain witnesses.

The CHAIRMAN. Mr. Tayler, are you ready to proceed?

Mr. TAYLER. I believe so.

The CHAIRMAN. Call your first witness.

Mr. TAYLER. I should like to have Mr. Roberts sworn.

TESTIMONY OF BRIGHAM H. ROBERTS.

BRIGHAM H. ROBERTS, being first duly sworn, was examined, and testified as follows:

Mr. TAYLER. Where do you live, Mr. Roberts?

Mr. ROBERTS. I live in Centerville, Utah.

Mr. TAYLER. You have lived in Utah the greater part of your life?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. I believe you were born in England and came to this country when a boy?

Mr. ROBERTS. Yes.

Mr. TAYLER. What, if any, official position do you hold in the Mormon Church?

Mr. ROBERTS. I am one of the presidents of seventy.

Mr. TAYLER. Are they called first presidents of seventies or presidents of seventies?

Mr. ROBERTS. They are called first presidents of seventy.

Mr. TAYLER. What other official position do you hold?

Mr. ROBERTS. I am one of the assistant historians of the church and am also an assistant to President Smith in an organization of young men, an auxiliary organization of the church, however.

Mr. TAYLER. Do you hold any other official position?

Mr. ROBERTS. No, sir.

Mr. TAYLER. You have written some books respecting your church, have you not?

Mr. ROBERTS. Yes.

Mr. TAYLER. What are their names?

Mr. ROBERTS. I wrote the Biography of John Taylor; A New Witness for God; Outlines of Ecclesiastical History; a work called The Gospel; The Missouri Prosecutions; The Rise and Fall of Nauvoo; a work recently published, a controversial work with a Catholic priest, on the subject of the Deity; and lately there have been issued two volumes of a documentary history of the church, of which I was the editor and compiler, a controversial work called Succession in Presidency, meaning of the Mormon Church.

Mr. TAYLER. Then there was a little book that we have had here in evidence.

Mr. ROBERTS. A pamphlet?

Mr. TAYLER. Yes; a pamphlet. What was the title of that?

Mr. ROBERTS. Mormonism.

Mr. TAYLER. That is rather a general description, fully covered by other things that you have written, I suppose; a popular exposition of Mormonism?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. In brief form?

Mr. ROBERTS. Yes.

Mr. TAYLER. How many assistant historians are there in the church?

Mr. ROBERTS. I think there are four.

Mr. TAYLER. Who is the historian?

Mr. ROBERTS. Anthon H. Lund.

Mr. TAYLER. And Mr. Jenson, who was a witness here, is one of the assistant historians?

Mr. ROBERTS. Yes, sir; he is.

Mr. TAYLER. How long have you been a first president of seventies?

Mr. ROBERTS. I think I was chosen in 1888.

Mr. TAYLER. So far as the control of the membership of the church is concerned, as a church organization, where do the first presidents of the seventies rank as respects the apostles, for instance?

Mr. ROBERTS. They rank next to the apostles.

Mr. TAYLER. How many first presidents of the seventies are there?

Mr. ROBERTS. Seven.

Mr. TAYLER. What, if any, relation exists between the first presidents or the presidents of the seventies and the stake presidents?

Mr. ROBERTS. No relation whatever, further than a common relation of brotherhood.

Mr. TAYLER. The first presidents, therefore, have no authority over the stake presidents?

Mr. ROBERTS. None at all.

Mr. TAYLER. Nor the stake presidents over the presidents of the seventies, except as they would have over them in their individual capacity?

Mr. ROBERTS. As members.

Mr. TAYLER. As members of the church. When did you first enter politics in Utah?

Mr. ROBERTS. I think it was about 1889. Pardon me. [A pause.] Well, I think likely that is about right, as nearly as I can fix it from recollection.

Mr. TAYLER. Were you then elected to some office?

Mr. ROBERTS. No, sir.

Mr. TAYLER. What do you mean? I am not so particular about this, I think. But what do you mean by entering politics?

Mr. ROBERTS. I began making political speeches and exercising an interest in political matters.

Mr. TAYLER. When were you naturalized? Had that date anything to do with the date of your interest in politics?

Mr. ROBERTS. I think not.

Mr. TAYLER. When did you first become a candidate for office? That is what I had in mind when I asked the question.

Mr. ROBERTS. 1894.

Mr. TAYLER. What were you a candidate for then?

Mr. ROBERTS. I was a candidate for member of the constitutional convention of our State.

Mr. TAYLER. Were you elected?

Mr. ROBERTS. I was elected.

Mr. TAYLER. Were you a member of the constitutional convention which drafted the present constitution of Utah?

Mr. ROBERTS. Yes.

Mr. TAYLER. That was the constitution which was submitted to the people at the election of 1895?

Mr. ROBERTS. Yes.

Mr. TAYLER. Now, in 1895, you were a candidate for Congress?

Mr. ROBERTS. I was.

Mr. TAYLER. And were defeated at the polls by Mr. Allen, I believe.

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Did you, with respect to that candidacy for Congress at that time, have differences with the church authorities?

Mr. ROBERTS. Some differences.

Mr. TAYLER. I wish you would describe what those differences were as well as you can.

Mr. ROBERTS. If you will allow me to give the full history of that matter, if that is what you wish, I will do so.

Mr. TAYLER. Yes.

Mr. ROBERTS. Previous to my becoming a candidate for member of the constitutional convention, there had some unpleasantness arisen about men in high church standing having anything to do in politics, and the presidency of the church at that time decided that members of the quorum of apostles, members of my own council, the presidents of the seventy, and the presidents of the stakes, and the bishops of the wards, would better stay out of politics, and to that I consented or agreed. But during my brief absence from the State in the fall of 1894 I was nominated by our county convention to be a member of the constitutional convention, and on my return, being informed of the nomination, in conversation with some friends I stated that it was a nomination I could not accept owing to the previous arrangement that men of my standing in the church should not take part in politics.

But I was informed that during my absence that order had been somewhat changed, at least, and that it was thought there would be too many men of standing in the community eliminated from so important a gathering as a constitutional convention, and that it had been decided better that liberty be granted men of the character I have described to enter into politics, and at least to accept these nominations. I inquired of the authorities of the church if that was correct, and was informed that it was. I then wrote my acceptance of the nomination, and Mr. Rawlins being a candidate—I think, however, that it was previous to that time that he was a candidate for the House. I believe he was nominated at that time as Senator. In company with him I stumped the State of Utah in the interest of our party.

The CHAIRMAN. You say you inquired of the authorities of the church. Of whom did you inquire?

Mr. ROBERTS. I inquired of one of the first presidents of the church.

The CHAIRMAN. Of anybody else?

Mr. ROBERTS. No, sir.

Senator DUBOIS. When you speak of the authorities of the church, do you mean one of the first presidents?

Mr. ROBERTS. Not necessarily.

Mr. TAYLER. You mean somebody superior in authority to yourself, I assume?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Such persons were to be found only in the body of the apostles or the first presidency?

Mr. ROBERTS. Yes.

The CHAIRMAN. Then you made this inquiry of the first presidency?

Mr. ROBERTS. Yes; one of the presidents of the church. I asked him if the rule with which I was acquainted had been altered, and he informed me that it had been. This was in 1894.

The CHAIRMAN. Who constituted the first presidency at that time?

Mr. ROBERTS. Wilford Woodruff, George Q. Cannon, and Joseph F. Smith.

The CHAIRMAN. Of which one did you inquire?

Mr. ROBERTS. Mr. Smith.

In 1894, in company with Mr. Rawlins, I stumped the State and was elected to the convention. After the close of the constitutional convention I was nominated by my party a candidate for Congress and took an active part in the campaign of that year. In the midst of the campaign, at a meeting of the priesthood of the church in Salt Lake City, Mr. Smith made some reference to Moses Thatcher and myself—

Mr. TAYLER. You mean Joseph F. Smith?

Mr. ROBERTS. Yes; I mean Joseph F. Smith, as having accepted these important nominations, which would take us away from our ecclesiastical duties, without consultation with any of the apostles or the first presidency; and his remarks were in the nature of a complaint of that conduct. Whereupon a number of men who had heard these remarks took it upon themselves to circulate the idea that Mr. Thatcher and myself were out of harmony with the church authorities, and that it would be agreeable to them to have us defeated. And very naturally we protested. I protested, and I think Mr. Thatcher also protested, against the action of these lesser authorities of the church making use of the casual remarks of Mr. Smith. The country was considerably agitated. Newspapers took it up; and that agitation resulted in the reconvening of the Democratic convention for the purpose of defining the attitude that the Democrats would take in that issue.

Mr. TAYLER. What issue?

Mr. ROBERTS. That is, of the alleged exercise of religious influence in a political contest.

The CHAIRMAN. You have stated that your defeat would be "agreeable to them." Whom do you mean by them?

Mr. ROBERTS. I mean that the parties who carried this report from the priesthood meeting represented that it would be agreeable to the first presidency and the apostles for us to be defeated. It was out of these circumstances that the friction counsel refers to arose between the authorities and myself.

Mr. TAYLER. You were about to speak about this reconvened convention that occurred in October, 1895, did it not?

Mr. ROBERTS. I think it did.

Mr. TAYLER. Tell us what took place at that convention.

Mr. ROBERTS. There was a long preamble reciting alleged facts—

Mr. WORTHINGTON. Is not that in print already?

Mr. TAYLER. Yes; but it is well to describe it. It is not going to hurt us. (To the witness.) Have you a copy of that here?

Mr. ROBERTS. No, sir.

Mr. TAYLER. I am not referring so much to the details or the word-

ing of any written document as I am to the things that happened at that convention.

Mr. ROBERTS. There was a long preamble reciting alleged interferences on the part of high church officials, followed by a declaration of principles, I think some eight or ten, or nine, in number. I do not now recall how many.

Mr. TAYLER. That declaration of principles was confined, was it not, to the proposition that the church should keep its hands off from politics?

Mr. WORTHINGTON. I think, certainly, if we are going into the matter of the preamble and the declaration of principles, we ought to have them instead of the witness' recollection of their contents.

Mr. TAYLER. Counsel misconceives the purpose of my question.

Mr. WORTHINGTON. I do not know what the purpose is, Mr. Chairman, and I do not think it makes any difference. The purpose is to get before the Senate and the committee these documents, or their contents, and I see no reason why the statement of anybody as to what is in any of them should be admitted when the documents themselves are easily procurable and should be in the record if they are to be referred to at all.

The CHAIRMAN. Read the question.

Mr. TAYLER. I am dealing with the witness wholly and not with a matter of substantive proof.

The CHAIRMAN. I suppose it is for identification.

Mr. TAYLER. And as to the witness' attitude respecting it.

The CHAIRMAN. Let the reporter read the question.

The reporter read as follows:

"Mr. TAYLER. That declaration of principles was confined, was it not, to the proposition that the church should keep its hands off from politics?"

The CHAIRMAN. Mr. Roberts, you may answer that. What is your answer?

Mr. ROBERTS. Yes.

Mr. TAYLER. You were in that convention?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Did you speak in it?

Mr. ROBERTS. I think I did.

Mr. TAYLER. In that convention and through that campaign you, in very bitter terms, inveighed against this intrusion of the church into politics?

Mr. ROBERTS. No, sir. I should like to disclaim any bitterness in the matter.

Mr. TAYLER. I do not want to characterize improperly the language that you used vigorously and most earnestly then?

Mr. ROBERTS. Yes.

Mr. TAYLER. So vigorously and so earnestly that the higher authorities of the church assumed a similar attitude toward you—of vigorous and earnest opposition to your position?

Mr. ROBERTS. I think that is right.

Mr. TAYLER. And after the election, at which the Republican candidate was elected, the authorities of the church took up your recalcitrancy?

Mr. ROBERTS. Yes, sir.

Senator OVERMAN. Was your opponent, Mr. Allen, who defeated you, a Mormon?

Mr. ROBERTS. No, sir; he was a gentile.

Mr. TAYLER. State what occurred between you and the authorities of the church with respect to your attitude in the campaign of 1895.

Mr. ROBERTS. The authorities took the position—

The CHAIRMAN. What do you mean by "the authorities?"

Mr. ROBERTS. I mean the first presidency and the twelve. They took the position that my attitude during the campaign had misrepresented, before the people, their intentions and their wishes, and they desired to go over the matter with me, to consider it and, if possible, to bring about a reconciliation as between them and myself.

Senator BEVERIDGE. In what respect did they say that your position had misrepresented their attitude?

Mr. ROBERTS. They disclaimed many of the things that were recited in the preamble on which the democratic declaration of principles was made, disclaiming any intention or desire to interfere with the political rights or liberties of the people.

Mr. TAYLER. I was not going to ask Mr. Roberts anything more about the subject of political interference, and if any Senator has in his mind any questions he desires to ask about it, this will be a good time to ask them.

The CHAIRMAN (after a pause). You may proceed, Mr. Tayler.

Mr. TAYLER. Mr. Roberts, you are familiar with the history of Utah, and the history of the church, the history of the Territory, and of the State, I suppose?

Mr. ROBERTS. In a general way.

Mr. TAYLER. You of course have always known of the legislation respecting bigamy and polygamy?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Of the law which was passed in 1862, and of the decision of the Supreme Court in the Reynolds case in 1878? I suppose every intelligent man in Utah has had knowledge of those things.

Mr. ROBERTS. I think so.

Mr. TAYLER. And also of the act of 1882, known as the Edmunds Act, and the act of 1887, called the Edmunds-Tucker Act?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Those are things with which you have been always familiar?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. And of course with the manifesto of 1890 respecting the subject of polygamy?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. You were at the time, I suppose, and are now, familiar with the statements made by Wilford Woodruff and Joseph F. Smith, and others, after the manifesto, that the manifesto referred to the subject of unlawful cohabitation as well as to the taking of plural wives?

Mr. ROBERTS. I understand it in that way.

Mr. TAYLER. You have been married how many times?

Mr. ROBERTS. I have been married three times.

Mr. TAYLER. When were you married to your several wives?

Mr. ROBERTS. I was married to my first wife in 1877, to my second wife in 1886, and to my third wife in 1890.

Mr. TAYLER. Where were you married to your first wife?

Mr. ROBERTS. I was married in Salt Lake City.

Mr. TAYLER. What was her last name.

Mr. ROBERTS. Smith.

Mr. TAYLER. You had children by her?

Mr. ROBERTS. Yes.

Mr. TAYLER. And where were you married to your second wife?

Mr. ROBERTS. In Salt Lake City.

Mr. TAYLER. Her name was Dibble, I think?

Mr. ROBERTS. It was Dibble.

Mr. TAYLER. How many children have you by her?

Mr. ROBERTS. I have eight.

Mr. TAYLER. You have had children—and I look to fix the time—born of this first plural wife, Celia Dibble, since you were elected to Congress in 1898?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. That is, in what year—1901 or 1902?

Mr. ROBERTS. My election?

Mr. TAYLER. I mean when the children were born; the last children.

Mr. WORTHINGTON. By the second wife.

Mr. TAYLER. By the second wife.

Mr. ROBERTS. The last children were born some two years ago.

Mr. TAYLER. Where were you married to your third wife?

Mr. ROBERTS. In Salt Lake City.

Mr. TAYLER. By whom?

Mr. ROBERTS. By Daniel H. Wells.

Mr. TAYLER. Where?

Mr. ROBERTS. I do not know that I can say just where. It was in a house on First street in Salt Lake City.

Mr. TAYLER. What time in the year?

Mr. ROBERTS. It was in the month of April.

Mr. TAYLER. Who were the witnesses to this marriage?

Mr. WORTHINGTON. The last one?

Mr. TAYLER. Yes; the one in April, 1890.

Mr. ROBERTS. There were no witnesses.

Mr. TAYLER. Who was Daniel H. Wells? What was his position?

Mr. ROBERTS. Daniel H. Wells at that time was sustained as councilor to the apostles. He had been a councilor to President Brigham Young, and was continued in that capacity—that is, as a councilor to the twelve apostles, who were during an interim the presiding authorities of the church.

Mr. TAYLER. Now, your language is somewhat guarded in that respect, and no doubt it is in order to be accurate about it, and not for any other reason. Do you mean he was not what we now understand to be one of the councilors to the first president?

Mr. ROBERTS. No; he was not, because there was no first presidency in existence at that time.

Mr. TAYLER. Exactly. But his status was akin to that of a councilor to the first presidency?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Had he been a councilor to the first president immediately preceding?

Mr. ROBERTS. Yes.

Mr. TAYLER. Was he a councilor to the next first president?

Mr. ROBERTS. No.

Mr. TAYLER. The first president himself selects the councilors, I believe?

Mr. ROBERTS. He does.

Mr. TAYLER. Daniel H. Wells had been for many years a very prominent official in the Mormon Church?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. You say that you have no recollection of anybody being present at the ceremony?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Was either of your other wives present?

Mr. ROBERTS. Neither of them.

Mr. TAYLER. In whose house was it?

Mr. ROBERTS. My recollection is that it was in the house of a son of Mr. Wells.

Mr. TAYLER. Has your attention ever been directed to the statements made by high authorities of the church, for instance, that only one plural marriage had occurred in the church since 1887?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Are you familiar with the frequent arguments that were made before committees of Congress and elsewhere, that such was the fact—that only a single plural marriage or so—

Mr. WORTHINGTON. We had understood that it had been determined by the committee not to go back of the manifesto. All this is about matters that occurred previous to the manifesto.

The CHAIRMAN. I suppose the purpose is to show that the witness has lived in polygamous cohabitation.

Mr. WORTHINGTON. Counsel is inquiring into all the details of a marriage that occurred prior to the manifesto.

Mr. TAYLER. We were talking about things that occurred after the manifesto relating to things that occurred before—that is to say, the statement of high officials of the church after the manifesto as to what had occurred within two or three years before. I do not care anything about that. I had in mind the language of the manifesto, and I want to call the attention of the witness to it.

Mr. Roberts, of course you have read the manifesto, so called, of September, 1890?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. That manifesto seems to have proceeded, issued out, from a claim made that plural marriages had been contracted. I want to refresh your recollection by reading its opening sentence:

“To whom it may concern—”

This is the manifesto:

“Press dispatches having been sent out 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, alleges 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.”

* * * * *

“One case has been reported in which the parties alleged that the marriage took place 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.”

That was not your marriage which is referred to in the manifesto?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Wilford Woodruff at the time of your marriage held what position?

Mr. ROBERTS. He was president of the church. Pardon me. I think he was. He may have been, however, president of the apostles. I can not recall that just now.

Mr. TAYLER. If he was not president of the church, who was?

Mr. ROBERTS. No one, if he was not.

Mr. TAYLER. That is to say, if he was not, there was an interregnum?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. What relation did Daniel H. Wells sustain to Wilford Woodruff in April, 1890?

Mr. ROBERTS. I could hardly define that. Daniel H. Wells was continued after the organization of the presidency as councilor to the apostles, and I do not know what relation would be thought to exist between a councilor to the apostles and the president of the church, though I should say it was nearly in the relationship of one of the members of the apostles to the presidency of the church.

Mr. TAYLER. Did Daniel H. Wells in the first instance oppose marrying you to Mrs. Shipp?

Mr. ROBERTS. No.

Mr. TAYLER. How did you come to arrange with him? Did you go to him with Mrs. Shipp and say, “We want you to marry us,” and he proceeded thereupon to marry you?

Mr. ROBERTS. If you will allow me, the relationship between Mr. Daniel H. Wells and myself was very friendly. I had been an associate of his in the British mission a few years before, and closely associated with him, and had relations that were very friendly, and when I desired this marriage I went to him, as understanding that he had authority to perform the ceremony.

Mr. TAYLER. When did he die?

Mr. ROBERTS. I can not now recall the date, but I think it was about a year after that time, in 1891.

Senator OVERMAN. Was it necessary to get the consent of any of the authorities of the church to marry a plural wife?

Mr. ROBERTS. It was necessary to get those who were understood to hold the authority to perform the ceremony.

Senator OVERMAN. Did your first wife or your second wife consent to your marrying the third wife?

Mr. ROBERTS. No, sir.

Senator OVERMAN. Did they protest against it?

Mr. ROBERTS. I do not hear the question.

Senator OVERMAN. Was there any protest on their part?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Did they know of it at the time?

Mr. ROBERTS. Not at the time.

Mr. TAYLER. When did they learn of it?

Mr. ROBERTS. I can not answer that question.

Mr. TAYLER. I mean about when—how long afterwards?

Mr. ROBERTS. Two or three years afterwards, I think.

Mr. TAYLER. Did anybody know about it, so far as you know, until several years had elapsed?

Mr. ROBERTS. No, sir.

Senator BEVERIDGE. How is that? I understand you to say, sir, that your marriage to your third wife was not known to any of your wives for three years.

Mr. ROBERTS. No; I can not say when they knew it.

Senator BEVERIDGE. Well, for a considerable period?

Mr. ROBERTS. Hardly that. There were a number of our friends who knew it.

Senator BEVERIDGE. But not your other two wives?

Mr. ROBERTS. No, sir.

Senator BEVERIDGE. Other friends knew it, but not your two wives?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Where did your third wife—I will speak of her as Mrs. Shipp, because that will identify her more easily, or Mrs. Maggie Roberts—

The CHAIRMAN. May I ask a question right here?

Mr. TAYLER. Certainly.

The CHAIRMAN. Why did you conceal this third marriage from your other wives?

Mr. ROBERTS. Chiefly for the purpose of relieving them from any embarrassment should the discovery of the marriage be made. Of course we understood that the marriage was illegal.

Senator BEVERIDGE. Then, how could they be embarrassed?

Mr. ROBERTS. If called upon to testify, they would not wish to testify against me.

Senator BEVERIDGE. Oh!

The CHAIRMAN. You understood at that time that the marriage was illegal?

Mr. ROBERTS. I did.

The CHAIRMAN. Go on, Mr. Tayler.

Mr. TAYLER. Where did Mrs. Maggie Roberts live from the time of your marriage on?

Mr. ROBERTS. She lived in Salt Lake.

Mr. TAYLER. In whose house?

Mr. ROBERTS. She was a practicing physician and had both her own residence and office; that is, I mean to say, a hired residence.

Mr. TAYLER. Her first husband was Doctor Shipp?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Was she divorced from him?

Mr. ROBERTS. She was.

Mr. TAYLER. Where, and how?

Mr. ROBERTS. In Salt Lake City.

Mr. TAYLER. In the courts?

Mr. ROBERTS. No, sir; she was a plural wife to him, and their marriage had no legal standing. The divorce, however, was sanctioned and approved by the church authorities.

Mr. TAYLER. Do you know when she was divorced from Doctor Shipp?

Mr. ROBERTS. Not precisely.

Senator OVERMAN. You say she had no divorce in the courts, but only a divorce by the church?

Mr. ROBERTS. Yes, sir.

Mr. WORTHINGTON. She could not have had any divorce from the courts, because she was not legally married to him.

Senator OVERMAN. Yes; it was an illegal marriage.

Mr. TAYLER. She continued to live for some years at the house in which she lived when you married her, did she not?

Mr. ROBERTS. I think not.

Mr. TAYLER. Where did she live during the period following her marriage to you?

Mr. ROBERTS. She lived on Main street, in rooms in one of the buildings on that street. I do not now remember the number.

Mr. TAYLER. That is where she lived when you married her?

Mr. ROBERTS. No, sir. I think she was not living there at the time I married her.

Mr. TAYLER. Where was she living at the time of this marriage?

Mr. ROBERTS. In the Eleventh Ward of Salt Lake City.

Mr. TAYLER. Where did she live when you courted her, if I may use that expression?

Mr. ROBERTS. She lived in the Eleventh Ward.

Mr. TAYLER. Whereabouts?

Mr. ROBERTS. I really could not locate it precisely.

Mr. TAYLER. You called on her?

Mr. ROBERTS. Not at her home. We met at mutual friends.

Mr. TAYLER. You never called on her at her home?

Mr. ROBERTS. Not in the Eleventh Ward, according to my recollection.

Mr. TAYLER. Then you do not know just where she lived in the Eleventh Ward?

Mr. ROBERTS. Not precisely.

Mr. TAYLER. That is it?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Never having been at her home in the Eleventh Ward?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Where did she live, then, when you married her?

Mr. ROBERTS. I think that was the place of her residence then.

Mr. TAYLER. Where?

Mr. ROBERTS. In the Eleventh Ward.

Senator BEVERIDGE. Mr. Roberts, pardon me. You constantly, when Mr. Tayler asks you a question about having been at her home, reply "No; not in her home in the Eleventh Ward." Do you mean that you were not at her home in the Eleventh Ward, but had been at her home in some other ward?

Mr. ROBERTS. No, sir.

Senator BEVERIDGE. I noticed that you put that in constantly.

Mr. ROBERTS. I stated that our meetings were at the homes of mutual friends.

Senator BEVERIDGE. My attention was called to the fact that in answering the question you said "No; not in her home in the Eleventh Ward." Did you insert that because you meant that you had called on her in some other ward?

Mr. ROBERTS. No, sir.

Senator BEVERIDGE. So that you never were at her home at all?

Mr. ROBERTS. No, sir.

Senator BEVERIDGE. In the Eleventh Ward or any other place?

Mr. ROBERTS. No, sir.

Mr. TAYLER. That is as I understood you. You met her prior to your marriage to her at the home of mutual friends?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Immediately after the marriage, where did she live? Did she change her home?

Mr. ROBERTS. Not until about a year or more.

Mr. TAYLER. Were you never at her home—

Mr. ROBERTS. No, sir.

Mr. TAYLER. After your marriage to her for a year or more?

Mr. ROBERTS. No, sir.

Mr. TAYLER. She continued then to live, as you remember, in the Eleventh Ward at the same place, which was unseen by and unknown to you?

Mr. ROBERTS. Yes.

Mr. TAYLER. For a year or more. Then where did she go?

Mr. ROBERTS. She took rooms on Main street.

Mr. TAYLER. About when?

Mr. ROBERTS. I can not fix the time more definitely than that it was a year or so after my marriage.

Mr. TAYLER. Did you live with her there?

Mr. ROBERTS. I sometimes visited her there.

Mr. TAYLER. You say that was on Main street?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Was that 64 or 18?

Mr. ROBERTS. I think it was 18.

Mr. TAYLER. Do you know how long she lived there?

Mr. ROBERTS. No.

Mr. TAYLER. Do you know who lives at 18 South Main street now?

Mr. ROBERTS. No, sir.

Mr. TAYLER. The place where she lived? Do you not know that her former husband, Doctor Shipp, with a couple of his wives, lives there?

Mr. ROBERTS. No, sir; I do not.

Mr. TAYLER. I will put it in this form: You do not know whether Mrs. Maggie Shipp Roberts for two or three or four years after the spring 1890, when you married her, lived in a house in which since that time her first husband and a couple of his wives have been living?

Mr. ROBERTS. No, sir; I do not know that.

Mr. TAYLER. When did you first make known the fact generally that Mrs. Maggie Shipp was your wife?

Mr. ROBERTS. It was known to a number of our friends I think shortly afterwards—that is, a few months afterwards. But it was not generally known until some time in 1895 or 1896, perhaps.

Mr. TAYLER. She continued to call herself Maggie Shipp for some five or six years or more after you married her?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. And you never, unless it was in some confidential conversation with your immediate friends, referred to her as your wife?

Mr. ROBERTS. No, sir.

Mr. TAYLER. When did the first presidency or any of the apostles know of it?

Mr. ROBERTS. I could not answer that question.

Mr. TAYLER. So far as you know, when did it come to you that they knew it?

Mr. ROBERTS. I have nothing by which I could fix any recollection of that. I know, however, that it became generally known to them.

Mr. TAYLER. How long afterwards; about 1895 or 1896?

Mr. ROBERTS. Along about that time.

Senator DUBOIS. Could you, occupying the position which you did in the church, take a plural wife without the knowledge of the authorities?

Mr. ROBERTS. I did do so, with the exception of Mr. Wells.

Senator DUBOIS. Mr. Wells was one of the authorities?

Mr. ROBERTS. He was.

Senator DUBOIS. Did Mr. Wells represent the authorities?

Mr. ROBERTS. I think likely he did.

Senator DUBOIS. Then you took your plural wife with the knowledge and consent of the authorities, did you not?

Mr. ROBERTS. I did not know of any of them having any knowledge of it except Mr. Wells.

Senator DUBOIS. Mr. Wells, as I said awhile ago, represented the authorities, did he not?

Mr. ROBERTS. He was one of the authorities.

The CHAIRMAN. What was his position at that time?

Mr. ROBERTS. He was councilor to the twelve apostles.

Senator BEVERIDGE. To get to the point of Senator Dubois's question, do you know of anything that has come to your knowledge that leads you now to understand that Mr. Wells, when he learned of this contemplated marriage, told the other authorities, of whom he was one of the councilors?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Can you state any more definitely, Mr. Roberts, at whose house this marriage occurred?

Mr. ROBERTS. I can not. I understood, however, that Mr. Wells was making his home at the residence of his son. Well, understand that Mr. Wells at this time had charge of the temple in Manti and came up from Manti to attend the spring conference. While there I met him and made the arrangements for this marriage. I think it was at the home of one of his sons.

Mr. TAYLER. Which son was it?

Mr. ROBERTS. I believe it was the residence of Junius F. Wells. I could not, however, be positive as to that.

Mr. TAYLER. But Mr. Wells's son was not present at the ceremony, nor was anybody else?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Did you get a certificate of marriage?

Mr. ROBERTS. No.

Mr. TAYLER. You have no record, and there is no record, so far as you know, of the marriage?

Mr. ROBERTS. None that I know of.

Mr. TAYLER. Was the ceremony a simple ceremony, whereby—

Mr. ROBERTS. I understood it was the usual ceremony used by the Mormon Church in the temples.

Mr. TAYLER. Was it the same ceremony, practically, as that by which you married Celia Dibble?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Was it the same as that by which you married your first wife?

Mr. ROBERTS. It was, as I understood it.

Mr. TAYLER. At the time you married Mrs. Shipp you knew, as you have stated, about the several laws that Congress had passed?

The CHAIRMAN. Just a question before you go to that.

Mr. TAYLER. Very well.

The CHAIRMAN. At the time of your last marriage, did the party who performed the ceremony know you had wives living?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Did you tell him?

Mr. ROBERTS. He had previously married me to my second wife.

The CHAIRMAN. Did he know you had a wife before that?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Living?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. So that at the time the last ceremony was performed by him as a leading member of the church he knew you had two living wives?

Mr. ROBERTS. He did.

Senator PETTUS. Mr. Roberts—

Mr. ROBERTS. Senator.

Senator PETTUS. Did the authorities of the church, when they learned of this marriage, take any action against the priest?

Mr. ROBERTS. No, sir.

Senator PETTUS. Did he continue his relation as counselor?

Mr. ROBERTS. He did; to the time of his death.

Senator PETTUS. And there was no sort of action taken against him by the church for performing this ceremony?

Mr. ROBERTS. None that I knew of.

The CHAIRMAN. Did any of the apostles take any action about it?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Or reprimand you for it?

Mr. ROBERTS. No, sir.

The CHAIRMAN. And they have not at any time?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Go on, Mr. Tayler.

Mr. TAYLER. Mr. Roberts, you have stated that you were familiar with the legislation prior to 1890 and with the decision of the Supreme Court in the Reynolds case and other cases prior to that time, and that notwithstanding that fact you took another plural wife in 1890. I should like to give you an opportunity, if you desire it, to give such explanation as you care to give, why you thus felt yourself called upon to violate the law of the land.

Mr. ROBERTS. In explanation of that conduct I wish to say that from my boyhood I had been taught the rightfulness of plural marriage. I believed that doctrine and believed it to be a commandment of God. I knew that the law of God was in conflict with the statutes enacted by Congress. I regarded it as binding upon my conscience to obey God rather than man, and hence I accepted that doctrine and practiced it; that is all.

Senator BEVERIDGE. When was the last marriage celebrated?

Mr. WORTHINGTON. In April, 1890, six months before the manifesto.

Senator BEVERIDGE. In answer to a question put by Senator Pettus, you said that none of the apostles had reprimanded you or taken any action. When this marriage was celebrated was Senator Smoot an apostle?

Mr. ROBERTS. No, sir; I think not.

Mr. WORTHINGTON. Not for ten years.

Mr. TAYLER. Oh, no; not for ten years.

Senator BEVERIDGE. It was ten years before he became an apostle.

Mr. ROBERTS. I do not remember just when Mr. Smoot became an apostle.

Mr. TAYLER. Yes; that is right.

Mr. WORTHINGTON. It is in the record. It is ten years.

The CHAIRMAN. I wish to ask you a question. You say that you believed that polygamy was a divinely directed institution and you believed in it?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. And that is the reason why you took the wife?

Mr. ROBERTS. It was.

The CHAIRMAN. Do you still believe in that?

Mr. ROBERTS. I do.

The CHAIRMAN. Did you understand the manifesto of 1890 to suspend plural marriages?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Did you understand it to suspend polygamous cohabitation?

Mr. ROBERTS. I did.

The CHAIRMAN. You so understood it. Are you living in polygamous cohabitation?

Mr. ROBERTS. I am.

The CHAIRMAN. This revelation or this manifesto of 1890 you think was inspired by God?

Mr. ROBERTS. Yes; in a way.

The CHAIRMAN. You are living in defiance of the law—

Mr. ROBERTS. I suppose I am.

The CHAIRMAN. Then you are living in defiance of the law both of God and of man?

Mr. ROBERTS. I should like to explain in relation to that.

The CHAIRMAN. That is very simple.

Mr. ROBERTS. I do not wish to be defiant in the matter, but I found myself in the midst of these obligations and am trying to the best of my ability to meet them according to the dictates of my conscience, and therefore I am continuing the relations I entered into.

The CHAIRMAN. In living in polygamous cohabitation you are living in defiance of the manifesto of 1890, are you not?

Mr. ROBERTS. Yes, sir; in defiance of the action of the church on that subject.

The CHAIRMAN. And that was divinely inspired, as you understand?

Mr. ROBERTS. I think so.

The CHAIRMAN. And you are clearly living in defiance of the law of the land?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Then you are disregarding both the law of God and of man?

Mr. ROBERTS. I suppose I am.

Senator OVERMAN. You say the manifesto was a revelation of God?

Mr. ROBERTS. No, sir.

Senator OVERMAN. What do you mean by being inspired of God?

Mr. ROBERTS. I believe that a revelation from God, of course, is a direct, uncolored communication from the Divine to man. I believe that a man may be an inspired man, but yet more or less of the human characteristics of the man may enter into his actions. I believe, however, that this manifesto was an official act of the church, that the church was perfectly competent to pass it, and I believe it binding upon the members of the church.

Senator OVERMAN. That it was a human institution, rather than from God?

Mr. ROBERTS. I would not like to say it was not inspired of God. I rather think that President Woodruff, to meet the hard conditions confronting him, was inspired of the spirit of the Lord to take that course.

Senator BEVERIDGE. In your explanation you said something about having contracted the obligation and that the reason why you continued the relations was because they were contracted before the manifesto. Is that the situation?

Mr. ROBERTS. Yes sir.

At 11 o'clock and 50 minutes a. m. the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF BRIGHAM H. ROBERTS—Continued.

Mr. TAYLER. Mr. Roberts, before I proceed along the line that I was following at the moment of adjournment, I desire to have you answer an inquiry that was just suggested by a member of the committee, as to what constitutes what you call the seventies. You are one of the presidents of the seventies?

Mr. ROBERTS. Yes.

Mr. TAYLER. What are the seventies?

Mr. ROBERTS. The seventies constitute in the church with the twelve apostles what is recognized as the foreign ministry of the church. They are the propaganda of the church.

In further explanation I will say that the quorums consist of 70 persons, and over each quorum there is what we call a council of 7 presidents. Then the first quorum, organized in the same way, has a general jurisdiction over the entire body of seventies.

Mr. TAYLER. You are one of that governing body?

Mr. ROBERTS. Yes.

Mr. TAYLER. Over the seventies, who are in immediate charge of the missions?

Mr. ROBERTS. That is right.

Mr. TAYLER. Does that answer your inquiry, Senator?

Senator OVERMAN. How many seventies are there?

Mr. ROBERTS. There are about 145 quorums. All of the quorums, however, are not full. We estimate, perhaps, that there are between nine and ten thousand men in the body.

Mr. TAYLER. How many are there in your body—7?

Mr. ROBERTS. There are 7 in the council and 63 in the first quorum.

Mr. TAYLER. Mr. Roberts, in 1889 you were prosecuted under the Edmunds Act or the Edmunds-Tucker Act, were you not?

Mr. ROBERTS. I think it was in 1889.

Mr. TAYLER. It was prior, anyhow, to your marriage to Mrs. Shipp?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. You served a term in the Utah penitentiary upon your conviction of that crime or your plea of guilty, whichever it was?

Mr. ROBERTS. Yes; I did.

Mr. TAYLER. The fact, then, that you were living with two wives was generally known in Utah, was it not?

Mr. ROBERTS. I think so.

Mr. TAYLER. The fact that you were living with three wives did not, as I understand you to say before lunch, become public until along about 1895 or 1896?

Mr. ROBERTS. I think that is right?

Mr. TAYLER. That was when it first became generally known?

Mr. ROBERTS. Yes.

Mr. TAYLER. So far as you know?

Mr. ROBERTS. Yes.

Mr. TAYLER. When were you discharged from the penitentiary under this conviction in 1889? Do you recall the time of the year?

Mr. ROBERTS. It was in the fall of the year; I think likely in the month of September.

Senator BAILEY. Mr. Chairman, I do not quite see the pertinency of interrogating the witness in that way about his conviction, and unless it is for some purpose connected with the case I object.

Mr. TAYLER. I recognize the impropriety of the inquiry, and I was not intending that the questions should be personal, nor indeed offensive, but only that I might emphasize the public character of the fact and the universal knowledge of it.

Senator BAILEY. As I understand Mr. Roberts, he says that he married this woman knowing it was against the law. He makes no concealment of the fact that he did know it was against the law. He makes no concealment of the fact that he continued to live in violation of the law and the fact that he has been in the penitentiary for an offense of that character.

Take my own case. I did not know that, and I served with Mr. Roberts—or, at least, he was not admitted to the House, but was elected to the House when I was there. I knew him. I believe I probably stopped at the same hotel with him. I did not know of that conviction, however, until this minute. I take it, it is regarded as a political matter from the answer that has been made, but I hardly think it is necessary to make a witness sit here and relate about his imprisonment unless it has some relation to this inquiry.

Mr. TAYLER. That was the only purpose. Mr. Roberts knew that I knew that it was public knowledge. It developed in the inquiry in the House, and the purpose of the inquiry here was to show in the evidence of this case that it was a matter of general public knowledge.

And therefore the next question is, Mr. Roberts, Was there ever any action taken by the authorities of the church respecting your living with three wives?

Mr. ROBERTS. No, sir.

Mr. TAYLER. That, Senator Bailey, was the purpose of this whole examination—to lead up to that question.

Now, Mr. Roberts, you have characterized this manifesto of 1890 in such a way as to leave the impression upon my mind that you would not call it a specific and direct revelation, such as other revelations that the people of your church believe in. Was that inference of mine justified by your statement?

Mr. ROBERTS. I think it was.

Mr. TAYLER. Then, will you define the character that you attribute to that manifesto as a revelation or inspiration, its origin and its force?

Mr. ROBERTS. I regard the manifesto as an administrative act of the president of the church, accepted by the church, and of binding force upon its members. But I regard it as an administrative act which President Woodruff, holding in his own hands the direct authority controlling that particular matter—that is, the matter of marriages—had a perfect right to make, and the acceptance of that action by the church makes that a positive binding law upon the church.

Mr. TAYLER. And those who do not obey it are subject to the pains and penalties such as a church under its discipline may inflict upon its members who disobey it?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Now, in what respect does that rule of the church, emanating from and originating in the manifesto, differ from the rule of the church against polygamous cohabitation?

Mr. ROBERTS. I do not think I quite understand your question.

Mr. TAYLER. Let the stenographer read it. It may be involved.

The reporter read as follows:

“Mr. TAYLER. Now, in what respect does that rule of the church, emanating from and originating in the manifesto, differ from the rule of the church against polygamous cohabitation?”

Mr. TAYLER. That is the rule of the church against the taking of plural wives.

Mr. ROBERTS. Yes.

Mr. TAYLER. How does its force differ from the force of the rule against polygamous cohabitation?

Mr. ROBERTS. Not at all.

Mr. TAYLER. Then the disobedience of the one is as offensive to the church as the disobedience of the other?

Mr. ROBERTS. I should think it would be.

Mr. TAYLER. I think that is all I want to ask Mr. Roberts.

The CHAIRMAN. And both are of equal binding authority?

Mr. ROBERTS. Yes, sir.

Senator DUBOIS. I should like to ask—

Senator OVERMAN. The one is respected by the church, and by some the other is not?

Mr. ROBERTS. I think that is true.

Of course, if you will permit me to make an explanation, the part of it relating to plural marriages prohibits the bringing into existence of those relations. In the other case the relations exist and men in my status are confronted by a very awkward and trying situation. Of course, we know that our lives are in violation of the law of the land, and by this action of the church they are brought in violation of the rules and law of the church, and yet there are moral obligations and responsibilities that we feel, in our relations with our wives, we

can not easily—at least I can not—set aside. Consequently, under those trying circumstances, I presume that others, with myself, are doing the best we can to meet what we regard as our moral obligations to those families. That is my status on the subject at least.

The CHAIRMAN. Let me ask you a question right in this connection? In view of the manifesto and the law, do you consider yourself morally bound to cohabit with all your wives?

Mr. ROBERTS. I do.

The CHAIRMAN. May I ask you in that connection how many children you have?

Mr. ROBERTS. I have 13 children living.

The CHAIRMAN. And how many not living?

Mr. ROBERTS. Two.

The CHAIRMAN. When was the last one born?

Mr. ROBERTS. About two years or two years and a half ago; I do not quite remember.

The CHAIRMAN. Have the members of the committee any further questions? If not, counsel for the respondent will proceed.

Mr. VAN COTT. Mr. Roberts, do you regard the manifesto just as binding on the church as though it were a revelation?

Mr. ROBERTS. I do.

Mr. VAN COTT. Do you believe it is inspired?

Mr. ROBERTS. Yes.

Mr. VAN COTT. Do you believe that it is right, since the manifesto, to contract any plural marriages?

Mr. ROBERTS. I do not.

Mr. VAN COTT. Do you know of any polygamous marriages since the manifesto?

Mr. ROBERTS. I do not.

Mr. VAN COTT. What position did Daniel H. Wells hold in the church at the time he performed the last ceremony you have mentioned?

Mr. ROBERTS. He was recognized as councilor to the twelve apostles.

Mr. VAN COTT. Is that any office in the church?

Mr. ROBERTS. I think not. It is a position not created by anything in the recognized revelations of the church that I know of.

Mr. VAN COTT. At that time what special duties did he discharge?

Mr. ROBERTS. I think Mr. Wells at that time was in charge of the Manti temple.

Mr. VAN COTT. Where is that, in reference to Salt Lake City?

Mr. ROBERTS. It is south of Salt Lake City, I should think, perhaps 150 miles; something like that.

Mr. VAN COTT. About when did Daniel H. Wells die after that ceremony which he performed for you in 1890?

Mr. ROBERTS. I have no special recollection of the date of his death, but as I remember it, it was something like a year after that time.

Mr. VAN COTT. Your marriage in 1890 was not known as a general rule for five or six years after it was performed?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Calling your attention, now, back to 1894, was it not in that year that Mr. Joseph L. Rawlins ran for Congress?

Mr. ROBERTS. I think it was.

Mr. VAN COTT. The year that the constitutional convention was elected?

Mr. ROBERTS. Yes, sir.

Mr. VAN COTT. It was in the following year that you ran for Congress?

Mr. ROBERTS. It was.

Mr. VAN COTT. Now, calling your attention to 1895, have you stated the details of the conflict that was said to exist between you and the church in regard to this political rule?

Mr. ROBERTS. I think I did not in detail.

Mr. VAN COTT. You think you did not?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Calling your attention then to that subject, will you please state in chronological order just the facts about the dispute that arose, and state in detail, so that the committee will understand, the points of the conflict, if any, between you and the church and how they were finally fixed up and settled.

Mr. ROBERTS. The commencement of the difficulty arose out of the remarks of Mr. Joseph F. Smith at a priesthood meeting in which he made complaint that Mr. Thatcher and I had accepted nominations for political office, which would take us from our religious duties, without leave of absence or without obtaining the consent to be released from our religious duties by the first presidency or any of the twelve.

In explanation of their insistence that that is what we ought to have done, they made declarations in the press and out of that, as I say, grew the general excitement of the campaign. After the close of the campaign they proposed to reduce to writing, to a written rule, the idea or the doctrine that men upon whose whole time the church had a claim should obtain leave of absence or permission in that sense to engage either in business that would take them away from their religious duties or in receiving political nominations.

I was unwilling at first to subscribe to that rule, for the reason that it had been charged in the prologue or preface to the Democratic declaration of principles that through that means they might seek to control the political affairs of the State. It was charged, I think, in speeches and in the papers, that they might give their consent, for instance, to one man to participate in politics and withhold it from another, or the people might be led to interpret their willingness to excuse one man from religious duties to mean that they favored both his nomination and his election and in this way bring their influence to bear upon the politics of the State.

It was upon that point especially that I made my contest against them. In the course of several meetings with them for the purpose of discussing these matters, however, they satisfied me that it was not their intention to control the politics of the State, but they sought only the management of their own ecclesiastical affairs; and in consequence of being convinced that that was their purpose I joined with them in signing the rule that hereafter men should not accept positions of any kind that would take them from the performance of their ecclesiastical duties without the consent of their superiors.

Mr. VAN COTT. I call your attention to the record in the case of Reed Smoot, commencing on page 168, and ask you if that is the written rule to which you have referred?

Mr. ROBERTS (after examining the document). I identify the rule in that connection in this document.

Mr. VAN COTT. How long do you know of this rule being in force before it was reduced to writing?

Mr. ROBERTS. I do not know that specifically it was in force at all.

Mr. VAN COTT. What do you mean by "specifically in force?"

Mr. ROBERTS. There are misunderstandings among us in relation to it. Some say they always understood it, and for one I said that I did not have such understanding, but I did understand that it had been decided to be a wise policy for men holding certain offices in the church to refrain from participation in politics. That was my understanding of the rule preceding this written one.

Mr. VAN COTT. Do you understand this rule to be anything more than a leave of absence?

Mr. ROBERTS. No, sir; I think not.

Mr. VAN COTT. Or authorizing a leave of absence?

Mr. ROBERTS. Authorizing a leave of absence, and excusing men from the performance of their official duties in the church.

Mr. VAN COTT. Since 1895 you have been through another political campaign in the State of Utah, have you not?

Mr. ROBERTS. I have.

Mr. VAN COTT. How is this rule understood, in your opinion, Mr. Roberts, as to whether it is an indorsement of any particular candidate who gets the leave of absence or whether it is understood as a mere leave of absence?

Mr. ROBERTS. I understand it to be the prevalent opinion that it is not an indorsement, but merely that the person is excused from his official duties in the church.

Senator OVERMAN. When you ran the second time did you have to get leave of the church, under that rule, to run?

Mr. ROBERTS. I obtained the leave of absence on the second occasion.

The CHAIRMAN. Mr. Roberts, I want to understand the leave of absence. Was it a written permission?

Mr. ROBERTS. No, sir; in my own case, when I presented the matter, some one of the members of the council of apostles said that he moved I be excused from duties during the probable time of my incumbency of office. There was no written consent about it at all.

Senator OVERMAN. Was any person ever selected by the church to run for any office?

Mr. ROBERTS. No, sir; not that I know of.

Mr. VAN COTT. This rule you signed in April, 1896, did you not?

Mr. ROBERTS. Yes.

Senator DUBOIS. Was permission given to you, Mr. Roberts, before you were nominated, to seek the nomination, and also to be a candidate after the nomination?

Mr. ROBERTS. Yes, sir; before nomination.

Senator DUBOIS. Before nomination?

Mr. ROBERTS. Yes, sir.

Senator DUBOIS. Do you know whether permission was given to any other member of your party by the church to be a candidate?

Mr. WORTHINGTON. For the same office, do you mean?

Senator DUBOIS. For the same office.

Mr. ROBERTS. No, sir; I do not know of any other permission being given to anyone else.

Senator DUBOIS. Were you successful in your first canvass?

Mr. ROBERTS. No, sir.

Senator DUBOIS. You were successful, I believe, in your second canvass?

Mr. ROBERTS. I was.

Senator BAILEY. Mr. Roberts, suppose your fellow-citizens were to nominate you for a political office, without either consulting you or consulting your church associates, and after your nomination your church associates should refuse you permission to accept the nomination and make the race, would you consider it your duty to disregard the wishes of your party friends in a political matter in order to obey the wishes of your church associates in a political matter, or would you obey the church and refrain from engaging in politics and thus deny the claims of your fellow-citizens upon your services in a political way?

Mr. ROBERTS. I think, Senator, that that perhaps would depend upon the circumstances. I can conceive the emergency arising, and perhaps it might be one's duty to respond to the wishes of his fellow-citizens. I do not know as to that.

Senator BAILEY. Can there be any such thing as a religious obligation to deny your State your services in a political way, whether the occasion be a political emergency or not? Is not a man's duty as a citizen perfectly consistent with any conception that exists in this country of his religious duty?

Mr. ROBERTS. Well, I, perhaps, could not determine that offhand, Senator.

Senator BAILEY. Would you think it possible? I am not speaking about the religious phase of it. I am concerned here about the political phase. Do you think it consistent with good citizenship that you must secure permission of a nonpolitical organization before you are permitted to exercise your political rights as a citizen?

Mr. ROBERTS. I regard this matter as I would those agreements that are sometimes entered into in business firms and law firms, and that if a man judged the emergency, the political emergency, of sufficient moment to call upon him to discharge the duties of his citizenship to his fellow-citizens, it would be his duty, perhaps, to resign either from the firm or from his official duties in a church organization.

Senator BAILEY. You are a lawyer, are you not, Mr. Roberts?

Mr. ROBERTS. No; I am not a lawyer.

Mr. BAILEY. I was going to ask you if you would regard a contract or agreement of that kind, made either by a lawyer with his associates in the practice of the law, or by a business man with his partner, as valid and binding. There could be no such thing in this country as a contract that denies a man the right to serve his fellow-citizens when they call on him for his services. I think such a contract would be void as against public policy. I express that opinion merely without examining the law, but I know that if the law in any State does countenance a contract that deprives a man of his political rights or denies him opportunity to meet his political obligations, that law ought to be changed, and I should say that a religious organization transcends its proper province when it undertakes to control the political action of its members.

Mr. ROBERTS. You see, in this connection, it seems to me the matter is not so much political as it is religious. I think it would be necessary for a person who is in the obligation that I am in either to follow his agreement and obtain the approval of his associates for leave

of absence, or else resign his position. Which I would do in any emergency I can not say. It would depend upon that emergency.

Senator BAILEY. Do I understand that under these rules a resignation is contemplated?

Mr. ROBERTS. It could be so.

Senator BAILEY. Of course, a man might find it necessary to close his law office in order to come to Congress, as most of us do, and it is for him to determine, looking to all his relations and obligations, whether he can afford to discontinue his business to come here in the public service. Such a consideration as that must, of course, address itself to everybody. I take it that a minister of any of the churches in this country might consider that his duties as a pastor precluded him from engaging in a political contest, but if he were to sign an agreement with any of his members that he would not offer himself for a nomination, or, if nominated, offer himself for an election, without their consent, that would be a line of conduct that I would regard as irreconcilable with the duties of good citizenship. It seems to me a man must always leave himself free to serve his country in any capacity where his country might require his services, and he must do that without agreeing that he will first obtain the permission of any religious, industrial, or business association.

Mr. WORTHINGTON. I will say, if the committee will pardon me, that this rule does specially provide for the matter of resignation. It says on page 171:

“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.”

Senator BAILEY. That is not a resignation. That is practically forcing him out. That is simply admonishing him that he will be disestablished.

Mr. ROBERTS. Pardon me, Senator, we do not have any such understanding of it.

Senator BAILEY. You do not?

Mr. ROBERTS. That is not my understanding of it. My understanding of it is that this matter rests upon the same basis as the associations between lawyers who enter into the kind of political agreement about which we have been speaking.

Senator BAILEY. I had not looked at it before. It is a little worse than I thought. It says:

“Our position is that a man having accepted the honors and obligations of ecclesiastical office in the church can not properly, of his own volition, make these honors subordinate to, or even coordinate with, new ones of an entirely different character.”

I should regard any organization in this country—religious, industrial, or of any other character—as not to be tolerated if it teaches that those who profess to follow it can not perform the duties of a good citizen. You are a man of great intelligence and you are thoroughly familiar with the subject, and I would like to hear what explanation—you can give as good a one as any man connected with the church—they have for declaring that a man can not be a good Christian and a good citizen at the same time, in effect.

Mr. ROBERTS. Of course I fail to recognize the “effect.”

Senator BAILEY. You do, however, recognize that that declares that

as long as he has any office in the church he can not perform his duties as an officer of the State, and that is certainly one of the duties of a citizen.

Mr. ROBERTS. The plain understanding that we have of the matter is this, that one is not entitled to seek political preferment until he first obtains leave of absence or is excused from his official duties in the church. That is all.

Senator BAILEY. You use the word "seek." I use the word "accept." You are not permitted to accept it, if it were tendered to you by your fellow citizens who put your name on the ballot and elect you a Representative in Congress of the State of Utah. You could not accept that without first obtaining the permission of the church?

Mr. ROBERTS. Or resigning one's official position in the church.

Senator BAILEY. Yes; I understand that. If you resign your position in the church you sever your religious connection.

Mr. ROBERTS. Not at all.

Senator BAILEY. Well, you sever your religious status; you disestablish yourself as an officer of the church, do you not?

Mr. ROBERTS. Oh, yes; but remain, however, a member of the church, with all those privileges that attend on membership.

Senator BAILEY. I understand; because the rule is not aimed at what we call the layman in the church.

Mr. ROBERTS. No.

Senator BAILEY. There is no obligation upon the average member, nonofficial, to seek permission, as I understand it, either in theory or in the practice of your church?

Mr. ROBERTS. No, sir.

Senator BAILEY. But your prohibition rests upon those who are most apt to be sought by their fellow-citizens for public service. In other words, a man who is of ability and character sufficient to hold a prominent position in the church would be apt to be the very man designated by his fellow-citizens for a political service, and that very man who might be best able to serve the state is the man denied the right to serve it by this rule of the church, and he is denied the right upon the ground that the two are incompatible. Of course, as a matter of fact, nobody is ever forced to accept an office, and when they are elected, even without their consent, there are generally statutes that permit their resignation; but you readily recognize that the law might compel a man to accept an office. We have a provision in the Revised Statutes for the President resigning in case he does not want to serve. That is there to provide for contingencies that are never apt to arise, and so it might be that a man could be drafted into the civil as well as the military service of the Government. If that should happen you have an ordinance, rule, or regulation that forbids you to accept unless you sever your relations with the church, and we recognize that there is a conflict here between the church and the state.

Mr. WORTHINGTON. Sever his relations with his office, Senator, not with the church.

Senator BAILEY. He severs the relation that exists at the time of his election, and assumes a new relation, that of a lay member. In other words, they reduce him to the ranks. Now what I can not quite reconcile in my mind—and I have no prejudice about it either—is the idea that there is a necessary conflict between your duty as an officer of the church and your duty as a citizen.

Mr. ROBERTS. In the event of such a crisis confronting one, I think you would have to rely upon the patriotism and the judgment of the individual concerned.

Senator BAILEY. I never like to see a man's religion and patriotism in conflict. That is the embarrassing thing to me.

Senator OVERMAN. Suppose there is a conflict, is your church the first duty, or the state?

Mr. ROBERTS. That is hypothetical. I can not tell what I would do.

Senator BAILEY. It would depend somewhat on your frame of mind. One time you did defy the church, as I understand it, out there.

Mr. ROBERTS. I did, to some extent.

Senator BAILEY. But they beat you that time?

Mr. ROBERTS. No; I think, Senator, they enlightened me in reference to their purposes.

Senator BAILEY. I do not mean the church. I mean you were defeated at the polls—

Mr. ROBERTS. Oh, yes, sir.

Senator BAILEY. When you did not submit to the discipline of the church.

Mr. ROBERTS. Yes, sir.

Senator BAILEY. Then the next time when you did submit you were chosen.

Mr. ROBERTS. Yes, sir.

Senator BAILEY. With a view of arriving at just how much influence the religious question exerted upon the political decision I will ask you how the vote of the respective parties stood at the two elections. You were defeated first—was it in 1895?

Mr. ROBERTS. In 1895.

Senator BAILEY. When was the State of Utah admitted?

Mr. ROBERTS. In 1896, I think.

Senator BAILEY. I think not.

Mr. VAN COTT. January 4, 1896.

Senator BAILEY. The act was not passed then, for I happened to be in the chair, serving as chairman of the Committee of the Whole, the day it was passed in the House, and in 1896 the Speaker of the House was the Hon. Thomas B. Reed, who would not have been very apt to call me to the chair.

Mr. WORTHINGTON. The enabling act was passed two years before the State was admitted.

Senator BAILEY. I know the enabling act was passed during the Democratic administration of the House.

Mr. VAN COTT. Utah became a State January 4, 1896, Senator.

Senator BAILEY. You were a candidate—

Mr. ROBERTS. In the fall elections of 1895.

Senator BAILEY. To represent the State at the first election held under the constitution?

Mr. ROBERTS. Yes.

Mr. TAYLER. No; at the same election at which the constitution was adopted.

Mr. VAN COTT. Yes; that is right.

Mr. TAYLER. The enabling act providing for the first election of Representative in Congress.

Senator BAILEY. Then that would be that Mr. Roberts was a candi-

date for election to represent the State at the first election held under the constitution.

Mr. ROBERTS. Yes, sir.

Senator BAILEY. I was unfortunate in stating it. I intended to ask that.

Mr. ROBERTS. Yes.

Senator BAILEY. You were defeated?

Mr. ROBERTS. I was defeated.

Senator BAILEY. You were on the regular Democratic ticket?

Mr. ROBERTS. Yes, sir.

Senator BAILEY. At that election the whole State ticket was chosen?

Mr. ROBERTS. No, sir; it was defeated.

Senator BAILEY. State officers were not chosen at that time?

Mr. ROBERTS. Yes, sir; State officers were nominated and elected, but the whole Democratic ticket was defeated.

Senator BAILEY. When you were next a candidate, were there any State officers elected at that time?

Mr. ROBERTS. I think the whole Democratic ticket was elected.

Senator BAILEY. So that, as a matter of fact, you shared the fate of your party on each occasion?

Mr. ROBERTS. On each occasion.

Senator BAILEY. And if there was any religious influence exerted, it was exerted against the whole party and not against you because of your particular position?

Mr. ROBERTS. I think that is right, and it might add some light to the matter if I were to say that in the first election I ran, I think it was, something over a thousand votes ahead of the Democratic ticket.

Senator BAILEY. However, this convention about which you have told us, in October, the convention which adopted the preamble and the declaration of principles, was a convention called under the authority of the regular Democratic organization?

Mr. ROBERTS. Yes, sir.

Senator BAILEY. And thus the entire organization was placed in an attitude of hostility toward the church, the same as you were? Is that correct?

Mr. ROBERTS. Yes, sir; that is correct.

Senator BAILEY. Who was the candidate against you when you were successful, Mr. Roberts?

Mr. ROBERTS. Mr. Eldridge.

Senator BAILEY. In order to determine whether politics had anything to do with the religion, or the religion anything to do with the politics, I desire to ask you whether Mr. Eldridge was a Mormon?

Mr. ROBERTS. Yes, sir.

Senator BAILEY. And so were you?

Mr. ROBERTS. So was I. Mr. Eldridge, by the way, I think was connected with one of the presidencies of the stake. He was a counselor in the Summit Stake of Zion, as I remember it.

Senator BAILEY. Holding an official position in the church?

Mr. ROBERTS. Yes, sir.

Senator OVERMAN. Do you know whether he got permission to run?

Mr. ROBERTS. I do not know.

Mr. TAYLER. Was his office one of the class that would require permission?

MR. ROBERTS. Yes, sir; I think so.

MR. WORTHINGTON. He was the president of a stake, did you say?

MR. ROBERTS. He was a councilor in the presidency of the stake. That is my recollection of the matter.

SENATOR BAILEY. Mr. Roberts, what was the majority against you when you were defeated?

MR. ROBERTS. I do not remember the majority.

SENATOR BAILEY. What was the majority when you were elected?

MR. ROBERTS. It was over 5,000.

SENATOR BAILEY. The same legislature chosen at the time you were defeated was a Democratic legislature, was it not?

MR. ROBERTS. At the time I was defeated?

SENATOR BAILEY. Yes.

MR. ROBERTS. I do not remember as to that, Senator?

THE CHAIRMAN. It was Republican.

SENATOR BAILEY. I believe it was, because Mr. Rawlins came to the Senate.

SENATOR SMOOT. It was Mr. Allen.

SENATOR DUBOIS. That legislature elected Mr. Cannon and Mr. Brown?

MR. ROBERTS. Yes, sir.

SENATOR BAILEY. The State administration—the governor, State officers, and legislature—was Republican when you were defeated?

MR. ROBERTS. Yes, sir.

SENATOR BAILEY. You have already said the Democratic ticket was elected at the same time you were elected; and I believe the legislature was also Democratic.

MR. ROBERTS. I think it was.

SENATOR BAILEY. That was the legislature that elected Mr. Rawlins to the Senate, as I remember it.

MR. ROBERTS. Yes, sir.

SENATOR BAILEY. So whatever influence the church may have exerted was exerted as a whole, I take it, and not against any particular man; that is all.

SENATOR OVERMAN. Did the Democratic platform have the same provisions in it that it had in it when you were defeated?

MR. ROBERTS. Will you permit me, Senator, before answering that, to add a remark to Senator Bailey's last question?

SENATOR OVERMAN. Certainly.

MR. ROBERTS. I feared the remark of the Senator, that the influence exerted by the church authorities went against the whole party—

SENATOR BAILEY. No; I did not say that. I said if there was any.

MR. ROBERTS. Well, if we understand the "if" in there. Of course they disclaimed the exercise of any influence against the party.

SENATOR BAILEY. I did not assume that there was any.

MR. ROBERTS. Now, Senator, I should be glad to answer you.

SENATOR OVERMAN. I asked you whether the platform under which you were elected had the same provisions in it, in reference to the preamble you have named, as when you were defeated.

MR. ROBERTS. I think you have confounded the reconvening of the convention in 1895 with the regular convention of the Democratic party.

SENATOR OVERMAN. The reconvened convention had the preamble in which the church was arraigned?

Mr. ROBERTS. Yes; it was the reconvened convention and not the nominating convention.

Mr. TAYLER. But the question was before that convention as to whether the ticket nominated at the first convention should still stand before the people?

Mr. ROBERTS. Yes, it was.

Mr. TAYLER. So that practically it was a renomination of the same ticket, was it not?

Mr. ROBERTS. I think in effect it was, since you remind me of that.

Mr. TAYLER. I did not want to interfere with the examination at all. You were not through, I thought.

Mr. VAN COTT. I was waiting for the Senators to finish their questions.

The CHAIRMAN. I will ask whether the convention of 1895 did not have a declaration against the church interfering in politics?

Mr. ROBERTS. I do not recall that there was any plank or declaration in the first convention that was held in 1895 on that subject, although it was generally understood that the Democrats had taken a very strong position upon the subject of the relations of church and state; but whether its position was reduced to any resolution or plank in the platform I do not now remember.

The CHAIRMAN. Can you not recall that that declaration was made? Is not that your recollection?

Mr. ROBERTS. No, sir; it is not my recollection.

The CHAIRMAN. At the time you were elected to Congress who did you say you had against you?

Mr. ROBERTS. Mr. Alma Eldridge.

The CHAIRMAN. Is he a Republican or a Democrat?

Mr. ROBERTS. He is a Republican.

The CHAIRMAN. And he was not a polygamist, I believe.

Mr. ROBERTS. I think not.

Senator DUBOIS. Mr. Roberts, when you were a candidate for Congress the first time, Mr. Thatcher, I believe, was a candidate for the Senate?

Mr. ROBERTS. Yes, sir. The Democratic convention that year nominated the men that the party was pledged to support as candidates for the Senate.

Senator DUBOIS. And he was a candidate for the Senate and you were a candidate for Congress, and the Republicans elected their State ticket and elected the legislature also, which defeated you both.

Mr. ROBERTS. Yes, sir.

Senator DUBOIS. When you ran for Congress the second time, Mr. Thatcher was again a candidate for the Senate, but not, as I understand it, nominated by the State convention.

Mr. ROBERTS. That is right.

Senator DUBOIS. Was he understood pretty generally by the Democrats to be the Democratic candidate for the Senate?

Mr. ROBERTS. I think there was an understanding that Mr. Thatcher would still be a candidate for the Senate.

Senator DUBOIS. You and Mr. Thatcher, as I understand you, in the reconvened convention both refused to accept this pronouncement of the church that those holding high positions should get the consent of the church? You both opposed that, Mr. Thatcher being at that time an apostle and you being one of the seven presidents of seventies?

Mr. ROBERTS. The rule at that time was not reduced to writing or formulated.

Senator DUBOIS. But in the reconvened convention the rule had been invoked, I think, as you have stated yourself. The reconvened convention, as I understand, was to protest against such an order.

Mr. ROBERTS. It was not only to protest against the insistence upon that rule, but there were a great number of alleged cases of interference that we were protesting against.

Senator DUBOIS. Well, you and Mr. Thatcher then stood together, practically?

Mr. ROBERTS. Oh, yes.

Senator DUBOIS. In the position you took in reference to the church in the reconvened convention?

Mr. ROBERTS. Yes, sir.

Senator DUBOIS. Subsequent to that, when you were a candidate the second time, you had been persuaded that the rule was a just one, and had acquiesced in it, had you not?

Mr. ROBERTS. Yes, sir.

Senator DUBOIS. Had Mr. Thatcher at that time come to the same conclusion that you had, and acquiesced in the justice of this rule?

Mr. ROBERTS. I do not now remember as to that, whether he had acquiesced in the rule or not, by the fall campaign of 1898. I do not remember that.

Senator DUBOIS. Do you not know whether or not Mr. Thatcher had signed the letter or statement which was prepared, acquiescing in this rule of the church?

Mr. ROBERTS. I know that he did sign the document, but as to the time of it I do not recall.

Senator DUBOIS. You do not recall that this was not until considerably after the Senatorial election?

Mr. ROBERTS. Of 1898?

Senator DUBOIS. Yes.

Mr. ROBERTS. No, sir; I do not recall as to that.

Senator DUBOIS. What majority did the Democrats have in the legislature selected at the same time that you were elected to Congress?

Mr. ROBERTS. I do not remember.

Senator DUBOIS. Is it not a fact that they had all the membership of that legislature excepting three?

Mr. ROBERTS. I do not think the Democratic majority was so complete as that. I have no recollection of it, Senator.

Senator DUBOIS. There may have been more than three; but do you recall the fact that the Democrats had a majority in that legislature?

Mr. ROBERTS. Yes, sir.

Senator DUBOIS. You also recall the fact, I presume, that Mr. Thatcher was not elected to the Senate?

Mr. ROBERTS. Not at that time; no.

Senator DUBOIS. Nor at any other time?

Mr. ROBERTS. Nor at any other time.

Senator DUBOIS. And also that the balloting continued for some time before a selection was finally made?

Mr. ROBERTS. Yes.

Senator OVERMAN. I do not know that I exactly understood you, Mr. Roberts. You say that in the reconvened convention, in the preamble,

there was a strong protest against the interference by the church in politics.

Mr. ROBERTS. That is, in the preamble, there were recited quite a large number of alleged instances of interference, and that was followed by our Democratic declaration of principles on that subject.

Senator OVERMAN. You were defeated at that time?

Mr. ROBERTS. I was defeated at that time.

Senator OVERMAN. The second time, when you were elected, when you announced your principles, did that have a similar protest against the interference of the church in politics?

Mr. ROBERTS. Well, in spirit I think there was something to that effect, but I can not recall now just what declaration the platform made on that subject.

Senator OVERMAN. Was there anything in that platform against the interference of the church in politics?

Mr. ROBERTS. I do not remember anything specific.

Senator BAILEY. Mr. Roberts, I want to ask you a flat question. Is it not true that in the politics of Utah the parties seek to enlist the favor of the church, just as in other States we seek to enlist the sympathy and support of the people by reason of their nationality or race or some thing of that kind—for instance, as we appeal to the German vote in Ohio, the Irish vote in New York—

Mr. WORTHINGTON. The labor vote.

Mr. BAILEY. Everywhere.

Mr. ROBERTS. I think not, as to the parties. I believe there are individuals who have sought to trim their sails according to those ideas.

Senator BAILEY. Utah has been rather impartial in bestowing her favors on parties. She goes for one at one time and for the other the next time.

Mr. ROBERTS. Yes, sir.

Senator BAILEY. I suppose that is possible, but it is a little singular.

Mr. ROBERTS. Would you permit me a word on that, Senator Bailey?

Senator BAILEY. Yes, sir.

Mr. ROBERTS. I think that Senators ought to have before them in this investigation the fact that the people in Utah have occupied rather an anomalous condition. I know that I grew up from boyhood to manhood without coming in contact with national politics, and was practically a stranger to both Democratic and Republican principles. Our whole community grew up isolated, you may say, from the great national issues, and when we were brought in contact with them through our efforts to obtain statehood, and our final obtaining of statehood, you can understand that the people generally were unfixed in any substantial political convictions, and hence, I think, the condition that you speak of. There was a very large element there uneducated in matters of party politics, and I think that would account for the fortunes and misfortunes of political parties in the State of Utah to a large extent.

Senator BAILEY. I believe in your first election under the constitution the Republicans carried the legislature; in the next one the Democrats carried it, and probably in the next one the Republicans carried it?

Mr. ROBERTS. Yes.

Senator BAILEY. I believe it is our time next.

Mr. ROBERTS. I hope so, Senator.

Senator BAILEY. I am free to say that that condition, which had occurred to me, had been partially explained in my mind by the probability of church interference, and that whichever side prevailed was the side upon which the church cast its influence. That was the reason I wanted some explanation of the statement. I understand, of course, that it might happen without any fixed and definite political creed; they might veer from party to party; but it still appears to me that men might be a little more constant in their prejudices, even if not in their convictions, than to change every election.

The CHAIRMAN. Mr. Roberts, I want to ask you a question right in the line of those Senator Bailey has propounded to you. If you were invited by your fellow-citizens and your party to accept the nomination for an office, would you feel at liberty to accede to that request until you had first consulted with the church?

Mr. ROBERTS. Not unless I resigned my position in the church.

The CHAIRMAN. Would you feel at liberty to accept without first consulting the church?

Mr. ROBERTS. No, sir; I think not.

The CHAIRMAN. If upon that consultation you were not permitted, or your request was refused by the church, you would not then feel at liberty to run?

Mr. ROBERTS. Well, as I said a few moments ago, Senator, I think it would depend upon the emergency. I would have to determine which was most binding upon me, which I regarded as most binding, my duties as an officer in the church or my duties as a citizen.

The CHAIRMAN. If, upon examination, you came to the conclusion that your obligation to the church was first, then you would refuse to run?

Mr. ROBERTS. I would decide accordingly, of course.

The CHAIRMAN. Yes, and you would refuse then to be a candidate for office?

Mr. ROBERTS. Certainly.

The CHAIRMAN. Suppose the church should refuse to give its permission and you should nevertheless accept the nomination and strive for the office, what action would you expect on the part of the church?

Mr. ROBERTS. Really, I could not say.

The CHAIRMAN. Oh, yes; you have an opinion about it, have you not?

Mr. ROBERTS. I suppose I should very likely be called upon for some explanation, at least.

The CHAIRMAN. Suppose you should make an explanation that you regarded your duty to the State first, and therefore you had accepted this office?

Mr. ROBERTS. I think I would be relieved of my official duties in the church or my official position in the church.

Senator BAILEY. And what would likely be the attitude of the church toward your canvass—one of hostility?

Mr. ROBERTS. I can not say as to that, Senator.

The CHAIRMAN. In the event you did not get permission of the church and should still run?

Senator BAILEY. That is what I mean.

The CHAIRMAN. What would be the attitude of the church toward you in the election?

Mr. ROBERTS. I would not expect any action on their part, politically.

Senator DUBOIS. I presume if such an emergency should arise the church would give their consent to some one else to run?

Mr. ROBERTS. I did not understand your question.

Senator DUBOIS. The church does not give its consent, as I understand it, except to one individual?

Mr. ROBERTS. Oh, it may give it to several.

Senator OVERMAN. Give its consent to several running for the same office?

Mr. ROBERTS. I know of nothing that would hinder them from doing so.

Senator DUBOIS. I asked you if they had given their consent to anyone else besides yourself to run for Congress when they gave their consent to you, and you said you thought not.

Mr. ROBERTS. I think not.

Senator DUBOIS. I have not found yet that they have given their consent except to one man. I myself never knew of their doing so.

Mr. ROBERTS. Neither do I; but your question is entirely hypothetical. I do not know what would happen.

Senator DUBOIS. I asked as to the policy. I presume if they refused to give their consent to you, and some other or preferred member of the church should ask their consent, and his reasons were good, they would give their consent to him?

Mr. ROBERTS. Certainly.

Senator DUBOIS. Then he would be running with the consent of the church and you would be running against their wishes?

Mr. ROBERTS. Yes.

Senator DUBOIS. Would that affect you among the voters of the Mormon Church?

Mr. ROBERTS. I presume likely it would affect me among some voters.

Mr. WORTHINGTON. No such case has arisen, as I understand you?

Mr. ROBERTS. No, sir; not that I know of.

Senator DUBOIS. Do you think that affected Mr. Thatcher at all? Did the fact that the church refused to give their consent to his candidacy, and he insisted that he would run without their consent, have any effect on him?

Mr. ROBERTS. I do not know as to that. I was not in the State during that Senatorial contest. I was in the East throughout that Senatorial contest, with the exception of a few days in Salt Lake, but I had been in the East for some months and returned only for a few days and then again returned to the East, so that I was not present during that Senatorial contest, and can form no judgment as to what effect it had upon the candidacy of Mr. Thatcher.

Senator DUBOIS. Now, I will ask you for your best judgment. Do you think it would be possible for anyone running without the consent of the church to be elected if the church had given their consent to another member of the organization to run for that same office?

Mr. ROBERTS. Yes, sir; I think it would be quite possible.

The CHAIRMAN. Gentlemen, we interrupted you, I think, in your examination.

Mr. VAN COTT. Senator Pettus was about to ask a question.

Senator PETTUS. The question I want to ask Mr. Roberts is, Do you know of any instance where the church gave its consent to two of its officers to run for the same office?

Mr. ROBERTS. No, sir; I do not recall that.

Senator BAILEY. I take it there would be no difficulty in obtaining consent for two officers to run as the candidates of opposing parties, because in that way the church, assuming that it wanted to take a part, would be bound to elect one or the other.

Mr. ROBERTS. Yes.

Senator BAILEY. And that was the instance I had in my mind a while ago, when you ran against Mr. Eldridge.

Mr. ROBERTS. Yes.

Senator BAILEY. Of course, in that case, a Mormon would certainly be elected; but I would like it better if there was an instance where the church had given its permission to two of its members to run against each other in the same party, and thus jeopardize the election of a Mormon.

Senator DUBOIS. I would like for Mr. Roberts to give us an instance where a candidate for one of these high offices, who has received the consent of the church to be a candidate, has been defeated.

Mr. ROBERTS. I could not do so.

Senator BAILEY. Do you know of any instance in which one who has run without its permission has ever been elected?

Mr. ROBERTS. I do not recall any circumstance of that kind.

The CHAIRMAN. You would have knowledge of that, would you not, if it were so?

Mr. ROBERTS. I think likely I would, Senator.

Senator DUBOIS. Of course we only know of two instances. You received their consent to be a candidate for Congress, and were elected. Mr. Smoot received their consent to be a candidate for the Senate, and he was elected. I would like to know if there is any instance where a candidate who had received their consent to be a candidate for one of these high offices has been defeated?

Mr. ROBERTS. I can not recite any such case.

Mr. VAN COTT. Shall I proceed, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. VAN COTT. Mr. Roberts, do you know of any instance where two persons in the same political party have applied to the church to run?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. For instance, when you ran in 1898 do you know of any other Democrat who wished to be a candidate for that same office?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Who was a member of the church, I mean, of course?

Mr. ROBERTS. No.

Mr. VAN COTT. And during any of these years since statehood, or since 1890, do you know of an instance where two members of the church belonging to the same party have applied as candidates to the church for permission?

Mr. ROBERTS. I do not know of any such case.

Mr. VAN COTT. For instance, in 1898, did you ever hear that Mr. Alma Eldridge had not obtained a leave of absence to run for Congress?

Mr. ROBERTS. No, sir; I did not hear anything of the kind.

Mr. VAN COTT. No such question was mooted or broached in the campaign?

Mr. ROBERTS. Not at all.

Mr. VAN COTT. But you were of opposing political parties?

Mr. ROBERTS. We were.

Mr. VAN COTT. Do you understand there is anything in this rule that prevents you from resigning at any time?

Mr. ROBERTS. Nothing at all.

Mr. VAN COTT. You are free to resign whenever you desire?

Mr. ROBERTS. Absolutely.

Mr. VAN COTT. Without getting a leave of absence from the church?

Mr. ROBERTS. Yes, sir.

Mr. VAN COTT. Do you understand, Mr. Roberts, that this rule as applied to the members of the church—that is, the high officers—has any different application than it would have as a rule that was promulgated by a railroad company, to the effect that its employees shall not seek political preferment, and neglect their railroad duties?

Mr. ROBERTS. I understand that to be the exact basis of that rule.

Mr. VAN COTT. Now, calling attention to 1895, that was the first time you ran?

Mr. ROBERTS. Yes, sir.

Mr. VAN COTT. Your opponent was Clarence E. Allen?

Mr. ROBERTS. He was.

Mr. VAN COTT. He was a gentile?

Mr. ROBERTS. He was a gentile.

Mr. VAN COTT. And a Republican?

Mr. ROBERTS. Yes.

Mr. VAN COTT. And he was elected?

Mr. ROBERTS. He was elected.

Mr. VAN COTT. At that time you had the largest majority of anyone on the Democratic ticket, did you not?

Mr. ROBERTS. I did.

Mr. VAN COTT. And I think you have stated that was about 1,000?

Mr. ROBERTS. Approximately 1,000.

Mr. TAYLER. You mean the least minority.

Mr. CARLISLE. The largest vote.

Mr. VAN COTT. I mean of anyone on the Democratic ticket.

Mr. TAYLER. You said the largest majority.

Mr. VAN COTT. I meant the largest vote, by 1,000.

Mr. ROBERTS. By 1,000.

Mr. VAN COTT. In 1898 your opponent, at that time, was Alma Eldridge?

Mr. ROBERTS. Yes.

Mr. VAN COTT. And you were elected?

Mr. ROBERTS. I was elected.

Mr. VAN COTT. And the whole Democratic ticket?

Mr. ROBERTS. The whole Democratic ticket.

Mr. VAN COTT. Now, calling your attention to 1896 and 1898, is there any special reason you have in mind for the large Democratic vote and the majority in the State of Utah?

Mr. ROBERTS. No; I do not remember.

Mr. VAN COTT. Let me call your attention to the silver craze.

Mr. ROBERTS. Yes; that is one circumstance.

Mr. VAN COTT. Is not that the year that William J. Bryan carried the State of Utah by such an enormous majority?

Mr. ROBERTS. It was.

Mr. VAN COTT. After calling your attention to the particular ques-

tion that was before the people, and particularly in the western States, at that time, have you any reason for the large Democratic majority?

Mr. ROBERTS. Oh, yes.

Mr. VAN COTT. Is that it?

Mr. ROBERTS. That is it.

Mr. VAN COTT. At the time Mr. Thatcher failed of election as United States Senator his opponent was Joseph L. Rawlins?

Mr. ROBERTS. He was.

Mr. VAN COTT. Was he a gentile?

Mr. ROBERTS. He was a gentile.

Mr. VAN COTT. I think the question was asked you, Mr. Roberts, and you acquiesced in it, to the effect that the church refused Moses Thatcher permission to run for Senator. Had Moses Thatcher ever asked the church to be relieved of his ecclesiastical duties?

Mr. ROBERTS. My understanding is that he did not apply to be relieved.

Mr. VAN COTT. Since Joseph F. Smith has been president of the church, has there been any reason that you know of to even suspect that there has been any influence whatever in politics, or in favor of one candidate as against another in any way whatever?

Mr. ROBERTS. No, sir; I think not.

Mr. VAN COTT. By the church, I mean, of course.

Mr. ROBERTS. No.

Mr. VAN COTT. At the time that the Democrats reconvened their convention, in 1895, did they announce a declaration of principles?

Mr. ROBERTS. They did.

Mr. VAN COTT. I will ask you whether you stand by that declaration of principles the same to-day as then?

Mr. ROBERTS. I do.

Mr. VAN COTT. Calling your attention to the time just previous to the signing of the rule in regard to politics and business, that you have mentioned, and which is found on page 168 of this record, did you at that time state to anyone that you changed your mind in regard to that matter on account of a vision which you had in which a number of your dead ancestors appeared before you?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Or anything like that?

Mr. ROBERTS. I had no such vision?

Mr. VAN COTT. Did you ever make a statement to that effect?

Mr. ROBERTS. To the effect that I had had a vision?

Mr. VAN COTT. Yes.

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Did you ever state it to E. B. Critchlow?

Mr. ROBERTS. No, sir.

Mr. TAYLER. On what page is that?

Mr. VAN COTT. On page 675 of the record.

Or did you ever say that you saw your ancestors lost in perdition and that they were not allowed to go through the temple and be baptized, etc.?

Mr. ROBERTS. I never made any such remark or statement.

Mr. VAN COTT. Are you acquainted with what is called the Nuggets of Truth?

Mr. ROBERTS. I used to be.

Mr. VAN COTT. Did you see that document in various parts of the State of Utah?

Mr. ROBERTS. Yes, sir.

Mr. VAN COTT. How general would you say that it was circulated as a campaign document?

Mr. ROBERTS. I would say that it was very general.

Mr. VAN COTT. Were you all over the State in that campaign?

Mr. ROBERTS. I covered the entire State, as I remember.

Mr. VAN COTT. Since you became one of the first presidents of seventies, have you been promoted in an ecclesiastical way?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Have you had new duties to perform or to discharge?

Mr. ROBERTS. Yes; I think so.

Mr. VAN COTT. Mr. Roberts, do you know of any of the first presidency or of any one of the twelve apostles knowing of your third marriage within five or six years after the ceremony was performed?

Mr. ROBERTS. No, sir; I do not.

Mr. VAN COTT. Or until long after Mr. Wells's death?

Mr. ROBERTS. It would have been some time after Mr. Wells's death.

Mr. VAN COTT. I am through, unless Mr. Worthington wants to ask something. That is all, Mr. Chairman.

Mr. TAYLER. I have a few questions.

The CHAIRMAN. Proceed, Mr. Tayler.

Mr. TAYLER. Mr. Roberts, for many years prior to 1890 the Mormon Church, as a body—I do not mean that ecclesiastically it acted, but the Mormon Church as a body—did take an active part in politics, did it not?

Mr. ROBERTS. Not directly; but there was in existence what was known as the People's Party, and that was composed exclusively, I think, of Mormons.

Mr. TAYLER. Then there was the opposition party, called the Liberal party?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. It was as if the two parties were called the Mormon party and the Gentile party.

Mr. ROBERTS. In effect, that was it.

Mr. TAYLER. Now, in the campaign of 1895, feeling ran very high on the subject of alleged church interference in politics, did it not?

Mr. ROBERTS. Yes.

Mr. TAYLER. Very high. And doubtless there were a good many inflammatory and perhaps ill-considered statements made by those on either side of that question?

Mr. ROBERTS. I think that is true.

Mr. TAYLER. You yourself talked rather heatedly on the subject, did you not?

Mr. ROBERTS. I think I did, sometimes.

Mr. TAYLER. Do you remember the statement that was made during that campaign that Apostle Lyman had attended a meeting of his people somewhere outside of Salt Lake City, elsewhere in Utah, in which he urged them to divide up—part of them to go on one side, part of them to the other side, and part of them to stay in between—so that they might switch at will from one side to the other?

Mr. ROBERTS. My recollection is that such a charge was made against Mr. Lyman, which, however, in justice to him, I ought to say he disclaimed.

Mr. TAYLER. Did he not merely disclaim that he had made it at a certain place, at which it was said to have been made, when the fact was that it was made at another place?

Mr. ROBERTS. No, sir; my understanding was that he disclaimed it entirely.

Mr. TAYLER. That is all.

The CHAIRMAN. Mr. Roberts, there is another subject upon which I want to ask you a question. It has been stated here that the endowment house was taken down in 1890.

Mr. ROBERTS. I think earlier than that.

The CHAIRMAN. Well, at sometime it was taken down?

Mr. ROBERTS. Yes.

The CHAIRMAN. Did you ever go through the endowment house?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. When?

Mr. ROBERTS. I think it was in 1877.

The CHAIRMAN. Have you been present at times when others have passed through the endowment house?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Frequently.

Mr. ROBERTS. No, sir.

The CHAIRMAN. Is the ceremony that used to be performed in what was called the Endowment House performed now?

Mr. ROBERTS. I think so.

The CHAIRMAN. Where?

Mr. ROBERTS. When?

The CHAIRMAN. Where, I say.

Mr. ROBERTS. In the temples, as I understand it.

The CHAIRMAN. How many temples are there in Utah?

Mr. ROBERTS. I believe there are four.

The CHAIRMAN. And the ceremony that used to be performed in the Endowment House is now performed in the temple?

Mr. ROBERTS. Yes, sir.

Mr. WORTHINGTON. He says he thinks it is. He does not know.

The CHAIRMAN. Do you remember the ceremony?

Mr. ROBERTS. No, sir; I do not remember the ceremonies distinctly.

The CHAIRMAN. Do you remember any portion of it?

Mr. ROBERTS. Only in a general way, Senator.

The CHAIRMAN. Do you know, Mr. Roberts, of any change in the ceremony performed in the endowment house, and as it is performed to-day in the temple?

Mr. ROBERTS. No, sir.

The CHAIRMAN. The ceremony is the same. Now, will you state to the committee what that ceremony was, or is, as nearly as you can?

Mr. ROBERTS. Well, the ceremonies consist of what would be considered a series of ceremonies, I take it, of which I only have a general impression.

The CHAIRMAN. You have something more than a general impression in your own case?

Mr. ROBERTS. No; I think not.

The CHAIRMAN. How many days did it take you to go through the Endowment House?

Mr. ROBERTS. Well, part of one day.

The CHAIRMAN. Who were present at the time? Do you remember?

Mr. ROBERTS. I do not remember.

The CHAIRMAN. Can you tell the committee any portion of that ceremony?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Why not?

Mr. ROBERTS. Well, for one reason, I do not feel at liberty to do so.

The CHAIRMAN. Why not?

Mr. ROBERTS. Because I consider myself in trust in relation to those matters, and I do not feel at liberty to make any disclosures in relation to them.

The CHAIRMAN. It was then a secret?

Mr. ROBERTS. Yes.

The CHAIRMAN. Does this religious denomination have, as one of its ceremonies, secret obligations or covenants?

Mr. ROBERTS. I think they could not be properly called secrets. Of course they are common to all worthy members of the church, and generally known by them.

The CHAIRMAN. Well, secret from the world?

Mr. ROBERTS. Secret from the world.

The CHAIRMAN. The obligations and covenants, whatever they are, then, you are not at liberty to disclose?

Mr. ROBERTS. No, sir. I would be led to regard those obligations as similar to those who perhaps have passed through Masonic fraternities, or are members of Masonic fraternities.

The CHAIRMAN. Then your church organization in that particular is a sort of Masonic fraternity?

Mr. ROBERTS. It is analogous, perhaps, in some of its features.

The CHAIRMAN. You say you can remember, of course, what occurred, but you do not feel at liberty to disclose it, and for that reason you will not disclose it?

Mr. ROBERTS. Not specifically. I do not wish, however, Senator, to be understood as being in any sense defiant in that matter.

The CHAIRMAN. That is not so understood, Mr. Roberts, at all.

Mr. ROBERTS. I do not wish to put myself in opposition or raise any issue here at all.

The CHAIRMAN. The reason you have assigned is accepted. The obligation, whatever it is, taken in the Endowment House, is such that you do not feel at liberty to disclose it?

Mr. ROBERTS. That is right.

The CHAIRMAN. Should you do so, what would you expect as the result?

Mr. ROBERTS. I would expect to lose caste with my people as betraying a trust.

Senator OVERMAN. Do all members of the church have to go through that?

Mr. ROBERTS. Not all members.

Senator OVERMAN. What proportion of them, and how is it regulated?

Mr. ROBERTS. It is governed chiefly by worthiness—moral worthiness.

Senator BAILEY. And is it somewhat a matter of degrees, as it is in Masonry? I believe they have several degrees.

The CHAIRMAN. The apostles go through the Endowment House.

Mr. ROBERTS. I understand so.

The CHAIRMAN. Do you recall whether any penalty was imposed upon a person who should disclose the covenants?

Mr. ROBERTS. No, sir.

The CHAIRMAN. You do not remember?

Mr. ROBERTS. Beyond the disfavor and distrust of his fellows.

The CHAIRMAN. Have you ever been present at a marriage ceremony in the temple?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Could you tell what that is?

Mr. ROBERTS. I could not, only in a general way. The ceremony is of some length. I remember performing the ceremony in the case of my own daughter when she was married, and, not being familiar with the ceremony, a copy of it was placed in my hands and I read the ceremony, but I could only remember the general terms of it.

The CHAIRMAN. If the members who have gone through the Endowment House, then, keep faith with the church, they will not disclose what occurred?

Mr. ROBERTS. No, sir.

Senator BAILEY. Do you feel at liberty, Mr. Roberts, to say whether or not there is anything in that ceremony that permits a man—I will adopt a different expression—that abridges a man's freedom of political action, or action in any respect, except in a religious way?

Mr. ROBERTS. No, sir.

Senator BAILEY. I do not quite understand whether you mean by your answer to say that you do not feel free to answer that or that there is nothing?

Mr. ROBERTS. I mean to say that there is nothing.

Mr. TAYLER. When was the last time you witnessed this ceremony in the Endowment House?

Mr. ROBERTS. You mean the marriage ceremony?

Mr. TAYLER. Or in the temple when this obligation was taken?

Mr. ROBERTS. Well, it is several years since.

Mr. TAYLER. Is it many years?

Mr. ROBERTS. It must be three or four years.

Mr. WORTHINGTON. Are you referring, Mr. Tayler, to the marriage ceremony or the endowment?

Mr. TAYLER. I mean whatever the ceremony was in this obligation of the Endowment House, which he says he does not care to disclose.

Mr. WORTHINGTON. I so understood it, but I did not know whether the witness did or not.

Mr. TAYLER. That ceremony and that obligation were the same in 1877 that they were when you saw it a few years ago?

Mr. ROBERTS. Yes; as I remember it.

Mr. TAYLER. You married your daughter?

Mr. ROBERTS. Yes.

Mr. TAYLER. A short time ago. You spoke this morning about your own marriages. Were you not married to these several wives by the same solemn ceremony as occurred when your daughter was married?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. Was it long, in the same way?

Mr. ROBERTS. Yes; I understood that it was the same ceremony in each case.

Mr. TAYLER. Then it took Mr. Wells some time to marry you to Mrs. Shipp, did it?

Mr. ROBERTS. Well, speaking of the length of the ceremony, I should think likely that it would occupy, at a reasonable rate of reading, perhaps two minutes, or less even than that.

Mr. TAYLER. How long were you marrying your daughter?

Mr. ROBERTS. It took about that length of time to read the ceremony.

Mr. TAYLER. Then the ceremony must be simple—not complicated, is it?

Mr. ROBERTS. Oh, no.

Mr. TAYLER. If it takes only two minutes. Now, I want to ask for information, this question. I have had the impression that the revelation respecting polygamy required a consultation with the existing wife before the husband took another.

Mr. ROBERTS. I think that is the rule.

Mr. TAYLER. In your case you did not seek that consent?

Mr. ROBERTS. In the second case I did not.

Mr. TAYLER. That is what I mean; in the case of the second plural wife?

Mr. ROBERTS. Yes.

The CHAIRMAN. I want to ask Mr. Roberts one further question. What is there in these obligations—I will not use the term “oaths”—that makes it necessary to keep them from the world?

Mr. ROBERTS. I do not know of anything especially, except it be their general sacredness.

The CHAIRMAN. Their general sacredness? Ought sacred things to be kept from the world?

Mr. ROBERTS. I think some sacred things out to be.

The CHAIRMAN. Could you name one sacred thing in connection with this ceremony that should be kept from the world?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Why? Because you can not remember?

Mr. ROBERTS. Well, I could not say that. I would not say that, Senator.

The CHAIRMAN. You do remember it, then—the sacred thing that you mean?

Mr. ROBERTS. Some sacred things I do.

The CHAIRMAN. But you can not state to the committee what they are?

Mr. ROBERTS. I ask to be excused from stating them.

The CHAIRMAN. But I can not understand exactly how the church organization has things that the world must not know of. I did not know but you could give some reason why.

Mr. ROBERTS. I do not think I could throw any light upon that subject.

The CHAIRMAN. All right; I will not press it.

Senator OVERMAN. You said the marriage ceremony took about two minutes to read—to read, you said. You emphasized that word. Is there any other thing in the ceremony except reading?

Mr. ROBERTS. Oh, no. I think a person can read considerable of a ceremony in two minutes.

Senator OVERMAN. There is nothing else then, except just the reading of the ordinary ceremony?

Mr. ROBERTS. That is all.

Mr. VAN COTT. Mr. Roberts, are you a Mason?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Are you an Odd Fellow?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. In any of these ceremonies that took place in the Endowment House or the temple, is there anything in any way that binds you to disobey the laws of the land, or to make any agreement against the Government, or its officers, or anything of that kind?

Mr. ROBERTS. No, sir; absolutely nothing of the kind.

Mr. VAN COTT. Or anything that is contrary to the discharge of all the duties of a good citizen?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Have you any more objection to stating what you consider the sacredness of these ceremonies than you would have, for instance, of the obligation, if you had made one, as a Mason?

Senator PETTUS. One minute, Mr. Witness. It seems to me, Mr. Chairman, that the committee would be the best judge of that matter by knowing what occurred, and if he can not tell what the obligation was I do not see how the conclusion of the witness would enlighten the committee at all.

The CHAIRMAN. The Chair was about to suggest that the witness having refused to state what the obligation was, as he now interprets the obligation, we have a right to have what the obligation is, and we will see if your interpretation of it is correct, unless the witness still declines to answer.

Mr. VAN COTT. I think my last question was on a different subject. Was there an objection to my last question?

The CHAIRMAN. I do not remember the last question.

Mr. VAN COTT. I would like to have the reporter read that. It is the only question I had to ask.

The CHAIRMAN. I think Senator Pettus's objection is pertinent. The witness having refused to state what the obligation was, it is a little broad to allow him to give the interpretation of it.

Mr. VAN COTT. I will ask the reporter to read the last question.

The reporter read as follows:

“Mr. VAN COTT. Have you any more objection to stating what you consider the sacredness of these ceremonies than you would have, for instance, of the obligation, if you had made one, as a Mason?”

Mr. ROBERTS. Is that question before me to answer?

Mr. VAN COTT. Yes, sir. I ask you the question whether you would have any more objection to stating some obligation that you had agreed to keep secret with the Masons or with the Odd Fellows than you have as to the particular matter that has been mentioned in the ceremonies?

Mr. ROBERTS. Of course I can hardly judge of the obligations of a Mason or of an Odd Fellow in the matter. I am not acquainted with them.

Mr. TAYLER. You do not know but that that obligation compels people to commit any sort of a crime, do you—the obligation to be a Mason?

Mr. ROBERTS. So far as I know, it may.

Mr. TAYLER. Your answer is perfectly proper.

Mr. VAN COTT. Mr. Chairman, I would like my associate, Mr. Worthington, to ask a question he desires to ask.

The CHAIRMAN. Certainly.

Mr. WORTHINGTON. I would like to ask, Mr. Roberts, whether this obligation or ceremony to which you refer, in the Endowment House, relates entirely to things spiritual, or whether it relates to things temporal also?

The CHAIRMAN. Would it not be better, Mr. Worthington, to let him state what the obligation is?

Mr. WORTHINGTON. Yes, so far as I am concerned, I would very much prefer it; but I understand the suggestion by Senator Pettus was that he was interpreting that which he would not state. Of course I do not know anything more about this than the members of the committee do, but I think it might very well be that a witness might be allowed to state, and might properly say, that he would answer here as to anything that related to any temporal affairs, but as to things which related to matters between him and his God, or which he conceived to be between him and his God, he would not answer here or anywhere else, and that would not be an interpretation, but would simply be taking the protection which I understand the law gives to every man—that as to things which do relate entirely to religious matters, they are matters which he has a right to keep within his own breast.

The CHAIRMAN. Your question was whether these obligations related to spiritual affairs or temporal affairs.

Mr. WORTHINGTON. Yes; that was my question.

The CHAIRMAN. The trouble is he interprets a thing which is unknown and unseeable to us, and which he considers spiritual.

Mr. CARLISLE. What he considers spiritual we might consider temporal, if the matter itself was disclosed.

The CHAIRMAN. It seems to me that the witness having refused to state what the ceremony is, or what the obligations demand, ought not to be questioned and permitted to state what he thinks it did not convey, or what obligation it imposed, or what it did not impose. The committee can judge of that.

Mr. WORTHINGTON. Of course, we are here not representing the witness, but representing only Senator Smoot.

The CHAIRMAN. Yes.

Mr. WORTHINGTON. And it is the witness pleading a privilege and making the refusal, and not Senator Smoot or his counsel. We would like to have this question answered.

The CHAIRMAN. What is the question?

Mr. WORTHINGTON. The question is whether this obligation refers to things spiritual or things temporal.

Senator BAILEY. I do not think it makes any difference to the committee in the end, or will affect its conclusions, whether that is answered or not. I am partly responsible for that line of questions, and I asked the first question myself because I really intended to insist, if it related in any way to the duties of a citizen, that the committee was entitled to know what that was, and if it did not, then I had no further interest in it.

The CHAIRMAN. Let the witness answer that question.

Mr. ROBERTS. May I have the question read?

The CHAIRMAN. Certainly.

The reporter read as follows:

“Mr. WORTHINGTON. I would like to ask, Mr. Roberts, whether this obligation or ceremony, to which you refer in the Endowment House, relates entirely to things spiritual or whether it relates to things temporal also?”

Mr. ROBERTS. I regard them as relating to things spiritual, absolutely.

Mr. TAYLER. If we were in a court of justice, and insisted upon it, I think that opens the door so wide that the whole oath would come in.

The CHAIRMAN. I think so, too.

Mr. TAYLER. But I do not care to do it.

We have a witness here, Mr. Chairman, whose testimony is so brief that I think we had better take it this afternoon.

The CHAIRMAN. Is that all you want of this witness?

Mr. TAYLER. That is all.

The CHAIRMAN. I will ask the attorneys whether Mr. Roberts may be discharged at this time?

Mr. TAYLER. No; I would like Mr. Roberts to remain over for one day.

The CHAIRMAN. Mr. Roberts, you may remain over one day.

Mr. ROBERTS. Yes, sir.

TESTIMONY OF EDWARD E. BARTHELL.

EDWARD E. BARTHELL, having been duly sworn, was examined, and testified as follows:

Mr. TAYLER. Mr. Barthell, where do you live?

Mr. BARTHELL. Nashville, Tenn.

Mr. TAYLER. What is your business?

Mr. BARTHELL. I am a lawyer, sir.

Mr. TAYLER. How long have you been practicing law?

Mr. BARTHELL. Something over fifteen years.

Mr. TAYLER. Are you a member of some law firm in Nashville?

Mr. BARTHELL. Yes, sir.

Mr. TAYLER. What is it?

Mr. BARTHELL. Slemmons & Barthell.

Mr. TAYLER. Mr. Barthell, did you recently chance to get up a kind of academic interest in the subject of Mormonism?

Mr. BARTHELL. Within the past year.

Mr. TAYLER. You may state how you came to be interested in that subject, so we may understand how you pursued it.

Mr. BARTHELL. In 1899 I was West, and stopped at Salt Lake City for a short time, and that was the first active interest I had in the matter. I made some inquiries—nothing very deep, of course. Then about a year ago a society of which I am a member assigned another member and myself to lead in a discussion, and we selected Mormonism as our subject.

Mr. TAYLER. Now proceed and tell us what occurred in consequence of that.

Mr. BARTHELL. I did not want to write a paper without knowing something about the subject, and I wrote to the president of the Mormon propaganda at Chattanooga, and asked him to send me some literature from the Mormon standpoint about his religion. He did so,

and I wrote my paper. During this investigation I wrote a letter to a Senator, which I believe was shown to you.

Mr. TAYLER. Yes; that is the way it occurred. Now, certain books came to you in response to your request for literature upon that side of the case?

Mr. BARTHELL. Yes, sir.

Mr. TAYLER. And later, did you have any conversation with anybody professing to represent the propagandists at Chattanooga?

The CHAIRMAN. I did not understand to whom he wrote.

Mr. BARTHELL. I wrote to the president of the Mormon propaganda at Chattanooga. The Mormons maintain a mission at Chattanooga, and have for a number of years.

Mr. WORTHINGTON. What is his name?

Mr. BARTHELL. Ben E. Rich, I think, or Ben E. Hill. His name is in one of these books. Within a very few days, probably in due course of mail, the two books I have here and several loose sheets in the nature of tracts came by post; and that day or the next a gentleman introducing himself as a Mormon elder, by the name of Fox—George E. Fox is my recollection—came, bringing with him the letter which I had written to Mr. Rich, to discuss the matter with me.

Mr. TAYLER. Did you have some discussion with him?

Mr. BARTHELL. Yes; I did.

Mr. TAYLER. Were the books that you received, which you have in your hand, referred to by him?

Mr. BARTHELL. Yes; the package was opened in his presence and he looked through it and said, "Well, now, that is all good literature; that is standard." And especially he mentioned the works of Orson Pratt. He said Orson Pratt's works were accepted by the Mormons as absolutely authentic.

Mr. TAYLER. I will ask the reporter to identify these two books.

The two books produced by the witness, entitled, "Orson Pratt's Works" and "Tracts," from Southern States Mission, Chattanooga, Tenn., were marked by the reporter, respectively, "Barthell No. 1" and "Barthell No. 2."

Mr. BARTHELL. The second book is a compilation of publications. It has various numbered pages. I think it runs up to ten or twelve three or four times.

Mr. WORTHINGTON. Will you read the portions of the books you expect to rely on?

Mr. TAYLER. Of course I do not do anything by the witness, so far as the books are concerned, except to identify them. We are quite as competent as he is to see what is in them.

Mr. BARTHELL. I think you are; yes, sir.

The CHAIRMAN. Did you state the name of the gentleman who appeared to see you?

Mr. BARTHELL. His name was Fox; and my recollection is it is George E. Fox. He gave me his address, and asked permission to appear before our club, and in looking through my correspondence I find I addressed a note to George E. Fox, saying he might appear.

The CHAIRMAN. Did he state what position he held?

Mr. BARTHELL. Well, he was a traveling missionary. I think he said he was an elder. He was at least a traveling missionary for the Mormon Church or the Church of Jesus Christ of Latter-Day Saints, and he brought with him the letter which I had written to Mr. Rich.

Senator OVERMAN. Did he address your club?

Mr. BARTHELL. Oh, yes.

The CHAIRMAN. Were you present at the meeting of the club?

Mr. BARTHELL. I led the discussion; yes, sir.

The CHAIRMAN. Can you give the committee some idea what this missionary said about the church and its doctrines?

Mr. BARTHELL. Well, he said a great deal, Senator. Among other things, he said that there was no trouble at all in performing miracles; that if a person had only one arm there was no trouble to give him two.

Mr. WORTHINGTON. I would like to see him. [Laughter.]

Mr. BARTHELL. We asked something about speaking in tongues. I called attention to some of the literature which said that it was perfectly useless to undertake to study different books; that all you had to do was to talk. He said that was absolutely true; that he had seen it himself even in Indian dialects, and a great many curious things of that general character.

The CHAIRMAN. Did he say anything of the creed of the church—the tenets of their faith?

Mr. BARTHELL. I would not undertake at this time to state just what he did say in reference to that. We did discuss it, though, for two or three hours—not the Mormon all the time, however. The rest of us had something to say. Our information was purely academic, Senator.

The CHAIRMAN. Did he impart to your association his ideas on the question of polygamy?

Mr. BARTHELL. Yes.

The CHAIRMAN. And the teachings of the church in that regard?

Mr. BARTHELL. Yes.

The CHAIRMAN. What did he say?

Mr. BARTHELL. He said that polygamy was taught of God; that it was right, but that it had been abandoned; that it was not now followed by the good Mormons; that polygamous cohabitation still continued. In other words, he did not exactly say that. He said the cohabs still followed their customs. He referred to them as cohabs, which was an expression we did not at first understand.

The CHAIRMAN. He explained it to you, I suppose.

Mr. BARTHELL. Yes; he undertook to explain it to us.

Senator BAILEY. Did he make any statement about the authority of the church over men and matters that are commonly considered politica?

Mr. BARTHELL. No, Senator; he did not. At the first call of Mr. Fox at my office he stayed but a very short time, and I thought he was a very intelligent man. Possibly his stay was only two or three minutes, and on those matters of which I spoke with him at that time he was very well posted; but when he appeared before the club, we did not think that he had sufficient breadth of information to treat, certainly from an intellectual standpoint, that question, and we did not press him. He was our guest.

The CHAIRMAN. I understood you to say he stated that these were the authorized and accepted doctrines.

Mr. BARTHELL. Yes, sir.

The CHAIRMAN. Of the men with whom he was working?

Mr. BARTHELL. Yes, sir.

The CHAIRMAN. Will counsel need this witness any further?

Mr. TAYLER. No, sir.

Mr. VAN COTT. No, sir.

Senator BAILEY. We need his books.

Mr. TAYLER. His books are here.

The CHAIRMAN. Then you will be discharged, Mr. Barthell, and the committee will adjourn until to-morrow morning at half past 10.

The committee (at 4 o'clock and 10 minutes p. m.) adjourned until Thursday, April 21, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *April 21, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), McComas, Beveridge, Petrus, Dubois, and Overman; also Senator Smoot; also John G. Carlisle and R. W. Tayler, counsel for the protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for certain witnesses.

The CHAIRMAN. Do you desire to have Mr. Roberts recalled this morning?

Mr. VAN COTT. Yes, sir; we would like to ask him a question or two.

TESTIMONY OF BRIGHAM H. ROBERTS—Recalled.

BRIGHAM H. ROBERTS, having been previously sworn, was examined and testified as follows:

Mr. VAN COTT. Mr. Roberts, when the first election was held under the Utah State constitution were all of the State officers who were elected Republicans?

Mr. ROBERTS. All the Republican State officers were elected.

Mr. VAN COTT. Passing to the next election, in 1896, was that when the silver question was agitating the West?

Mr. ROBERTS. It was.

Mr. VAN COTT. And the Democrats carried that election?

Mr. ROBERTS. They did.

Mr. VAN COTT. And in 1898 the same?

Mr. ROBERTS. Yes, sir.

Mr. VAN COTT. In 1900 was the second State election?

Mr. ROBERTS. Yes, sir.

Mr. VAN COTT. And did the Republicans carry that election?

Mr. ROBERTS. They did.

Mr. VAN COTT. Have the State officers in Utah always been Republican?

Mr. ROBERTS. Always.

Mr. VAN COTT. With the exception of the legislature elected in 1896?

Mr. ROBERTS. I had in mind, of course, the administrative offices. I except, of course, the legislature on one occasion, or two, perhaps.

Mr. VAN COTT. That was during 1896, when the silver question was on?

Mr. ROBERTS. It was.

Mr. VAN COTT. When the legislature was carried by the Democrats in 1896 Mr. Joseph L. Rawlins was elected Senator?

Mr. ROBERTS. Yes, he was.

Mr. VAN COTT. With the exception of the one Democratic Senator, has there ever been a Democratic United States Senator from Utah?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. Has there ever been a Democratic Congressman elected from Utah, with the exception of yourself?

Mr. ROBERTS. No, sir.

Mr. VAN COTT. They have all been Republicans?

Mr. ROBERTS. They have all been Republicans.

Mr. TAYLER. Was William H. King elected at the special election?

Mr. ROBERTS. To fill my unexpired term he was elected.

Mr. VAN COTT. I call your attention also to 1898, and to one member of the supreme court, Robert N. Baskin. Was he a Democrat?

Mr. ROBERTS. He was a Democrat.

Mr. VAN COTT. With the exception of yourself as Congressman and Mr. King, who followed you, and with the exception of Mr. Rawlins, who was elected Senator, and with the exception of Judge Baskin, elected to the supreme court, have all the general officers been Republican?

Mr. ROBERTS. They have all been Republican.

Mr. VAN COTT. From the beginning of statehood up to date?

Mr. ROBERTS. Until now.

Mr. VAN COTT. That is all, Mr. Chairman.

Senator DUBOIS. Mr. Roberts, who ran against Mr. King?

Mr. ROBERTS. Mr. Hammond, the present secretary of state.

Senator DUBOIS. Did Mr. Hammond have the consent of the church to run?

Mr. ROBERTS. I think Mr. Hammond was a layman in the church, practically as much so as Mr. King.

Senator DUBOIS. "Did Mr. Hammond have the consent of the church to run?" is my question.

Mr. ROBERTS. Not that I know of.

Mr. TAYLER. Are you sure that Mr. Van Cott has given the full catalogue of Democratic successes in Utah for general officers?

Mr. ROBERTS. So far as I can remember them.

Mr. TAYLER. Was not Mr. King your predecessor as well as your successor in Congress?

Mr. WORTHINGTON. He was a Delegate.

Mr. VAN COTT. He was a Delegate, Mr. Worthington.

Mr. ROBERTS. I think only under Territorial conditions.

Mr. TAYLER. Who was elected in 1896 to represent the State of Utah in Congress?

Mr. ROBERTS. I do not remember.

Mr. TAYLER. Was it not William H. King, a Democrat?

Mr. ROBERTS. I really could not say whether Mr. King was then elected or not.

Mr. TAYLER. Then you are not a very good expert on political conditions, anyhow?

Mr. ROBERTS. Perhaps not.

Mr. TAYLER. No.

Senator DUBOIS. I should like to ask Mr. Roberts who ran against Mr. King when he was elected the first time?

Mr. ROBERTS. I think it was Mr. Cannon.

Senator DUBOIS. Did he have the consent of the church to be a candidate?

Mr. ROBERTS. Not that I know of.

Senator DUBOIS. You had the consent of the church, I believe you stated, when you were elected?

Mr. ROBERTS. In 1898.

Mr. TAYLER. While Mr. Roberts is on the stand, I wish to ask him a question or two. Do you remember, Mr. Roberts—

Senator DUBOIS. Let me finish what I was asking him about.

Mr. TAYLER. Certainly.

Senator DUBOIS. Do you recollect any time when anybody in either party who has had the consent of the church has been beaten?

Mr. ROBERTS. No, sir; I have no recollection upon the subject.

The CHAIRMAN. Is that all?

Senator DUBOIS. That is all.

Mr. TAYLER. Some reference was made yesterday to the campaign of 1895, and probably reference was made to an interview which you gave out during that campaign. Do you remember giving out an interview?

Mr. ROBERTS. Yes, sir; I think I do.

Mr. TAYLER. That was an interview which you yourself wrote out?

Mr. ROBERTS. Yes.

Mr. TAYLER. Do you remember where you wrote it?

Mr. ROBERTS. No, sir; I do not.

Mr. TAYLER. That interview was published in the Herald, was it not?

Mr. ROBERTS. It was.

Mr. TAYLER. And in the Salt Lake Tribune?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. And possibly in other papers. Were you at that time the editor of the Herald?

Mr. ROBERTS. No, sir.

Mr. TAYLER. Had you been before?

Mr. ROBERTS. I had.

Mr. TAYLER. But were not then?

Mr. ROBERTS. No, sir; not then.

Mr. TAYLER. Now, I have here before me the Salt Lake Tribune for Monday, October 14, 1895, and I want to read that interview, and I wish to ask you if, according to your recollection, it is correct. I suppose you read the interview at the time it was published in the papers?

Mr. ROBERTS. Yes, sir.

Mr. WORTHINGTON. Do you ask him whether he is correctly reported, or whether the facts are correctly stated?

Mr. TAYLER. Whether this states correctly what he said:

“STATEMENT BY ROBERTS—CLAIMS THAT HE CONFRONTS A GRAVE CRISIS.

“The following authorized statement by B. H. Roberts, in the form of an interview, was given out at the Democratic State headquarters last evening.

“Being asked for his views upon the present political situation, Mr. Roberts said:

“I have always regarded myself as properly respectful and atten-

tive to church authority. In my labors in the church, whether a missionary or literary affair, I have always consulted with the presidency when communication was possible, and their wishes have been respectfully followed. All the manuscripts of tracts and books of which I am the author that have been written in advocacy or defense of the Mormon faith have been invariably submitted to their personal inspection or to the inspection of committees appointed by them.

“Nor has my respectful consideration to their wishes been confined purely to matters of the above description, as will be seen in the following circumstance. Several years ago, when conditions were favorable for carrying out what had been with me a long-standing intention to enter into the study of the law, with a view to practicing that profession, I submitted the proposition to them for their advice, expecting to follow whatever suggestions they had to make. I never received from them any direct decision as to what, in their judgment, I ought to do, but learning indirectly that it was contrary to their wishes for me to enter into the practice of the law, as they considered it would interfere with my labors in the church, I gave up what had been with me, up to that time, a life purpose. I mention these matters that it may be understood that I have not been inattentive to the wishes of my brethren in whom I recognize a divine authority.’

“KEPT OUT OF POLITICS.

“But have you been likewise attentive to their wishes in political affairs?”

That seems to be a question which was here interpolated.

“I think I have, within proper limits. Several years ago—perhaps only two years ago—it was stated that it was thought wise for members of the quorum of the twelve, the first seven presidents of the seventies, presidents of stakes, and bishops not to take active part in political affairs, in consequence of their ecclesiastical relations with the people. While there were some things involved in such an order that did not meet with my personal views, there were others in it which appealed to my judgment, and, on the whole, I accepted it with pleasure, and looked upon it as the promulgation of a general church regulation, which both then and now I think the church authorities had a perfect right to issue, and if any church authority upon whom the general order had effect did not like it he had the alternative of resigning his position. I say on the whole my judgment approved it, and hence I accepted it. But I was somewhat surprised to find soon after, what every one knows to be the case, that notwithstanding the above order one of the twelve and one of the members of the council of seventy, to which I belonged, were again actively engaged in politics in the interest of the Republican party; and, indeed, such was the large number of the exceptions almost immediately made to the general order, by permitting men that were prohibited by said order to accept nominations and otherwise become active in politics, that the exceptions well-nigh destroyed the force of the rule.

“This was a source of much annoyance to me, because individual Democrats and delegations of Democrats waited upon me and insisted that I should also take part in political affairs, especially as one of the members of the council to which I belonged was active, and I was plainly told that my silence was construed into meaning that I was

silenced by the church leaders, and that the apostles in question and my fellow-president were sent out by the church, and my silence on the one hand and their activity on the other was being accepted out in the settlements as an indication that it was the wish of the presidency that the Republican party should succeed. I remained true, however, to the order of the church, and took no part in political affairs, except that at a gathering of Democratic societies at Saltair that met to rejoice over the prospect of the passage of the enabling act, I accepted an invitation to be present and make a few remarks. That I thought I could do without any impropriety.”

It is a good deal longer than I thought it was. I do not know that the committee want to hear it all, but I will put it all in so that it may appear in the record. I wish to call your attention especially to this:

“But what about the present issue?”

And your answer is:

“For several weeks before the Ogden convention met my name was used in connection with the nomination for Congressman. Indeed, ever since the constitutional convention adjourned my name has been discussed in connection with that office, a Senatorship, or the governorship. At last the Ogden convention met, and I was nominated for Congressman by acclamation. There had been no word of warning given me by the first presidency during the discussion of my name for Congressman or any of the other positions in connection with which my name was used. The day after the Ogden convention I met one of the presidents as we were both leaving the train on its arrival at the Ogden depot. In his presence a number of brethren whom we met on the platform congratulated me on my nomination, but he was silent. He did not take me aside and reprove me for any breach of church regulation, and doubtless he thought that, if either unthoughtedly I had done so, or even from self-will had been guilty of an impropriety, it was imprudent to do so.

“A few days, or a week or two after that, the presidency sent for me to come to their office on a matter about which they desired to consult me, and I obeyed the summons. On that occasion I was alone in the presence of all three of them.”

By that you mean the first presidency?

Mr. ROBERTS. Yes, sir.

“On that occasion I was alone in the presence of all three of them, and consulted with them on the business referred to some fifteen or twenty minutes. No complaint was then made to my course in accepting the nomination for Congressman, though they seemed to have no special business on hand, and both time and opportunity conjoined to give a chance to correct me if I had made an error.”

Then a question comes here:

“Then you were, to say the least, greatly surprised at what occurred at the priesthood meeting Monday last?”

“Yes, very greatly surprised, though I know the impulsiveness of the gentleman who referred, yet in indirect language, to Moses Thatcher and myself. I was surprised that anything should be said there when such excellent opportunities for complaint had before existed, if complaint was to be entered to my conduct. Now, understand that I believe that the church authorities have the right to say that certain officers in the church shall not participate in political affairs, and it is for those officers to submit to the regulation or resign that office; and if they

retain their positions and violate the regulation the church can consistently discipline them for violation of church regulations, and no political party can justly complain at their conduct, or interfere with the church in its proceedings against one of its high officials for a violation of church regulations.

“I hold myself respectfully answerable to the church for any violation of its discipline or regulations. Of course, in this case I consider that I have violated no church rule, and if arraigned before my quorum, or any other church tribunal on such a charge, I should answer not guilty, and go to trial. But all of this is personal. What the Democratic party can and does complain of, as I understand it, is not that I am complained of, but that I am complained of and accusation made against me at such a time and in such a manner that the Democratic party is being injured by it, and not only is my own election likely to be defeated, but the election of all the candidates who stand with me on the ticket is likely to be defeated on account, not of what was actually said or done at the priesthood meeting but upon the use made of it by Republicans in various parts of the country.”

Now do you understand that the interview as printed in the Salt Lake Tribune is a correct printing?

Mr. ROBERTS. I think it was. My recollection is that it was quite accurate.

Mr. TAYLER. And in so far as it has been read it accords with your memory of what you did write and which was printed?

Mr. ROBERTS. Entirely so.

Mr. TAYLER. We will put the entire interview in the record.

Mr. VAN COTT. At this point in the record?

Mr. TAYLER. Yes. I supposed it was a newspaper man's interview, but as Mr. Roberts himself wrote it, like any other man who writes his own views, it is more lengthy than the newspaper man would have made it.

The entire interview is as follows:

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“Nor has my respectful consideration to their wishes been confined purely to matters of the above description, as will be seen in the following circumstance: Several years ago, when conditions were favorable for carrying out what had been with me a long-standing intention

to enter into the study of the law with a view to practicing that profession, I submitted the proposition to them for their advice, expecting to follow whatever suggestions they had to make. I never received from them any direct decision as to what, in their judgment, I ought to do, but learning indirectly that it was contrary to their wishes for me to enter into the practice of the law, as they considered it would interfere with my labors in the church, I gave up what had been with me up to that time a life purpose. I mention these matters that it may be understood that I have not been inattentive to the wishes of my brethren, in whom I recognize a Divine authority."

KEPT OUT OF POLITICS.

"But have you been likewise attentive to their wishes in political affairs?"

"I think I have, within proper limits.

"Several years ago—perhaps only two years ago—it was stated that it was thought wise for members of the quorum of the twelve, the first seven presidents of the seventies, presidents of stakes, and bishops not to take active part in political affairs, in consequence of their ecclesiastical relations with the people. While there were some things involved in such an order that did not meet with my personal views, there were others in it which appealed to my judgment, and, on the whole, I accepted it with pleasure and looked upon it as the promulgation of a general church regulation which both then and now I think the church authorities had a perfect right to issue, and if any church authority upon whom the general order had effect did not like it he had the alternative of resigning his position. I say on the whole my judgment approved it, and hence I accepted it. But I was somewhat surprised to find soon after, what everyone knows to be the case, that notwithstanding the above order one of the twelve, and one of the members of the council of seventy to which I belonged, were again actively engaged in politics in the interest of the Republican party; and, indeed, such was the large number of the exceptions almost immediately made to the general order by permitting men that were prohibited by said order to accept nominations and otherwise become active in politics, that the exceptions well-nigh destroyed the force of the rule.

"This was a source of much annoyance to me, because individual Democrats and delegations of Democrats waited upon me and insisted that I should also take part in political affairs, especially as one of the members of the council to which I belonged was active, and I was plainly told that my silence was construed into meaning that I was silenced by the church leaders, and that the apostles in question and my fellow president were sent out by the church, and my silence on the one hand and their activity on the other was being accepted out in the settlements as an indication that it was the wish of the presidency that the Republican party should succeed. I remained true, however, to the order of the church, and took no part in political affairs, except that at a gathering of Democratic societies at Saltair that met to rejoice over the prospect of the passage of the enabling act, I accepted an invitation to be present and make a few remarks—that I thought I could do without any impropriety.

"CONVENTION NOMINATION.

"While I was absent from the Territory, either in August or September of last year, the convention in Davis County, which assembled to nominate candidates for the constitutional convention, nominated me as one of the delegates. Upon returning to Utah a few weeks after that convention I learned of my nomination and understood from reports coming from a member of the county convention that the general rule before alluded to had either been utterly disregarded by the people or had been set aside by the authorities, for there was quite a number of church officials on the prohibited list put in nomination. On inquiry, I learned from gentlemen in this city that the 'strings'—such were their words—'had been taken off' the church officials heretofore prohibited from participating in politics.

"Inquiry of one of the members of the presidency confirmed what had been told me. I said to him that my acceptance of the nomination for delegate to the convention would involve me again in active politics, as even then pressing invitations were coming to me from all parts of the Territory to do political work. The gentleman in question said that would be all right, and I again entered the political arena and accompanied Mr. Rawlins in his tour through the Territory, and have been active in politics ever since, as everybody knows, and that, too, without any complaint to me from the church authorities for that activity; and with the understanding on my part that the general order of some two years ago, to which I say my judgment on the whole assented, had been abrogated."

NOT REPROVED.

"But what about the present issue?"

"For several weeks before the Ogden convention met my name was used in connection with the nomination for Congressman. Indeed, ever since the constitutional convention adjourned my name has been discussed in connection with that office, a Senatorship, or the governorship.

"At last the Ogden convention met, and I was nominated for Congressman by acclamation. There had been no word of warning given me by the first presidency during the discussion of my name for Congressman or any of the other positions in connection with which my name was used. The day after the Ogden convention I met one of the presidents as we were both leaving the train on its arrival at the Ogden depot. In his presence a number of brethren whom we met on the platform congratulated me on my nomination, but he was silent. He did not take me aside and reprove me for any breach of church regulation, and doubtless he thought that if either unthoughtedly I had done so or even from self-will had been guilty of an impropriety, it was imprudent to do so.

"A few days, or a week or two after that, the presidency sent for me to come to their office on a matter about which they desired to consult me, and I obeyed the summons.

"On that occasion I was alone in the presence of all three of them and consulted with them on the business referred to some fifteen or twenty minutes. No complaint was then made to my course in accepting the nomination for Congressman, though they seemed to have no

special business on hand, and both time and opportunity conjoined to give a chance to correct me if I had made an error."

"Then you were, to say the least, greatly surprised at what occurred at the priesthood meeting Monday last?"

"Yes; very greatly surprised, though I know the impulsiveness of the gentleman who referred, yet in indirect language, to Moses Thatcher and myself. I was surprised that anything should be said there, when such excellent opportunities for complaint had before existed, if complaint was to be entered to my conduct.

"Now, understand that I believe that the church authorities have the right to say that certain officers in the church shall not participate in political affairs, and it is for those officers to submit to the regulation or resign that office, and if they retain their positions and violate the regulation the church can consistently discipline them for violation of church regulations, and no political party can justly complain at their conduct or interfere with the church in its proceedings against one of its high officials for a violation of church regulations. I hold myself respectfully answerable to the church for any violation of its discipline or regulations. Of course, in this case, I consider that I have violated no church rule, and, if arraigned before my quorum, or any other church tribunal on such a charge, I should answer 'not guilty' and go to trial. But all of this is personal. What the Democratic party can and does complain of, as I understand it, is not that I am complained of, but that I am complained of and accusation made against me at such a time and in such a manner that the Democratic party is being injured by it, and not only is my own election likely to be defeated, but the election of all the candidates who stand with me on the ticket is likely to be defeated on account, not of what was actually said or done at the priesthood meeting, but upon the use made of it by Republicans in various parts of the country."

FEARFUL OF ITS USE.

"You think, then, that Republicans will use it against you and the party?"

"You might as well ask me if water will run down hill or a flame of fire leap upward. Of course they will use it. They are already using it. The day after the priesthood meeting a man in this city had so far added to what had been said at the meeting that it was being rumored that I was given so many days in which to resign my nomination or lose my standing in the church. At Willard, in Boxelder County, we met the rumor that B. H. Roberts was out of favor with the presidency of the church, likely to be disfellowshipped; therefore must be defeated in the election. The following letter was received by Judge Powers from Brigham since my visit there.

" 'BRIGHAM CITY, UTAH, *October 12, 1895.*

" 'HON. O. W. POWERS,

" 'Chairman, *Salt Lake City.*

" 'DEAR SIR: When Mr. Roberts was here he asked me if the impression had got out relative to the first presidency calling himself and Moses Thatcher down, etc. My reply was that I had not heard anything, and I thought no harm had been done us. Since then, however, I have found out differently. Republicans approached Democrats with an exulting smile, and asked how they enjoyed the priesthood meet-

ing. Some unwise Republicans are elated. Democrats are sick. A bishop's councilor told me that he heard Republicans say when leaving the meeting that had it not been for what had been said at the meeting their votes would have been cast for Roberts, but now they were in doubt. There is no denying the fact that the remarks hurt us. Perhaps not so much among the pronounced Democrats as the doubtful voters and favorable Republicans. Our county is doubtful, and we can not afford to lose one vote by this grapevine method. You must suppress "Brother Joseph," if you have to use as radical means as he uses himself."

"Similar statements," said Mr. Roberts, "come from all over the Territory. I take it, therefore, that while, so far as I know, the Democratic party does not propose to attempt to say what course the church shall take in the matter of prohibiting its high officials from entering political life, and may discipline them for breaches of church regulations, when methods are adopted which, owing to the peculiar state of things in our community, reach beyond the individual complained of and threaten the success of the party and all the candidates that it has put into the field, rendering all the time, work, and expense fruitless, I think the political party whose success is thus threatened had just cause of complaint against such proceedings."

RIGHT OF THE CHURCH.

"But, Mr. Roberts, all this is preliminary to what is really the chief issue. Do you recognize the right of the church to dictate what a member's politics shall be, or that an official of the church in politics ought to take counsel with the superior church officials as to whether he may accept a nomination for office or not?"

"I shall divide your question into two parts. To the first part I answer, No; the church has no right to dictate what a man's politics shall be, and it is only just to the presidency of the Mormon Church to say that they claim no such right, but have repeatedly disclaimed any such pretension. Second, I believe the church has a right to say whether or not its high officials shall be allowed to participate in politics or not. If they decide that certain officials shall not enter politics, it is for those officers to submit to the regulation or resign. But if the church permits its high officials to enter politics at all, then those men ought to be absolutely free to follow their own discretion as to what their politics shall be, and the extent to which they shall engage in the affairs of Government, as anything short of this would render party loyalty impossible. I do not believe the Democratic official ought to be expected to go to Republican church official for counsel in political affairs, or vice versa. Such a requirement in our community would place the control of the respective parties under the church officials, and would give up political affairs entirely into their hands. I see no middle ground between absolute and complete retirement on the part of high Mormon Church officials from politics, or else perfect freedom of conduct in respect to politics—trusting the individual's own discretion and judgment in political concerns.

HIS COMPENSATION.

"I ought to say, in explanation to some who think I ought to have consulted my superior church officers before accepting the nomination

for Congress, because the church pays me a salary and has a demand upon my time, etc., that in answer to that I receive no regular salary for my services in the church. I have, from time to time, had appropriated to me varying sums to aid me in meeting my current living expenses, when I have applied for it, and I appreciate the kindness which from time to time has ministered to my necessities; but the sums appropriated have come nowhere near meeting my wants, and I have had to depend upon my own exertions to make up the very large balance, and therefore considerable latitude has been accorded me in the management of my time, and mine was far from being the case of a salaried officer in the church."

SAYS THERE IS A GRAVE CRISIS.

"All this is interesting, but how do you propose to meet the issue before you?"

"Preliminary to answering that, let me say that I appreciate the gravity of the crisis with which I am confronted. Next let me say that the church authorities have in the most authoritative manner disclaimed that it was their intention to interfere with the members of the church in political matters, or attempt, as church officials, to dominate the State.

"I accept their declarations as having been made in good faith. To believe anything else would be to charge them with perfidy of the blackest character; so that while I admit their right to make such rules and regulations for the church officials, and may try them and condemn them for violation of those regulations, I do not concede to them any right to dominate the State or control the political affairs of this State that is to be, nor do I believe they claim the right to do so, and if they do, then that claim must be resisted. A constitution has been framed which says 'There shall be no union of church and state nor shall any church dominate the State or interfere with its functions.' I signed that document in a most solemn manner, and so did the rest of the delegates in the constitutional convention. I did it in good faith and I mean to maintain it in like good faith. The people of Utah are going to vote on that constitution this fall, and if it carries it will be the supreme law of the land and made so by the solemn act of a people acting in their sovereign capacity. I mean to maintain, so far as I am concerned, that supreme law of the land at whatever cost. On that issue I stand ready to risk all that I am or can ever hope to be. It is a matter that must not be trifled with, and all who vote for it stand in the same attitude or are guilty of the blackest perfidy that men in the name of honesty can be guilty of.

WHAT HE PROPOSES TO DO.

"Now, what do I propose to do in the present crisis? I mean to do this: Since the Republicans are in various localities taking advantage of this incident in the priesthood meeting to encompass my defeat, and, through that, defeat of the Democratic party, I am willing to resign my nomination, if the Democratic party has become frightened of defeat and proposes to cringe before this incident that has happened and the influence that rises from it, and let another man be nominated who will not encounter this species of opposition. Or, if the Democratic party, responsive to that noble spirit of democracy

which ever rises higher as difficulties increase, wants to meet and crush this church influence, not used by the first presidency of the Mormon Church, but by the Republicans, who have taken advantage of this unfortunate circumstance to inject it into our politics to save what was virtually a lost cause by religious influence, then I stand ready still to be their standard-bearer, and in every town and hamlet will appeal to the people to resist the employment of such church influence in political affairs, and put the people of Utah to the test as to whether, when they vote on the constitution, they do so in good faith, and find out whether or not they are in earnest when they vote for a constitution that prohibits church interference with political affairs.

“I was not nominated for Congress because I was a Mormon or because I held a high position in the church. I was nominated because I was a Democrat and because some of my best endeavors were made to support its principles. I was nominated because my party had confidence in me. Suppose, then, I had so far met the displeasure of the church authorities as to even lose my place in the church, inasmuch as it was through no act of immorality which shocked the moral sense of the people, would I not still be entitled to the support of the Democratic party? I think I would, and I propose to make that appeal to them, and I believe I can win and so can the Democratic party, notwithstanding Republican trickery in various sections of the country where they would seek to gain an advantage by an appeal to the religious prejudices of the weak and the ignorant.

“I do not know what the result will be to my religious standing, but in this supreme moment I am not counting costs. I shall leave all that to the divine spirit of justice which I believe to be in the authorities of the Church of Christ. I shall trust that spirit, as I have ever done; and I say to the Democratic party that, while my position in the Church of Christ is dearer to me than life itself, yet am I ready to risk my all in this issue. Let no man depreciate the crisis which confronts us. It is one of those moments on which the fate of a State trembles in the balance. Let the Democratic party now ground its arms, call off its candidates, and statehood is defeated and all our pains go for nothing. I believe the people of Utah are worthy of statehood, and if given an opportunity will prove that they are worthy of it. I shall give my best effort in having the test applied, and I know they will not be found wanting.”

The CHAIRMAN. Is there anything further from this witness?

Mr. TAYLER. That is all I wanted—to identify this interview. I have one question which I forgot to ask him yesterday, however.

The CHAIRMAN. Proceed.

Mr. TAYLER. After your return to Utah, when you were denied a seat in the House of Representatives, you were again prosecuted for violation of the law against unlawful cohabitation?

Mr. ROBERTS. Yes, sir; I was.

Mr. TAYLER. That was in the year 1900?

Mr. ROBERTS. Yes; in the year 1900.

Mr. TAYLER. You were not convicted?

Mr. ROBERTS. No, sir; I think not.

Mr. TAYLER. Well?

Mr. ROBERTS. I have this in mind, Mr. Counsel. The case went to the jury on an agreed statement of facts. The jury first disagreed.

i was again tried, and I do not quite remember whether the jury returned a verdict of guilty the second time or not. It was somewhat complicated. But I think the jury did, and the matter went to the supreme court and on a question of law was thrown out of court.

Mr. TAYLER. Then once the jury disagreed on the agreed statement of facts and once it agreed?

Mr. ROBERTS. Yes, sir.

Mr. TAYLER. And the case went up, and upon some other matter was thrown out?

Mr. ROBERTS. I think, Mr. Counsel, the object was to test the law in that phase of it, and in the second instance my counsel stated that he did not expect an acquittal upon the agreed statement of facts.

Mr. WORTHINGTON. Is not the case reported?

Mr. TAYLER. My purpose in this inquiry was rather to show the course of conduct of the prosecution of the case rather than with any special reference to Mr. Roberts.

Mr. WORTHINGTON. I suppose the reported case will show what the question was.

Mr. TAYLER. I do not know that it was reported.

The CHAIRMAN. Is there anything further?

Mr. TAYLER. That is all.

Mr. WORTHINGTON. Before Mr. Roberts is discharged I should like to say that two books were identified here yesterday, and we would like to have counsel point out the portions of them, if any, which they expect to put in the record. It is possible that after that is done we may wish to ask Mr. Roberts some questions in relation to the subjects which are so put in evidence.

The CHAIRMAN. Mr. Tayler, I suppose you want some time to look over the two volumes?

Mr. TAYLER. Yes, sir; and I have not had time. I turned them over to counsel last night.

The CHAIRMAN. Perhaps, Mr. Roberts, you can remain until to-morrow without great inconvenience.

Mr. ROBERTS. If that is the wish of the committee, I can.

The CHAIRMAN. Very well. Mr. Tayler—

Senator DUBOIS. In this connection, in case Mr. Roberts is not called again, I wish to ask who is Ben E. Rich?

The CHAIRMAN. Let me finish. Mr. Tayler, will you be prepared by to-morrow morning to indicate the portions of the volumes that you desire to put in evidence?

Mr. TAYLER. Oh, yes.

Mr. WORTHINGTON. We should like to have it indicated to-day, if possible, so that we can look at them overnight.

The CHAIRMAN. Counsel can arrange that.

Mr. WORTHINGTON (to Mr. Tayler). Let us have them in time to-night.

Mr. TAYLER. I would have done it this morning only you had the books.

The CHAIRMAN. Senator Dubois wishes to ask a question.

Senator DUBOIS. The witness who testified yesterday and presented these books said he wrote to Ben E. Rich at Chattanooga, and Ben E. Rich sent the books to him. What official position does Ben E. Rich hold in the church?

Mr. ROBERTS. I think he is one of the seventy, and in charge of the Southern States' mission.

Senator DUBOIS. That is, he has the general direction of the missionaries for the Southern States and of the missionary work in the Southern States?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. You said you thought that he was so and so. You know it, do you not?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Is that all?

Mr. TAYLER. That is all.

Mr. VAN COTT. We are through with the witness.

The CHAIRMAN. Who is the next witness?

Mr. TAYLER. Call Mr. Cobb.

TESTIMONY OF CALVIN COBB.

CALVIN COBB, being first duly sworn, was examined, and testified as follows:

Mr. TAYLER. If the Idaho constitution is here, I should like to have it. I arranged to have it sent here.

The CHAIRMAN. I will send for it.

Mr. TAYLER. Mr. Cobb, where do you live?

Mr. COBB. Boise City, Idaho.

Mr. TAYLER. How long have you lived there?

Mr. COBB. Since 1889.

Mr. TAYLER. What is your business?

Mr. COBB. Publisher of the Idaho Daily Statesman.

Mr. TAYLER. What is the politics of that paper?

Mr. COBB. Republican.

Mr. TAYLER. You, of course, have made yourself familiar with politics and society in the State of Idaho?

Mr. COBB. I have.

Mr. TAYLER. Your paper, I suppose, you claim to be the leading paper of the State?

Mr. COBB. Yes. We are one of the papers which claim that.

Mr. TAYLER. You are familiar with the general conditions prevailing throughout that State?

Mr. COBB. I think so.

Mr. TAYLER. Do you know about what proportion of the population of Idaho is Mormon?

Mr. COBB. I should think about 20 per cent.

Mr. TAYLER. Is it generally supposed that in some parts of Idaho polygamy is practiced by Mormons?

Mr. WORTHINGTON. Are we to go into what is supposed?

Mr. TAYLER. That is just what I want.

Mr. WORTHINGTON. We can only object to it. If general suppositions are to be put in evidence—

The CHAIRMAN. I think Mr. Cobb ought to disclose that he has some knowledge on the question. He may state if he knows that polygamy exists, and to what extent.

Mr. COBB. My knowledge is by hearsay. I hear that certain men live in polygamy, and it is generally understood that there are men living in polygamy. I do not know it myself.

Senator OVERMAN. Is it generally understood that there have been plural marriages there since the manifesto?

Mr. COBB. No, sir; it is not generally understood.

Mr. TAYLER. Is there a statute in Idaho against polygamous cohabitation?

Mr. COBB. I believe not.

Mr. TAYLER. What do you know as to any efforts that have been made to enact such a statute?

Mr. COBB. There have been several bills introduced in the different legislatures—I can not remember just which ones—and they have all died, as they say.

Mr. TAYLER. None of them have been enacted into law?

Mr. COBB. None of them, I believe. We have no such law.

Mr. TAYLER. How many members are there in the two branches of the Idaho legislature, or about how many?

Mr. COBB. I think about 27.

Mr. TAYLER. No; I mean in the entire legislature.

Mr. COBB. How many?

Mr. TAYLER. Yes; how many? What is the whole membership?

Mr. COBB. Seventy-nine, I think.

Mr. TAYLER. What proportion of the members of the legislature is Mormon?

Mr. COBB. I do not know. What we call the Mormon counties would have possibly a third.

Mr. TAYLER. A third of that membership?

Mr. COBB. I think so.

Mr. TAYLER. Now, Mr. Cobb, I wish you would describe in a general way what has come to your observation respecting the activity of the Mormon Church or its officials in the politics of Idaho.

Mr. COBB. I do not know how to describe that exactly. It is the general feeling among both political parties that the Mormon Church is to be dealt with as a political quantity.

Mr. TAYLER. How—tell us how?

Mr. COBB. In the campaign it has always been my experience that the State chairmen of both of the great parties always go to Salt Lake. I am usually acquainted, in fact in almost every case, with both of them, and just before the election it has been my experience that they come to me, each one, and whisper to me that they have been down there and that it is all right.

Mr. TAYLER. Down where?

Mr. COBB. In Salt Lake. And the day after the election, or the second or the third day, one of them usually feels that he slipped a cog somewhere and has gone wrong; but the other one is satisfied.

Mr. TAYLER. The other one knows it is all right.

The CHAIRMAN. Mr. Cobb, you say “they come.” Whom do you mean by “they?”

Mr. COBB. I mean both the chairmen.

The CHAIRMAN. The chairmen of both the Republican and Democratic committees?

Mr. COBB. Yes, sir.

The CHAIRMAN. They come to you and state what you have stated, that they have been to Salt Lake?

Mr. COBB. Yes, sir; to Salt Lake.

Mr. WORTHINGTON. Both say the church is with them?

Mr. COBB. They do not say it. They say "it is all right."

Mr. WORTHINGTON. That is equivalent to it.

Mr. COBB. I will bring out, if you will allow me, the condition in which that leaves us now.

Mr. TAYLER. That is what we want.

Mr. COBB. The effect of that carried through in all our political work there is that every political leader, when the Mormon Church wants anything, or he thinks it wants anything, is willing to grant it. So the great mass of our people are perfectly powerless in that condition of affairs.

The CHAIRMAN. Why powerless?

Mr. COBB. Because the leaders, the ones who direct the policies of both of the parties, will make the platforms to carry out the wishes of this church, without any regard to the wishes of the great mass of the people.

Mr. TAYLER. Mr. Cobb, what else have you in your mind respecting this matter of dominion, or influence, or interference?

Mr. COBB. The point we are all interested in now is the calling of a constitutional convention, and that is going to be of absorbing interest to our people in this campaign.

Mr. TAYLER. So far as the public know, what purpose is there in having a new constitution? In what respect is the constitution now in force criticised?

Mr. COBB. If I can go back I will state that the first appearance of this question was in 1897, when Senator Joe Rich, of Bear Lake County, a Mormon—

Mr. WORTHINGTON. 1897?

Mr. COBB. 1897.

The CHAIRMAN. Bear Lake County in Utah?

Mr. COBB. In Idaho. All these matters of which I am speaking occurred in Idaho. I have no knowledge of Utah.

The CHAIRMAN. What was the politics of Mr. Rich?

Mr. COBB. He was a Democrat. He introduced a resolution asking to have a vote taken on a constitutional convention.

The CHAIRMAN. He introduced a resolution where?

Mr. COBB. In the senate.

The CHAIRMAN. Was he a member of the senate?

Mr. COBB. He was a member of the senate. And the paper of which I am publisher opposed it vigorously, and a good many of his political friends advised him against it and it was finally abandoned, and he stated at that time, so I am informed, that the object of that would be, in drafting a new constitution, that certain clauses of our constitution, which we call the antipolygamy clauses, could be omitted, under the plea that they are now obsolete. I think this question did not appear again until the last session of the legislature, early in January, when Price, of Latah County, presented a similar resolution, and we opposed that and it was allowed to die. It did not come up again for six weeks.

The CHAIRMAN. In this connection, who is the Mr. Price, of whom you have spoken?

Mr. COBB. I do not know who he is. He is from Latah County, which is not a Mormon county.

The CHAIRMAN. A member of the legislature?

Mr. COBB. Yes.

The CHAIRMAN. Do you know his politics?

Mr. COBB. Probably Republican; but I do not know.

Senator McCOMAS. Is he a Mormon?

Mr. COBB. Not to my knowledge. Six weeks after that the question came up in our legislature and was rushed through, and this resolution carried by an almost unanimous vote; and prior to that—two weeks—Apostle Smith came to Boise—John Henry Smith—

The CHAIRMAN. Of Utah?

Mr. COBB. Of Utah, and he met the editor of the Statesman, Mr. Balderston, in the lobby of the hotel, the Idana, and he said, "Do you think it would be advisable to ask for a resolution for an amendment of the constitution to take out those clauses which are so objectionable to our people?"

Mr. WORTHINGTON. This is what Balderston says that Smith said to him?

Mr. COBB. That is it.

Mr. WORTHINGTON. Are we to have what Mr. Smith said to Mr. Balderston and by him repeated to this witness, instead of having Mr. Balderston?

The CHAIRMAN. You had better confine your statement to matters within your own knowledge.

Mr. COBB. Then I can say that the resolution was brought forward, carried, as I told you, almost unanimously without any discussion. There had been at no place in the State any request for a change in the constitution.

Senator OVERMAN. Was that after Mr. Smith came there?

Mr. COBB. Mr. Smith was there two weeks before this passed. There was no discussion at the time. There had been no one asking for any important amendment of the constitution, and the constitution seemed to please the State in every way. Then after it was passed the gossip was—

Mr. WORTHINGTON. One moment. Are we to sit here and hear gossip?

Mr. TAYLER. Yes; we are. That is the way we prove a lot of things in connection with public sentiment.

Mr. WORTHINGTON. If Mr. Tayler is to decide this question I will not make any objection.

Mr. TAYLER. Of course not.

The CHAIRMAN. State what you know about it.

Mr. WORTHINGTON. The committee ought to know whether he knows anything.

The CHAIRMAN. He can state whether he does or not. He stated that the resolution was passed about two weeks after the visit of Mr. Smith, from Utah. Mr. Cobb, do you know anything more connected with that subject?

Mr. COBB. May I state the general opinion and under what influence the resolution was passed?

Mr. WORTHINGTON. Not if our objection can be listened to, Mr. Chairman.

Mr. COBB. My position as the publisher of a paper—

Mr. WORTHINGTON. If Mr. Smith came there and talked to anybody, the people to whom he talked can be reached.

Mr. TAYLER. No; they can not necessarily be reached. I think in a matter of such public character, the thing in the air, the thing the papers published, and the thing people talked about—the only way is to prove the general repute of Mr. Smith's errand and what he accomplished—

Mr. WORTHINGTON. What could not be proved about almost any member of the Senate if that sort of evidence were admissible—public gossip and newspaper talk about anybody.

Senator PETTUS. It seems to me we ought only to have in such evidence as we can act on.

The CHAIRMAN. It appears already by this witness that Mr. Smith, while there was pending in the legislature a proposition for a constitutional convention, came up from Utah; that Mr. Smith was one of the members of the Mormon Church, an apostle, and that he came there in the interest of this amendment, and some two weeks afterwards it was passed.

Mr. WORTHINGTON. It does not appear that he came there in the interest of the amendment.

The CHAIRMAN. I so understood the witness.

Mr. WORTHINGTON. Only by hearsay. To that we object as being gossip.

The CHAIRMAN. The witness has already stated that Mr. Smith came there and had a discussion with gentlemen, as I understand, in his presence, about the feasibility—

Mr. WORTHINGTON. The discussion was not in your presence, Mr. Cobb?

Mr. COBB. Not in my presence.

The CHAIRMAN. Who was it with?

Mr. COBB. The editor of the Statesman. He reported this conversation to me at once.

The CHAIRMAN. He will be a competent witness on that point.

Mr. TAYLER. I do not contend that a mere conversation with a third party substantively proves anything more than that that conversation occurred and that a specific thing was said, but that which describes what was in everybody's mouth and in everybody's mind is the kind of thing that is properly proved in an inquiry of this kind where we are seeking to learn public sentiment, and such an inquiry can not be conducted otherwise.

Senator McCOMAS. You do not mean what the witness himself says?

Mr. TAYLER. Not at all. The conversation with Mr. Balderston would not be competent.

Senator McCOMAS. He says that certain things are gossip. Do you maintain that what he himself characterized as gossip would be relevant?

Mr. TAYLER. Not at all.

Mr. WORTHINGTON. I submit that it does not dignify the evidence to change the name of it from "gossip" to "public sentiment" or "hearsay." Now, take this particular incident: Here is Mr. Balderston, who says he had a conversation with Mr. Smith, and Mr. Balderston repeats it to this witness; it gets into the newspapers and gets to be common talk, and because everybody talks about it does that make it competent?

The CHAIRMAN. We need not spend any time on that. Mr. Balder-

ston is a competent witness and will be called. There is no trouble about it.

Senator DUBOIS. Is there much interest in Idaho with regard to the forthcoming constitutional convention?

Mr. COBB. There is great interest in it.

Senator DUBOIS. What is the opposition to a constitutional convention? What is it based on?

Mr. COBB. It is based on the theory that the new constitution will have these clauses of which I speak eliminated.

The CHAIRMAN. Which clauses?

Mr. COBB. The antipolygamy clauses, we call them.

Mr. TAYLER. I now have this book; and right at this point I will read these clauses, because that part of the examination hangs on it.

The CHAIRMAN. Please do so, Mr. Tayler.

Mr. TAYLER. It will take but a moment.

Section 4 of article 1 of the constitution of Idaho, which was adopted in 1889, is as follows:

“SEC. 4. The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the State; nor to permit any person, organization, or association to directly or indirectly aid or abet, counsel or advise, any person to commit the crime of bigamy, or polygamy, or any other crime. No person shall be required to attend or support any ministry or place of worship, religious sect, or denomination, or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the State, and the legislature shall provide by law for the punishment of such crimes.”

Now, section 3 of article 6—I will omit the part of it that does not relate to this subject at all—is as follows:

“SEC. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the right of citizenship, or who at the time of such election is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime; or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.”

Senator BEVERIDGE. Why not let these extracts go in without reading?

The CHAIRMAN. It will take only a moment.

Mr. TAYLER. There is only a short sentence left.

Section 4 of article 6 is as follows:

“SEC. 4. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.”

Senator DUBOIS. I should like to ask Mr. Cobb if he knows whether there was any objection particularly by any members of the constitutional convention when that constitution was framed?

Mr. COBB. My memory is not good on that point. I think there was some objection to it, but I am not competent to reply to the question. I have forgotten.

Senator DUBOIS. When it was submitted to the people for their ratification, was that clause urged at all by anyone as a reason why they should vote against the constitution?

Mr. COBB. I do not remember whether it was.

The CHAIRMAN. Has the constitutional convention been called?

Mr. COBB. The resolution calling for the vote has passed the legislature. Our method is to vote on that next fall. Then the following legislature will provide means and dates——

The CHAIRMAN. This simply provides that the people shall vote upon the question whether they will have a constitutional convention?

Mr. COBB. It is the first step.

The CHAIRMAN. That will be voted upon this fall at the election?

Senator BEVERIDGE. I understand the legislature passed a resolution submitting to the people the question of a new constitution. Is that correct?

Mr. COBB. It is correct.

Senator BEVERIDGE. And that the people are to vote upon that proposition this fall. That is right?

Mr. COBB. Yes, sir.

Senator BEVERIDGE. By what majority did the resolution pass the legislature.

Mr. COBB. Almost unanimous.

Senator BEVERIDGE. Almost unanimously?

Mr. COBB. Yes, sir.

Senator BEVERIDGE. Are a majority of the legislature of Idaho Mormons or the reverse?

Mr. COBB. The majority are gentiles.

Senator BEVERIDGE. And they passed this resolution, as you say, two weeks after Mr. Smith came there?

Mr. COBB. Yes, sir.

Senator BEVERIDGE. I was interested in that, because you stated that it was the general sentiment, as I understood it, that the polygamous sections of the constitution, or the sections relating thereto, constituted the real question that was to be handled by a constitutional convention if called. Is that correct?

Mr. COBB. That is the opinion of most of the people.

Senator BEVERIDGE. Were there no other questions as to the revision of the constitution, save only the question of the polygamous sections of the constitution?

Mr. COBB. There was no argument about it whatever and no reason for it.

Senator BEVERIDGE. In the general public discussion as to whether your constitution needed revision or not was there any other question except this one?

Mr. COBB. There never has been any discussion of it until now, as the question is coming up for a vote and is appearing before our conventions.

Senator BEVERIDGE. What attracted my attention and somewhat confuses me—I have no doubt you can clear it up—is why it was, if this be the question which concerns the people, and which you say was the reason for calling the convention, the resolution was passed by a legislature almost unanimously, which legislature was heavily gentile?

Senator DUBOIS. It was stated before you came in—

Senator BEVERIDGE. I was necessarily absent. Of course you do not object to my hearing it.

Mr. COBB. I stated that any request that the Mormon Church makes of our leaders, both Republicans and Democrats, is acceded to and allowed by them.

Senator BEVERIDGE. So that the influence of the Mormon Church is as strong upon gentiles as upon Mormons in your State?

Mr. COBB. Upon political leaders.

Senator DUBOIS. In other words, the politicians of both parties want to have the favor of the Mormon Church?

Mr. COBB. I do not know of any politician in Idaho to-day but who is in favor of granting to the Mormon Church any request they make.

Senator BEVERIDGE. Are all the members of your legislature politicians, in that sense?

Mr. COBB. They seemed to be on that resolution.

Senator BEVERIDGE. You think, then, that the members of the legislature of Idaho do not represent the people?

Mr. COBB. They did not in that, except that of course the people did not—in fact, there was no discussion of it. There was no chance for the people to express themselves before the resolution was passed. It came up quietly, and was put through without any discussion whatever.

Senator BEVERIDGE. Do you know of any other question, such as corporate questions, or any question like it, which might be a reason for calling the constitutional convention?

Mr. COBB. There is nothing spoken of now that could not be treated by amendment.

Senator BEVERIDGE. I notice that in New York, for instance, ten years ago there was a constitutional convention, of which Mr. Joseph Choate was chairman, and I think most of the States have revised their constitutions. We have done so once. So the point with me was whether, a majority of the legislature being gentiles, there was any other question save this. They certainly did not call a constitutional convention for no reason and with no public demand for the same.

Mr. COBB. There was no public demand shown anywhere. You can not find a record of any demand.

Senator DUBOIS. Was it ever mentioned at all in the public press before the legislature met? Was it an issue in any way, directly or indirectly, in the campaign preceding the election of the members of the legislature?

Mr. COBB. It was not an issue. It never was spoken of in the campaign or pending the election of the legislature.

Senator DUBOIS. Did the people of the State know that they were to vote upon a new constitutional convention until some time after this resolution was passed?

Mr. COBB. Not until after the legislature had passed the resolution, and it was not generally known until some time after that. It is just beginning to be discussed now, as the question comes up.

Senator McCOMAS. In the resolution to submit to the people the question whether or not they want a new convention was it also provided that if the vote was in the affirmative there should be an election of delegates to the convention?

Mr. COBB. That is all provided for in our law. The next legislature following this vote provides—

Senator McCOMAS. The next legislature?

Mr. COBB. Yes; the one that is elected next fall.

Senator McCOMAS. That legislature will call the convention?

Mr. COBB. That legislature will call the convention and provide means and the time and the method of election.

Senator McCOMAS. If you were present and know, was there a discussion in either or both branches of your legislature preceding the vote on the resolution to call a convention?

Mr. COBB. Practically no discussion whatever.

Senator McCOMAS. You were there?

Mr. COBB. I was not there. The reports were brought to me. It is a question we have been opposing right along.

Senator McCOMAS. So far as there was any discussion—you say there was practically none—was the reason that you suggest as the motive of the call assigned at all, or were other reasons given; and if so, what reasons were given for passing the resolution to call a convention?

Mr. COBB. I think no reasons were given except that it was about time to have a new constitution.

Senator McCOMAS. Can you say, from examining the record, whether all the Mormons in the legislature voted for the resolution or not?

Mr. COBB. Nearly all the members voted for it.

Senator McCOMAS. I want to know if all the Mormons who were in the legislature voted for it?

Mr. COBB. I think they must all have voted for it.

Senator McCOMAS. You do not know as a fact?

Mr. COBB. There were only one or two votes against it.

Senator McCOMAS. Only one or two votes against it?

Mr. COBB. Yes; and there must have been a good many Mormons in the legislature.

Mr. WORTHINGTON. Was it a record vote?

Mr. COBB. It is all in the record—the discussion and the vote.

Senator BEVERIDGE. Was there a discussion?

Mr. COBB. There was no discussion.

Senator BEVERIDGE. I thought you said the discussion and vote would be in the record.

Mr. COBB. What there was of it.

Senator BEVERIDGE. Was there anything of it?

Mr. COBB. No. A man simply got up and presented the resolution

in the house, I believe, and said he thought it was about time for a new constitution.

Senator BEVERIDGE. Did he give no other reason than that?

Mr. COBB. No other reason, I believe, as I remember it.

Senator BEVERIDGE. He just got up and said "I think it is about time to have a new constitution," and they passed the resolution?

Mr. COBB. In effect.

Senator BEVERIDGE. That is extraordinary.

Senator DUBOIS. Do you know whether that legislature, unani-
mously, regardless of party lines, telegraphed Senator Reed Smoot
their congratulations by resolution?

Mr. COBB. I think they did.

Senator DUBOIS. Democrats joining in as well as Republicans.

Mr. WORTHINGTON. Congratulations on what?

Senator DUBOIS. His election to the United States Senate.

Senator McCOMAS. Have you heard any members of the legislature
discuss the matter of the call for a constitutional convention and make
any statement of their reasons for voting for it?

Mr. COBB. I have not discussed it with any member of the legislature.

Senator BEVERIDGE. Have you the journals of the legislature here
with you?

Mr. COBB. Not with me.

Senator McCOMAS. I understand there was no preamble to the reso-
lution at all.

Mr. COBB. I think not.

Mr. TAYLER. Mr. Cobb, have you any knowledge—information—as
to any other interest which the Idaho legislature or people professing
to represent any body of that legislature took in the election of Mr.
Smoot and his retention in his seat here?

Senator BEVERIDGE. Let the reporter read the question.

The reporter read as follows:

"Mr. TAYLER. Mr. Cobb, have you any knowledge—information—
as to any other interest which the Idaho legislature, or people pro-
fessing to represent any body of that legislature, took in the election
of Mr. Smoot and his retention in his seat here?"

Mr. WORTHINGTON. I object to that question, so far as it calls for
information, on the same ground on which the committee has already
ruled out what the witness proposed to recite as coming from other
people.

The CHAIRMAN. I suppose it relates to personal knowledge.

Mr. WORTHINGTON. No; the question distinctly says "information."

The CHAIRMAN. Have you any knowledge on the subject, Mr. Cobb?

Mr. COBB. I have knowledge of the visit of a delegation to one of
the Senatorial candidates at the time we were preparing for a Repub-
lican caucus as to what Republican should be elected Senator.

The CHAIRMAN. Very well. Just tell us about that delegation;
where it was from.

Mr. COBB. I can tell you what the Senatorial candidate told me took
place. Shall I say that?

Mr. TAYLER. Yes.

Mr. WORTHINGTON. Mr. Tayler says "Yes." I presume the com-
mittee will answer the question.

Senator OVERMAN. For Senatorial honors in Idaho or Utah?

Mr. COBB. For United States Senator.

Senator OVERMAN. For United States Senator from Idaho?

Mr. COBB. From Idaho.

Senator OVERMAN. In regard to Reed Smoot's candidacy in Utah?

Mr. COBB. Yes, sir.

Senator McCOMAS. I did not hear the answer.

Mr. WORTHINGTON. He says somebody told him something about it. He was not present when the delegation did anything.

Mr. TAYLER. The Senatorial candidate himself told him what the committee had said to him.

Senator McCOMAS. If that is relevant—

Senator OVERMAN. Was the committee from Utah?

Mr. COBB. It was a committee of members of the Idaho legislature.

Senator BEVERIDGE. Of what?

Mr. COBB. They came to this candidate for the Senate, Mr. Borah—

Senator McCOMAS. Unless the witness was present and knows, it seems to me that it is not admissible.

Mr. COBB. I can only state what he told me.

Mr. TAYLER. The point is that it is the statement of this witness as to what a candidate for the United States Senate, one of the counsel in this case, indeed, stated to him.

Senator BEVERIDGE. About what?

Senator McCOMAS. You can ask the candidate.

Mr. TAYLER. I understand that; but I do not know why it is not a part of the political history to know what a candidate for the Senate said was demanded of him.

Senator BEVERIDGE. In Idaho?

Mr. TAYLER. In Idaho.

Senator McCOMAS. If it is competent, the candidate is the source to communicate that to us.

Senator OVERMAN. Was that after Mr. Smoot's election?

Mr. TAYLER. It was after Mr. Smoot's election. This is not a tender jury, which need be disturbed. A committee came to Mr. Borah, who had almost a majority of votes in the caucus, as many practically as all the other candidates together, and demanded of him to know what he would do respecting the retention of Reed Smoot in the United States Senate if he, Borah, were elected, to which Mr. Borah replied, as many Senators on this committee have replied to similar inquiries, that he assumed a judicial attitude in respect to that question and could not pretend to pronounce beforehand what his opinion would be. Now, this is a witness at first hand, who repeats what that Senatorial candidate himself told him was demanded of him.

Mr. WORTHINGTON. In other words, it is hearsay evidence in the second degree. This witness is to tell what Mr. Borah told him that somebody else said to him, Mr. Borah being alive and the members of the committee being presumed to be alive.

Mr. TAYLER. It is substantive testimony. It is not hearsay. It is not a question whether they were going to do something or not, but the question is as to whether or not that is the thing a Senatorial candidate said, and it becomes as much a part of the history of the case as any other circumstance.

The CHAIRMAN. Let me inquire who the delegation was? Do you know the membership of the delegation that waited on the Senatorial candidate?

Mr. COBB. By names?

The CHAIRMAN. Yes.

Mr. COBB. I do not.

The CHAIRMAN. How many of them were there?

Mr. COBB. I understand there were three.

The CHAIRMAN. Do you know any of them?

Mr. COBB. I did not ask their names.

The CHAIRMAN. You know none of them?

Mr. COBB. No, sir.

The CHAIRMAN. Were they all from Idaho?

Mr. COBB. All from Idaho.

The CHAIRMAN. They called on a gentleman who was a candidate for the United States Senate?

Mr. COBB. Yes, sir.

The CHAIRMAN. As you understand?

Mr. COBB. As I understand.

The CHAIRMAN. Were you present at the conversation?

Mr. COBB. I was not.

The CHAIRMAN. Do you know anything that occurred at that conversation, from anyone of the committee?

Mr. COBB. Of the delegation?

The CHAIRMAN. Yes.

Mr. COBB. I do not.

The CHAIRMAN. Have you any knowledge on the subject except what the candidate for the Senate told you?

Mr. COBB. No other knowledge.

The CHAIRMAN. Where is he now?

Mr. COBB. In Boise City.

The CHAIRMAN. The hour for a recess having arrived, the committee will take a recess until 2 o'clock p. m.

Thereupon (at 11 o'clock and 55 minutes p. m.) the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Gentlemen, have you any cross-examination of Mr. Cobb?

Mr. VAN COTT. Yes.

The CHAIRMAN. Mr. Cobb will take the stand.

TESTIMONY OF CALVIN COBB—Continued.

CALVIN COBB, having been previously duly sworn, was examined and testified as follows:

Mr. TAYLER. Before you interrogate Mr. Cobb, he has a correction to make in his testimony.

Mr. WORTHINGTON. That may do away with the necessity of my question.

Mr. TAYLER. Mr. Cobb, have you informed yourself of the number of members composing the legislature of Idaho?

Mr. COBB. I think I said this morning 79. If I did, I wish to correct it. We have 21 in the senate and 48 in the house; 69 I should have said. If I said 79, I want to correct it.

Mr. TAYLER. That is all I wanted to ask.

Mr. WORTHINGTON. I understood you to say that one-third of them are Mormons.

Mr. COBB. It is about one-third, I believe.

Mr. WORTHINGTON. Is it not, in fact, only 11 out of the 69?

Senator DUBOIS. I think the testimony was that one-third of them are from Mormon counties. He was asked about the Mormon vote, as I remember, and he said the Mormon counties sent about one-third of the legislature. That is my impression.

Mr. WORTHINGTON. You did not mean to say that one-third of the members of the legislature are Mormons?

Mr. COBB. Of the last legislature?

Mr. WORTHINGTON. Yes.

Mr. COBB. No; I was not thinking of the last legislature at all.

Mr. WORTHINGTON. You said something about a telegram. I think you said a telegram of congratulation was sent to Senator Smoot?

Mr. COBB. I think not. I said a resolution, as I remember, passed the legislature, of congratulations. That is as I remember my testimony.

Mr. WORTHINGTON. You did not say a telegram?

Mr. COBB. I do not think it was asked me. I had no knowledge about the telegram.

Mr. WORTHINGTON. I wish you would tell us which are the counties you call the Mormon counties in Idaho.

Mr. COBB. Beginning with Fremont, Bear Lake, Oneida, Bingham, Bannock, and Cassia. Those are pronounced Mormon counties.

Mr. WORTHINGTON. Those are the counties which you say elect about one-third of the legislature?

Mr. COBB. It is my impression—about a third.

Mr. WORTHINGTON. Is it not a fact there were but eleven Mormons in the last legislature?

Mr. COBB. I think that was the number.

Mr. WORTHINGTON. That is all, Mr. Chairman.

Senator DUBOIS. Have the Mormons any considerable number of people in other counties besides these counties which you designate as Mormon counties?

Mr. COBB. In our southern tier of counties, Elmore, Ada, Boise, Washington, and Canyon, there are Mormon communities in all of them. Quite a congregation in the capital, in Boise, I think, has been organized during the last year—I think during the last legislature. I think perhaps there are two or three hundred Mormons living in Boise and the immediate vicinity—I do not know the exact number; and in those other counties there have been a good many Mormons coming in in the last year or two.

Senator DUBOIS. Did you mention Blaine County?

Mr. COBB. Yes. I think I mentioned Elmore, too.

Senator DUBOIS. What proportion do you think the number of Mormons in Blaine and Canyon counties, for instance, would sustain to the majority either party has been receiving there for the past year?

Mr. COBB. The majority in those counties is not fixed, but it is usually small. It is sometimes in Washington County as low as 50. In some others it runs to a hundred and two hundred, and it is my opinion that the settlement of Mormons now is greater in all those counties than the usual majorities.

Mr. TAYLER. Has there been any increase in the Mormon population in Idaho in the last five or six years?

Mr. COBB. Oh, I think so. The population has increased in Idaho in all directions, Mormon and gentile both.

Mr. WORTHINGTON. That is all we have to ask, Mr. Chairman.

The CHAIRMAN. You speak of certain counties that are Mormon counties. Were those counties Mormon when you first went to Utah, fifteen years ago?

Mr. COBB. I believe they were.

The CHAIRMAN. Who is your next witness, Mr. Tayler?

Mr. TAYLER. Angus M. Cannon.

The CHAIRMAN. Do you need Mr. Cobb any further?

Mr. WORTHINGTON. I think not.

The CHAIRMAN. You can be discharged, Mr. Cobb. Mr. Angus M. Cannon will please take the stand.

TESTIMONY OF ANGUS M. CANNON.

ANGUS M. CANNON, having been duly sworn, was examined and testified as follows:

Mr. TAYLER. Where do you live, Mr. Cannon?

Mr. CANNON. Salt Lake City.

Mr. TAYLER. How long have you lived there?

Mr. CANNON. Since 1849, very near continuously.

Mr. TAYLER. The Mormon colony went to Salt Lake before 1849, did it not?

Mr. CANNON. In 1847.

Mr. TAYLER. Were you a Mormon before you went there?

Mr. CANNON. I was.

Mr. TAYLER. How long have you been a member of or connected with the Mormon Church?

Mr. CANNON. I was blessed in the church when I was 5 years old.

Mr. TAYLER. How old are you now, Mr. Cannon?

Mr. CANNON. I will be 70 years of age on the 17th of next month.

Mr. TAYLER. Then your father was a member of the Mormon Church?

Mr. CANNON. He was.

Mr. TAYLER. What official position do you now hold in the church?

Mr. CANNON. I am a patriarch in the church now.

Mr. TAYLER. What are the duties of a patriarch?

Mr. CANNON. Well, it is to be a father to the people—to bless the people.

Mr. TAYLER. Are you duties wholly ecclesiastical?

Mr. CANNON. In the church they are.

Mr. TAYLER. How long have you been patriarch?

Mr. CANNON. I think it is a couple of weeks.

The CHAIRMAN. I would like to ask there what constitutes a patriarch? When does one reach that stage? What steps are necessary?

Mr. CANNON. He is called upon to bless the people under the authority of the priesthood.

The CHAIRMAN. Is he designated by some one as patriarch?

Mr. CANNON. He is designated by the prophet of the Lord and ordained to that office.

The CHAIRMAN. To the office of patriarch?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Excuse me for interrupting, Mr. Tayler.

Senator HOPKINS. Just one word further. Can a patriarch be taken from the body of the church or must he have held office of some kind before he is designated as patriarch?

Mr. CANNON. He may have been just an elder in the church and designated as a patriarch as he advances in years. I was asked who designated me, I believe.

Mr. TAYLER. Yes.

Mr. CANNON. President Joseph F. Smith.

Senator DUBOIS. Mr. Cannon, what rank does a patriarch hold in dignity?

Mr. CANNON. High priest.

Senator DUBOIS. I understand that the first presidency are highest in authority, and next to them are the apostles. Then what comes?

Mr. CANNON. The first seven presidents of seventies.

Senator DUBOIS. Then the patriarchs?

Mr. CANNON. Well, the patriarchs are supposed to rank next to the twelve in local ministry.

Senator DUBOIS. I wanted to get their rank. They rank ahead of the presidents of the seventies?

Mr. CANNON. No; the seventies are a traveling ministry associated with the twelve, under the direction of the first presidency. The patriarchs are local in their ministrations. There is one presiding patriarch in the church. I am simply a local patriarch in the Salt Lake Stake of Zion.

Senator DUBOIS. I understand; but my understanding was that the order was something like this: The first presidency, the apostles, the patriarchs, the bishops, and then the seven presidents of seventies. Where would you locate the patriarch in rank? That is all I desire to ask you.

Mr. CANNON. The presiding patriarch of the church is associated with the twelve. The twelve are the traveling ministry of the church, to regulate and set in order the affairs of the church in all the world, under the direction of the first presidency. The seven presidents of seventies are their assistants, and all the body of seventies are associated as traveling ministry when called upon.

Mr. TAYLER. The patriarchs are, as it were, one arm of the apostles and the seventies are another?

Mr. CANNON. No, sir; the patriarchs are situated locally in the church. I happen to be a patriarch in the Salt Lake Stake of Zion only.

Senator HOPKINS. Is there any limitation to the number of patriarchs that the church can have?

Mr. CANNON. No, sir.

The CHAIRMAN. Mr. Tayler, I ask your pardon for interrupting your course of inquiry.

Mr. TAYLER. I wanted to have an understanding about this matter of the patriarchs. There is no relation of superior and subordinate either one way or the other as between the seven presidents of the seventies and the patriarchs, is there?

Mr. CANNON. The patriarchs do not preside.

Mr. TAYLER. Neither do the seventies preside over them?

Mr. CANNON. The seventies are a traveling ministry.

Mr. TAYLER. Exactly. How many patriarchs are there?

Mr. CANNON. They are not limited. I can not tell how many.

Mr. TAYLER. I mean are there many of them?

Mr. CANNON. In the whole church there may be 100 or 200.

Mr. TAYLER. How many are there in the stake of Zion?

Mr. CANNON. The Salt Lake Stake of Zion is limited now. It once included 6 counties. Now there are 11 stakes in those 6 counties. The Salt Lake Stake of Zion now is only one-eleventh part the size that it was twenty-eight years ago.

Mr. TAYLER. How many patriarchs are there in the Salt Lake Stake of Zion?

Mr. CANNON. As recently organized—it has been organized now within three weeks—I think there are probably four or five.

Mr. TAYLER. How much of the city of Salt Lake is situated in what you call the Salt Lake Stake of Zion?

Mr. CANNON. It embraces 7 wards, if I remember correctly.

Mr. TAYLER. Out of how many in all?

Mr. CANNON. That is, of the city?

Mr. TAYLER. Yes.

Mr. CANNON. There are 35 wards within the city.

Mr. TAYLER. Prior to your being designated as patriarch, what official position did you occupy in the church?

Mr. CANNON. President of the Salt Lake Stake of Zion.

Mr. TAYLER. The Salt Lake Stake of Zion, as presided over by you, had a different boundary, as I gather, from what it has now?

Mr. CANNON. In 1876 it embraced the counties of Salt Lake, Tooele, Davis, Morgan, Summit, and Wasatch.

Mr. TAYLER. Were you at that time made president of that stake?

Mr. CANNON. I was.

Mr. TAYLER. And you continued to remain president of the Salt Lake Stake of Zion with, I suppose, constantly reduced boundaries until a few weeks ago?

Mr. CANNON. Yes, sir.

Mr. TAYLER. What was the magnitude of the Salt Lake Stake of Zion when you ceased to be the president of it?

Mr. CANNON. It embraced 37 wards.

Mr. TAYLER. All of the city of Salt Lake?

Mr. CANNON. Yes; and several wards outside.

Mr. TAYLER. How were you chosen president of that stake?

Mr. CANNON. I was designated by Brigham Young as president and sustained by vote of the people in conference.

Mr. TAYLER. Were you sustained more than once?

Mr. CANNON. I was sustained four times a year.

Mr. TAYLER. Are all of the officials of the church in like manner sustained in their positions?

Mr. CANNON. They are.

Mr. TAYLER. The president of the church is sustained in that way, is he?

Mr. CANNON. He is.

Mr. TAYLER. By whom is he sustained?

Mr. CANNON. By the entire church, represented in conference annually and semiannually.

Mr. TAYLER. Four times a year or twice a year?

Mr. CANNON. Twice a year; that is, by the general conferences.

Mr. TAYLER. Precisely. At that general conference all of the people of the church, whether officials or not, are entitled to be present and vote, are they?

Mr. CANNON. All are entitled to be present and vote.

Mr. TAYLER. Now, Joseph F. Smith has been sustained regularly since he was first made president?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Are the apostles, all of them, separately sustained at these conferences?

Mr. CANNON. Their names are called in the order in which they stand in their respective boards.

Mr. TAYLER. Are they sustained as a body or separately?

Mr. CANNON. As a body.

Mr. TAYLER. That is, their names are read in the order of their seniority of appointment, from one down to the twelfth man, and the assembled people are asked if they sustain them?

Mr. CANNON. They are.

Mr. TAYLER. Or in substance that; and by the uplifted hand their sustaining is indicated?

Mr. CANNON. If there is no objection.

Mr. TAYLER. Mr. Cannon, is that sustaining, in your view of it, substantial, or merely a colorable sustaining?

Mr. CANNON. It is as substantial as anything can be.

Mr. TAYLER. If the call were made, for instance, to sustain the first president of the church, and you felt that there was any obligation or duty laid upon you to oppose his being sustained, you would suitably indicate that fact, would you not?

Mr. CANNON. I would.

Mr. TAYLER. Is there any duty which, as a member of that church, you feel is laid upon you more seriously or solemnly than the duty to sustain or not sustain an official of the church according to the dictates of your conscience and judgment?

Mr. CANNON. There is nothing.

Mr. TAYLER. And do you think that the people of your church generally recognize the solemn character of that duty as you do?

Mr. CANNON. I think the majority do.

Mr. TAYLER. Then you think that if Mr. Smoot had any reason to object to the sustaining of President Smith, that would be his time and opportunity to make known his objection, would it not?

Mr. CANNON. Now, in answering that question, I will say that I would not approve of any man rising up and making an objection on such an occasion, when he had an opportunity to do it privately beforehand.

Mr. TAYLER. I see. Your church teaches obedience to the law, does it not?

Mr. CANNON. It does.

Mr. TAYLER. And to the civil magistrate?

Mr. CANNON. It does.

Mr. TAYLER. It teaches it seriously?

Mr. CANNON. It does.

Mr. TAYLER. Those of you who may be violating some law, without going into any explanation of it, have for yourselves a justification to yourselves for so doing, do you not?

Mr. CANNON. I presume we do.

Mr. TAYLER. Then, if you objected or had any grounds for objecting to a person whose position you were called on to sustain or not to sustain, you would feel that it would be better—and I think most men would agree with you—to make known that objection privately to the person whose sustaining was in question?

Mr. CANNON. I would endeavor to do so beforehand.

Mr. TAYLER. Has your position in the church been such as to call upon you to make a study of the doctrines of the church, beyond the study that a layman would make?

Mr. CANNON. I think it has.

Mr. TAYLER. Do you preach sermons?

Mr. CANNON. I have done so.

Mr. TAYLER. Are you in the habit of talking to your people respecting the church, what it stands for, and what they ought to do as respects spiritual things, like any preacher in any other church?

Mr. CANNON. On every occasion when I felt required to do so.

Mr. TAYLER. I have no knowledge of what your habit may have been in that respect. Has it been often?

Mr. CANNON. I felt it was my duty as a presiding officer rather to call men than to occupy all the time myself.

Mr. TAYLER. Yes, exactly. Now, as president of the Salt Lake Stake of Zion, what, in a practical way, were your duties?

Mr. CANNON. I was called on, as president of the stake, with my associate councilors—two councilors—to meet with the bishopric once a month in a general assembly and impart such instructions to them as we felt was necessary for the government of the church under their supervision; to meet with the elders of the quorums; to organize elder quorums as we thought was necessary; to increase their number and to advance young men from the lesser to the higher priesthood; and to watch over the church as faithful ministers and shepherds to the flock of Christ.

Mr. TAYLER. How much of your time was taken up with these duties?

Mr. CANNON. The principal part of my time.

Mr. TAYLER. Then you did not devote any considerable time to any outside or secular business?

Mr. CANNON. Not over a quarter of my time.

Mr. TAYLER. Do the presidents of the stakes generally devote the greater part of the time to their work?

Mr. CANNON. I presume they do, in connection with their manual labor for the support of their families.

Mr. TAYLER. Next to you were your two councilors, who are analogous to the councilors to the first president?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Next to them were the bishops?

Mr. CANNON. Next to them were the high council.

Mr. TAYLER. What is the high council?

Mr. CANNON. The high council has original as well as appellate jurisdiction in church affairs.

Mr. TAYLER. What is it made up of?

Mr. CANNON. It is made up of twelve high priests.

Mr. TAYLER. Residents in the jurisdiction, I suppose.

Mr. CANNON. Within the stake.

Mr. TAYLER. Then after this high council come what?

Mr. CANNON. The bishopric of the wards.

Mr. TAYLER. So that in your stake of Zion, with 37 wards, there were 37 bishops?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Below, next to the bishops, came what?

Mr. CANNON. I will explain, however, that one of those wards was dissolved, was weakened, so that we divided it between—

Mr. TAYLER. I am not particular about that.

Mr. CANNON. I will say there were only 36 wards.

Mr. TAYLER. I was merely getting at the frame of it, and not any unimportant detail. Then after the bishops come what?

Mr. CANNON. The bishops have associated with them the lesser priesthood, who minister under their direction.

Mr. TAYLER. What are they called—the lesser priesthood under the bishops?

Mr. CANNON. Priests, teachers, and deacons.

Mr. TAYLER. The term elder, then, is a term that applies to a large body of the male members of the church, irrespective of the office they may hold, does it?

Mr. CANNON. It does, irrespective of the office they hold; but it also applies to men who are ordained especially elders, who belong to elder quorums.

Mr. TAYLER. Where do you have elder quorums?

Mr. CANNON. We have elder quorums throughout the State. It is made up of elders resident in different wards. We had in the stake some eighteen quorums of elders, if I remember correctly, when it was dissolved.

Mr. TAYLER. And how many elders to a quorum?

Mr. CANNON. Ninety-six elders to a quorum; that is, if it is a full quorum.

Mr. TAYLER. Their time was not wholly given up to the church?

Mr. CANNON. No, sir.

Mr. TAYLER. Mr. Cannon, when were you first married?

Mr. CANNON. On the 18th day of July, 1858.

Mr. TAYLER. To whom were you then married?

Mr. CANNON. Sarah Maria Mousley.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. I would like to ask a question of the chairman, if you will permit, before I answer these questions.

Mr. TAYLER. Certainly.

Mr. CANNON. Mr. Chairman, with your permission I would like to say that I was brought into great trouble nineteen years ago and sent to prison for eight months because I paraded the mothers of my children before the community—acknowledged them, recognized them as my wives. My crime was said to consist in that I held them out as wives. I had the option given me to desert the mothers of my children, except one, or go to prison. I went to prison. I endured an eight-months' term. I remained there under sentence for six months, a term of eight months, to have that case advanced in the Supreme Court of the United States to test its legality.

Having been married before the passage of the antipolygamy law, known as the law of 1862, I felt that I could not desert the mothers of my children, who were married to me under those circumstances, and look them in the face with honest pride. Hence I went to prison. In

prison I said to my associate prisoners: "You could not come here in honor; I could not stay out in honor." The Supreme Court confirmed the decision in my case. I was then led to be noncommunicative regarding my children and their mothers, and I have dwelt quietly with them from that time to this. I have not paraded them, but with modest pride I have nourished them and cared for them, never having known any woman but the mothers of my own children.

Now, I have noticed in the public press that my president has been caricatured and his family has been caricatured throughout the United States and throughout the world. I am here to-day, and I would ask that I be protected against making a public exhibit of my family, that if I am imperiled in my liberties for acknowledging them, I would like, at least, to be made safe when I cease to parade them and I would ask that it be not made public here to-day. I will answer any questions that are put to me regarding our church, its influence, and its conduct, but I would ask that you permit me to be as modest now as I have been asked to be in the decision of the Supreme Court of the United States regarding the relationship that exists between the mothers of my children and myself. I do this in the interest of my family, for they have not been provoked by the marrying and multiplicity of wives, and parading them before them, but we have dwelt in tranquil peace, and existed with fellowship and love.

I would ask that I be favored, if you please to do so, as representing one of the highest tribunals that is a glory not only to this country but the crowning glory of the world, in the dignity that you represent.

MR. WORTHINGTON. Mr. Cannon, may I ask if you have any counsel to advise you about what your rights are?

MR. CANNON. I have no counsel; no, sir. I am here at your mercy.

MR. WORTHINGTON. Mr. Chairman, I think, in view of the statement of the witness, he ought to be informed that he is under no obligation to answer any questions that will incriminate himself.

MR. TAYLER. He can not incriminate himself before this committee.

THE CHAIRMAN. I suppose the statute of the United States protects him entirely.

MR. WORTHINGTON. No, Mr. Chairman, the statute of the United States does not protect him. While he is not my client, I think he ought to be informed of the law. The law, as decided by the Supreme Court of the United States, is that that statute to which you refer, section 180 of the Revised Statutes, is no protection, inasmuch as it simply says that the testimony that a witness shall give before a committee of Congress shall not be used against him. It does not provide, as a later statute does, in reference to proceedings by the Interstate Commerce Commission, that there shall be no prosecution for the offense. The Supreme Court has held that in the first case the witness can not be required to answer, because the statute does not protect him from a prosecution, and that it would be a vain thing to require him to give all the details of his alleged offense so that those who wish to prosecute him would know where to go for evidence, and simply say that what he had said here should not be used against him; but when the statute goes further, as it does in the Interstate Commerce Commission case, and says he shall never be prosecuted, then the Supreme Court has held that he can not be prosecuted either in

the Federal courts or the State courts. That statute protects him everywhere, and then he must answer; but there is no statute which takes away the right to prosecute him in giving testimony before a Congressional committee, and the Supreme Court has decided that he is not required to answer, and they discharged a witness on a habeas corpus on that ground.

The CHAIRMAN. The witness is at liberty to decline to answer any question.

Mr. WORTHINGTON. He is not at liberty to decline to answer any question. If he declines to answer on the ground that the answer would incriminate him he is excused. If he refuses to answer any other question—a question which relates to the subject-matter which is before the committee—he is in contempt of the Senate and he commits an indictable offense.

The CHAIRMAN. Certainly. Read the question, Mr. Reporter.

The reporter read as follows:

“Mr. TAYLER. To whom were you next married?”

The CHAIRMAN. He stated his first marriage.

Mr. TAYLER. I do not want him to admit before the committee that he committed an offense against a law forbidding polygamy, if that was done during the period over which the statute of limitations does not run.

The CHAIRMAN. Can you answer that question, Mr. Cannon?

Mr. CANNON. I would like to have the question read.

The question was again read by the reporter.

The CHAIRMAN. What is your answer to that, Mr. Cannon?

Mr. CANNON. I understand the Chair to decide that I shall answer that question?

The CHAIRMAN. I think you should answer it.

Mr. CANNON. I was married at the same time to Ann Amanda Mousley—the same hour.

The CHAIRMAN. What did you say?

Mr. CANNON. I was married in the same hour to Ann Amanda Mousley.

Mr. TAYLER. By the same hour, do you mean by the same ceremony?

Mr. CANNON. Yes, sir; at the same time.

The CHAIRMAN. In 1858. Go on, Mr. Tayler.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. I would ask, Mr. Chairmain, if this is to be followed up, if I am to relate all my family matters. I was sent to prison because I did do it. Am I now to be placed in peril if I do not do it? I would ask that to be ruled upon.

Senator HOPKINS. You heard what the attorney has said, that certain questions you could decline to answer if you choose to. I think, perhaps, it might be well for him to designate some attorney.

Mr. WORTHINGTON. He ought to have counsel of his own.

The CHAIRMAN. You have stated your first marriage was in 1858, and named the person. Your second was in what year?

Mr. CANNON. The same hour.

Mr. WORTHINGTON. He married at the same time two sisters.

The CHAIRMAN. At the same time you married another person. That was your second marriage. This question is, when were you next married?

Mr. CANNON. My question is, am I to be placed in peril if I do not

answer this question as I was placed in peril because I did parade the mothers of my children as my wives nineteen years ago?

The CHAIRMAN. It is for you to answer or decline, as you prefer. These questions have been answered by all the witnesses, including the president of the church, frankly and openly. You can answer or decline, as you see proper.

Mr. CANNON. Of course if you rule that I shall answer, I will answer. I will try to obey the law.

The CHAIRMAN. I think the question is proper in this investigation.

Mr. WORTHINGTON. Do I understand the Chair to rule that he thinks a witness is bound to answer a question that incriminates himself?

The CHAIRMAN. I say the question is proper in this investigation. In view of the course to be pursued by the committee, the question is regarded as proper. Repeat the question, Mr. Reporter.

The reporter read as follows:

“Mr. TAYLER. To whom were you next married?”

Mr. CANNON. I was next married to Mrs. Clara C. Mason.

Mr. TAYLER. When were you married to her, Mr. Cannon?

Mr. CANNON. I think it was in September, 1875. I would not be positive of it without having my record here.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. I was next married to Martha Hughes.

Mr. TAYLER. And when were you married to her?

Mr. CANNON. On the 6th day of October, 1884.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. I was next married to Maria Bannion.

Mr. TAYLER. When were you married to her?

Mr. CANNON. On the 11th of March, 1886.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. I was married to Johanna C. Danielson in the fall of 1886. I do not remember the date.

Mr. TAYLER. To whom were you next married?

Mr. CANNON. I have not been married since.

Mr. TAYLER. Are all of your wives living?

Mr. CANNON. They are.

Mr. TAYLER. Do you remember a prosecution against you in 1886 in which you were charged with having married or were cohabiting with Mattie Hughes Cannon?

Mr. CANNON. I remember being charged.

Mr. TAYLER. Was there a hearing before a United States commissioner?

Mr. CANNON. Not that I have any recollection of. I remember that I was arrested, but I do not remember what the charge was—whether it was with her or someone else. I was charged, an investigation was held, I underwent an examination, and was discharged.

Mr. TAYLER. Did you testify in the case?

Mr. CANNON. Sir?

Mr. TAYLER. Did you testify in the case?

Mr. CANNON. No, sir.

Mr. TAYLER. Where do these six wives live?

Mr. CANNON. Sarah Maria Cannon lives in what is known as Forest Dale, a suburb of Salt Lake City. Ann Amanda Cannon lives in Salt Lake City. Clara C. Cannon lives in Salt Lake City. Martha H. Cannon lives in Salt Lake City. Maria Bannion Cannon lives at what

is known as North Jordan. Johanna C. Cannon lives at Sandy, all in Salt Lake County.

Mr. TAYLER. Do they all live in separate houses?

Mr. CANNON. They do.

Mr. TAYLER. Have you a family by all of them?

Mr. CANNON. I have families by five of them.

Mr. TAYLER. And you live with all of them now?

Mr. CANNON. I am sorry to say I do not live with all of them.

Mr. TAYLER. Do you mean because at this present moment you are in Washington, you do not?

Mr. CANNON. I mean because the agreement we have made has been so strenuous—that is, that the church has made regarding this matter—that I feel obligated to be as modest as I can in visiting them and proclaiming them.

Mr. TAYLER. How many children have you?

The CHAIRMAN. Let me ask you this question right there. You say

Mr. CANNON. In view of the instructions given by the presidency of the church regarding these matters. I now refer to the manifesto. In view of the agreement made?

The CHAIRMAN. Do you allude to the declaration of the president of the church at the recent conference held in April?

Mr. CANNON. I allude to the manifesto issued in 1890.

The CHAIRMAN. All right; I understand now.

Mr. TAYLER. What effect has the manifesto had upon your relations with these six wives?

Mr. CANNON. I say it has made me more modest in acknowledging them, and I have only been as attentive as I felt common humanity required me to be.

Mr. TAYLER. You have not proclaimed them as your wives constantly and officiously, you mean by that, do you?

Mr. CANNON. That is what I mean.

Mr. TAYLER. You do not mean that they are any the less your wives now than before, do you?

Mr. CANNON. I mean that I am more cold in my treatment of them than I should be.

Mr. TAYLER. How many children have been born to you since the manifesto?

Mr. CANNON. Three.

Mr. TAYLER. By which wives?

Mr. CANNON. Maria Bannion Cannon has borne me one little girl, who now slumbers in the tomb, born the 10th day of January, if I remember correctly, 1891.

Mr. WORTHINGTON. 1891, do you say?

Mr. CANNON. The year 1891; and she has borne a son to me who was six years old the 6th day of July last, I think. Martha H. Cannon bore me a little girl five years ago this present month, if I remember correctly.

Mr. TAYLER. George Q. Cannon was your brother, I believe.

Mr. CANNON. My mother told me so.

Mr. TAYLER. Were you the son of a plural wife? You were not, were you?

Mr. CANNON. No, sir.

Mr. TAYLER. I supposed not. The revelation of polygamy was long after you were born.

Mr. CANNON. I was born in 1834.

Mr. TAYLER. You knew Abraham H. Cannon in his lifetime?

Mr. CANNON. I did.

Mr. TAYLER. Did you know his wife, Lillian?

Mr. CANNON. No, sir.

Mr. TAYLER. You do not know that he had a wife Lillian?

Mr. CANNON. I did not.

Mr. TAYLER. I think that is all.

The CHAIRMAN. I want to ask one or two questions upon this subject. You have had three children since the manifesto of 1890?

Mr. CANNON. I have.

Mr. TAYLER. What was your understanding as to that manifesto? Did it do anything more than prohibit future plural marriages?

Mr. CANNON. That was the understanding I had of it when it was issued, that it prohibited future plural marriages.

The CHAIRMAN. Was it your understanding, and the understanding of others, that it prohibited polygamous cohabitation?

Mr. CANNON. I did not so understand it until I read President Woodruff's declaration, on the 1st day of November, in Logan, in 1891.

The CHAIRMAN. Then you understood that it prohibited polygamous cohabitation?

Mr. CANNON. I did.

The CHAIRMAN. Since that time you have cohabited with these wives?

Mr. CANNON. It has been my practice, if I can not live the law as the Lord gives it to me, I come as near to it as my mortal frailty will enable me to do.

The CHAIRMAN. I understand that from statements. I only want to get at the fact, Mr. Cannon, that you have had three children born to you since the manifesto.

Mr. CANNON. Yes, sir.

The CHAIRMAN. And you understood its scope to prohibit polygamous cohabitation since 1891—these children were born to you since that date?

Mr. CANNON. I have understood so, but—

The CHAIRMAN. Then you were living in violation of the manifesto, were you not?

Mr. CANNON. I presume I come under the head of those that James spoke of.

The CHAIRMAN. Did you regard the manifesto, and do you regard it as of Divine origin?

Mr. CANNON. I read that all Scripture comes as holy men of old were wrought upon to write and speak as dictated of the Holy Ghost, and I believe President Woodruff was dictated of the Holy Ghost.

The CHAIRMAN. When he made this manifesto?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Therefore you believe it was Divine?

Mr. CANNON. I do.

The CHAIRMAN. Then, in cohabiting with these wives since the manifesto, you have violated the law of God, have you not?

Mr. CANNON. I know I can not live without violating His laws.

The CHAIRMAN. Answer that question, whether you have violated that particular law we are talking about.

Mr. CANNON. I presume I did.

The CHAIRMAN. Are you violating the laws of the United States in having children in polygamous cohabitation?

Mr. CANNON. I presume it is so construed.

The CHAIRMAN. Then you, as a patriarch, are violating both the law of your church and the law of the land.

Mr. CANNON. Yes; I am only mortal.

The CHAIRMAN. Was this violation known to the authorities and the president of the church when, three weeks ago, you were made a patriarch?

Mr. CANNON. I am sure I do not know what the president of the church understood about my family relations. He knows I have been a very circumspect man.

The CHAIRMAN. Oh, yes.

Mr. CANNON. But I do not know what he knows about my families, for he is not very intimate with my families.

The CHAIRMAN. Then you have no knowledge, of course, upon that subject, whether he knew it or not?

Mr. CANNON. I have not.

The CHAIRMAN. Have you kept this a secret?

Mr. CANNON. I have tried to regard the officers of the courts and tried to regard the counsels of God.

The CHAIRMAN. Do you not recognize these wives as wives?

Mr. CANNON. I do.

The CHAIRMAN. Publicly?

Mr. CANNON. I am doing so now.

The CHAIRMAN. Have you not heretofore?

Mr. CANNON. I have not been parading them around; no.

The CHAIRMAN. I am not asking about parading them. If you would meet one of them on the street, would you recognize her as your wife?

Mr. CANNON. I think I would. I would speak to her, at least.

The CHAIRMAN. You would not call her by some other name than Mrs. Cannon?

Mr. CANNON. I would not call her Cannon. I would speak to her as the mother of my children.

The CHAIRMAN. Mr. Cannon, it is a simple question. You recognize your wives, of course.

Mr. CANNON. I do. I say I do.

The CHAIRMAN. You recognize them in public, do you not?

Mr. CANNON. When I am required to do so, as I am doing now.

The CHAIRMAN. Do you recognize your children?

Mr. CANNON. Always.

The CHAIRMAN. Publicly?

Mr. CANNON. Everywhere.

The CHAIRMAN. Do your wives attend service with you?

Mr. CANNON. Not with me. I am sorry they do not.

The CHAIRMAN. They do not attend church with you?

Mr. CANNON. Not with me; no, sir.

The CHAIRMAN. How many children have you in all?

Mr. CANNON. I have 19 living children.

The CHAIRMAN. And how many on the other side?

Mr. CANNON. I have buried 8 and I have raised 4 orphan children.

Senator DUBOIS. Mr. Cannon, I believe you stated that you are sus-

tained in your office four times a year, twice in the general conference of the church.

Mr. CANNON. No, not in the general conference. I am never sustained in general conference.

Senator DUBOIS. Oh, you are not sustained in the general conference?

Mr. CANNON. No, sir.

Senator DUBOIS. Whom does the general conference sustain?

Mr. CANNON. The general authorities of the church.

Senator DUBOIS. And who are they?

Mr. CANNON. The first presidency of the church, the quorum of three, the twelve, the seven presidents of seventies, the patriarch, the presiding bishopric, the church historians, and the general board of education.

Senator DUBOIS. When was the last general conference of the church held?

Mr. CANNON. On the 6th of this present month.

Senator DUBOIS. Was Joseph F. Smith sustained at that conference?

Mr. CANNON. He was sustained as president of the church.

Senator DUBOIS. Was there any opposition?

Mr. CANNON. No, sir.

Senator DUBOIS. Was Mr. Lyman, the president of the quorum of apostles, sustained at that conference?

Mr. CANNON. He was.

Senator DUBOIS. Was there any opposition to him?

Mr. CANNON. Not that I know of.

Senator DUBOIS. Was Brigham H. Roberts sustained at that conference?

Mr. CANNON. He was.

Senator DUBOIS. Has he been sustained at previous conferences since the action of Congress in his case?

Mr. CANNON. He has.

Senator DUBOIS. Has there ever been any opposition to his being sustained, that you know of?

Mr. CANNON. I never knew of any.

Senator DUBOIS. Did your people in Utah have any idea of the testimony which President Smith and Mr. Lyman gave when they were down here?

Mr. CANNON. I would like to hear that again.

Senator DUBOIS. Did you know anything about the testimony which Mr. Smith and Mr. Lyman gave here previous to the 6th of April?

Mr. CANNON. I read it in the papers.

Senator DUBOIS. Did your people generally have any knowledge of the testimony which those gentlemen gave here?

Mr. CANNON. I think probably they read it in the papers. I do not know.

Senator DUBOIS. Do you know whether any of your people complained about any of these men being sustained—complained in private?

Mr. CANNON. I think the people sympathized with them in the position in which they were put.

Senator DUBOIS. And gladly sustained them?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Then I understand you to say that since the presi

dent of the church testified before this committee as to his six wives and a number of children the church in the recent conference sustained him.

Mr. CANNON. They did.

The CHAIRMAN. And there was no criticism about it?

Mr. CANNON. Well, they regretted that circumstances had conspired to bring him to occupy the position he did before this committee, knowing the trial he was going through, in sympathy with the mothers of his children, the obligations he had taken upon him with those mothers, and the obligations he was under to his country and to the church of God. That was their sympathy.

The CHAIRMAN. In other words, they regretted the disclosure.

Mr. CANNON. I will not say that. They were pleased that he disclosed the valor to tell the truth. They were pleased with that.

Senator DUBOIS. Did President Smith issue—not a manifesto, but an announcement to the church at the last conference in regard to polygamy?

Mr. CANNON. He did.

Senator DUBOIS. Did Mr. Lyman offer a resolution embodying, I might say, the ideas advanced by Mr. Smith, to the conference?

Mr. CANNON. There was something of that kind. I can not remember now exactly the form of it. I would like to see it. I could tell if that was it.

Senator DUBOIS. I am sorry that I haven't it here. I would like to have it put in the record. In that resolution and in the announcement which the president of the church made to the people it was stated that the church would deal with offenders against the law in regard to polygamy, was it not?

Mr. CANNON. I can not now announce the sentiment that was in it. I failed to put a copy of it in my pocket.

Mr. WORTHINGTON. It referred to plural marriages?

Mr. CANNON. It related to any attempted plural marriages in the future and I was the one who seconded the resolution.

Senator DUBOIS. Very well. Now, did you call upon the Federal authorities, or the State, the civil authorities, to aid the church in seeing that the law was obeyed? Did you promise to give the support of the church to the civil authorities in their efforts to see that the law of the land was obeyed?

Mr. CANNON. No, sir.

Senator DUBOIS. You simply announced to the people that Joseph F. Smith and the church authorities would deal with violations of the law, as I understand it.

Mr. CANNON. That is what I understand.

Senator DUBOIS. There was no promise to aid the civil authorities?

Mr. CANNON. I did not think they needed any.

Senator DUBOIS. That the people should leave it in the hands of the authorities of the church. That was your advice, and the announcement to them?

Mr. CANNON. My advice would be to the people to render themselves in conformity with the laws of the land and the laws of God as speedily as they could do.

Senator DUBOIS. But there was no announcement on the part of the church that they would aid the civil authorities in enforcing the laws against polygamy?

Mr. CANNON. We have always done so.

The CHAIRMAN. Mr. Cannon, I want to ask you a question right there. In this resolution passed at the conference, protesting against further plural marriages, was there anything said or any action taken in relation to future polygamous cohabitation?

Mr. CANNON. I do not remember that there was. I do not remember the sentiment. That is why I would like to see it, if it had been here, that I could have read it.

The CHAIRMAN. I read it hastily, and I thought you remembered it.

Mr. TAYLER. There is nothing in it about polygamous cohabitation?

Mr. CANNON. I do not think there is anything in it relating to polygamous cohabitation. If there had been, I would not have seconded it.

The CHAIRMAN. You would not have seconded it if there had been a protest against that?

Mr. CANNON. No, sir.

The CHAIRMAN. Why not? Do you intend to continue polygamous cohabitation?

Mr. CANNON. I will have to improve if I do not.

The CHAIRMAN. Then, in other words, you intend to continue to violate the law of the land and the law of God, as you understand it?

Mr. CANNON. I intend to try and be true to the mothers of my children until death deprives me of the opportunity.

The CHAIRMAN. And the only way you can be true to them, I suppose, in your idea, is to live in polygamous cohabitation?

Mr. CANNON. As near as I can, according to the dictates of my conscience and the requirements of the obligation I took upon me with them.

The CHAIRMAN. Does your conscience, of which you now speak, control you more than the revelations from God and the laws of the land?

Mr. CANNON. I would ask you, Mr. Chairman, if you would repeat that?

The CHAIRMAN. Just read the question.

The reporter read as follows:

“The CHAIRMAN. Does your conscience, of which you now speak, control you more than the revelations from God and the laws of the land?”

Mr. CANNON. I can not say that it does, but I do say that I consider them all—the obligations to the mothers of my children, the importance of obeying the manifesto, and regarding it as of Divine origin. Considering it all, I try to make my life conform to it, to satisfy my conscience the best I can.

The CHAIRMAN. Is your conscience satisfied in disobeying the revealed will of God, as you say this manifesto was?

Mr. CANNON. I never did a wrong in my life that I did not feel bad over it.

The CHAIRMAN. Did not what?

Mr. CANNON. That I did not feel bad over it.

The CHAIRMAN. Please answer the question, if you will. Just repeat the question.

The reporter read as follows:

“The CHAIRMAN. Is your conscience satisfied in disobeying the revealed will of God, as you say this manifesto was?”

Mr. CANNON. Yes.

The CHAIRMAN. That satisfies your conscience?

Mr. CANNON. It satisfies me, just as it would to get an ox out of the mire on the Sabbath day, when I am told by the Lord I must not work.

The CHAIRMAN. Then, this manifesto, or this command of God, is binding upon your conscience whenever you want it to be?

Mr. CANNON. Whenever I feel that I can make my life to conform to the will of the Lord.

Mr. TAYLER. Mr. Cannon, when you married your first two wives there was no Federal statute prohibiting polygamy, I believe you said?

Mr. CANNON. Yes, sir.

Mr. TAYLER. There has been a contention that the common law controlled as to that subject at that time, has there not?

Mr. CANNON. I have been told so since, but I did not entertain the idea at the time.

Mr. TAYLER. I understand you did not. When you married your third wife, in 1875, the law of 1862 was in force.

Mr. CANNON. Well, it was dead on our statute books.

Mr. TAYLER. The Supreme Court, in 1878, resurrected and revived it, did it not?

Mr. CANNON. It did.

Mr. TAYLER. Then when you married the last three wives you married them against the law as declared by statute and by the Supreme Court?

Mr. CANNON. Yes.

Mr. TAYLER. Then you undertook, as you have described, to justify your remaining with these wives, although the original relation came about by a violation of the written law?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Mr. Cannon, are you familiar with the ceremonies of the endowment house?

Mr. CANNON. I have passed through the temple and the endowment house.

The CHAIRMAN. Is there any difference between the endowment house and the temple?

Mr. CANNON. One was a temporary structure; the other is a permanent structure.

The CHAIRMAN. The endowment house, I believe, was removed in 1890, was it?

Mr. CANNON. Somewhere about that time.

The CHAIRMAN. Somewhere about that time, I think Mr. Smith said. The ceremony of the endowment house, however, has been continued?

Mr. CANNON. The ceremonies of our temple have been continued. The ceremonies of the temple were used in the endowment house.

The CHAIRMAN. Then the ceremonies that occurred in the endowment house are now continued in the temple?

Mr. CANNON. They are.

The CHAIRMAN. When did you go through the endowment house, or take these endowments, as they are called?

Mr. CANNON. I went through there in 1859.

The CHAIRMAN. Have you witnessed the ceremony since that time?

Mr. CANNON. Oh, yes.

The CHAIRMAN. How frequently?

Mr. CANNON. What ceremonies have you reference to?

The CHAIRMAN. In the endowment house.

Mr. CANNON. They are varied, Mr. Chairman.

The CHAIRMAN. Any of them, or all of them?

Mr. CANNON. I have been through there very many times—very many times.

The CHAIRMAN. The marriage ceremony and other ceremonies?

Mr. CANNON. Yes, sir.

The CHAIRMAN. When did you witness the ceremony last in the endowment house or in the temple?

Mr. CANNON. Well, the last I have seen in the endowment house, I think, was in 1883.

The CHAIRMAN. Do you remember the covenant you took when you went through the endowment house?

Mr. CANNON. Oh, yes.

The CHAIRMAN. Could you state the ceremony?

Mr. CANNON. I would not like to.

The CHAIRMAN. Why not?

Mr. CANNON. Because it is of a religious character, and it is simply an obligation that I enter into to be pure before my Maker, and worthy of the attainment of my Redeemer, and the fellowship and love of my children and their mothers, my departed ancestry, and my coming descendants.

The CHAIRMAN. What objection is there to making that public?

Mr. CANNON. Because it is sacred.

The CHAIRMAN. How sacred?

Mr. CANNON. It is simply a covenant that I enter into with my Maker in private.

The CHAIRMAN. All the tenets of your religion are sacred, are they not?

Mr. CANNON. Sir?

The CHAIRMAN. They are all sacred, are they not—the teachings?

Mr. CANNON. All of those are sacred—yes; all of those things.

The CHAIRMAN. I do not quite understand why you should keep them secret.

Mr. CANNON. It is because it is necessary to keep them secret. If you will permit me, Mr. Chairman, we admit only the purest of our people to enter there.

The CHAIRMAN. People like you and the president of the church? I suppose the president of the church is admitted?

Mr. CANNON. The presidency of the church, if he continues in good standing, and our people whoever are in good standing and deemed worthy to the proper recommends, are permitted to enter there.

The CHAIRMAN. Do you enter into any obligation not to reveal these ceremonies?

Mr. CANNON. I feel it would be very improper to reveal them.

The CHAIRMAN. I say, do you enter into an obligation not to?

Mr. CANNON. There are sacred obligations connected with all the higher ordinances of our church.

The CHAIRMAN. In words, do you promise not to reveal?

Mr. CANNON. I feel that that is the trust reposed in me, that I will not go and—

The CHAIRMAN. I think you do not understand my question. Do you promise specifically not to reveal what occurs in the endowment house?

Mr. CANNON. I would rather not tell what occurs there. I say this—

The CHAIRMAN. I think, Mr. Cannon, you do not understand me. Do you promise not to reveal what occurs in the endowment house when you go through?

Mr. CANNON. I feel that that is an obligation I take upon me when I do that.

The CHAIRMAN. When you go through the endowment house do you take that obligation upon you in express terms?

Mr. CANNON. I think I do.

The CHAIRMAN. You know, do you know, whether you do or not? Why do you take that obligation not to reveal these things?

Mr. CANNON. Because we are—I do not want to be disrespectful to this committee.

The CHAIRMAN. I know you would not be.

Mr. CANNON. The Lord gave us to understand that we should not make common the sacred things that he committed to his disciples. He told them they must not do that lest they trample them under their feet and rend them.

The CHAIRMAN. Do you remember whether there was any penalty attached if they should reveal?

Mr. CANNON. I do not remember that there is any penalty.

The CHAIRMAN. None whatever?

Mr. CANNON. I do not remember.

The CHAIRMAN. Has there been any change in the ceremony of the endowment house since you went through in 1859, up to the present time, that you are aware of?

Mr. CANNON. No.

The CHAIRMAN. No change in the ceremony or obligations?

Mr. CANNON. No.

Senator OVERMAN. Could a person be an apostle without going through the endowment house?

Mr. CANNON. Oh, yes.

Senator OVERMAN. Do you know whether the present twelve apostles have gone through the endowment house?

Mr. CANNON. I presume they have.

Senator OVERMAN. You only presume they have?

Mr. CANNON. Yes.

Senator OVERMAN. Have they or not; do you know?

Mr. CANNON. I can not know a thing, only as I observe it, and I presume they have passed through those ordinances.

Senator OVERMAN. The twelve apostles, as they are now constituted, have all gone through?

Mr. CANNON. I presume they have.

Senator HOPKINS. Do laymen in the church go through the endowment house?

Mr. CANNON. There are some that enter there.

Senator HOPKINS. Men and women both?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Have you ever witnessed a marriage ceremony in the endowment house?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Could you describe that to the committee?

Mr. CANNON. Why, they simply take upon them the obligation to be true to each other, husband and wife, and the blessing of the Lord is pronounced upon them in their union by the officiating priest.

The CHAIRMAN. Well, that is a very simple ceremony. That could be performed anywhere. Is that all there is of it?

Mr. CANNON. That is all there is of it.

The CHAIRMAN. It differs, then, in no way from an ordinary marriage in a private residence.

Mr. CANNON. Well, it differs somewhat from some other marriages. I find most of the denominations have their marriage ceremonies different, one from another.

Mr. WORTHINGTON. I do not think the witness understands your question.

The CHAIRMAN. We would like to have you state, if you can, what the ceremony is, if you feel at liberty to do so.

Mr. CANNON. I do not remember it.

The CHAIRMAN. You do not remember the ceremony?

Mr. CANNON. I can not remember it.

The CHAIRMAN. You were not married in the temple in any of your marriages? In any one of your six marriages, were you married in the temple?

Mr. CANNON. No; not one of them.

The CHAIRMAN. Were you married in the endowment house?

Mr. CANNON. One.

The CHAIRMAN. Which one?

Mr. CANNON. I was married to Martha Hughes.

The CHAIRMAN. I do not care, Mr. Cannon, about the name, if you can tell the date.

Mr. CANNON. The 6th of October, 1884.

The CHAIRMAN. That marriage occurred in the endowment house. Can you tell the committee the ceremony?

Mr. CANNON. No.

The CHAIRMAN. Why not?

Mr. CANNON. Because I can not remember it.

Senator OVERMAN. What do you mean by a sealing-for-eternity ceremony?

Mr. CANNON. A marriage for eternity.

Senator OVERMAN. As different from a marriage upon this earth?

Mr. CANNON. Sir?

Senator OVERMAN. Different from the ordinary marriage?

Mr. CANNON. Oh; there is a ceremony for marriage for time and also for eternity.

Senator OVERMAN. Are your wives sealed to you for time or for eternity?

Mr. CANNON. Time and eternity.

Senator OVERMAN. Time and eternity both—all six of them?

Mr. CANNON. Yes, sir.

Senator OVERMAN. Are there such marriages as sealing for time and sealing for eternity, and some for time and some for eternity?

Mr. CANNON. I have witnessed many marriages for time. I never witnessed any for eternity and not for time.

Senator OVERMAN. Are there such marriages as that?

Mr. CANNON. I can not say whether there are or not. Of course there are marriages performed between living people and dead people, by having persons act vicariously for the dead.

Senator OVERMAN. There are such marriages, then, with dead people?

Mr. CANNON. That is necessarily for eternity. It can not be for time.

Senator OVERMAN. I say, you do have such marriages as that?

Mr. CANNON. Yes, sir.

Senator OVERMAN. A living person marrying a dead person?

Mr. CANNON. By the dead person being represented by a living person.

Senator OVERMAN. By having a representative here on earth he marries a living person here?

Mr. CANNON. Yes, sir; vicariously, the same as Paul spoke of baptism for the dead.

Senator OVERMAN. Have you seen such marriages as that?

Mr. CANNON. Yes, sir; acting for the dead.

Mr. TAYLER. That does not result in the marriage for time between the proxy and the person who is married to the other for eternity only, does it?

Mr. CANNON. No; it only relates to the dead.

Mr. TAYLER. Do you recall any instances in the history of the church where the proxy vicariously representing the dead person has insisted that for time the woman was his?

Mr. CANNON. No; I never heard of such a thing. We would cut them off the church if they did.

Mr. TAYLER. I would think so. That is all.

Mr. WORTHINGTON. We have no further questions.

The CHAIRMAN. Mr. Cannon, if you will step this way the clerk will arrange with you for expenses. Do the attorneys desire this witness further?

Mr. WORTHINGTON. We do not.

Mr. TAYLER. No, sir. Mr. Chairman, I would rather not take up the next witness until to-morrow.

The CHAIRMAN. It is nearly 4 o'clock. The committee will adjourn, then, until to-morrow morning at half past 10.

The committee, at 3 o'clock and 35 minutes p. m., adjourned until Friday, April 22, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *April 22, 1904.*

The committee met 10.30 o'clock a. m.

Present: Senators Burrows (chairman), McComas, Foraker, Hopkins, Pettus, Dubois, Bailey, and Overman; also Senator Smoot; also R. W. Tayler, counsel for protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for certain witnesses.

The CHAIRMAN. Mr. Tayler, who is your witness this morning?

Mr. TAYLER. Judge Powers.

TESTIMONY OF ORLANDO W. POWERS.

ORLANDO W. POWERS, being first duly sworn, was examined, and testified as follows:

Mr. TAYLER. Where do you live, Mr. Powers?

Mr. POWERS. At Salt Lake City.

Mr. TAYLER. How long have you lived there?

Mr. POWERS. With the exception of the year intervening between about the first of September, 1886, and the first of September, 1887, I have lived there continuously since May, 1885, about nineteen years.

Mr. TAYLER. Where did you live prior to going to the Territory?

Mr. POWERS. At Kalamazoo, Mich.

Mr. TAYLER. How did you come to go to Utah?

Mr. POWERS. I was appointed by President Cleveland associate justice of the supreme court of Utah.

Mr. TAYLER. And immediately went to Utah and took up the duties to which you were appointed?

Mr. POWERS. I did.

The CHAIRMAN. What was the year of your appointment?

Mr. POWERS. 1885.

Mr. TAYLER. And you continued to act as judge until what time?

Mr. POWERS. Until the middle of August, 1886.

Mr. TAYLER. Then you left the Territory for a year and returned, and have ever since lived there?

Mr. POWERS. That is correct.

Mr. TAYLER. You have been living in Salt Lake City and practicing law all the time?

Mr. POWERS. Continuously since September, 1887.

Mr. TAYLER. I assume, from the origin of your appointment, that you are a Democrat?

Mr. POWERS. I am a Democrat.

Mr. TAYLER. At the time that you went to Utah prosecutions under the Edmunds Act were going on, I suppose?

Mr. POWERS. At that time they had just begun enforcing the Edmunds Act.

Mr. TAYLER. Did you sit in cases in which those prosecutions were being conducted?

Mr. POWERS. I did.

Mr. TAYLER. Were there very many of them?

Mr. POWERS. During my incumbency upon the bench I should say approximately 100 in my court.

Mr. TAYLER. Prosecutions for what?

Mr. POWERS. For polygamous cohabitation, and also for polygamy.

Mr. TAYLER. Was Lorenzo Snow prosecuted before you?

Mr. POWERS. He was.

Mr. TAYLER. That was the case in which he was convicted?

Mr. POWERS. That was the case.

Mr. TAYLER. During the time that you——

The CHAIRMAN. May I ask the judge what position in the church Snow held at that time?

Mr. POWERS. He was one of the twelve apostles.

Senator DUBOIS. Was he afterwards president of the church?

Mr. POWERS. He was afterwards president of the church.

Mr. TAYLER. I believe he was sent to the penitentiary?

Mr. POWERS. He was.

Mr. TAYLER. By you?

Mr. POWERS. By me.

The CHAIRMAN. And was made president of the church after his conviction and sentence?

Mr. POWERS. He was.

Mr. TAYLER. During your incumbency as judge, did you hear applications for naturalization?

Mr. POWERS. I did. While I was associate justice of the supreme court, I was ex officio judge of the first judicial district, which included the city of Ogden and the city of Provo, the Salt Lake district cutting that district in two, Judge Zane's district being between Provo and Ogden.

Mr. TAYLER. Did you have occasion to refuse naturalization to applicants on account of their apparent allegiance to some other authority than the United States?

Mr. POWERS. I did.

Mr. TAYLER. Was that frequent or infrequent?

Mr. POWERS. I could not say that that was frequent. I have one particular case in mind which arose at Provo, and following that case I examined the applicants with more care, and refused some after that.

Mr. TAYLER. If this case at Provo was typical, and you recall the incidents, state briefly what they were.

Mr. POWERS. As I recall the name, and my memory is faulty with regard to names, it was Niels Hansen. Upon interrogating him as to his familiarity with our laws and our Constitution I drew from him the statement that he was a member of the Mormon Church, so called, the Church of Jesus Christ of Latter-Day Saints. I interrogated him as to whether, in the event the rules of the church and the wishes of the authorities of the church should run counter to or be in conflict with the laws of the United States, which he would obey, and he told me that he would obey the church. I then explained the matter to him, so as to make sure that he understood me, but as he continued so to state I declined to give him citizenship, and filed a written opinion on the subject.

Mr. TAYLER. Judge Powers, have you made a study, historically, of the political conditions in Utah from the beginning—the development of parties, what they stood for, and so on?

Mr. POWERS. I have.

Mr. TAYLER. I think it will aid us if I ask you merely to state what you know about that subject, and not interrupt you by constant questioning about it.

Senator DUBOIS. Before the judge goes to that, if it will not disturb him, I should like to ask a question. I understand him to say that he had cases before him for polygamous cohabitation and polygamy. Were any convictions secured for the crime of polygamy?

Mr. POWERS. Yes, sir.

Senator DUBOIS. How many?

Mr. POWERS. I recall specifically one, but I have an impression of two.

Senator DUBOIS. Of two?

Mr. POWERS. Two or three.

Senator DUBOIS. Why were there not more, if you know?

Mr. POWERS. Because it is a hard offense to prove. At that time such marriages took place in secret. There was no marriage law in the Territory whatever and it was next to impossible to prove the marriage ceremony.

Senator DUBOIS. So that all of these other convictions were for unlawful cohabitation?

Mr. POWERS. They were.

Senator DUBOIS. That is all.

Mr. POWERS. Many, of course, under the plea of guilty; they were not all trials.

The CHAIRMAN. Judge, you may proceed, in answer to the attorney's question.

Mr. POWERS. In order to make myself understood, possibly I should say that from the earliest history of the Mormon Church it has been more or less a political institution. In the time of Joseph, the Prophet, he was a candidate for President upon the platform of free trade and sailors' rights.

Mr. TAYLER. President of the United States?

Mr. POWERS. President of the United States. His apostles took the stump on his behalf through different sections of the country. At that time the Mormon people were all Democrats. As late as 1894 Mr. William Gill Mills, then a leading citizen of Salt Lake City, procured and published statements from three citizens of Tooele County, Utah, who were acquainted with the Prophet Joseph in his lifetime and with the political conditions that existed at the time that he was a candidate for the Presidency; and their statements I think have been substantially incorporated in Mr. Roberts's History of Utah. They stated that at that time they were all Democrats; that with the exception of the prophet voting for a man by the name of Walker, for whom he had promised to vote, there were no Republican ballots cast in the election of that fall, and just prior to the election the Prophet Joseph stated in a meeting that his brother Hyrum had had a revelation that the people should all vote the Democratic ticket, and he said "Hyrum never has a false revelation, but I am bound to vote for Walker." The prophet had had some trouble with the Democratic assessor, and Walker, who I understand was a lawyer, had aided him at a time when he needed assistance.

After the migration into Utah there were no national party politics for a long time. Most of the members of the Mormon Church in the early days were American born, but latterly the ranks have been largely recruited from foreign nations. They landed in Utah with more or less bitterness in their hearts, and they had cause for it. They had left the grave of their murdered prophet. Naturally, they would take very little interest in our national politics under those circumstances.

Their church organization is the most complete and perfect organization that I am cognizant of, and the officers of the Territory who were elected in the early days were selected by the leading officials of the church. Prior to the formation of what was known as the Liberal party—and I should say right here that the Liberal party was a party in Utah composed entirely of gentiles—the People's Party was a party composed entirely of Mormons—

Mr. TAYLER. When was that organized?

Mr. POWERS. The Liberal party was organized in 1870. The peo-

ple then divided upon religious lines, and the political contests were waged along those lines, which naturally tended to create bitterness, because the two systems are entirely antagonistic.

From the election of the first Delegate to Congress, John M. Bernheisel, in 1851, down to the organization of the Liberal party in 1870, I do not think there was a single vote ever cast in opposition to the candidate of the People's Party. I have a memorandum of the votes with me, if you desire to refer to it.

Mr. TAYLER. I should like to have it go in the record, if it will not take too long.

Mr. POWERS. In 1851 John M. Bernheisel was elected to Congress by 1,259 votes, and no opposition. On August 1, 1853, Bernheisel was reelected without opposition. In 1855 Bernheisel received 2,005 votes; no opposition.

Mr. WORTHINGTON. That was after the organization of the Liberal party?

Mr. POWERS. No, sir. In 1857 Bernheisel was reelected by 2,298 votes without opposition. In 1859, William H. Hooper was elected Delegate to Congress by 5,521 votes—no opposition. In 1861, John M. Bernheisel was reelected Delegate to Congress by 3,081 votes—no opposition. In 1863, John F. Kinney was elected Delegate by 8,300 votes without opposition. In 1865, William H. Hooper was elected by 15,431 votes and no opposition. In 1867, William H. Hooper was reelected Delegate by 16,169 votes and no opposition.

In 1870 the Liberal party or Gentile party was organized. William H. Hooper was the candidate of the People's Party for Delegate, and George F. Maxwell was the candidate of the Liberal party.

The CHAIRMAN. Judge, will you please, as two members of the committee have just come in, explain again the difference between the Liberal party and the People's Party.

Mr. POWERS. The People's Party was composed entirely of members of the Mormon Church, and was known as the Church party. The Liberal party, organized in 1870, was composed entirely of non-Mormons or gentiles, or outsiders as they are sometimes called in Utah.

In 1870 Mr. Hooper received 21,656 votes and George F. Maxwell received 1,444 votes, Hooper's majority being 20,212. In 1872 George Q. Cannon was nominated by the People's Party. Mr. Maxwell was renominated by the Liberal party. Cannon received 20,969 votes, Maxwell 1,942 votes, Cannon's majority being 19,027. In 1874 George Q. Cannon was renominated by the People's Party for Delegate, and Robert N. Baskin, a very prominent gentile, was nominated by the Liberal party. Cannon received 22,360 votes, while Baskin received 4,513 votes, Cannon's majority being 17,847.

In 1876 George Q. Cannon was renominated by the People's Party and Robert N. Baskin by the Liberal party. Robert N. Baskin, in national politics, was known as a Democrat. Cannon received 21,534 votes, Baskin 3,842 votes, Cannon's majority being 17,692.

In 1878 Mr. Cannon was the only candidate before the people, being the candidate of the People's Party, and he received 14,221 votes.

In 1880 Mr. Cannon was renominated, and A. G. Campbell, a leading gentile and prominent mining man, was nominated by the Liberal party. Mr. Cannon received 18,568 votes, Mr. Campbell 1,357 votes, Cannon's majority being 17,211.

At that time the contest was made against Mr. Cannon in the House of Representatives.

In 1882 John T. Caine was nominated by the People's Party, and P. T. Van Zile, now of Detroit, Mich., who went to Utah as United States district attorney, was nominated by the Liberal party. At that time the women voted. Caine received 22,727 votes, Van Zile 4,884 votes, Caine's majority being 17,843. I should say that in national politics Van Zile was a Republican.

In 1884 John T. Caine was renominated by the People's Party, and Capt. Ransford Smith, a Democrat in national politics, a gentile, of Ogden, was nominated by the Liberal party. John T. Caine received 21,120 votes, Smith 2,214 votes, Caine's majority being 18,906.

In 1886 the Liberals or the gentiles of the Territory determined to take a new tack. The Mormons were all claiming to be Democrats in national politics; that is, nearly all.

The CHAIRMAN. I should like to inquire, before you go to that subject, whether these various candidates whom you have mentioned from the beginning, who were elected by these majorities, were Mormons?

Mr. POWERS. They were all Mormons.

Mr. VAN COTT. Was Kinney a Mormon?

Mr. POWERS. No; Kinney was not.

The CHAIRMAN. All but Kinney?

Mr. POWERS. Yes.

Senator DUBOIS. I should like to ask you, if it will not interrupt you, what became of the contest which was made against George Q. Cannon?

Mr. POWERS. I understand he lost his seat in Congress.

Senator DUBOIS. What was the ground of the contest?

Mr. POWERS. The ground of the contest was that he was a polygamist.

Senator DUBOIS. When was this contest?

Mr. POWERS. My recollection is that it was in 1880.

Senator DUBOIS. That was before the passage of the Edmunds-Tucker Act?

Mr. TAYLER. The Edmunds Act.

Senator DUBOIS. The Edmunds Act?

Mr. POWERS. The Edmunds Act.

Mr. TAYLER. How were these various Mormon candidates for Delegate nominated, if you know?

Mr. POWERS. My information, gleaned from the best sources from which I have been able to obtain it, is that they were selected by the church leaders.

Mr. TAYLER. That is—

Mr. POWERS. Sometimes a convention would be held, and I know of no contests in the conventions.

The CHAIRMAN. Now, you may proceed, Judge.

Mr. POWERS. I was about to say that the Liberals concluded to take a new tack, the great majority of the Mormons contending they were Democrats. Residing at Park City was a very eminent Democrat, a mining man, a most excellent citizen, Hon. William M. Ferry, a brother of Hon. Thomas Ferry, formerly of Michigan, and formerly President of the Senate. John T. Caine was nominated by the People's Party and William M. Ferry was nominated as a Democrat and no Liberal candidate was put in the field. Caine received 19,605 votes, Ferry received 2,810 votes, John T. Caine's majority being 16,795.

In 1888 many of the younger and more independent Mormons were becoming restless and were desirous of taking part in national party politics, and there was organized that year what was known as the Sage Brush Democracy. The name was given to them at the outset as a slur, but they accepted the name. Hon. S. R. Thurman, of Provo, a very able lawyer and a fine gentleman, a very good member of the Mormon Church, who has been honored by his church by being sent on a mission to Europe, and who has held official positions, elected by the people, was one of the leaders of that movement. He was nominated by the Sage Brush Democracy for Congress, and he made a campaign. John T. Caine was nominated by the People's Party. In national politics John T. Caine was then and is now a Democrat. Robert N. Baskin, who was then and is now in national politics a Democrat, was nominated by the Liberal party. Caine received 10,127 votes, Baskin 3,494, Thurman (Sage Brush) 511, Caine having 6,633 plurality. The Sage Brush Democracy then went out of business.

Senator FORAKER. There seems to have been a pretty light vote cast that year in comparison with the vote of other years that you have given. What was the occasion for it?

Mr. POWERS. One reason was that under the Edmunds Act the women were not permitted to vote. Prior to the passage of the Edmunds Act we had woman's suffrage, as we have now again, and that accounts for the reduction in the vote all around.

Senator FORAKER. This was the first vote after that?

Mr. POWERS. Yes. That year Baskin polled a larger vote upon the Liberal ticket than had ever been polled, except when the women voted.

In the winter of 1889 the Liberals, after a very active campaign, carried the city of Ogden at the municipal election by something over 400 votes. In Weber County, which is the county in which Ogden is situated, in Salt Lake County, in Summit County, the Liberal vote was increasing rapidly, owing largely to the influx of population from the East. The Liberals carried the city of Ogden at the municipal election, and that gave courage to the Liberals of Salt Lake City, and in the early spring of 1889 a large number of young men, Democrats and Republicans—gentiles—united in an organization called the Young Men's Liberal Club, at Salt Lake City, and began a campaign for the purpose of carrying the city of Salt Lake. They honored me by selecting me as the chairman of the Liberal city committee.

Mr. TAYLER. Had you before that time held any official position in connection with the party organization?

Mr. POWERS. I had prior to that time been chairman of the Liberal State committee. I was, during the campaign known as the "Sage Brush campaign," and was in 1889 chairman of the Liberal State committee.

The Liberals of Salt Lake City began a very thorough organization, basing it largely upon the plan of the Mormon Church. It had its city central committee, its superintendents of ecclesiastical wards, its president over each ward, its leader upon each block, and then it turned to Indiana as an example and divided its voters into blocks of 10, with a captain over each 10, having 440 captains of tens prior to the municipal election.

The parties came together at the election on August 4, 1889. There was an election for members of the legislative council, certain county officers, and, to the surprise of the gentiles of Salt Lake City, when the

votes were counted up that night they had 41 majority in the city of Salt Lake.

Digressing now from this, I call attention to the fact that prior to this time it was nothing unusual for the leaders of the Mormon Church to take an active part and speak in their ecclesiastical capacity to the voters of the People's Party. While I was chairman of the Liberal party in 1889, of the State organization, there was a man of an independent frame of mind by the name of Don C. Robbins, from Huntington, Emery County, in the ninth council district, who offered himself as an independent candidate, and issued what he called his declaration of independence against church interference in political affairs.

Shortly prior to the election Apostle John Henry Smith visited Mr. Robbins's council district and in a public speech to the members of the People's Party he told them that he was there in his capacity as apostle, and to say to them to vote the People's ticket. That is the substance. His remarks may be found in the report of the governor of Utah to the Secretary of the Interior for the year 1889. That same year there was a contest in Davis County, which is the county north of Salt Lake County. Two men were candidates for selectmen, both Mormons, and I should say that Robbins was a Mormon. Shortly prior to the election George Q. Cannon, who held no political position whatever, appeared in Davis County and advised the people to vote the straight ticket, to vote for those whom God wanted. That is also found in the report of the governor of Utah to the Secretary of the Interior for the year 1889.

The CHAIRMAN. Did Cannon at that time hold an official position in the church?

Mr. POWERS. He was an apostle at that time, I believe. Let me see. [After a pause.] Or a councilor.

Senator HOPKINS. Did he profess to speak for the church, or simply to give his individual views?

Mr. POWERS. Let me refer to that. He said:

“Now, brethren”——

Senator FORAKER. What are you reading from?

Mr. POWERS. From the report of the governor of Utah to the Secretary of the Interior for 1889, page 28.

Mr. WORTHINGTON. Who was the governor?

Mr. POWERS. The governor was Arthur L. Thomas, now postmaster of Salt Lake City.

“Now, brethren, you will shortly have an election here. How will you act? After the order of the world, to stir up strife and contention, or will you do it after the order of God, and elect the men whom God wants?”

Mr. WORTHINGTON. What page do you read from?

Mr. POWERS. Page 28. About that time, and in 1887, it was deemed——

Senator FORAKER. Before you pass away from that there is a little difference of opinion here as to whose language that is. Is that the language of the governor?

Mr. POWERS. That is the language of George Q. Cannon, quoted by the governor.

Senator FORAKER. Somebody suggested that it was the language of the governor.

Mr. POWERS. No.

Senator FORAKER. The governor simply quotes Mr. Cannon's language.

Mr. POWERS. Yes, sir.

Senator FORAKER. On what occasion did Mr. Cannon use that language?

Mr. POWERS. In the campaign in Davis County.

Senator FORAKER. Was it in a public speech?

Mr. POWERS. In a public speech.

Senator FORAKER. While he was making a canvass?

Mr. WORTHINGTON. There were two Mormon candidates for the same office?

Mr. POWERS. There were two Mormon candidates for the same office, one being the nominee of the church party and the other being an independent candidate.

Senator FORAKER. I understand.

Mr. POWERS. In 1887 the Mormons were taken to task who advocated obedience to the laws of Congress and who opposed church interference. One case with which I am familiar is that of Joseph Dan Jones, of Provo, and I have the original papers in his case. They are brief, and they state the matter more clearly than I could state them.

Mr. WORTHINGTON. What is the name?

Mr. POWERS. Joseph Dan Jones.

The CHAIRMAN. Please read them.

Mr. POWERS. I first read the complaint or summons, signed by J. E. Booth, bishop of the Fourth Ward of Provo City, who is now a district judge of Utah, of the Fourth judicial district. I beg to read these because they are the original papers and I desire to retain them.

“PROVO CITY, UTAH, *January 12, 1887.*

“JOSEPH D. JONES, Esq., *Provo.*

“DEAR SIR: I have learned from sources that are considered reliable that you have identified yourself with an organization known as the Loyal League of Utah, and as some of their principles are in direct opposition to some of the principles of the Church of Jesus Christ of Latter-Day Saints—for instance, the principle of celestial marriage and local self-government—and as you are an officer in the said church I consider that it is inconsistent to hold both positions.

“Now, I do not question your right to belong to either party, but I do your consistency to belong to both. I shall be pleased to have you exercise your choice and decide which side you will take, and shall be pleased to hear from you at your earliest convenience.

“Yours, truly,

“J. E. BOOTH,

“*Bishop, Fourth Ward, Provo City.*

“Received 15th day of January, 1887.

“J. D. JONES.”

The answer of Mr. Jones to Bishop Booth is as follows:

“PROVO CITY, *January 15, 1887.*

“J. E. BOOTH,

“*Bishop, Fourth Ward, Provo City.*

“DEAR SIR: In answer to your note of the 12th instant, requesting my resignation as a member of the Church of Jesus Christ of Latter-

Day Saints, for the reason, as set forth in your note, that I am a member of the Loyal League of Utah, and giving as your reason that some of the principles of the league are in direct opposition to some of the principles of the church, I think you are mistaken as to the principles of the league, some of which are, as I understand them to be, opposed to the political control and law-defined practices of this or any other church. And further, we recognize the laws of Congress, made in pursuance of the Constitution, as the supreme law of the land, and advocate obedience to the same, anything in the laws of any State, Territory, or church to the contrary notwithstanding.

“Believing these to be the true principles of civil government, I feel justified in advocating the same, with malice to none. If from this explanation you find that I have violated any tenet of the above church, or that it is inconsistent for me to remain a member, you will please erase my name from the church records.

“With the best of feeling, I remain,

“Yours, truly,

J. D. JONES.”

The next paper appears to be a citation from the high council of the Utah stake of Zion.

“In the high council of Utah stake of Zion. In the matter of the fellowship of Joseph Dan Jones, of Provo, Fourth Ward. Citation.

“The high council of the Utah stake of Zion send greeting to Joseph Dan Jones, esq.

“You are hereby cited to be and appear before said council, at the council room in the stake house, Provo City, Utah County, Territory of Utah, on Friday, the 2d day of November, A. D. 1888, at 7 o'clock p. m. of that day, and then and there to show cause, if any you have, why the decision of the bishop's court of Provo, Fourth Ward, dated March 17, 1887, withdrawing the hand of fellowship from you, should not be sustained, and that you be excommunicated from the Church of Jesus Christ of Latter-Day Saints.

“Witness: Abraham O. Smoot, president of the high council of the Utah stake of Zion, this 31st day of October, A. D. 1888.

“JAMES W. BEAN, *Clerk.*”

The decree is as follows:

“PROVO CITY, UTAH, *January 3, 1890.*

“At a meeting of the high council of the Utah stake of Zion held on the above date, on motion of Charles D. Glazier, the rules were suspended, and Joseph D. Jones, of the Fourth Ward, Provo City, of this stake, be, and is hereby, excommunicated from the Church of Jesus Christ of Latter-Day Saints, for apostasy.

“V. L. HALLIDAY,

“*Clerk of the High Council.*”

The CHAIRMAN. Did this loyal league which has been referred to stand for anything more than obedience to the laws and noninterference by the church in public affairs?

Mr. POWERS. I know of no other purpose of the organization.

Mr. WORTHINGTON. Are its principles printed?

Mr. POWERS. Yes; they were at that time. I have not them with me.

Senator McCOMAS. Was there any appeal from that order to any higher authority?

Mr. POWERS. There was not. That was the end of the case. Mr. Jones seemed to be satisfied with the result.

It was not an unusual thing prior to 1890 for the various city councils of the various cities of the Territory to refer matters that were properly within their province to high church officials and to the stake presidencies of their respective stakes. Take the history of Salt Lake City.

The CHAIRMAN. Do you mean the civil council?

Mr. POWERS. In civil matters.

Mr. TAYLER. And the civil authorities?

Mr. POWERS. And the civil authorities referred these matters to the church authorities.

I recall an incident from the city of Provo that occurred about the time of this Jones matter. The question was up before the city council as to whether they would prohibit the sale of liquor, and they referred the matter to the church high council. The high council took action upon it and voted upon it and decided to sustain the city council, and the special committee of the city council to whom the matter was referred, who had sent it over to the high council of the stake, reported back to the municipal authorities the action of the high council of the stake.

So, too, at the very inception of the organization of the various cities in the Territory the civil business of the cities was so intermingled with the action of the church authorities that it is no wonder that many of the people feel that the church authorities have a right to take part in their ecclesiastical positions in political affairs.

After the Liberal Party had secured control of the city of Salt Lake, I procured an investigation to be made of the city records, which had been written up by the Mormon city recorders from the earliest time, and from those records I prepared a paper showing the close intermingling of ecclesiastical affairs with the municipal affairs of that city. Some of the instances come to my mind.

Mr. WORTHINGTON. Did you make this examination yourself?

Mr. POWERS. It was made under my direction. I did not do all the manual work myself, but as chairman of the Liberal city committee the examination was made under my direction, and the records are there and the excerpts were made from them, and I can give you the pages of the record if you want references.

Brigham Young was not a member of the Salt Lake City council, but frequently the city council of Salt Lake City would hold its meetings in his office, in the office of the first presidency. He organized the police force of Salt Lake City, and upon the records of the city of Salt Lake is an abstract of the address which he delivered to the police force, instructing them as to their duties, among other things saying to them it was an office which required more wisdom than had ever been displayed by any President of the United States.

The fire departments of the city of Salt Lake were, by direction of the city council, organized by the bishops of the ecclesiastical wards. The bishops of the ecclesiastical wards were empowered to collect the land taxes of the city. The bishops of the ecclesiastical wards were in control of much of the public land of the city.

The leading officials of the church seem to have had access to the

city's treasury. On one occasion Brigham Young borrowed from the city of Salt Lake \$10,000. I think that was in 1871. On another occasion he borrowed \$2,000. In 1873 he borrowed \$14,000. The records show that other leading church officials at times borrowed from the city.

The city of Salt Lake at that time ran a saloon—a city saloon. It had a city billiard hall. It had a city bathing establishment. It ran a distillery. Its recorder kept an account with the trustee in trust for the Mormon Church, which trustee was credited with tithing—and the tithing, by the way, is the 10 per cent that good Mormons are supposed to pay into the church—due from the various church officials, and they were charged with liquor, and for bathing, and for things of that kind.

At the occasion of the dedication of the first city hall of Salt Lake City the leaders of the Mormon Church were invited, as they were to the dedication of the second city hall. There have been three city halls built there, and the speeches that they made indicated an intermingling of affairs of church and of state. So that condition of affairs continued, and there was really no separation of church and state.

In the Mormon Church almost every man above 21 years of age has some church position; a position of some kind. There must be thirty or thirty-five thousand church officials in the State of Utah; a large number.

Now, in 1890 the Sagebrush Democrats had gone out of business. They were discouraged by the small number of votes they had received and the contest was again between the People's Party and the Liberal party. John T. Caine was the candidate of the People's Party and C. C. Goodwin, the then editor of the Salt Lake Tribune, a Republican and gentile newspaper, was the candidate of the Liberal party.

Mr. TAYLER. For what office?

Mr. POWERS. Delegate to Congress. Caine received 16,343 votes, Goodwin, 6,912; Caine's majority being 9,431.

In that campaign the Liberals were very active. They went all over the Territory. Where they could not obtain a hall to address the people and where the people would not come out to listen to them—because in those early days the Mormons did not like to listen to us—we held our meetings in the public streets. We took with us a drum corps, to attract attention, after the plan of the Salvation Army. We would march up the streets of a town, set our drum corps going, attract the attention of the people, and they would come out and stand in line on the opposite side of the road. But we talked to them and we made an active campaign, and the tenor of Judge Goodwin's remarks to them through that campaign was the desire to make the Territory like the rest of the nation.

The election of August, 1889, in Salt Lake County, at which time the Liberals carried the city by 41 majority, was followed up by the most remarkable campaign ever held there or anywhere else. As I say, I was then chairman of the Liberal party, and my friend, the honorable Franklin S. Richards was chairman of the city committee of the People's Party.

Mr. WORTHINGTON. When was this?

Mr. POWERS. In the fall of 1889 and the beginning of 1890, the election being in February, 1890.

The CHAIRMAN. I think you stated that Caine was an adherent of the Mormon Church?

Mr. POWERS. Yes, sir; John T. Caine belonged to the Mormon Church. Both the People's Party and the Liberal party put forth the most strenuous exertions in that campaign. I think both parties took a canvass of the city as often as every two weeks; at least the Liberal party did. A man could not remain in the city much more than two weeks before both sides knew who he was, where he was from, and what he was doing there.

As a result of that campaign the Liberals elected George M. Scott, a Liberal, mayor of the city, and the entire city ticket and city council, Mr. Scott's majority being 820.

Immediately after, the talk of dividing on party lines became more pronounced, and in the year 1891 the voters began, although it had its inception, I think, back in the fall of 1890, to talk about it; that the time had come when Utah should have a different form of government; when the people were far enough advanced to take part in national politics. But as was stated by my friend Roberts in his testimony, the large majority of the people of Utah at that time were exactly in the same condition he stated he was. They went to Utah without knowing a thing about the principles of the Democratic party or of the Republican party. The great proportion of them came from the Old World, unacquainted with our institutions and unacquainted with our system of government. They were taken out there to Utah, away from these great cities of the East, where their immediate associates were members of the Mormon Church, and where they were taught to look up to and to follow the leaders of the Mormon Church.

The Mormon Church always impresses upon its followers the necessity for unity—unity of action; the necessity of obeying counsel; the propriety of following your file leader; of not questioning that which may be said to you by men claiming to be inspired.

Those people had had no training in our politics. They had not, as Mr. Roberts said, a clear conception of the principles dividing the two great parties, and very little conception of the fundamental principles of the National Government. They had been taught to vote the People's ticket and to vote it straight, and to vote for the men on the ticket without question, because that was the church ticket.

However, many Democrats and Republicans, Gentiles, began to feel that they ought to divide upon party lines. There had been a skeleton organization of the two national parties for national purposes only. The Republicans at an early day had organized the Republican party in the Territory, and the Democrats had organized the Democratic party in the Territory, but the Mormon people had not taken part in those conventions with the exception of one time.

We had a Democratic convention up at Ogden to elect delegates to the national convention. The Mormons had not sent delegates to those conventions, and, to our surprise, the day before our convention was held at Ogden all over the Territory Democrats sprang up as thick as mushrooms in the spring.

Senator McCOMAS. What year was that?

Mr. POWERS. I will have to refresh my memory about that. It was in 1888, if that was the Presidential year. They went to Ogden and claimed they were Democrats. We had a contest. The Gentiles were too much for them. They then went off by themselves and held a convention of their own and elected a contesting delegation to the national convention.

With the exception of that time I do not know of any other time when they took part in national politics until after 1890. As I say, both parties had these skeleton organizations and would elect delegates to the national conventions quadrennially. Many of the Gentiles believed that the time had not come to divide on party lines, and I was one of them.

The Liberal party was not disbanded when the People's Party disbanded, but continued until the fall of 1893 and elected members to the Territorial legislature. I was elected to that legislature that fall as a Liberal. Thereafter the Liberal party dissolved, and I acted through the session with the Democrats of that body, joining in with the other gentile and Mormon Democrats who had been elected.

There was a great deal of talk—it became a matter of public history—that at the time the People's Party disbanded it disbanded under the direction of men holding high positions in the People's Party and high positions in the Mormon Church. There was a meeting at what was called the Gardo House. The Gardo House is sometimes called the Amelia Palace. It was built by Brigham Young for his favorite wife, so-called, Amelia. At that meeting there was a discussion concerning the dissolution of the People's Party. There were present from different sections of Utah high church officials who were members of the People's Party. Apostles were there.

Mr. WORTHINGTON. Were you there?

Mr. POWERS. No.

Mr. WORTHINGTON. I thought not. Let me ask you, were the proceedings of that meeting reported?

Mr. POWERS. Yes. They are a matter of common knowledge. I can refer you to them, if you like, or the substance. At any rate, it was where the party was dissolved.

Mr. WORTHINGTON. I should like to have a reference to the place where it is stated.

Mr. POWERS (to Mr. Tayler.) Give me that large book.

The CHAIRMAN. In what year was that?

Mr. POWERS. In 1891.

Mr. WORTHINGTON. I ask about this because my information is that the party was not dissolved.

Mr. POWERS. That it was not dissolved in 1891?

Mr. WORTHINGTON. That it was not dissolved at that meeting. You stated it as a matter of history, and it is a matter of history which I am informed is controverted. I want to know what your authority is.

Mr. POWERS. My authority is the speeches made by Heber J. Grant and John Henry Smith and Joseph F. Smith on May 3, 1896, at Logan. At that meeting it was deemed advisable to disband the People's Party. Joseph F. Smith said "it was attended by many of the authorities" —

Mr. TAYLER. What was attended?

Mr. POWERS. The meeting at the Gardo House.

The CHAIRMAN. You are now about to quote from Joseph F. Smith's speech made in 1896?

Mr. POWERS. Yes, sir; 1896.

Mr. WORTHINGTON. What do you read from?

Mr. POWERS. From the report of that meeting which appeared in the Salt Lake papers of May 10, 1896, this particular report being a report from the Salt Lake Tribune. It has been published. It has

been referred to by writers. I do not know whether it is controverted or not.

He stated in the meeting at Logan that at the Gardo House meeting "it was plainly * * * stated that men in high authority, who believed in Republican principles, should go out among the people, but that those in high authority who could not indorse the principles of Republicanism should remain silent." I know this of my own knowledge; that there were men in Utah, when we came to divide upon party lines who, for years, I knew, claimed to be Democrats, who suddenly were Republicans. John Graham, of Provo, published a paper down there. He claimed to run a Democratic newspaper while I was there on the bench in 1886, and after I began the practice of the law. There was another newspaper published also in that city which claimed to be a Democratic paper. When we came to divide on party lines, John Graham suddenly discovered that he was a Republican and began running a Republican paper, and the other paper continued Democratic. So in Logan. There were two Democratic papers up there, but one of them became Republican.

In 1892 Joseph L. Rawlins was nominated by the Democratic party for Delegate to Congress. Joseph L. Rawlins many of you know. He is a man who was born in Utah and raised in Utah; a most excellent character, a sterling man of great ability.

The CHAIRMAN. Now, Judge, if you will pardon me, it will be necessary to suspend at this point on account of the session of the Senate. I should like, however, to ask you one question about the change in the political character of those papers. Was that unusual?

Mr. POWERS. My experience has been that it is unusual. I have been an earnest advocate of Democratic principles all my life. I have been a missionary in the cause; I have labored on the stump and I have labored with them individually and I never was able to convert a man between sunset and sunrise.

The CHAIRMAN. How do you account for that change, or have you not any theory?

Mr. POWERS. I account for it in this way: That they were set apart, part of them to be Republicans and part of them to be Democrats—the sheep from the goats.

Senator DUBOIS. Set apart by the church officials?

Mr. POWERS. Set apart by the church officials.

The CHAIRMAN. Set apart by the church officials?

Mr. POWERS. Yes.

Thereupon (at 11 o'clock and 55 minutes a. m.) the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Judge Powers, you may, if you please, resume your statement where you left off when the committee took its recess.

TESTIMONY OF ORLANDO W. POWERS—Continued.

ORLANDO W. POWERS, having been previously sworn, was examined and testified as follows:

Mr. POWERS. Mr. Chairman, if I conveyed the impression in my testimony this morning that the People's Party dissolved at the Gardo

House meeting, I desire to correct it. I did not intend to say that it there dissolved. My intention was to state that it virtually was agreed upon there that the People's Party should dissolve. The action by which the party was dissolved was taken on the 10th day of June, 1901, when the People's Party Territorial central committee met at Salt Lake City and adopted certain resolutions, and I will say that on pages 45 to 58, inclusive, of the report of Arthur L. Thomas, Governor of Utah, to the Secretary of the Interior for the year 1891, there may be found all the various resolutions that were adopted by the People's Party, by the Liberal party, by the Democratic party, and by the Republican party pending the division upon party lines, giving the dates also.

I desire also to state that in connection with the testimony that I have given to the effect that the church leaders have claimed the right to direct in temporal matters as well as spiritual, I want to make reference to the Doctrine and Covenants, section 1, verse 38, where it is said:

“Whether by my own voice or by the voice of my servants, it is the same.”

And also to the Doctrine and Covenants on page 248, verse 4, where it is stated:

“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.”

And also to the work that was introduced in evidence, written by Orson Pratt, and to a case before the supreme court of Utah, entitled “The United States, complainant, against the Church of Jesus Christ of Latter-Day Saints and others, respondents,” which is found in 5 Utah, on page 367, and which was a case in which there was a prayer for a decree forfeiting the charter and dissolving the corporation of the Mormon Church under the act of Congress of March 3, 1887. Chief Justice Zane, a distinguished jurist, speaking for the court, found as a matter of fact certain things, among others being this paragraph, speaking of the Mormon Church:

“This corporation, at the time of its organization, embraced nine-tenths of the inhabitants of the Territory, many thousands of people. At the present time it includes probably more than 120,000, and if in the future people should continue to be gathered in from all quarters of the globe as they have in the past their number at no distant day will reach a quarter of a million. The corporation extends over the whole Territory, including numerous congregations in various localities. At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelations the will of the infinite God concerning the duty of man to himself, to his fellow-beings, to society, to human government, and to God. In subordination to this head are a vast number of officers of various kinds and descriptions, comprising a most minute and complete organization. The people comprising this organization claim to be directed and led by inspiration that is above all human wisdom and subject to a power above all municipal government, above all man-made laws. These facts belong to history. Therefore we have taken notice of them.”

This decision was rendered in June, 1887.

Senator HOPKINS. What was the issue in that case, Judge, that caused Judge Zane to use that language?

Mr. POWERS. It was, briefly, a case in which the complainants prayed for a decree forfeiting the charter and dissolving the corporation of the church under the act of Congress of March 3, 1887.

I stated that in 1892 Mr. Rawlins was nominated as Delegate for Congress by the Democratic party. Frank J. Cannon, son of George Q. Cannon, and a very brilliant man, was nominated by the Republican party, and Clarence E. Allen, who was afterwards a Delegate to Congress and is now a prominent mining man of Utah, was nominated by the Liberal party. Rawlins received 15,201 votes, Cannon 12,390, and Allen 6,987, Rawlins having a plurality of 2,811.

During that campaign it was reported quite generally that an effort was being used to elect Mr. Cannon by reason of church influence so called. There was one instance that was quite well known that occurred in the first municipal ward of Salt Lake City. Bishop John Siddoway was a Democrat and Bishop Warburton was a Democrat. Bishop Warburton called in a number of Democratic Mormons occupying positions in the church, told them that most of them had been through the temple and understood their obligations, and said he had received a message from the first presidency to the effect that it was the desire that Frank J. Cannon should be elected to Congress.

Mr. WORTHINGTON. One moment, Judge. Were you present?

Mr. POWERS. No; I was not present, but the matter has been, as I stated above, widely circulated; and I have a publication here in regard to it.

Mr. WORTHINGTON. That the bishop said the presidency had sent him a message?

Mr. POWERS. That the bishop so stated that the presidency had sent him a message.

Mr. WORTHINGTON. I object to that as being within the double hearsay rule we had up yesterday.

Mr. POWERS. It is a matter, I say, that has been generally discussed, and I have the substance of it here.

Mr. TAYLER. It is a matter of public history of Utah, is it?

Mr. POWERS. It is. It is a matter that has been published in all of the newspapers. It is a matter that has been circulated in pamphlet form under the head of "A Plea for Liberty," in an open letter to President Lorenzo Snow.

The CHAIRMAN. I think you may proceed with the statement.

Mr. POWERS. That the church being in a bad way financially, could do better with Mr. Frank Cannon in the Congress than with the apostate Joe Rawlins, he should be elected, and inquired whether those present were willing to vote for Mr. Cannon. They agreed so to do, one of them saying that he was a mugwump and it would not bother him; and the others were requested to see some of their friends and carry the word to them. One man was directed to see Bishop John Siddoway and tell him that it was all right.

However, Mr. Rawlins was elected, and he was renominated the succeeding year; and Frank J. Cannon was likewise renominated. There was also a Populistic candidate by the name of H. L. Gaut, who was nominated as Delegate to Congress. In that election Mr. Cannon received 21,343 votes; Rawlins, 19,324 votes, and Gaut (Populist), 550 votes. Cannon having a plurality of 1,819 votes.

Mr. VAN COTT. What year was that, Judge?

Mr. POWERS. 1894; the Liberal party having in 1893 passed out of existence.

In 1895 we were preparing for statehood. The State constitution was to be submitted to a vote of the people in the November election. The constitutional convention had been held in the fall of 1894 and the spring of 1895. That convention was nearly equally divided between the two great national parties, a very small majority being Republican. It was composed of leading men of the Territory, among other members being Brigham H. Roberts and Apostle John Henry Smith, on the Mormon side, and C. C. Goodwin, the talented editor of the Salt Lake Tribune, and Thomas Kearns, now Senator from Utah, upon the Gentile side. Both sides were represented by able men, and so were the political parties.

We were preparing for the first election of State officers and for Representative in Congress under the enabling act, and much interest of course was taken in the election. The preceding election indicated that the State was very close, if there was any majority either way. On the 5th day of September, 1895, the Democrats met in convention at the city of Ogden to nominate their State ticket. I was a member of that convention and chairman of the convention.

The CHAIRMAN. I did not understand, Judge, what convention that was.

Mr. POWERS. The Democratic State convention—that is, the Territorial convention to nominate State officers to take their places if the constitution should be ratified.

Mr. TAYLER. The constitution was to be ratified at the same election at which the State ticket was to be elected?

Mr. POWERS. Exactly; and the State officers were to take their places the first part of January, 1896.

At that convention John T. Caine, formerly Delegate to Congress, was nominated for governor. He was a Mormon. There was but one candidate for Congress in the minds of the delegates, and that was Brigham H. Roberts. He was nominated, I believe, unanimously, if I recollect aright. The convention also made a selection of two men as its candidates and as the candidates of the Democratic party for the United States Senate. Under the constitution there would be elected, with the incoming of the State, two Senators from Utah. It selected one man, a Gentile, and the other man, a Mormon. The Gentile selected was Joseph L. Rawlins. The Mormon selected was Moses Thatcher. Moses Thatcher was one of the twelve apostles of the church. He was a Democrat and a man with the blood of patriots in his veins. His lineage was that of which he might be proud. He was very popular with the Democratic party, and in that convention he was named as the nominee of the Democratic party, representing the Mormon wing of it, for the United States Senate.

At that time I never had heard of any rule that required any member of the church to go to anybody to get permission to run for any public office. On the contrary, my knowledge of the political history of the State was to the effect that at the time of the division upon party lines there was some sort of understanding that the leading members of the church, those holding high ecclesiastical position, should not take an active part in political affairs. Mr. Thatcher, in a letter

to his Democratic friends, had explained his reasons for not taking a more active part politically, he being a Democrat, upon the ground that he understood that to be the policy of his church. However, many men high in church positions had taken part in political affairs, and these men whom I have named were nominated by us. On the 15th of September we held a ratification meeting at Salt Lake City, at which a letter was read from Mr. Thatcher accepting the nomination, and a speech was made by John T. Caine. I should say that in the adoption of the platform at Ogden there was one plank in the following words:

“We declare for total separation of church and state for the sake alike of civil and religious liberty.”

That, we understood, was in accord with the public position taken by Mr. Thatcher theretofore. Mr. John T. Caine spoke regarding that plank and indorsed it in the meeting in Salt Lake City. We began a very active campaign. The Democratic State committee did me the honor to select me as its chairman, and I took charge. The party was very enthusiastic, more so than it ever has been since, and its various members were very active. The Democratic women were organized, and efforts were put forth to make the State Democratic. We began our canvass, and it was made very carefully and under directions given to the canvassers to count to the opposition those who were doubtful; and in the latter part of September sufficient returns had been received so that at the headquarters we estimated, upon a conservative basis, that we would carry the State by between 2,500 and 4,000 majority.

The Mormon Church conference, the semiannual conference for the entire church, was held in Salt Lake City the first part of October. Conferences were held so as include the 6th day of April in each year and the 6th day of October in each year. They are held also so as to include a Sunday during the proceedings. Up to the meeting of that conference, as chairman of the State committee, I had heard not one word in criticism of Mr. Thatcher or Mr. Roberts on account of their having accepted a nomination for political positions. Mr. Roberts was upon the stump. John T. Caine was upon the stump. Mr. Thatcher's health was such that he could not enter upon an active canvass. Mr. Rawlins was upon the stump.

On the Sunday of the October conference Moses Thatcher addressed the people in the great Mormon Tabernacle making a religious address, and apparently he was in good standing. Upon the adjournment of the conference there was held what is called the priesthood meeting. As I understand it, it is a secret meeting held at the conclusion of the conference. In the afternoon, after that meeting, word came to me at my headquarters from members of the Mormon Church that we were defeated. I learned that some sort of action had been taken in the priesthood meeting.

Mr. TAYLER. What is the priesthood meeting? Who, as you understand it, attend that kind of a meeting?

Mr. POWERS. I can not give the names of the—

Mr. TAYLER. I do not mean the names. What sort of officials?

Mr. POWERS. I can not state definitely who they are. They are officials rather high in the church and men of prominence. I never have been able to learn exactly what language was used at that meeting; but whatever was said was said by Joseph F. Smith, now presi-

dent of the church, then councilor, I think, or an apostle—a councilor to the president of the church.

Mr. WORTHINGTON. Were you told that by any man who was present at the meeting?

Mr. POWERS. That he was councilor to the president of the church?

Mr. WORTHINGTON. Oh, no; that he said what was said at the meeting.

Mr. POWERS. I have not attempted to state what was said. I say I never was able to ascertain just what was said.

Mr. WORTHINGTON. I understood you to say that whatever was said was said by him.

Mr. POWERS. Yes, sir.

Mr. WORTHINGTON. I say you heard that from somebody who was present at the meeting?

Mr. POWERS. Yes, sir; and that is too well known to be questioned by anybody from Utah. Everybody concedes that.

Whatever was said, the matter was opened by Joseph F. Smith, which was to the effect, so far as I have been able to ascertain it—and I have made diligent inquiry—that Moses Thatcher and Brigham H. Roberts had disobeyed a rule of the church in that they had accepted nominations for high political offices without having first taken counsel. I understand that George Q. Cannon spoke also upon the same subject, and the word that came to me was that they were out of favor with the first presidency, and that it meant our defeat.

Whatever was said at that meeting, it caused intense excitement throughout the whole Territory, and following it there were utterances made at religious meetings throughout the State that were well calculated to defeat the party against whom they were uttered. Up at Logan, on the 13th day of the month, on Sunday. Bishop Larson, after the adjournment of the priesthood meeting, said to the teachers of the church assembled that two men, one of the twelve and one a president of the seventies, had, contrary to the wishes of the first presidency and contrary to counsel, accepted nominations for high offices. He said: "It is unnecessary for me to name the men. You know who they are. I speak of this for your own good. You know how to vote."

On the same Sunday, the 13th day of October, 1895, in the county south of Cache County, in which Logan was situated, Boxelder County, at Brigham city, the county seat; the president of the Malad stake, whose name I have forgotten, was present at a religious meeting of the Mormon Church, and he there declared in substance that it was the desire of the first presidency that Thatcher and Roberts should be defeated.

On the same day, in the afternoon, at a religious meeting of the Mormon Church at Snowville, in Boxelder County, the bishop used substantially the same language, conveying to his hearers that it was the wish of the first presidency that these men should be defeated.

On the 15th day of the month, in the southern portion of the State, at Richfield, in Sevier County, there was a political meeting held and Bishop Brandley, of Richfield, spoke upon the subject of Thatcher and Roberts having been nominated for these offices, and said to the people that it was their duty to obey their leaders.

On the 20th day of October, which was Sunday, at a meeting in the

tabernacle at Moroni, in Sanpete County, which is south of Salt Lake City, Bishop Irons made a political talk and told the people it was their duty to obey the wishes of the first presidency, and said to them that if their file leaders said white is black, "It is your duty to say white is black."

About the same time a man by the name of George Parkinson, of Idaho, who is not unknown to our people in a political way, came down and went through the southern part of the State talking against Thatcher and Roberts. He said to the people at different places that the first presidency had been obliged to call those men down before, and it had to call them down again.

The CHAIRMAN. Let me ask you who he was.

Mr. POWERS. I can not remember the position he occupies in Idaho.

The CHAIRMAN. Is he a Mormon?

Mr. POWERS. He is a Mormon and holds an official position in the church in Idaho.

Senator DUBOIS. He is president of a stake.

Mr. POWERS. President of a stake; yes. Of course, to meet this condition of affairs the State committee took prompt action. I called together, first, the executive committee of the Democratic party of the State and consulted with them. The State committee was largely made up of Mormon people. It was determined by the executive committee that it might be well for myself to prepare and give out an interview as coming from myself individually, in order to test the temper of the people and feel how far we could go in making a fight for political liberty. I accordingly prepared such an interview and furnished it to the Weekly Argus, a Republican newspaper, from which paper it was copied in the other papers of Salt Lake City. It was also deemed advisable by the executive committee that the full State committee should be called together, and accordingly I called a meeting of the State committee to meet at Salt Lake City on the 14th day of October, 1895, at Unity Hall in that city.

The meeting was called, as I say, for the 14th of October. On the evening prior to the day of the meeting of the State committee Mr. Roberts had come in from the stump and met with me at the State headquarters and discussed with me the situation and as to what the people were saying concerning our ticket since the priesthood meeting. Thereupon, in my presence, he prepared the interview, which he has identified and which has been offered in evidence, and I procured typewritten copies to be made of it and myself personally furnished it to the Republican and Democratic papers of the city, and it was published. It was published at that time, so far as I was concerned, for the purpose of indicating to the members of the State committee the views of Mr. Roberts upon this important question.

The CHAIRMAN. That interview, Mr. Tayler, was submitted yesterday, was it not?

Mr. TAYLER. Yes; it is printed in the record now.

Mr. POWERS. The Mormon people of the Democratic faith of the State were very much excited, and among other telegrams that I received upon the subject is one from Logan, that was sent on the 12th of October, directed to me as chairman of the Democratic Territorial committee, saying:

"The Democrats of Cache County again unite in declaring for abso-

lute separation of church and state. We oppose the idea that men should be compelled to get permission from ecclesiastical authorities before exercising their political rights. We deny that Democrats are religiously or otherwise bound to follow the advice of Republicans in making up Democratic tickets. We shall uphold every legitimate effort of our party to resist and disavow such pretensions, if any such have been made, and stand firm for the right."

That is signed by a large number of citizens, the first name being that of J. H. Paul, a prominent Mormon and educator of Utah.

There are two sheets of signatures, which I will not read.

Senator DUBOIS. Did any Gentiles sign that?

Mr. POWERS. Yes, sir; the second name was that of Noble Warrum, jr., the then editor of the Democratic paper at Logan and a Gentile. It was signed also by a brother of Moses Thatcher, George W. Thatcher, a Mormon; Joseph Monsen, a Mormon; I. C. Thoresen, a Mormon, and a large number of prominent citizens of that county.

Mr. VAN COTT. Mostly Mormons, Judge?

Mr. POWERS. Yes, sir.

From Fairview, which is in the southern part of the State, on the 15th of the month I received a telegram signed by the Democratic committee there, all of them being Mormons, saying:

"Resolved, We, Democrats of Fairview, heartily indorse the action of our worthy chairman and pledge our continuous support to our esteemed friends, Thatcher and Roberts, in their stand for untrammelled political freedom. Our motto: 'On to victory.'"

From Manti, one of the temple cities of Utah, which is in Sanpete County, there was a telegram received on the 14th of the month saying:

"Further declarations of noninterference from the church is useless; they are in the field against us; give no quarters, but fight it out for liberty and democracy and all good Democrats will stand by you."

That was signed by a large number of Mormons and Democrats.

Mr. VAN COTT. Mostly Mormons?

Mr. POWERS. All of them, I think.

From Mount Pleasant, in the same county, was a telegram signed by gentiles and Mormons, saying:

"We, the Democrats of Mount Pleasant, heartily indorse your action and will uphold you in demanding noninterference of church in political matters."

The CHAIRMAN. Pass those dispatches over to the reporter, Judge.

Mr. POWERS. Yes, sir.

The CHAIRMAN. Mr. Reporter, let those dispatches go in, with the signatures.

The telegrams referred to are as follows:

LOGAN, UTAH, 12.

Hon. O. W. POWERS, *Chairman Territorial Democratic Committee:*

The Democrats of Cache County again unite in declaring for absolute separation of church and state. We oppose the idea that men should be compelled to get permission from ecclesiastical authorities before exercising their political rights. We deny that Democrats are religiously or otherwise bound to follow the advice of Republicans in making up Democratic tickets. We shall uphold every legitimate

effort of our party to resist and disavow such pretensions if any such have been made stand firm for the right.

J. H. Paul, Noble Warrum, jr., G. W. Thatcher, Joseph Monsen, I. C. Thoresen, Arthur W. Hart, Joseph Kimball, H. J. Mathews, Wm. Haslam, H. A. Campbell, E. R. Owen, Martin Woolf, Jesse S. Hancey, Newel W. Kimball, Wm. Sparks, J. M. Blair, John Dahle, J. L. Payne, Aaron F. Farr, jr., Thomas L. Obrey, Joseph H. Olsen, James C. Orr, Frank K. Nebecker, Alma Olsen, D. A. Reavill, James Loft-house, Don C. Musser, Thomas Leishman, Fred Turner, Jos. Quinney, Will G. Farrell, M. A. Hendricks, S. M. Molen, H. G. Hayball, W. G. Reese, Chas. W. Maughan, B. G. Thatcher, Jos. Wilson, William Edwards, Samuel Clarke, F. G. Robinson, John Robinson, A. D. Smith, G. M. Thompson, John Bench, John M. Wilson.

[Telegram.]

FAIRVIEW, UTAH, 15th.

O. W. POWERS:

Resolved, We, Democrats of Fairview, heartily indorse the action of our worthy chairman and pledge our continuous support to our esteemed friends, Thatcher and Roberts, in their stands for untrammelled political freedom. Our motto: "On to victory."

H. DE FRIES,
F. CHRISTENSEN,
GUY WILSON,
A. TUCKER,
JOSEPH SEELY,
Committee.

[Telegram.]

MANTI, UTAH, 14th.

Hon. O. W. POWERS,

Democratic Headquarters:

Further declarations of noninterference from the church is useless; they are in the field against us; give no quarters, but fight it out for liberty and democracy and all good Democrats will stand by you.

Joseph Judd, Wm. K. Reid, Julius Christensen, Wm. Richens, Alex. Tennant, Earnest Hardy, Ward Stevensesen, Doctor Storey, Hugh Sloan, Geo. Billings, jr., Walter Stringam, jr., Steven Vorhees.

[Telegram.]

MOUNT PLEASANT, UTAH, 14th.

O. W. POWERS:

We, the Democrats of Mount Pleasant, heartily indorse your action and will uphold you in demanding noninterference of church in political matters.

W. W. Woodring, chairman; A. B. Williams, secretary; J. B. Porter, treasurer; Soren Christensen, chairman campaign committee; C. M. West, C. C. E. Petersen, A. J. Syndergaard, W. A. Averett, L. P. Neilsen, James Wilson, M. G. Rolph, H. A. Tait, Henry Erickson, A. J. Peterson, D. H. Latham, T. E. McGraw.

Mr. POWERS. On the same day, if I recollect aright, of the meeting of the State committee, October 14, there was a convention held by the Democrats of Logan City, in Cache County, for the purpose of nominating a municipal ticket, and the following resolution was unanimously adopted:

"Whereas, we have been creditably informed that certain Republicans now make the claim that it is a doctrine of the local dominant church that its officers are religiously bound to get the consent of ecclesiastical superiors before engaging in political affairs of the State and Nation to which they owe patriotic allegiance as citizens: Be it therefore

Resolved, That we especially deprecate the latest exhibition of local Republican inconsistency, by which it is alleged that the Democratic nominee for mayor of this city (Newell K. Kimball, councilor to the bishop of the Second Ward) must go to the Republican nominee for the same office (Orson Smith, president of the Cache Stake) and get his consent before accepting the nomination on our ticket; and we ridicule the claim that Republican nominees have some sort of religious right to make or to control nominations on Democratic tickets. We hold, on the contrary, that the electors of this Commonwealth are, and of right ought to be, free and independent in the exercise of their political rights, and that the pretension recently set forth by our local opponents, under guise of church discipline, to the effect that American citizens must go to them for permission to engage in political movements, is an attempt on the part of local ecclesiastical officials already nominated on Republican tickets to dictate who shall and who shall not be nominated as their opponents. We ask the people to ponder well on the enormity of this claim, and to rebuke its arrogance at the polls."

The State committee met at 2 o'clock in the afternoon of October 14, and every county in the State but three, as I recall it, was represented. There were 27 counties, I believe, in the State. Its membership, as I have already stated, was largely Mormon. From 2 o'clock in the afternoon until 7 o'clock in the evening, together with prominent members of the party who had been invited, the situation was discussed. By some it was earnestly contended that under the circumstances Utah was not ready for statehood and it was the duty of the Democratic party to hold a convention to take its ticket from the field and to oppose statehood—work against the adoption of the constitution. Others contended that it would be better for the Territory and for the

people to make a straight issue and fight it out at the polls, leaving the ticket in the field.

Until 7 o'clock in the evening this matter was discussed. The proceedings were taken down in shorthand by Miss Lawler, whom I understand is now clerk to Senator Platt's committee. She was present. She was then my secretary at the Democratic State headquarters. The discussion was carried on by some of the very best men in our party, Mormons and gentiles. I remember that one Mormon, Mr. Robinson, of Tooele County, a good member of the church, declared that in view of what had been done he was satisfied that we were not ready to go into the Union as a State.

The result of that meeting was the issuance of a call, and I was directed, in an informal way, to so word that call that it would appear not to strike too harshly at the heads of the church, but in a diplomatic way to infer that this church interference was unauthorized by the first presidency, and use was being made of it in a political way by Republicans. The call was to reconvene the same convention that had nominated these men on the 5th day of September—at Ogden—of that year. For that reason it has always been called the reconvened convention. It was composed of the same delegates and presided over by the same officers who took part in the convention at Ogden that nominated Mr. Roberts and Mr. Thatcher. The call reconvening the convention read as follows:

“Since the nomination of the Democratic State ticket, through no fault of the Democratic party, there has arisen a crisis in the political affairs of this Territory. It has been caused by the efforts of designing and unscrupulous Republicans, who have used and distorted the ill-advised statements of high church officials in order to secure their own designing ends. Efforts are being made to cause the people who have been taught to reverence authority to believe that the dominant church of Utah desires the defeat of the Democratic ticket. This condition of things needs the most serious consideration of every thinking man and woman. It presents before the people a question before which all others are dwarfed. It relates to the rights of persons and to the personal and political freedom of every individual. The Democratic party, which has ever been the party of the fullest freedom to the citizen, proposes to meet this issue and to fight it out, that it may be settled for all time, that peace may come to the people of Utah, that the adoption of the constitution that is presented for the consideration of the people may not be defeated.

“It has no quarrel with any church. It admits the right of every society to govern and control its members in its own affairs, so long as the rights of the State or the rights of other individuals are not encroached upon. Its grievance has been caused by those who are ready and willing to drag the cross of Christ in the mud and dust and filth of politics to advance selfish ends. It matters not whether this was occasioned by innocent motives or innocent action. The condition is here and an issue has been raised. There should be no injustice done to any man. There should be no interference with the rights of any church or of any individual; but for the good of Utah, as well as the good of Democracy, the question should be met in a manly way, and in a manner that the people will know that Democracy has spoken and will act accordingly.

“Therefore, in view of conditions existing, in order that there may

be issued a declaration of political independence, and for the purpose of declaring that no man or set of men shall hereafter use the power or the name of any church or ecclesiastical authority to control the votes or the political sentiment of any citizen, the Democratic State committee, duly assembled at Salt Lake City, on Monday, the 14th day of October, 1895, by unanimous vote, hereby directs the reassembling of the delegates that composed the convention that met at Ogden on the 5th day of September, 1895, at Salt Lake City, on Tuesday, the 22d day of October, 1895, at the hour of 10 o'clock a. m.

"All delegates to the late convention are earnestly requested that, laying aside all business and excuses, they attend this convention for the good of Utah and all the people, and thus aid in settling once and for all one of the questions that has so long harassed all classes in this Territory.

"The convention will also be empowered to take such other action than that stated in this call as the exigencies of the occasion may require."

Thereupon the reconvened convention was held, and I doubt if a more remarkable convention was ever held in any State of the Union.

The CHAIRMAN. Will you state the date of the reconvening?

Mr. POWERS. On the 22d day of October, 1895. It was held in the Salt Lake Theater. Not only did the delegates reassemble, but they were accompanied by many of the people. They came with bands and with banners, with determination and enthusiasm. The convention was called to order at 10 o'clock in the morning, and a committee, consisting, as I recall it, of representation from each county in the State, was appointed to determine what action should be taken and to prepare a declaration. That committee was in session all day, and the matter that it discussed was whether it should retain its ticket in the field, or whether it should take down its ticket and fight statehood.

During the time that the committee was in session speeches were made by leading Mormons as well as gentiles, declaring that there must be no more church interference with the political affairs of Utah. There was a speech made by Brigham H. Roberts. He made a very strong and forcible speech upon that subject. There was a speech made by Judge William H. King to the same effect. Judge King was afterwards a Representative in Congress. There was a letter written by Moses Thatcher read there which clearly defined his position and set forth the necessity for the absolute divorcement of church and state, and at the same time submitting to the convention the question as to whether he should remain upon the ticket, as he was ready to resign if it was thought best by the convention that we should take down our ticket, and, as a protest to such work, fight statehood.

The committee finally determined, in view of the enthusiasm and the determination exhibited, that it would keep its ticket in the field, and it reported the declaration of the reconvened convention, to which reference has been frequently made.

Mr. TAYLER. Will you read the conclusion of that declaration containing the nine points of faith, so-called?

Mr. POWERS. I will do so.

Senator BAILEY. Put it all in the record.

Mr. TAYLER. Yes; it will all go in the record.

Senator DUBOIS. Judge Powers, before you do that, I did not quite understand this point: Was there any specific declaration of the church which caused this reconvened convention?

Mr. POWERS. It was the action, whatever it was, taken at that priesthood meeting that conveyed to the people the thought that Thatcher and Roberts were in disfavor with the first presidency, and that it was the will and wish of the first presidency that they should be defeated.

I will hand the reporter a copy of the declaration, which he can copy into his notes, and I will, at the request of Mr. Tayler, read those nine points of faith. The conclusion of the declaration was as follows:

“DECLARATION OF TRUTHS.

“We declare the truth to be:

“I. That man may worship his Maker as his conscience dictates.

“II. That no State nor political body has the right to interfere with this great privilege.

“III. That man's first allegiance, politically, is to his country.

“IV. That no church, ecclesiastical body, nor spiritual adviser should encroach upon the political rights of the individual.

“V. That in a free country no man nor body of men can, with safety to the State, use the name or the power of any religious sect or society to influence or control the elective franchise.

“VI. That a trust is imposed upon each citizen in a free country to act politically upon his own judgment and absolutely free from control or dictation, ecclesiastical or otherwise.

“VII. That no political party can be required to obtain the consent of any church or the leader thereof before selecting its candidate for public office.

“VIII. That no citizen, by reason of his association with any church, can be absolved from his duty to the State, either in times of war or of peace without the consent of the State.

“IX. That all men should be, and of right are, free to think, free to act, free to speak, and free to vote, without fear, molestation, intimidation, or undue influence.”

The newspaper article referred to is as follows:

[From the Salt Lake Herald, Wednesday, October 22, 1895.]

THE MIGHTY VOICE OF DEMOCRACY—IN THUNDER TONES IT HAS DEMANDED THE COMPLETE SEPARATION OF CHURCH AND STATE—IN A VAST CONVENTION—NEVER HAS THE CITY WITNESSED SUCH A MOMENTOUS GATHERING—THATCHER IN LINE—A LETTER MAKING PLAIN THE ISSUE NOW BEFORE THE PEOPLE—A MASTERLY ADDRESS—IT SHOWS HOW A CHAIN OF EVENTS HAVE BROUGHT THE CRISIS—CONFIDENCE IN THE PEOPLE—THE DEMOCRATIC PARTY WILL BE CONTENT TO REST ITS CASE WITH THEM.

Resolutions to take down the ticket and defeat statehood overwhelmingly defeated—Great attendance of delegates from all counties—Enthusiasm intense and satisfaction general—Speeches from Powers, Judd, King, Mrs. Jakeman, Roberts, Rawlins, Sloan, Mrs. Ferguson, Harris, and other prominent Democrats—Over \$1,500 raised by subscription in fifteen minutes—An impromptu torchlight parade that amazed the onlookers—Music in profusion.

Address to the people.

The Democratic convention of the Territory of Utah that assembled at Ogden city on the 5th day of September, 1895, having reassembled in extraordinary session at Salt Lake City this 22d day of October,

1895, in response to the call of the Democratic State committee, issues this address and declaration to the people:

The Democrats of Utah, recognizing that conditions have recently arisen imperatively demanding that the great Democratic party shall speak in no uncertain tones and forever declare the policy that should be taken by the State and by all followers of religious creeds in political affairs, deems it proper to review dispassionately the series of events that have caused the reconvening of this convention and the issuance of this declaration.

The first settlers of Utah came here with sorrow in their hearts. They followed their trusted leaders through travail and distress. They came here through a wilderness filled with savages that they might in these valleys obtain the liberty which they felt was unjustly refused to them in the States. They left homes and property. They had been harassed by mobs and had suffered from murder. As to whether they were at fault, or were the victims of persecution, history, when impartially written, will truthfully declare.

Naturally they looked up to those who led them to their new home with trust and confidence. As a result there appeared to be practical union of church and state. In most instances the political offices were filled by the ecclesiastical officers of the Mormon Church. At first there were no political parties in Utah. The people were thousands of miles from civilization, and even had they so desired, there was no opportunity for them to consider, to discuss, and to align themselves upon the one side or the other of the great questions that divided the people east of the Rocky Mountains. With increased immigration there came those who disagreed with the Mormon people upon religion, and the conditions then changed to the extent that there was organized what was known as the "People's Party," or the "Church Party," and the "Liberal Party," or the "Anti-Church Party."

THE HARRASSING CONTENTION.

Then began the long and harrassing contention between men of different religious views. As might have been expected, the contest was waged with great bitterness, resulting in sorrow, antagonism, and much distress to both sides, and which at times culminated in bloodshed.

With increased facilities for communication with the outer world new questions gradually forced themselves to the front. The people became more harmonious, and the time finally arrived when it was thought that the old issues should be dropped, and that the bitterness of the past should be buried, never again to be revived. The local parties disbanded and a new alignment of the people was made along the lines of policy advocated by the Republican and the Democratic parties. The Mormon Church in a most authoritative manner issued its manifesto abandoning one of the dearest tenets of the Mormon faith, and it thereby acknowledged the supremacy of the National Government in all affairs pertaining to the political welfare of the people.

Referring to this manifesto on the 19th day of December, 1891, the first presidency and the apostles of the Mormon Church directed to the President of the United States a petition for amnesty, saying that:

PLEDGE OF THE PRESIDENCY.

"In September, 1890, the present head of the church in anguish and prayer, cried to God for help for his flock and received the per-

mission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.

“At the great semiannual conference which was held a few days later this was submitted to the people, numbering many thousands and representing every community of the people in Utah, and was by them in the most solemn manner accepted as the future rule of their lives.

“They have since been faithful to the covenant made that day.

“At the late October conference, after a year had passed by, the matter was once more submitted to the thousands of people gathered together and they again in the most potential manner ratified the solemn covenant.”

The action of the church with regard to politics was stated in a public manner by the members of the first presidency.

An interview was framed for a newspaper. Certain questions were asked and the answers written out by President Woodruff. Among other things, speaking for the Mormon church, he said that the Mormon church claims no right to dictate to its members in political matters. He also said: “Personally we have felt that the time would come when the two great parties would be organized in this Territory, and we have felt that if an attempt of this kind should be made each would have the fullest opportunity to lay its principles before the people, so that they might have a clear understanding of the issues and be able to decide in the light of facts presented to them to which party they would belong.”

Q. Does the church claim the right to dictate to its members in political matters?—A. The church does not claim any such right.

Q. 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?—A. That is what we wish to convey and have you understand. As officers of the church we disclaim the right to control the political action of the members of our body.

THE CONFERENCE RESOLUTION.

At the general conference of the Mormon Church held at Salt Lake City, in October, 1891, the following resolution was adopted:

“Whereas the Utah Commission, with one exception, in their report to the Secretary of the Interior for 1891, have made many untruthful statements concerning the Church of Jesus Christ of Latter-Day Saints and the attitude of its members in relation to political affairs; and

“Whereas said report is an official document and is likely to prejudice the people of the nation against our church and its members, and it is therefore unwise to allow its erroneous statements to pass unnoticed: Now, therefore,

“*Be it resolved by the Church of Jesus Christ of Latter-Day Saints, in general conference assembled,* That we deny most emphatically the assertion of the Commission that the church dominates its members in political matters and that the church and state are united. Whatever appearance there may have been in past times of a union of church and state, because men holding ecclesiastical authority were elected to civil office by popular vote, there is now no foundation or excuse for the statement that church and state are united in political matters; that no coercion or influence whatever of an ecclesiastical nature has

been exercised over us by our church leaders in reference to which political party we shall join, and that we have been and are perfectly free to unite with any or no political party, as we may individually elect; that the People's Party had been entirely dissolved, and that our fealty henceforth will be to such political party as seems best suited to the purposes of republican government."

NO USE OF SPIRITUAL VIEWS.

Thus the people of Utah and of the United States were given to understand that there would be no interference by ecclesiastical authority with any political organization, and that the spiritual views of no man would be used to induce him to adhere to, espouse, or disagree with any political party.

This position of the church has never been receded from. As an organization it stands to-day where it did upon the occasion of the division upon party lines, pledged not only to refrain itself, but to prevent so far as it can the interference with the political rights of the humblest individual by those in ecclesiastical positions.

The utterances of the leaders of the Mormon Church and the action taken by the church at its conference were accepted by all the people of the Union as having been made in entire good faith. Amnesty was granted. The enforcement of the laws was relaxed and the way was paved for the admission of Utah into the Union.

DEMOCRATIC RESOLUTION.

On the 20th day of June, 1891, the Democratic Territorial central committee that had been appointed by the Democratic Territorial convention of 1888—composed of 20 members, all non-Mormons—met, and after a discussion adopted by a vote of 14 to 5 the following resolution:

"*Resolved*—First. That it is the sense of this committee that the Democratic party of Utah accept the act of the dissolution of the People's Party in all sincerity and good faith and will give to its former members who may unite with it a cordial welcome.

"Second. That it rejoices in the belief that we are now entering upon an era of good will, wherein the animosities engendered by past local contentions will be healed, and that the people of the Territory, while contending for the supremacy of the national party of their choice, will unitedly work in peace without bitterness or strife for the prosperity and happiness of the Territory."

THE HOME-RULE MEMORIAL.

In January, 1892, the legislative assembly of the Territory of Utah, composed of Mormons and gentiles, addressed a memorial to the Congress of the United States containing these words: "In the midst of wonderful material progress her (Utah's) people have recently turned their attention to the study of questions of government and legitimate politics and are espousing the cause of one or the other of the national parties.

"These new conditions have come naturally, honestly, and for the future are absolutely secure. A patriotic people are pledged to their preservation. Retrogression; involving as it would dishonor and dire misfortune, is impossible.

“Utah, in the feelings of her people, has been lifted from her humiliation and disgrace. To-day she is imbued with the hope and determination to be free—free in the full sense of American constitutional freedom; which means something more than liberty permitted; which consists in civil and political rights absolutely guaranteed, assured, and guarded in one’s liberties as a man and a citizen—his right to vote, his right to hold office, his equality with all others who are his fellow-citizens, all these guarded and protected, and not held at the mercy and discretion of one man, or popular majority, or distant body unadvised as to local needs or interests.”

At the national convention of the Democratic party, held at Chicago in 1892, a memorial was presented by the Democrats of Utah, signed by Hon. C. C. Richards, chairman of the Democratic Territorial committee, and Elias Smith, secretary, in which, among other things, it was stated: “That the sole objections, to wit, polygamy and church dictation in politics, against the Mormon people on political grounds have been entirely removed, and it is most unwise and impolitic to deny them the common rights and privileges of citizenship, or to place a barrier in their way when they are evidently determined to turn their backs on the past and for the future labor in harmony with the nation for the general welfare, in strict submission to the laws, and each taking an independent course in reference to party.”

CONFIDENCE ANNOUNCED.

The convention which nominated Hon. J. L. Rawlins for Congress in 1892, among other things, declared in its platform as follows:

“We announce our complete confidence in the sincerity of the Mormon people in their abandonment of polygamy, in submission to the laws of the land, and their division on party lines, and our full faith in the pledges of their church leaders that the freedom of the members in political affairs shall not be interfered with by them in any particular. We view the attempts of individuals to make it appear that the Mormon presidency secretly desire and work for the success of any party as a slander upon the church officials and a disgrace to those engaged in such despicable trickery.”

The platform further declared that Utah was prepared in every way for the honors and responsibility of a sovereign State, and it pledged itself to work unceasingly until Utah should be admitted into the Union.

Upon that platform Mr. Rawlins was elected by the people of Utah, and this result was accepted by the Democracy of the nation as satisfactory evidence that the representations that had been made were in fact true, and that this people were indeed free.

RAWLINS’S PLEDGE FOR THE PEOPLE.

Following the election of Mr. Rawlins, an effort was made by the Democratic party to secure the admission into the Union of Utah, and it was met by suggestions and declarations that the Mormon people were not sincere, and thereupon Mr. Rawlins, firmly believing in the truth of that which he uttered in a speech upon the statehood bill, wherein he urged the admission of Utah, used these words:

“But the people of Utah—I think I can speak for them on this ques-

tion—mean, I believe, what they say. They are engaged in no scheme of fraud or treachery by which to deceive the nation. Having made this pledge, and in this pledge asked this action by the American Congress, I think I can say for them that they will stand by it, though the heavens fall.”

The Democratic party has sacredly kept every pledge that it made to the people of Utah. It has shown its absolute confidence in the people.

But, notwithstanding the solemn declarations and pledges enumerated, and many others to which reference could be made, they had scarcely been given to the people before certain men who are looked up to by those of the Mormon faith began a movement looking to the division of the people in equal numbers, as nearly as possible, as Republicans and Democrats. This course could but be regarded as unwise and dishonest. At the very inception of the division movement it tended to impeach the good faith of the Mormon people, for it placed them in the position of being insincere. Leading Democrats protested against this policy and resisted it as a matter of principle.

THE GIBBS LETTER.

Also at the very inception of the movement for the division upon national lines, in 1891, the private secretary of the first presidency of the Mormon Church, wrote to John F. Wright, a Democrat, bishop of Hyrum, in the county of Cache. The letter written by the private secretary purported to come from the office of the first presidency of the Mormon Church, and to speak from the standpoint of those whose position was such that they could speak impartially, and with a view to the interest of the people, thus conveying the impression that it came by authority of the first presidency of the church, and suggesting that the people should be divided into about an equal number of Democrats and Republicans, and that there should be another large class who would not ally themselves with either party, and urging Bishop Wright to go to work in his own ward, and see to it that it was made a Republican stronghold.

A number of leading Democrats, after this letter had been sent, went to the first presidency, read the letter sent to Bishop Wright, and presented in addition some 33 affidavits, setting forth that it had been stated that it was the wish of the first presidency of the church that voters who were not known to be Democrats should vote the Republican ticket and that the welfare of the Mormon Church depended upon this action upon their part.

THE REPUDIATION.

On the 17th day of March, 1892, Wilford Woodruff and Joseph F. Smith published the following card, with reference to the action of their secretary:

As rumors have been circulated and published accusing the first presidency of the Church of Jesus Christ of Latter-Day Saints with interference in political affairs, so as to control elections and to direct members of the church as to which political party they should support, we hereby declare these rumors to be false and without foundation in fact. We emphatically deny that we or either of us authorized

Mr. George F. Gibbs or any other person or persons to use our names, so as to influence citizens to vote the Republican ticket at Logan or elsewhere. If our names have been used in any such way it has been entirely without permission from us, and we hereby condemn it as wrong and reprehensible. If we have any desire it is that our people in this Territory shall study well the principles of both the great national parties, and then choose which they will join, freely, voluntarily, and honestly, from personal conviction, and then stand by it in all honor and sincerity. Each party shall have the same rights, privileges, and opportunities as the other.

If any man claims that it is the wish of the first presidency that a Democrat shall vote the Republican ticket or a Republican the Democratic ticket, let all people know he is endeavoring to deceive the public and has no authority of that kind from us. We have no disposition to direct 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 affairs. But they should not indulge in ill feeling or personalities. President George Q. Cannon is absent, but we are sure that if he were here he would sign the declaration with us.

WILFORD WOODRUFF,

JOSEPH F. SMITH,

*Of the presidency of the Church of Jesus Christ
of Latter-Day Saints.*

EQUAL DIVISION MOVEMENT.

Despite this authoritative declaration men prominent in the councils of the Mormon Church without restraint or repudiation went through this Territory advising the people in private and in priesthood meetings that the welfare of the Mormon people demanded that there should be more Republicans, and that the people should be about equally divided.

When the Gibbs letter was presented to the first presidency, Wilford Woodruff declared that he had never heard of the letter before, and that he disapproved it. Joseph F. Smith also claimed that he was innocent in regard to it, but in answer to questions propounded to him refused to disapprove this action of the secretary.

In October, 1892, there was forwarded to the bishops of the Mormon Church a circular, containing letters from Joseph F. Smith, one of the first presidency, and Thomas J. Stevens, bishop of the Fifth Ward of Ogden, the residence of Frank J. Cannon, the Republican candidate for Congress that year. The letter of Joseph F. Smith was as follows:

JOSEPH F. SMITH'S LETTER.

SALT LAKE CITY, UTAH,

October 26, 1892.

Bishop ———: On learning that certain influential persons have, in public and private, attacked the moral character of Brother Frank J. Cannon, the Republican candidate for Delegate to Congress, for the purpose of defeating his election, I took occasion to communicate with Bishop Stevens, of Ogden, in regard to the matter. He sent me the following reply, which I send you for your information, with the request that you, in the interest of fairness, give it proper publicity,

leaving the people to judge as to the worthiness of Brother Cannon to be Utah's Representative in the Congress of the United States.

JOSEPH F. SMITH.

It is known of all men that Joseph F. Smith is a member of the Republican party, devoted to advancing its interests in season and out of season.

STEVENS'S RECOMMENDATION.

The letter of Bishop Stevens referred to by President Smith is as follows:

President JOSEPH F. SMITH.

DEAR BROTHER: In answer to questions regarding the standing of Frank J. Cannon, will say that some years ago a charge was preferred against him, the wording of which I do not now remember; but I do remember that we had to rely largely on his own confession to substantiate said charge. His confession was all that we could ask, he making a clean breast of it concerning his transgression. The decision rendered by the bishop's court was that he confess his sins before the ward in public meeting and ask forgiveness, which he did, to the best of my recollection, the following Sunday; and a more humble, penitent spirit I never witnessed in any person than that which was with him upon that occasion. The people of the ward freely forgave him, there being not one dissenting vote.

At this time I was not his bishop, but was a councilor in the bishopric which tried his case. I have been his bishop for four years past. During this time he has manifested upon many occasions his devotion to the work of the Lord. His tithing has been settled to our satisfaction each year; his donations have been liberally paid to help the poor, erecting meetinghouse, ward school, etc. In fact he has done more than his share in these directions when financially compared with others. He has confessed to me twice since my being his bishop of his being guilty of taking too much strong drink and being intoxicated. Upon these occasions he has shown unmistakably his respect for those who preside over him in the priesthood, and volunteered the information concerning his transgressions. I know for a long time he has been working hard to overcome his appetite for strong drink, and I fully believe that he has finally succeeded. I will further say that if Brother Frank J. Cannon should apply to me for a recommend to join any ward I would give him one certifying that he is in good standing and fellowship, as I consider him to be worthy of such.

THOMAS J. STEVENS,
Bishop Fifth Ward, Ogden.

It is manifest that these letters were issued and sent to the ecclesiastical officers of the Mormon Church for but one purpose, and that purpose the advancement of the cause of the Republican party and the election of Frank J. Cannon.

The excuse can not be made that he was about to leave one ecclesiastical ward and take up his residence in another, and that therefore this recommendation was given, for he still resides in the same ward. It is manifest that the object was to apply a religious test as a qualification for an office under the United States, in violation of an express provision of the Constitution of this country.

NUGGETS OF TRUTH.

During the same campaign, the year of 1892, franked envelopes were sent out by the Republican Territorial committee containing circulars that were called "Nuggets of Truth," the envelopes likewise containing typewritten letters upon the letter head of the Republican party, reading as follows:

SALT LAKE, UTAH, ———, 1892.

DEAR SIR: The literature that I this day send you it is desired shall be placed in the hands of every man that is identified with the Republican party.

It is also desired by us, that in order to reach the home of every man in the Territory of Utah, that one copy of this work shall be placed within his reach.

I would suggest the Sunday school, or the elders' meetings, or church meetings, as the best means of attaining the desired result.

This will admit of no delay, and must be attended to promptly and at once.

CHARLES CRANE,
Chairman R. T. Committee.

It must be apparent to all men that this was a most flagrant violation of the pledges made that the church influence should not be used in our political affairs.

USED THE SUNDAY SCHOOLS.

This action of a political committee was an effort to use the Sunday schools, and the meetings of the people where they assemble for the purpose of worshipping God, to advance the cause of a political party and it has been permitted to pass unrebuked by those in authority.

The celebrated circular headed, "Nuggets of Truth," contained upon the first page the picture of the Prophet Joseph Smith, and underneath that picture a mutilated extract from remarks that he made upon one occasion with regard to politics. It contained the picture of Brigham Young, John Taylor, and Wilford Woodruff, three presidents of the church, and Joseph F. Smith, one of the members of the first presidency, and upon the last page a large picture of Frank J. Cannon, the Republican candidate for Congress. It was this document, filled with alleged extracts from speeches and public papers of the leaders of the Mormon Church, and which it was claimed sustained the Republican idea of government, that it was proposed by the chairman of the Republican committee should be circulated in the Sunday school, the elders' meetings, and the church meetings, and was thus circulated.

JOSEPH F. SMITH'S SPEECH.

On the evening of October 10, 1894, Joseph F. Smith, in a speech in the Seventeenth Ward of Salt Lake City, used this language: "If," said the speaker, "I had been the Republican party for the last thirty years I would not have granted statehood to Utah, because it was generally believed that her people were, to a man, Democratic, and under those circumstances I, as a Republican, would not have admitted Utah, however much she might have importuned me to do so.

“I can not believe that when the prospect changed, and the likelihood was that Utah would be Republican, that the Democrats would of their own volition have passed the enabling act. It is the Republican minority in Congress who are to be thanked for the boon of statehood. I do not believe that any honor is due Joe Rawlins for the gift of statehood, and I believe that by the grace of the Democratic party Utah will enter the Union a Republican State. No thinking man believes in his heart that Joseph Rawlins deserves any credit for the passage of the enabling act.”

This extract illustrates the intense partisanship of the man, and throws some light upon his subsequent conduct and utterances.

HOW IT WAS LAST YEAR.

In October, 1894, a Democratic speaker in a public meeting in the city of Provo asked certain questions of the Republican candidate for Congress, Mr. Frank J. Cannon, with reference to the plans of the Utah Company, a corporation with vast power, of which Frank J. Cannon was the manager, and in which the members of the first presidency were pecuniarily interested. No attention was paid to these questions for eleven days, when, upon the eve of the election, there appeared an answer signed by Frank J. Cannon, and a card signed by the members of the first presidency of the Mormon Church, in the *Deseret News*, the official organ of that church, together with a double-leaded editorial declaring that the issue before the people was as to whether the church leaders could thus be attacked by a man of the reputation of the speaker who had asked the questions, and saying that the people would believe the first presidency before they would believe the former, and that the people should defeat any party that contained such a man. Tens of thousands of copies of that paper were immediately printed and circulated through the Territory, and it was manifest to the most casual observer that it was all a part of a scheme to elect the Republican candidate and to defeat the Democratic candidate. One week before the election the canvass sent to the Democratic headquarters indicated a Democratic majority of 2,300. When the returns of the election were received, after this action taken by the members of the first presidency of the Mormon Church and by the church organ, the Republican candidate, Frank J. Cannon, was found to have been elected by 1,818 majority.

LYMAN IN PANGUITCH.

In the campaign of 1894, when Joseph L. Rawlins and Frank J. Cannon were candidates before the people for delegate to Congress, a prominent member of the twelve apostles, F. M. Lyman, a Republican, went through the southern counties, ostensibly on business for the church, holding meetings in various places; and in many places, notably at Panguitch, in Garfield County, advised the people that it was the wish of the first presidency of the church that Frank J. Cannon should be elected. And in divers instances while traveling in the southern counties he advised individuals in private consultation that such was the wish of the first presidency. These facts have been certified as true to the leaders of the Democratic party by men in high position in the Mormon Church, who knew whereof they spoke.

Notwithstanding the former declaration of the presidents of the Mormon Church that every member thereof was free from political church dictation, yet, in the December number of the *Juvenile Instructor*, Mr. George Q. Cannon, in an article on "The results of politics," in answer to criticisms that had been made of the political utterances of a high church official, denied the right of individual free speech by asserting that even if there be apparent cause for saying severe things and censuring members of the priesthood, no wise man will yield to the temptation to criticise for fear of grieving the spirit of the Lord.

He further said that no necessity could ever arise for men to take upon themselves in their individual capacity the right to judge the Lord's servants, and that no man can talk lightly of them without bringing himself under condemnation therefor.

THE TRUMBO TELEGRAM.

The enabling act for the admission of Utah was approved on the 16th day of July, 1894. On the 18th day of the same month Mr. Rawlins, Democratic delegate, was still in Washington. Up to that time the only report or claims in respect to the action taken in Washington had been sent out through the Associated Press by the Republican correspondent of the *Salt Lake Tribune* and Mr. Calvin Reasoner, the Republican correspondent of the *Deseret News*, and by the correspondent of the *Salt Lake Herald*. No claim of honor or credit for anything done in that Congress had been made by the Democratic delegate. In this situation on the 18th day of July, 1894, this telegram was signed and sent to Washington:

SALT LAKE CITY, UTAH, *July 18, 1894.*

Colonel TRUMBO,

The Shorcham, Washington, D. C.:

From the days of our travail in the wilderness we have hopefully looked forward to the time when our Territory should be recognized by the nation as an honored member of its family of States, and while we now accept, with hearts full of thanksgiving and praise to the God of nations for what He hath so marvelously and wonderfully wrought, we rejoice with and congratulate you on the successful termination of your labor, which has resulted in Utah's enfranchisement and political deliverance to her people; for while your hand has not been seen and others claim all the honor, those who know the facts fully appreciate your efforts and freely accord to you their heartfelt gratitude for the deep interest you have taken in the matter.

WILFORD WOODRUFF.

GEORGE Q. CANNON.

JOSEPH F. SMITH.

The effect of this telegram, whatever its intent, was, by the use that is now being made of it, to deprive the Democratic party and the Democratic delegate of any of the credit justly due them for securing the passage of the enabling act.

It is in this connection significant that just now this telegram, together with others manufactured for political purposes only, are being sent to the presidents of stakes and bishops of the Mormon Church of Utah.

FRANK CANNON'S ADMISSION.

From the circular of the bishop of the Mormon Church of the Fifth Ward of Ogden, it appears that Frank J. Cannon is in good standing in that church and is supposed to be familiar with the methods of those who control its policy.

In the Ogden Standard of September 24, 1895, a Republican paper, there appeared a stenographic report of a speech made the previous evening by Frank J. Cannon in the city of Ogden, in which he said: "There is another thing I want to say to the people of Ogden, and while it will be something of a delicate subject to introduce here, the exigency of the hour demands that I should make mention of it. Just the night before election, if any of your friends on the other side should come to you with the information that he has discovered some deep occult truth not known to you, to the effect that you should remove the name of a certain candidate on the Republican ticket and substitute the name of the Democratic candidate for the same office, and you should ask the source of his information, and he should reply that it came by grapevine telegraph; if he should whisper the name of some person to you that you highly respected, and state to you that his wish is that you should scratch the name of C. E. Allen from your ticket and substitute that of B. H. Roberts, it is your duty to inform your friend that the days of the grapevine telegraph in Utah politics have passed. * * * I say this because we hear this thing going about already. It is just the opposite to the story that was going about last year."

Last year Frank J. Cannon was the Republican candidate for Congress against Joseph L. Rawlins, the Democratic nominee, and he practically admits, what we believe to have been the fact in the case, that in that campaign the grapevine telegraph, as he terms it, was used for the purpose of electing him and encompassing the defeat of the Democratic candidate.

The suggestion that this man makes as to the course of high church officials in political affairs indicates that there is reason for this people to not only declare themselves free, but to make themselves free from ulterior and dangerous influences.

THE PRIESTHOOD MEETING.

At the October conference of the Mormon Church in 1895, Joseph F. Smith took occasion to preach upon the subject of home industry, following the line of argument that is contained in the pamphlet called "Nuggets of Truth" and which Republicans throughout the Territory assert was strong Republican doctrine. His remarks were indorsed by Republican papers upon the ground that they were in advocacy of protection and bounty. On the succeeding day the priesthood meeting was held, and in this priesthood meeting Joseph F. Smith, whose Republicanism can not be doubted, arose and by necessary implication severely criticised and condemned one of the candidates of the Democratic party for the United States Senate and the Democratic candidate for Congress from this Territory for having accepted a political nomination without first taking advice and counsel of the first presidency. He had not ceased speaking before the Republicans present were possessed with the idea that the church was in politics and desired the success of the Republican party.

His remarks were indorsed by George Q. Cannon, and from this largely attended priesthood meeting men went into many sections of the Territory and declared that it was the wish of the first presidency that the Republican ticket should be elected at the coming election.

Since that Mr. Smith and the president of the Mormon Church have declared that they do not desire to influence any man's politics, but they have yet to condemn, they have yet to criticize, any man who used the remarks made by Messrs. Smith and Cannon for the advancement of the Republican party. They have permitted their followers, without rebuke, to convey to the people of the United States, in public and in private conversation, the idea that the Mormon Church was dishonest from the time it declared itself out of politics.

THE IMPRESSION THAT EXISTS.

As a consequence of the foregoing and many similar occurrences which there is not space here to enumerate, there has sprung up in the minds of a great many of the people of Utah the belief that the presidency of the Mormon Church desire the success of the Republican party and are working to accomplish the defeat of the Democratic party in the coming November election. That such an impression is widespread very many reliable people have repeatedly affirmed. Such an impression does exist, and a result of such magnitude must have had an adequate cause.

The Democratic people of the Territory of Utah feel that they have been patient and long-suffering; that they have waited and hoped against hope that an end would be put to the use of the power of the church in our political affairs, and they have therefore called this convention that the voice of democracy may be heard, not only in Utah, but throughout the nation, declaring as it does declare now that every Democrat is a free and independent citizen; that in Utah neither priest nor layman, neither President nor Pope, shall now or hereafter be allowed to manipulate those matters which belong to the people.

STATEHOOD DUE TO DEMOCRACY.

We can truthfully declare that statehood has been rendered possible for Utah by the Democratic party. After repeated rebuffs from the Republican party, which had refused every application for the admission of Utah into the Union, a Democratic Delegate in Congress introduced an enabling act which was passed by a Democratic House, indorsed by a Democratic Senate, and promptly signed by a Democratic President. Nothing now stands in the way of the complete political liberty of Utah but the interference of church influence in political affairs. Her constitution is framed. It has but to be adopted in good faith, and the proclamation of the President who signed the enabling act will issue and she will become a free State. That constitution declares the complete divorce of church and state.

If the people of Utah intend that this shall mean in practice what is stated in principle, the Democratic party will vote for the adoption of the constitution and urge the immediate issuance thereafter of the Presidential proclamation. When men vote for that document they should understand that it must be maintained in letter and in spirit. Democrats have no desire to retard the great consummation. On the

contrary they are, as ever, the supporters as they have been the originators of the statehood movement, but demand that Utah shall be free in every sense before assuming the responsibilities of the proud position to which the Democratic party has been the means of her exaltation. We are for statehood, but that must be statehood free from the control of any ecclesiastical institution under the sun.

“Equal and exact justice to all men and special privileges to none” is the foundation principle of the Democratic party. It is now and ever has been the party of civil and religious freedom. It is the party of toleration. It has ever been the defender of the rights of individuals and the advocate of personal liberty. It believes in the people and declares that they are the source of all political power. It steadfastly maintains that there shall be no invasion of personal rights. It is a staunch upholder of the doctrine that man must be allowed to worship God where he chooses and as he chooses, without molestation and without interference, and that on the other hand he should not be directed in his course toward governmental affairs by those whom he has chosen to minister to his spiritual welfare.

DECLARATION OF TRUTHS.

We declare the truth to be:

I. That man may worship his Maker as his conscience dictates.

II. That no state nor political body has the right to interfere with this great privilege.

III. That man's first allegiance politically is to his country.

IV. That no church, ecclesiastical body, nor spiritual adviser should encroach upon the political rights of the individual.

V. That in a free country no man nor body of men can, with safety to the state, use the name or the power of any religious sect or society to influence or control the elective franchise.

VI. That a trust is imposed upon each citizen in a free country to act politically upon his own judgment and absolutely free from control or dictation, ecclesiastical or otherwise.

VII. That no political party can be required to obtain the consent of any church, or the leader thereof, before selecting its candidate for public office.

VIII. That no citizen, by reason of his association with any church, can be absolved from his duty to the state, either in times of war or of peace, without the consent of the state.

IX. That all men should be, and of right are, free to think, free to act, free to speak, and free to vote without fear, molestation, intimidation, or undue influence.

FOR POLITICAL FREEDOM.

Thus believing, whenever designing men have seized upon the cloak of religion to hide from view their nefarious designs, and while appealing to man's spiritual faith have sought to direct his political action for selfish ends, the Democratic party since its organization has denounced such a course. It has declared in the past, and it declares now, for every man's political freedom, whatever may be the governmental views of those who guide his spiritual welfare.

We therefore in the most solemn manner say that we will not be

so dictated, interfered with, or hindered in our political duties by those selected to minister to us the consolations of the gospel.

The people being sovereign in this free land, to the people we make our appeal. The church being the source of man's religion, to the church we appeal when we so desire with regard to matters affecting the conscience. We call upon the Democrats of Utah—men, women, and children—and all other people who sympathize with our efforts to secure political freedom, to assemble in every hamlet throughout the Territory on the evening of Wednesday, the 30th day of October, 1895, at their usual places of meeting, then and there to read this declaration; to listen to such remarks as may be properly made in connection therewith, and to solemnly consecrate themselves, their efforts, their property, and all that they hold dear, if need be, to this cause of human liberty.

And this cause, with the help of the One who holds the universe in the hollow of His hand, we will ever advance and maintain.

IT FULLY MET EXPECTATIONS—THE GREAT DEMOCRATIC CONVENTION WAS A TRIUMPHANT AFFAIR.

This is a Democratic year.

The foregoing enunciation of Democratic principles represents the labor of the most remarkable convention held in the Territory of Utah. It was a great convention. It was the most enthusiastic of the year. Hundreds of Democrats gathered from all parts of the Territory and declared against any interference of church with state. The great gathering was a joyful surprise to the most hopeful Democrat. It was a complete answer to the most quibbling of the Republicans who would belittle the issue.

The great Democratic party has spoken. In solemn tones it calls upon the people of Utah to vindicate themselves. It has testified its belief in this people. It has placed the issue squarely before them. They have now in their own hands the vindication of their honor. They may say whether Democracy has misplaced its trust.

It was a good convention from beginning to end. The best evidence is the renewed courage and determination which the Democrats take home with them. Men came long distances for the convention. They spent their money for it. But not one can be found who believes he was not justified. They all feel that a great crisis has been met and that the future peace was worth the present trouble.

This is still a Democratic year.

[The morning session.]

JUDGE POWERS MAKES A GREAT SPEECH IN THE OPENING.

At precisely 11 a. m. Judge Powers came upon the stage from the west wing and walked to the chairman's seat. As soon as he came in view he was recognized, and applause started in the Cache delegation. It was caught up and increased by the other delegations and spread to the galleries. Applause, whistles, stamping, and cheers came from all directions, and were renewed twice. Judge Powers had in his hand an improvised gavel in the shape of a stout short stick. Judge Powers struck the table twice and said:

“The convention will again come to order.”

C. W. Penrose was called upon for an invocation. He prayed for the preservation in this country of civil and religious liberty, in accordance with the Constitution.

The B. H. Roberts Glee Club sang for the first time the new national air, "The Land of Washington," a very beautiful thing, full of the highest patriotic sentiment. This brought forth hearty applause, and the glee club sang as an encore the beautiful "Democracy's Big Four." Whenever the names "Rawlins, Thatcher, Roberts, and John T. Caine" came in they were met with cheers and applause.

POWERS'S GREAT ADDRESS.

Judge Powers then arose and in solemn tones made his opening address, as follows:

"The call of the Democratic State committee that has been read to you this morning indicates to you the scope and purpose and the reason for your assembling again in convention. Seldom has it become necessary for any political party, after it has placed its candidates in the field, to ask that those men who named the candidates, who framed the platform for them to stand upon, should again assemble for the purpose of considering questions affecting the success of the party, as well as the weal or woe of the people. [Applause.] I doubt whether in any land, upon any occasion, that there assembled a deliberative body having a higher responsibility cast upon it than rests upon the delegates of the Ogden convention that are again in session. [Applause.]

"You have met to discuss, to consider, and to act upon a question for statesmen; you are called upon to solve a problem and to advocate a principle for which men in all times since God said 'Let there be light,' and there was light, have been willing to lay down their lives. It is a principle of personal liberty—the principle of political freedom—the principle before which all questions are dwarfed. In all ages, when the people have sought to establish their rights, those who were in power and believed they were safely intrenched have endeavored to laugh their efforts to scorn; they have ridiculed their motives; they have distorted their purposes; they have sought to belittle that which is dear—as dear to the intelligent and liberty-loving man as his life.

"In the present crisis that is now to be met by the Democratic party history has repeated itself, and upon all hands men who believe they are about to secure the fruits of unlawful interference with the rights of the people have cried down the idea of your reassembling and laughed at the thought that you had a grievance—have tried to belittle the question. History will again repeat itself when this convention shall have acted and the people shall finally have passed upon this issue that is now thrust upon them, for they who laughed will be buried beneath the avalanche of votes. [Applause.]

THE HIGHEST STATESMANSHIP.

"We are here, then, assembled upon a grave occasion, to consider a question that requires the highest statesmanship. If it were needed for me to say anything upon the subject, my words would be for you to approach that work as you would approach the act of making your will before going upon the field of battle. That which you do here to-day not only will be a part of the history of Utah and America, but

it will even inure to the weal or the woe of this people, which, God knows, have had enough of sorrow, distress, and suffering. [Applause.] If you act with moderation, yet with firmness; if you meet this issue in no spirit of passion; if you take from your minds all malice, if any there be therein, then your action will be that your children and your children's children will rise up and call you blessed for what you do this day. [Applause.] So the thought that I would suggest to you is, that you approach this question in the spirit that I have indicated, with no thought of wrong toward any man, but with the firm resolution that in the matters which are of the people and belong to the people, the people shall and will be free. [Great cheering and applause.]

“Those whose heads here are silvered with the frosts and snows of many winters have but to turn their thoughts back to the long, the dark, the terrible night that Utah has passed through; you have but to consider the distress that you have witnessed—and it has not been confined to Mormons; it has not been confined to Gentiles—all the people here have tasted of the cup of bitterness that was thrust to their lips. It had been hoped that all that which had caused the people so much sorrow and suffering had been buried never to be revived. It had been hoped by us that henceforth there would be no division here politically upon religious lines—that no man would seek to play upon the religious feelings of the people. Year after year, campaign after campaign, there have been interjected into our political affairs that which has been said would be and that which should be and that which hereafter shall be kept out. [Applause.]

THE CULMINATION MERELY.

It culminated in a recent occurrence that is a part of the history of this Territory, and true indeed were the words of those who, in a spirit of sarcasm, stated that the chairman of the State committee, recognizing that his party was defeated, therefore asked for the reassembling of this convention. I was confident of victory the day before the fateful Monday, and it was an army fleeing from the battlefield on the Tuesday following. And why? Because in every nook and corner in the Territory there were men and women who were saying that our candidates and our party were under a ban. Our own people disheartened, knowing the power and influence of those in authority, knew not what to do or where to turn; felt that without any fault on their part, a victory that was theirs by right was being in an unjust and wicked manner taken from them. So, upon carefully considering the situation, there came news in the papers, before we had taken any action, that our candidate for Congress was to be forced to resign, and there were remarks flying here and there as thick as snowflakes on a winter's day.

There were questions coming and demands being made that action should be taken. Finally, the State committee was assembled, and it considered this matter seriously and carefully for hours, and it determined that this question having been thrust upon this people at this time, it was the duty of Democracy, which is always unterrified, to meet it like men. [Applause.] And it recognized that the people being the source of all political power, it could only be properly met by the representatives of the Democratic party coming from all the different quarters of the Territory, in convention assembled, so that

when the word was spoken as to what should be done, it would be with the majesty of that great party founded by the man who wrote the Declaration of Independence. [Applause]. So we have asked you to assemble here to-day in a spirit of kindness toward all, but with the firm determination that we propose to march forward to victory. For my own part, when this news came to me, when I observed that our people were discouraged, I felt and I said that if we are to have the victory that was within our grasp taken from us by ulterior means, then we would know that this Territory was false to the pledges that it made to the nation; we would know that this people were not the honest people that they had said to the world they are. We would know that we had better far remain here under the tutelage of the National Government, and we should not enter the Union under false pretenses, but that we should take down our ticket and vote down the constitution. [Tremendous applause.]

PEOPLE ALL RIGHT.

“But no sooner did the word go forth that your committee proposed to stand firm and to plant itself upon the eternal principle of human liberty and political freedom, that it proposed to give to every church the rights that it seeks for itself, as a political party, there came words of cheer. There came words of assurance from men who I had feared would distrust my motives, I having fought them as hard as I could in days gone by, but they said to me that they were with me in this fight, and I sent back the word to them that I was with them in this fight. [Applause.] So the course of the State committee became clear; it was to march forward, though but 20 men should follow; it was to sustain the constitution of the State; it was to appeal to the people, and to call to their minds the fact that when they vote for the constitution they vote against any union of church and state, and upon such an issue as that, as God is my judge, I would prefer to march with you to an overwhelming defeat than to enjoy victory gained by such means as the Republican party are using to-day in order to defeat Democracy. [Tremendous applause.] For if we do not succeed in this campaign upon this issue, which will not down; if we do not succeed now, during our lifetime we can fight for that principle, and some day our children or our grandchildren will win, and then you will be remembered when the men who seek to enjoy the fruits of Republican efforts and machinations are cast into oblivion. [Applause.]

“I have faith in the people; you have responded to this call in such a manner that I am satisfied that there is no weakening; I am satisfied that we are to march forward to a victory that will cover Utah with glory, because she will enter the Union as a free State, the people having declared, as they will by their votes, that there is nothing theoretical, but there is here a practical division between politics and religion. [Applause.]

“Go forward into the fight; take the word of cheer to every hamlet in this Territory. Carry back to every man, woman, and child the thought that I now give you, that ‘this is a Democratic year,’ and that Democracy is going to win [applause]; that it will not only be a victory for the Democratic party, but it will inure to the benefit of every man, woman, and child and close the door forever to religious

hatred and persecution. It will bring all classes nearer and nearer together; it will give us peace, and bury the animosities of the past. All this is a matter for which men can and for which men should fight. It is a principle ever living; it will write victory upon our banner in November. [Renewed and continued applause.]

FROM MRS. BATHSHEBA SMITH.

Throughout Judge Powers's remarks he had been deeply earnest. He spoke slowly, but impressively, and was visibly holding himself well in hand. He was frequently interrupted with spontaneous and hearty applause, cheers breaking forth several times. At the conclusion he announced he would read two communications:

DEAR SIR: I am greatly obliged to you for sending me complimentary tickets to attend the great Democratic State convention to-day, but owing to circumstances I am unable to attend. I should be delighted to be present at such a gathering of Democrats in championing the cause of "equal and exact justice to all and special privileges to none." All hail, Democracy!

MRS. BATHSHEBA SMITH.

This was greeted with great applause.

MOSES THATCHER'S LETTER—HE TAKES HIS POSITION RIGHT IN LINE WITH HIS PARTY.

Judge Powers then read the following letter, which provoked great applause from the mere announcement:

LOGAN, UTAH, *October 21, 1895.*

Hon. O. W. POWERS,

*Chairman Democratic Territorial Committee,
and Members of the Reconvened Convention.*

GENTLEMEN: Owing to the unsatisfactory condition of my health, which renders it impossible for me to be with you, I adopt this means of conveying to your honorable body a statement of my position on questions arising from the very serious crisis which, without volition of the Democratic party, now confronts us; and in the proper and permanent solution of which, as I view it, is involved the honor, peace, prosperity, and liberty of Utah's inhabitants. [Applause.]

As heretofore, when treating on political issues, I have sought to be candid and straightforward in word and act and the conditions now confronting us, as well as my honor and that of the party of which I am a member, demand that I should continue along those lines, leaving nothing of a doubtful nature upon which to found an argument as to my position, either by friends or by political opponents. [Hearty applause.]

HOW HE HAS STOOD.

My connection with matters relating to the present grave crisis would appear to warrant a brief statement of my political acts since the division of the citizens of Utah on national and local political questions. At the outset I was strongly impressed with the idea that it would be better for the ecclesiastical officers of the dominant religious society in Utah, as well as in the interest and welfare of the people, for

prominent church officials, including the members of the first presidency, the twelve apostles, and the presidency of the quorum of seventies, not to involve themselves in active partisan politics, believing that their influence should be brought to bear against the acrimonious jealousies likely to arise in a contest over questions in which the masses of the people were not then well informed. In other words, that these high ecclesiastical authorities might be called upon to pour oil on the politically disturbed waters of our fair Territory; a task which I then and now believe can be successfully performed by those only who had not become partisan in their political preferences, and I believe that action in harmony with those ideas was about that time taken, but was shortly thereafter, as I remember, ignored and that as the record I think will show, not by members of the Democratic party, but by their Republican political opponents.

The following is an extract from the Salt Lake Herald of July 30, 1891, and is a synopsis of remarks made by myself at a Democratic meeting held in the Salt Lake theater on that date.

“The Democrats held a rousing meeting at the Salt Lake theater last evening.

“Hon. Moses Thatcher was there as a listener. While the meeting was being adjourned the vast audience demanded that he speak, and after hesitating till the demand grew beyond resistance, he appeared and spoke briefly.”

This is what the Herald says of it:

HOW HE STOOD IN 1891.

“Mr. Dyer stepped forward to say that the meeting was at an end, but cries for Moses Thatcher resounded from all parts of the house, and Mr. Thatcher finally stepped to the front and said: “For reasons which I think sufficient I have taken no active part in this campaign—not because I was not in sympathy with the grand old Democratic party, but because there are many people in Utah throughout the length and breadth of the land, who believe that the church dominates the State in Utah. Because of the ecclesiastical position which I occupy, I desire to say no word in this campaign, but look to these gentlemen for the educating of the people. A great hero of many battles who had shot and shell tear up the ground at his feet, who has seen the blood of those who wore the blue and the gray flow in streams, said to Lee when the latter surrendered and handed him his sword: ‘No, General, not a horse or a mule. You will need them all for your spring plowing.’ It is a glorious thing to be magnanimous. You may look on that picture and then turn and look on this. The Mormon people are sincere. [Tremendous applause.]

“We trust the gentile Democrats and Mormon Democrats alike, because they can not go back on their promises without stultification. Stultification is dishonor, and to us dishonor is worse than death. [Prolonged applause.] I am opposed to a union of church and state, and always have been. [Applause.] It can not exist under the American system of government. [Applause.] We have never been understood, but, thank God, we will be.”

The above needs no explanation and is here inserted for the purpose only of showing my political attitude at that time, and it is wholly unnecessary to review the history of politics in this Territory since

that date, every citizen of this Territory being fully posted on the matter. I therefore need waste none of the time of this reconvened convention in an argument respecting the political struggles in this Territory during the past three years; nor need I add anything on the question of church influence being directly or indirectly to the injury of one party and correspondingly to the benefit of another, because that question has been fully discussed during the period to which I allude.

FROM THE OTHER SIDE.

From the beginning, in nearly all, if not all, of my political addresses and private conversations I have uniformly sought to impress upon the minds of the people the absolute separation of church and state, holding that the civil obligations of the citizen should in no degree trammel the exercise of a man's religious obligations, nor, on the other hand, should the exercise of his religious duties interfere with his obligations to the State and nation whose citizen he was; maintaining always that there were no presidents, apostles, nor other church officials, as such, in politics, and that the freedom of the citizen in these matters was not the gift of any man or combination of men, but a bequest from the fathers who, for the benefit of themselves, their posterity, and future generations, placed their honor, their fortunes, and their lives upon the altar of human liberty.

In support of those views I submit the following extracts from a sermon delivered by myself at Logan in April, 1892, which embodies my present convictions and ideas upon the matters therein treated.

THEORY OF CHURCH AND STATE.

The writer then quoted a lengthy sermon delivered by himself, beginning "Israel sought, at a period in the world's history, a kingly government, a union of civil and religious rule. God, having forewarned them of its evil results, finally yielded, as an indulgent parent often yields to the importunities of misguided children." Then he traced the theocratic government of Zedekiah, the command that the people must submit themselves to Nebuchadnezzar and the evils which followed their refusal to separate the church and state. He spoke also of the attempt of Nebuchadnezzar to force a worship of the golden calf and the evils that came from it. He traced history down to the time of Christ, when he commanded that the people "render unto Cæsar the things that are Cæsar's and unto God the things that are God's." He took up the union of church and state effected in European countries and the action of the people who fled to America for freedom.

"Then came the struggle for nationality," he continued, "that finally found voice in the Declaration of Independence, demanding advanced human rights as outlined in the Constitution, an instrument inspired of God. Its writers, profiting by the experience of the past, made religious liberty its chief corner stone, but avoided a union of church and state. Without violation of that sacred charter of human rights, Congress can pass no law respecting the establishment of religion or preventing the free exercise thereof. To that guaranty of the Constitution we owe our existence as a church."

He declared the People's Party was the outgrowth of opposition

which united the spiritual and temporal interests of the Mormon people, leading to the charge that the Mormons believed in church and state, with a preference for the church. That was not true. Their theory of free government is that sovereignty is in the people. This is a doctrine of republican democracy and is built upon a confidence in the honesty and integrity of the masses, who voice their sentiments in the words "Vox populi, vox Dei." Theocracy would express itself in the words "Vox Dei, vox populi."

"We have no presidents or apostles candidates for political office, though such, as citizens only, might be pleased with the votes of the people. The idea that church officials, as such, desire to influence the political bias or vote of any man is certainly erroneous; and if there are those who claim otherwise after what has been authoritatively said on this matter their conduct is certainly most reprehensible." He recalled the words of President Woodruff and said he would not doubt that man for an instant. He continued to show that at the time of the delivery of the sermon he would not enter politics, believing it incompatible with his high office in the church.

The letter continued:

"I have inserted these extracts for the purpose of showing what my views were three years ago on the issues now confronting us, and I need not dwell upon what has transpired during that period, because the people are already well informed upon those issues."

UNDER A BAN.

Many Democrats, if not the majority, in Utah have been made to feel that they were, more or less, under a religious ban, and have had to endure the slurs, if not the direct insults, tauntingly and sneeringly put upon them by men who had espoused other political doctrines, and many have endured insinuations as to their religious integrity, and that which recently occurred in the priesthood meeting was a natural sequence of causes leading up to that culmination.

Personally, I have no complaint to make because of what then and there happened, in the allusions made to myself, because, as I view it, the individual peace, happiness, integrity, and reputation of one man, or a score of men, cuts but little figure in matters of great consequence to the people of Utah, like that which now confronts us, but I may be permitted to say in passing that nothing in the acts and words of myself would warrant any person in the church in the belief that I would not upon proper occasion show, as I have always done, the respect due my ecclesiastical superiors, and that without in the least degree doing a wrong or in any way affecting the honor of the political party to which I belong.

I have always believed, and now believe, that there is abundance of room in Utah as elsewhere for a citizen to do his whole duty to the State without in the least degree interfering with his obligation to the church of which he may be a member. The thought had never occurred to me that I had at any time been a priestly hireling. Upon the least intimation from those who furnish means from which myself and others have received compensation that such is their views of the matter, I I would thereafter neither take nor expect compensation for ecclesiastical work, but would gladly do all in my power, trusting the future for the rewards to which I would be entitled.

INTENSIFY THE DEMAND.

Recent occurrences intensify the demand, as expressed in our State constitution, that State and religious matters must not be united, and that while it is the duty of the State to protect the church in the enjoyment of the fullest religious freedom, the church must not attempt to dominate in civil affairs, and on this point I am with my party and do not hesitate to believe that our citizens when given the opportunity will vindicate and maintain their political honor.

Believing, as I do, that the citizens of Utah will once more, at the polls in November, vindicate their integrity and preserve their honor, as I expect to do, I shall vote for the constitution, being ready and willing, in and out of season, to do my part in maintaining the political rights, privileges, and blessings of free institutions.

And now, in conclusion, in view of what has recently occurred, should the members of the convention feel that it would be in the interest of the Democratic party in Utah to have my name withdrawn as a possible candidate for the United States Senatorship, you may regard my resignation as herein tendered, but should you still think that I should remain where your action at Ogden placed me, I shall be with you, head, heart, and hand to the end. Very respectfully, your obedient servant,

MOSES THATCHER.

A TREMENDOUS DEMONSTRATION.

There was applause all through the reading. It reached its climax, however, when Judge Powers, raising his voice, read the sentence containing the words: "The church must not attempt to dominate the state, and on this point I am with my party." At this word Judge Powers stopped a moment, and before he could proceed the Cache County delegation began to applaud and cheer. The house took it up and cheer after cheer rang through the house. At its height, Lyman R. Martineau, of Cache, who was in the pit, arose and waved his hat. The Cache delegation arose and cheered. Then J. L. Rawlins came forward on the front of the stage, waving his hat and cheering. The house responded, men and women waving hats and handkerchiefs, cheering, stamping, applauding, and raising the roof. At the end of the address there was a repetition of this scene, at the end of which a delegate from Morgan called for three cheers for Moses Thatcher, and they were given with hearty good will. Never was such a scene witnessed in a convention in Utah as that which grew out of the reading of this manly, straightforward letter.

Judge Dusenberry, of Provo, moved that the committee on credentials of the convention make the list of delegates present. Adopted.

COMMITTEE ON DECLARATION.

Charles H. Hart, of Cache, moved the appointment of a committee on declaration and order of business of one from each county. Judge Powers waited a moment and then put the motion. There was a chorus of "ayes" and the contrary was about to be put when Charles Baldwin arose in the body of the house and said he wanted to oppose the motion. He was ruled out of order on the ground that he was interrupting a vote and the motion was carried.

"This looks like gag rule," said Baldwin.

P. J. Daly moved that the motion be reconsidered, but as he had not voted, August B. Elder was compelled to come to his aid. On motion of R. W. Sloan the motion was laid on the table.

The roll was then called and the following were named as the committee:

Beaver, G. H. Fennemore; Boxelder, Nels Jenson; Cache, J. H. Paul; Carbon, John Hood; Davis, B. H. Roberts; Emery, William Howard; Garfield, not represented; Grand, not represented; Iron, Edward J. Palmer; Juab, H. J. McCune; Kane, C. W. Penrose; Millard, James A. Melville; Morgan, Joshua Williams; Rich, Aquilla Nebeker; San Juan, Jerrold R. Letcher; Salt Lake, A. T. Schroeder; Sanpete, Guy P. Wilson; Sevier, Bernard H. Greenwood; Summit, John Boyden; Tooele, E. A. Wall; Uinta, L. Johnson; Utah, S. R. Thurman; Wasatch, William Buys; Washington, Moroni Snow; Wayne, Richard W. Young; Weber, David Evans.

BALDWIN'S VIEWS.

David Evans moved that the rules be suspended and that Mr. Baldwin be given an opportunity to express his views. This was carried.

Mr. Baldwin said his reason was that the motion was premature. An emergency had arisen and the convention was recalled for the purpose of finding what the party wanted. How could a committee draft an address until it was known what was wanted. If some fireworks only were to be let off, men used to pyrotechnics should be appointed. He wanted a full discussion.

EVANS'S RESOLUTION OF INQUIRY.

David Evans, of Weber, moved the following resolution:

"Whereas it has been asserted that the language used at the recent priesthood meeting by Joseph F. Smith relative to the candidacy of Moses Thatcher and B. H. Roberts has been distorted, misquoted, and misunderstood: Now, therefore, be it

Resolved, That the chair appoint a committee of five to wait upon the presidency of the church and respectfully ask for a verbatim report of what was said relative to the candidacy of said Thatcher and Roberts at said priesthood meeting, to the end that the public may know exactly what was said on that subject on said occasion."

Mr. Meloy: I move an amendment to the resolution that the name of P. H. Lannan be substituted for the first presidency. [Laughter.]

This was ruled out.

Mr. Evans said he had always been opposed to union of church and state, but he believed there should be a full understanding of the matter. Both President Woodruff and Joseph F. Smith have said there was no political significance in the remarks. They say their language has been distorted. Should we not know precisely what was said? We will not be catering to the church.

Mr. Rawlins arose on the platform and was greeted with applause. He said it would be a part of the duty of the committee on declaration, and moved that the resolution be referred to it with power to act.

Judge Judd moved a recess until 3 p. m., and it was taken.

[Afternoon session.]

SOME RINGING SPEECHES BY LEADING DEMOCRATS.

Owing to the fact that the committee on declaration required more time than was at first presumed necessary, the afternoon session was delayed until 3.30, when Chairman Powers called the convention to order.

Joseph M. Cohen read the report of the committee on credentials, showing that 650 delegates were entitled to seats. The report recommended each delegation be permitted to cast the full vote of the county. The report was adopted.

FISHER HARRIS.

The chair stated that the committee on declaration would require about twenty minutes more, whereat loud cries went up for Harris. There was no resisting the appeal, so Fisher Harris came forward and made one of his characteristic ringing Democratic speeches.

Mr. Harris said in part there was very little for him to say, but as he sat in his chair at the morning session he heard the sound of the coming years which tramped down the aisles of time, marching on to battle for Americanism, headed by Democracy. There is no time to face an issue like the present. It has been said that he was in favor of withdrawing the ticket. He was not. He believed in fighting the battle out on the lines drawn, and was confident that Democracy would come back bearing the golden fruits of victory. Democracy was always the first in all questions of political reform, and with the confidence he had in the people of Utah he was assured of success. Republicans have prided themselves on being the patriots of the country. They have plucked the tail feathers of the eagle to make him scream from Appomattox to the present time. But where are they in this strife for American principles? Skulking as usual, while Democrats are in the van carrying the colors of freedom. Back of the song breathes the spirit of the singer, behind the canvas is the soul of the painter, behind the stars is the omnipotence of God himself, and behind Democracy is the undying principle of truth. We shall win the fight so sure as the sun rolls his accustomed course.

REID, OF SANPETE.

When Mr. Harris finished William K. Reid arose and said: "The eyes of all Utah are on Sanpete, and Sanpete is, 46 strong, all with you. So help us God, Sanpete is American and they can not sway us, for we are with the Democracy of Utah."

JUDGE JUDD SPEAKS.

Responding to a popular clamor Judge Judd came forward and said that when the conference met and was dissolved another meeting took place and in hours almost the feeling went out that the candidates of the Democratic party were anathematized and were to be defeated. That is the occasion of your assembling. The Republicans say this is a grand-stand play of O. W. Powers, but I tell you it is a grand-stand play of the people. [Cheers.] Heretofore in dealings with the Mor-

mon Church in matters political we have dealt with the question with gloved hands. But we are called here to-day in convention to deal with this matter and speak plainly. Let us be men.

Judge Judd referred to the Trumbo circular bearing the telegram from the first presidency, and said he was inclined to leave the political field; but when James Moyle had appealed to him to not desert Democracy, he vowed by the eternal he was in the fight to stay, and to fight for the principle of eternal divorce of church and state. He believed the people of Utah were greater than any priesthood. The people of America are watching this contest. The press of the country is watching Utah. It is going to announce to-morrow that Utah is American, because this people is going to prove true to itself. It is not safe to tamper with the liberties of the Anglo-Saxon blood, as history demonstrates. It is not safe to attempt to tamper with the people of Utah.

Remember that when you leave this convention the fight has just begun. It will be whispered that this man and that has offended. Stand firm and say that no man can tamper with the rights of American citizenship. I believe the people appreciate the emergency, but are capable of meeting it.

The speaker criticised the course of the Tribune. In days gone by it criticised him for attempting to "deliver Utah to the Mormon hierarchy." But to-day he stood fighting the battle of American freedom, while the Tribune is owned and controlled by the Mormon Church. Judge Judd quoted some of the recent editorials in which the Tribune discussed the topic of apostasy.

A voice: "Judge, when was the Tribune baptized?"

"I will answer your question. It was baptized when the compact was made to send Frank J. Cannon and C. C. Goodwin to the United States Senate. Don't interrogate me too closely, old man, or I will tell you a whole lot."

Judge Judd then retired.

Judge Powers announced that Judge King, of Provo, would address the convention. The eloquent judge was greeted with great applause.

KING'S ABLE ADDRESS.

Judge King said he believed that the great body of Democracy was in favor of taking such steps as would emphasize the fact that they believe in absolute religious and political freedom. He spoke not only as a Democrat, but as a Mormon. He had worked in that church for years. The hope of his heart is with the success of that church. Religion is a divine attribute to which all should pay devotion. But until the day shall come when the King of Kings shall rule, the line between church and state must be strictly drawn and men must hew to the line.

He has been a Mormon for years. If he understands the teachings and spirit of the church all men are to be free and equal, and what is Cæsar's must be rendered to Cæsar and what is God's must be rendered to God. It should not be difficult to determine where the allegiance to the church should begin and end and where the allegiance to the state should begin and end. There is a province for each. There is a line beyond which neither should go. He believes the Democratic party to-day, as in the past, will stand as the exponent of religious liberty and political freedom.

It is a peculiar thing that when the Democratic party in this Territory lifted its voice for American principles, the Republican party, which has always made its boast of being progressive and patriotic, stands like a wall against it. The Republicans should strike hands with the Democrats and say they wanted to see a fair contest and victory without any religious interposition. He would rather see the Democratic party go down in defeat again, again, and yet again, rising phoenix-like after every defeat until the victory came at last, than to have the dishonor of submitting to such interference.

The Democratic party will make the issue. It will make no war on any church. That would be contrary to the principles of the founders of the party, who wrote the Declaration of Independence. "I want to tell you that upon the morrow each Democrat must consecrate himself anew, his life and his services to the principles upon which our glorious party is united. I do not believe that the Mormon people will show any ingratitude when the time comes for favors that have been given to them. If we go forward advisedly, courageously, and cheerfully, victory will be ours, the action of the party will be vindicated, and Utah will have an amelioration of their past."

L. R. MARTINEAUX.

Judge Powers then called upon Hon. L. R. Martineaux, of Cache, who made a brief address.

The speaker said that while he was no orator, the conditions which confront us are such that every man owes a duty to his fellow-man to speak. The people of Utah, if they shall adopt the constitution at the coming election, will vote against the union of church and state. Let every man stand by the principles of Democracy and work for its interests.

There is a question at issue which involves the honor of young Utah. There are 30,000 young Mormons here who love the church as they love their lives, but they love their honor more. The speaker believed they would vindicate that honor. The church, as a church, is not fighting Democracy, but designing men within its confines are using their positions against its principles. But "this is a Democratic year" and Democracy will win. Freedom will roll in a tidal wave over Utah and carry everything ahead of it.

JUDGE M'MILLAN.

Judge McMillan, of Ogden, was asked to speak, and responded. At first he had doubted the wisdom of calling this convention. He thought the Democratic party should pay no attention to the question, but after looking over the magnificent assemblage he felt sure that the action taken would go forth to the people and that they would indorse it.

Although clouds lowered around the ship of Democracy, the light was breaking in the East. Stand by with strong hearts and willing hands, and if the vessel goes down, whether it be in political sea or ecclesiastical gulf, have the colors nailed to the mast.

JUDGE H. H. ROLAPP.

Judge Powers in a neat speech introduced Judge Rolapp, of Ogden. The speaker spoke forcibly and to the point.

He came to America to enjoy the rights of citizenship and was as firm in the faith as when he first sought liberty. He was proud of his membership in the dominant church; had vindicated its doctrines, and would be glad to do so once more. But under no circumstances would he allow any church to dictate his political opinions. He did not believe the church was attempting to dominate, but designing men were trying to manipulate matters. Come to Weber with a strong declaration of right and preach Democracy and we will respond with a majority.

DR. ELLEN D. FERGUSON.

Judge Powers then introduced his "first counselor," Dr. Ellen B. Ferguson.

The speaker believed all women were Democrats by nature, because there is a sense of justice in their being, which appeals for justice, for equal rights to all, special privileges to none. Although women are not permitted to do more than work for Democracy at present, the time is not far distant when two-thirds of them will vote the Democratic ticket.

If you will stand to your principles like men (and, mind you, the women will be behind you and hold you up) you will win a victory. Is this country to rise superior to ecclesiastical authority in politics, or is it not? I think it is. The Republican eye is blinded to the situation. The bees are in their bonnets, else they would strike hands with Democracy and fight for principle.

The speaker believed the convention met, not to elect candidates so much as to stand for religious liberty. She did not believe the church desired to fasten the shackles on anyone. The principles of the church are one thing, the men another. And while we are fighting for these principles let our tongues be not used in denouncing principles which in themselves teach nothing pernicious.

Just as Mrs. Ferguson finished several members of the committee on address were seen in the house, and a minute later Chairman J. H. Paul appeared upon the stage and announced that the committee was not yet ready to report. Therefore a recess was taken until 7 o'clock.

[Evening session.]

DEBATE ON THE ADDRESS OF THE PARTY.

The First Regiment band rendered the "Hunting song," which provoked hearty applause. When this was over the Roberts quartet sang "Just before the battle," which, of course, was rewarded by an encore. They sang "the land of Washington," a selection which demonstrated the patriotism of the audience, for never was such cheering heard in the Salt Lake theater. Talk about making the welkin ring. Why, ring isn't an adequate term—they made it fairly howl.

When the quartet finished, the committee on address presented the resolutions quoted above, adopted by unanimous vote, which were read by Judge Powers.

De Lamar, of Tooele, wanted to amend the declaration by inserting the names of those who had used church influence at Panguitch and other places in order that the people might know who the men are. The motion was seconded by Alfales Young, of Salt Lake, who wanted to know who the man was.

“F. M. Lyman,” was the reply.

Several objections were made, among them by David Evans and Delegate Seaman, of Weber.

Professor Paul said the name was in the hands of the committee, which had omitted to insert it because it was not deemed wise to use too many names and make unnecessary enemies; but if any one wanted the proof they could get it by calling on the committee.

J. B. Timmony and Robert Sloan favored the amendment.

A. D. Gash, of Utah, wanted to go on record as wanting any man who violated the most sacred principle of government to be his eternal enemy. The people of Utah and the United States demand that Mr. Lyman's name be inserted.

Judge McMillan reminded the convention it was making history. It is possible that in hewing to this line some man's toes may be cut, but the toes ought not to be there. He believed the names should be inserted as a warning. The convention was not assembled to white-wash or malign, but to do justice. He demanded the insertion be made.

The amendment prevailed by an overwhelming vote, it being practically unanimous.

Professor Paul then moved to strike out the paragraph adopted.

Judge Judd moved to table Paul's motion, which lost.

By request, Judge Powers read the paragraph.

Robert Sloan urged the adoption of the paragraph if true, but to strike out if untrue.

Delegate Thurman, of Utah, opposed striking out. He didn't believe in censuring one man and omitting another when both were guilty. Hew to the line.

Professor Paul said the committee had not the same amount of evidence in the Lyman case as in the others and he did not want any evidence that could not be fully substantiated.

Mr. Schroeder stated that the evidence came to the committee on the written statement of two reputable citizens of Panguitch, and he was willing to rest his case.

Judge Judd said the convention had apparently arrived at a point where child's play began and manhood ceased. He thought the paragraph should be retained.

It was retained by an overwhelming vote.

P. J. Daly offered the following, which was seconded by H. J. Dinniny:

“That the Democratic party retire its ticket from the field.

“That it disband and work against the admission of Utah as a State.

“That all parts of the address in conflict with this resolution be stricken out.”

Mr. Creer moved to table the resolution, which prevailed.

Mr. Daly said: “I want to know whether gag rule is to prevail here or not?”

“The Chair is not here to answer conundrums,” was the reply.

David Evans, of Ogden, said that he voted in favor of tabling the resolution, but he believed that Daly's resolution was entitled to consideration and would move its reconsideration. The convention reconsidered it, and H. J. Dinniny took the floor in advocating the passage of the Daly measure.

DINNINY'S VIEWS.

Mr. Dinniny said it was utterly inconsistent to scold a little bit and do nothing else. We have said that the leaders have not kept their words. We all know that owing to the falsehood of the leaders of the Mormon Church we were defeated last year in the last ten days before election. We were defeated because of broken declarations. Are we to declare the perfidy since 1891, and then only declare we are free. The dearest thing to the leaders to-day is statehood. Now, in light of history what in God's name can we expect when we get statehood? Under that we will have no state, but all church, and unless we defeat statehood we will be defeated this fall. There are men who so much want statehood that they will do anything for it.

John N. Pike raised a point of order, but was ruled out.

The speaker asked, Are offices so dear that you would purchase it with your liberty? Forbid it, Almighty God! If you vote for statehood, you fasten upon your neck the yoke of the Mormon Church.

James H. Moyle advanced along an aisle, and in a voice drowning all else, said:

"I demand that the speaker be called to order."

This was received with cheers and applause. Judge Powers stilled the tumult and asked for the point of order.

Mr. Moyle said that when the Mormon Church was attacked the people of Utah were attacked. He was attacked. American citizens were attacked.

Mr. Roberts was at the front of the stage immediately, saying that Dinniny was in order and had a right to speak as he wanted.

THE CHAIR SUSTAINED.

The chair so ruled, Mr. Moyle took an appeal, and the chair was sustained by an overwhelming vote.

Mr. Dinniny said he did not mean the members. He meant the masters. [Voices, "We have no masters."]

The speaker said he meant the leaders of the church. The people will bear the yoke and will deserve what will follow. [Groans from the gallery.]

Judge Powers asked the police to keep order in the galleries.

The speaker finally finished by saying that if a fight was made against statehood the party would deserve the thanks of the nation.

ROBERTS REPLIES.

When Dinniny had finished, Roberts arose to reply, amid cheers and applause. Calmly awaiting the cessation of the tumult, Utah's favorite son looked in every way capable of answering every argument.

Mr. Roberts, replying, said he was opposed to the resolution. In the address of the committee is a detailed statement of grievances endured by the Democratic party in the past. He granted they had been wonderfully patient, and admitted that victory was in sight this fall until the party came to a standstill in wondering if again church influence was to rob them of the fruits of the battle.

But, despite all the influence that was used to defeat the Democracy in 1894, let it be known there were 19,000 Democrats, good and true,

who resisted. [Wild cheering and applause.] "I ask if this is not good evidence that there is a determination to divorce the state from the church. [Prolonged applause.] I want to ask if, after such a magnificent declaration as this convention is, we are to be relegated back to Territorial conditions. Have we not shown you that we are in earnest? How are we to solve this difficulty? Take the ticket from the field? It can not be settled that way. The lines of battle are drawn. Shall it be written that the Democratic party retreated? I have always heard that the party fought the hardest in the face of difficulty. If our friends who have presented this resolution will stand by that 19,000 who voted for Democracy last fall, we will have church and state divorced. [Cheers.] The constitution which we have formed declares there shall be no union of church and state. I signed it in good faith, and I will maintain it. I hope that in justice to a wronged people you will all vote aye. If it is adopted, it becomes the supreme law of the land.

WILL APPEAL TO THE PEOPLE.

"The Democratic party asks no odds of any church, but it will appeal to the source of all power, the people. Those 19,000 men standing firm and true at the last election is an answer to the remarks of Mr. Dinniny. This question must be settled, and it should be settled now, not fifteen years hence. Now is the time to act, and let us act for the people, for Democracy." [Great cheering.]

Mr. Roberts was never more earnest in his life. He was almost white. He was affected with a cold, but he was forcing home his great sentences with every tone, with every muscle, with every word. His sentences brought forth the most enthusiastic applause, on one occasion the whole house rising and cheering him to the echo.

RAWLINS FOR COURAGE.

Mr. Rawlins advanced to the front and was greeted with a great cheer. He was opposed to despotism in any form. Ecclesiastical despotism he most disliked. More than ten years ago less than fifty young men met and put forward a ticket on the same lines. They polled but few votes. In 1891 the Democrats looked forward with hope. He had never been deceived as to what would come, but he had relied upon the people and he had gone to them with the others to make the appeal to them. The party had learned there were men willing to violate pledges, but they still went before them. He sketched the course of the party, the passage of the enabling act, his own pledge of the people's honor and honesty. He said to have stopped when Congress was about to act would have been to declare the people could not be trusted. He believed that if there was a people on the face of God's earth who would not vindicate their honor under such conditions it was time it should be known.

Under such conditions, knowing full well that men, inside and outside the church, would combine party and church if they could to ride into power, he made the declaration. He made it because he had always lived among the people and had conceived them to be an honest people. He knew they were God-fearing and had given their confidence to the leaders. But he knew they would not uphold any man

in any act of perfidy and dishonor. When that case was presented they would arise and decide it aright. [Applause.] He had not thought it right to be swayed by men who are trying to do by underhand means what they dare not do openly.

He did not think there was one Democratic candidate who was not willing to lay aside his office to help the people. The actions taken this year are but in line with what has been done in the past. Shall we now stop short? Shall we turn our voters into a disorganized mass? Shall we, representing at least half the people, thus acknowledge that, though it represents the honesty and solidity of the people, declare that we can not trust ourselves and meet the issue? We have the patriotism of the people on our side and a course which involves the whole peace of Utah. We appeal on a cause we know to be just. We did not pledge the Mormon leaders. We did pledge the people to act independent of control. We have not asked for any influence for our victory. When the question came up before the Republican leaders of the East they demanded assurance that this influence should be used to make Utah Republican.

TRUST THE PEOPLE.

He said the Democrats may not win. People may be misled. He foresaw that would come. Men who have bitterly denounced the Mormon Church in the past are willing to take advantage of the things they have denounced. We may have to meet the Republican party, which lays as a shark in the wake of an ecclesiastical ship, taking whatever crumbs may fall. Republicans will encourage interference, so we may have division of the spoils. It is not the Mormon leaders we must fight, but the Republican party taking advantage of all church influence possible.

NO RETREAT.

It is not the part of courage or wisdom to retreat. If we should remain a Territory we would be confronted with it. Outside interference might solidify the people under a Territory; under a State there will be no excuse for this. We must make our appeal to the honest judgment of every voter in Utah. While the Republican party may put forward upon the church, yet there is some honesty and love of liberty in the Republican party. Those who believe with us must come to our party as a place of refuge. Every Republican chairman has used these influences, and every man who would fight for freedom must join our ranks.

Let us put our reliance in the people. Let us appeal to them. If we fail our principles must fail. No man must sell his vote in a free country. Men must not be allowed to lose their liberty. No citizen can be absolved from the duty he owes to the state because of his association with the church. With this issue we may go to the people. The members of our party will not wait upon the pleasure of any ecclesiastical organization before acting upon any question of state in times of war or peace.

ROBERT SLOAN.

Robert Sloan said that while he did not understand that he was as good a Mormon as Frank J. Cannon, still he was a believer in its doc-

trines. But he allowed no man to dictate his politics. In this matter it would appear that this people were making progress. They are breaking away from undue influence. He favored submitting this proposition to the people. The people of Utah could be trusted in this emergency. The resolution of disbanding should be voted down in the interest of the present and of generations unborn. The boon of statehood is more than houses and lands or silver and gold.

SAMUEL KING.

Sam King, of Provo, declared that after listening to Senator Rawlins and Congressman Roberts he was loth to say anything. But last fall, when it is claimed the church was used, all gains in the Democratic ranks came from the hamlets where lived the honest Mormons who resisted that influence. He argued in favor of trusting to the honesty, patriotism, and devotion of the Mormon people. He never had any yoke on his neck and never would. Submit the constitution to the people.

MRS. ELLEN JAKEMAN.

Mrs. Jakeman said the convention was overlooking the women, who were interested in this matter. Fight the battle out now. If Democracy is beaten this fall, the women will rally to the support of the party next fall.

"I appeal to you in the name of the women of Utah, the mothers of men, to act like men in this convention."

Mrs. Jakeman's closing sentiment was applauded to the echo.

CHARLES BALDWIN.

Charles Baldwin said the logic was with the amendment. He said he had no bitterness. He had not been wronged. Statehood should be voted down. The address says that the last election was turned from victory to defeat. That means that enough votes can be changed. Make State lines and both committees will go around and see what is wanted. [Cries of No! No!] He knew enough of politicians to know they would do just such a thing.

JUDGE POWERS.

Judge Powers, addressing the convention, said that all present knew his past political record. He had fought in the Liberal party until it dissolved, when he joined the Democrats. He had faith in the Mormon people. [Applause.] They are good, hard, honest fighters, for he had met them in the open field. He was prepared to continue on and march shoulder to shoulder to victory. There are no ifs or ands about it. And the victory will not be transitory either. It will be permanent. Give the people a taste of freedom and they will never surrender it. He was with the party and the party was with him to a finish. He knew that a people who would go to the very doors of the penitentiary in support of their religious convictions could be trusted.

Hardy, of Sanpete, said he had not only gone to the doors of the penitentiary for his belief, but he had been inside. Sanpete is with

the party. Shall the party retreat before a few members of the church? He was for a fight.

DAVID EVANS.

David Evans, of Weber, made a few remarks explaining his position in moving for a reconsideration of the motion to table the Daly resolution.

Following this he called the attention of the convention to the progress made in Utah. Ten years ago it would not have been possible to have secured such a convention as this. And the way to secure further progress was to submit the question to the people.

The resolution of Daly was overwhelmingly defeated and the address adopted.

The convention, after passing a vote of confidence in Moses Thatcher, adjourned.

Mr. POWERS. Thereupon, at the request of the State committee, that declaration was read in every hamlet in the State on the night of the 30th of October, and appropriate remarks were made in connection therewith.

Prior to that time it had become well known that upon the occasion of the division upon party lines, the secretary to the first presidency of the Mormon Church had written to Bishop Wright, a bishop of Hyrum, in Cache County, which letter purported to come from the office of the first presidency, and which in substance said that it was the wish of the church authorities, in the division upon party lines, that the people should be divided between Republicans and Democrats as nearly equally as possible, and that then there should be a large class unattached to either political party. This matter was substantiated by some thirty-three affidavits which were obtained, and the committee went into protest to the first presidency. The authority was disclaimed by the first presidency. Joseph F. Smith and George Q. Cannon said they were innocent of the thing.

In the reconvened convention, upon the floor of the convention and in the declaration, it was declared that F. M. Lyman, now president of the twelve apostles and then apostle of the church, had been to various places and had made substantially the same statement. Among other places it was said he went to Panguitch, in the southern part of the State—

Mr. WORTHINGTON. This is all to be taken as part of the history—"it was said?"

Mr. POWERS. I say that was said in the reconvened convention, and it comes pretty near being a part of the history of Utah. I know it was well known to myself at the time.

This Mr. Lyman disavowed, upon which I procured the affidavit of Mr. Tolton, a merchant of Beaver city, in Beaver County, and the statement of Mr. Alma Greenwood, of Millard County. I also had the statement of Mr. John C. Delmar, of Tooele County, and of Mr. A. J. McCuiston, of the same county. The affidavit of Mr. Tolton was as follows. This affidavit I furnished to the Salt Lake Herald myself. I have searched for it since and can not find the original.

Mr. TAYLER. They were all printed, were they?

Mr. POWERS. Yes; this was printed.

Mr. TAYLER. It was a matter of public notoriety at the time?

MR. POWERS. Yes; I recognize this copy, and know it is correct, because I read it the next morning:

“TERRITORY OF UTAH, *County of Beaver, ss.*

“J. F. Tolton, of Beaver city, Beaver County, Utah, being first duly sworn, on oath says:

“That on or about the 22d day of June, A. D. 1891, he was present at a private and special priesthood meeting held in Beaver city, Utah, at which there were present Apostles F. M. Lyman and A. H. Cannon; also representatives of the stake presidencies of the following stakes, to wit: Beaver, Panguitch, Kanab, Parowan, and Millard.

“That said meeting was called and presided over by said Lyman ostensibly for the purpose of dictating in matters political. Said Lyman then and there stated that he had convened said meeting for the purpose of talking politics. He then inquired, addressing himself more particularly to M. L. Shepherd, ‘How is it that so many of you leading brethren in Beaver are Democrats?’ He then resumed by saying, ‘This is not as it should be. The authorities desire that the people should divide themselves about equally between the two great national parties,’ and said it would be proper for some to remain independent or neutral; ‘that the object in such a division is that we will then have more power in the nation and get a more honest administration from the party in power. Each party will then cater to us more or less in order to secure control of the Territory.’”

“He further stated that it was desired that brethren who had not taken an active part in discussing politics, or who had not openly declared themselves Democrats, should ally themselves with the Republican party.

“Deponent further avers that while said Lyman was thus speaking Apostle Cannon endeavored to check and restrain the speaker by saying, ‘Brother Lyman, don’t go too far,’ and then placed his hands upon said Lyman by way of restraint.

“J. F. TOLTON.

“Subscribed and sworn to before me this 29th day of October, A. D. 1895.

“[SEAL.]

R. MAESER,
“Notary Public.

“My commission expires July 21, 1896.”

The statement of Alma Greenwood, a prominent citizen of Millard County, is as follows:

OCTOBER 28, 1895.

On the day that William King, father of Judge King, was buried at Fillmore, Utah, Apostle Francis M. Lyman called at my residence, Fillmore, Millard County, Utah. After some conversation he invited me to walk with him, which I did. We walked along Main street northward for some considerable distance. During the same Apostle Lyman conversed freely upon the political outlook and the prospects of obtaining statehood for Utah. Among other things he remarked: “Your brother, Joshua Greenwood, is a stanch Democrat, and it is only right that you should be a Republican, as it would hardly be fair for both of you to be on one side of the fence;” continuing: “We will never get statehood unless we have more Republicans in Utah and in fact Zion needs it.”

ALMA GREENWOOD.

At Brigham city, after the reconvened convention (and which, as I recall, was the only time at which further remarks were made in religious meetings upon political affairs after we held our reconvened convention), George Q. Cannon, John Henry Smith, Seymour B. Young, were present at a conference. George Q. Cannon made a speech in which he discussed politics and proceeded to attack the Democratic party and the Democratic chairman.

The CHAIRMAN. What date was that?

Mr. POWERS. October 29 and 30 the conference was held.

Mr. VAN COTT. 1895?

Mr. POWERS. Yes. The speech was made on Sunday, I believe. I think it was the 29th the speech was made. The substance of his remarks was telegraphed to Salt Lake City and published, and they added fuel to the flame. He was interviewed and he denied making any such remarks. Thereafter I procured a number of affidavits from men who heard the remarks, and upon Mr. Cannon consulting with people he found that he had made the remarks, and he issued a card of apology and said the reason he had denied it was that he had suffered from a lapse of memory; that it really had all passed from his mind, and that even while writing the apology he had no recollection whatever upon the subject.

The election was held. Roberts was defeated by 897 votes. John T. Caine, the candidate for governor, was defeated by 2,300 votes. Had we succeeded in that election I am confident this investigation would never have been in progress, for it would have been revolution; but as it was, it was rebellion, and those who took part were rebels.

John C. Delmar, of Tooele County, who had named Francis M. Lyman as being one of the people who had gone abroad with the statement that the voters should be divided as nearly equally as possible between the two great parties was, as I recall it, a councilor to the president of the stake of Tooele. At any rate he was councilor to a bishop, but I think he was councilor to the president of the stake. Shortly after, or during the winter of 1896, there was prepared this manifesto. Delmar declined to sign the manifesto. He was stripped of his ecclesiastical authority. He has since moved away into Idaho.

The CHAIRMAN. What manifesto do you mean?

Mr. POWERS. The political manifesto.

Mr. VAN COTT. That is the rule, we call it, Judge.

M. POWERS. I always call it the manifesto.

Mr. VAN COTT. I simply mention that so as to keep the record straight.

Mr. TAYLER. I understand that. They call it a political manifesto, though.

Mr. POWERS. The political manifesto. I think Mr. Van Cott stated a day or so ago it was to be found on page 168 of your record. I think he so stated. I refer to that manifesto.

The CHAIRMAN. The one that Senator Bailey referred to the other day?

Mr. POWERS. Yes. McCuiston was placed in disfavor. Mr. Roberts was labored with. It has been publicly stated that for weeks he was appealed to and he was prayed with by leaders of the church. He had taken a very decided stand against the very principle that was laid down in that manifesto. I think it was stated that for nine weeks they labored with him and prayed with him and wept with him until finally—

Mr. WORTHINGTON. All this goes in, I suppose, Mr. Chairman?

The CHAIRMAN. That is a part of the history.

Mr. POWERS. I have the report here, if you want it, Mr. Worthington, of Mr. Grant's speech on that subject.

Mr. WORTHINGTON. I am speaking of the rule of evidence.

The CHAIRMAN. There is nothing wrong about it if you would only concede the nature of this declaration. It is a public declaration by the heads of the church.

Senator McCOMAS. He said he thought they prayed and wept.

Mr. POWERS. I said Apostle Grant said they prayed and wept. I did not say I think so, because I do not know anything about it.

Senator McCOMAS. That Apostle Grant said so?

Mr. POWERS. That Apostle Grant said so publicly on the 3d day of May, 1896.

Mr. WORTHINGTON. I do not understand that what Mr. Grant said is any more evidence against Mr. Smoot than what anybody else said.

The CHAIRMAN. Go on with the statement.

Mr. POWERS. Finally Mr. Roberts signed that declaration. At any rate it was read at the conference of April, 1896, and when it was read it was a surprise generally to the people of the State. Roberts's name appeared, signed to the manifesto. The name of Moses Thatcher did not appear. Moses Thatcher, in his public utterances, had opposed the principle laid down in that manifesto. He had been sustained at the polls by 18,000 people of the State, yet not one hand went up in that vast tabernacle against the rule laid down in that manifesto. It was adopted unanimously.

Thereafter it was taken to various sections of the State for adoption at the stake conferences. It was presented at Provo by Joseph F. Smith. At Logan it was presented on the 3d day of May, 1896, and the stormy character of the proceedings there attracted the attention of all the people of the State. Grant was there. Joseph F. Smith was there. Apostle John Henry Smith was there. Moses Thatcher was attacked for the course he had taken. Apostle Smith was said to have been inspired by the action that he took politically. It was declared that Moses Thatcher was not inspired.

Mr. TAYLER. Inspired by or to?

Mr. POWERS. Inspired in their actions. The manifesto was adopted with three dissenting votes originally. On the final vote I think there was only one against it, and that, I believe, was Mr. Seth Langton, of Logan. I think George W. Thatcher voted against it at one time, if I recollect aright, in that conference. However, the Democratic people still had great admiration for and confidence in Moses Thatcher. In June, 1896, the Democratic State convention was called for the purpose of electing delegates to the Democratic national convention at Chicago. Moses Thatcher was a sick man. His health had been very poor. He was unanimously elected a delegate to that convention and given power by the convention to name his own alternate, and he named a gentile, Mr. Fred K. Kiesel, a business man of Ogden, Utah. In the same convention B. H. Roberts, who had signed the manifesto, was a candidate and was defeated. In that convention the principles of the reconvened convention, the nine points of faith, were reaffirmed. I think that was the last time they were reaffirmed.

The legislature of 1896 was Republican, and it was during that legislature that we had what was termed then and now the steering com-

mittee, which represented the church in looking over the proposed legislation of the new State. The legislature elected to the United States Senate Senator Frank J. Cannon and Senator Arthur Brown.

In 1896 the State went overwhelmingly Democratic.

Mr. VAN COTT. 1896?

Mr. POWERS. 1896, owing to the silver question, in which our people were very much interested. The legislature was almost unanimously Democratic. There were 60 Democrats and 3 Republicans in the legislature.

Moses Thatcher had not then recanted. He stood upon the platform of the reconvened convention. He declared himself a candidate for the United States Senate on the 15th day, I believe, of December, 1896, in a statement in which he declared that he had been led to believe that his candidacy would be of benefit to young Utah, and his candidacy was largely placed upon opposition of this claim of the church leaders to control our political affairs. I had previously declared myself a candidate for the Senate, and I withdrew in favor of Mr. Thatcher, for the principles which he represented were such, and they could only be represented at that time in his person, that I concluded that they were of vastly more interest to the State than the ambition of any individual.

Four days after Moses Thatcher declared himself to be a candidate for the United States Senate and claimed the right to act politically as he saw fit and as his conscience dictated, he was deposed as an apostle of the Mormon Church.

However, he went on with his canvass and his fight, and he made a remarkable fight for a man in the health that he had at that time. He was the leading candidate for forty odd ballots—46 or 47. The candidates before the legislature voted for were Mr. Thatcher, Hon. Joseph L. Rawlins, and Hon. Henry P. Henderson; and Thatcher was the leading candidate. In no sense of the word was Mr. Rawlins a church candidate. I do not think that it can be said that Judge Henderson was a church candidate. It can hardly be said that in that campaign the church had any real candidate. Its whole fight was made in opposition to Moses Thatcher. It was anybody but Thatcher.

The Deseret News, the official organ of the Mormon Church, fought him bitterly. Day after day it published editorials denouncing him. Those who were supporting him, and who were members of the Mormon Church, had great pressure brought to bear upon them by their ecclesiastical superiors, and it ran on until it became apparent that Moses Thatcher, in the end, would be elected; and then some influence was brought to bear upon the supporters of Judge Henderson, and they left him in a night. Senator Rawlins was elected by 1 majority, he receiving on the last ballot 32, Moses Thatcher 29, Henry P. Henderson 1, and C. W. Bennett, Republican, 1, if I remember rightly.

Immediately after the election of Mr. Rawlins the supporters of Moses Thatcher determined to appeal to the Senate of the United States. They signed a document addressed to the Senate of the United States, reciting their grievances. That original paper I had here this morning, but I have not the paper by me now. If I should find it, I beg leave to refer to it. It was signed by Joseph Monson, of Cache County, a Mormon; by Ingwald Thoresen, of Cache County, a Mormon; by W. G. Nebeker, of Salt Lake County, a gentile; by George Whitaker, a gentile; by N. C. Sorenson, a Mormon; by D. O. Rideout, jr., a

Mormon—in all seven names were attached before it was determined to take another form of action. This paper should be right here somewhere, but I can not find it. It recites the fact that men had been intimidated and prevented from voting their choice. It recites the fact that men had been worked upon by their ecclesiastical superiors—

Mr. TAYLER. Can you not find the substance of it in that resolution that was offered?

Mr. POWERS. No; and it prayed for an investigation by the Senate of the United States. It was, however, determined by Mr. Thatcher's supporters that probably it would be better to take action first in their own legislature; and on the 10th day of February, 1897 (p. 162 of the senate journal of Utah for the year 1897), Senator D. O. Rideout presented the following resolution (senate concurrent resolution No. 10):

“Whereas it has frequently been charged in the newspapers and on the floor of this legislature that there has been interference by some church dignitaries in Utah in the recent election of a United States Senator, and that such interference affected the result of such election, and proved so effectual that in casting their votes many members of the legislature did not give expression to their own will or the will of their constituents, but rather to the will of their ecclesiastical superiors, and that such influence was in violation of sections 1, 4, and 17 of the declaration of rights in the constitution of this State; and

“Whereas said charge injuriously affected the reputation not only of the Senator-elect but of every member of this legislature, as well as the honesty and good faith of such church dignitaries, and the standing of this State among the States of the Union; and

Whereas said charges are being denied and their authors are being denounced through the State as disreputable and unworthy: Therefore,

“*Be it resolved by the Senate (the House concurring),* That a committee consisting of seven members, four members of the house and three members of the senate, be appointed to inquire and report to this legislature—

“First. Whether in the late election of the United States Senator any member of this legislature was controlled by the ecclesiastical influence to vote for or against any person for the office of United States Senator.

“Second. Whether any member of this legislature has been intimidated by ecclesiastical superiors because of the fear of the infliction of any spiritual or temporal advantage or disadvantage, punishment or reward, of any kind, for the giving or withholding of his vote for any candidate before the legislature of the State of Utah for United States Senator.

“Third. Whether anyone holding any ecclesiastical office or authority in any church has requested any member of the legislature to vote or refrain from voting for any person for such office for Senator on the ground of allegiance to any church or as a condition of future fellowship or disfellowship in any such church.

“Fourth. Whether any member of this legislature voted for or against any candidate for the office of United States Senator because of the relationship or attitude of such candidate to any church or ecclesiastical body.

“*Be it further resolved,* That said committee is hereby authorized and empowered, generally and specifically, to inquire into any and all

subjects, as in its judgment may appear pertinent to the inquiry directed; and to this end it is empowered to summon and examine witnesses under oath, to send for persons and papers, and in all ways compel a full discharge of all matters connected with the purposes for which this committee is created.

“Said committee is also authorized to employ necessary assistance in order to expedite the inquiry herein directed”——

The CHAIRMAN. That immaterial part you might omit.

Mr. POWERS. Very well. This resolution was made a special order for February 15 (p. 175 of the same volume), and on February 15 at 8 p. m. it failed to pass—ayes 5, noes 11, not voting 3.

Thereafter trial was had of Moses Thatcher, and he was deposed from——

The CHAIRMAN. What trial?

Mr. POWERS. His church trial. He was deposed from his ecclesiastical position, prevented from preaching the gospel of the Church of Jesus Christ of Latter-Day Saints, denied admission to his temple, and was compelled, in order to retain his membership in the church, to sign the recantation which has been offered here in evidence.

In 1898——

Senator DUBOIS. Judge, let me interrupt you. You said, I believe, that after a number of ballots Mr. Rawlins was elected by one vote.

Mr. POWERS. One majority, I said. That is, it required 32 votes to—well, he was elected by the exact vote, by 32.

Senator DUBOIS. Did a Republican member of the legislature furnish that required vote?

Mr. POWERS. Yes; and I think a Republican member of the legislature also voted for Mr. Thatcher. I could tell by referring to the journal, if you want me to.

Senator BAILEY. You must be mistaken about that, Judge, if your statement about the political complexion is correct. You said there were three Republicans.

Mr. POWERS. Yes.

Senator DUBOIS. And then you said that some gentleman, naming him, had two Republican votes.

Mr. POWERS. Yes. I had better refer to that and make sure.

Senator DUBOIS. There was no difference between Mr. Van Cott and myself in regard to it before, I think.

Mr. VAN COTT. I think not, Senator. I believe, though, the judge is mistaken in saying a Republican voted for Mr. Rawlings. I know that O. G. Kimball voted for Mr. Thatcher.

Mr. POWERS. Was not Representative Hanson a Republican?

Mr. VAN COTT. I think not.

Mr. POWERS. If he was not, then I am mistaken. I had classed him as a Republican. So that no Republican did vote for Mr. Rawlings?

Mr. VAN COTT. That is right. One voted for Thatcher.

Mr. POWERS. Yes; one voted for Thatcher.

In 1898 we elected a justice of the supreme court, Robert N. Baskin, Democrat. Mr. Roberts was a candidate for Congress, and he was elected by some 5,000 majority—a little over 5,000, was it not?

Mr. ROBERTS. Five thousand six hundred.

Mr. POWERS. By 5,600 majority. The legislature was largely Democratic. My recollection now is, without referring to the record, that there were 14 Republicans——

Mr. ROBERTS. Thirteen?

Mr. POWERS. Thirteen Republicans in the legislature.

Mr. ROBERTS. And 50 Democrats?

Mr. POWERS. Yes; 13 Republicans and 50 Democrats in the legislature. In that legislature I was a candidate for Senator. Judge William H. King was a candidate. Alfred W. McCune was a candidate. Undoubtedly McCune was the church candidate. Heber J. Grant took a very active part in the campaign for Mr. McCune.

The CHAIRMAN. What was that statement?

Mr. POWERS. Heber J. Grant, the apostle, took a very active part in the campaign before the legislature for Mr. McCune.

Senator McCOMAS. Therefore you infer he was the church candidate. Is that it?

Mr. POWERS. No; I go a little further than that, and draw conclusions from his letters which were published and which he did not deny.

Senator DUBOIS. Mr. McCune was a gentile, was he not?

Mr. POWERS. Yes; I so understand it. Mr. Grant is a very pleasing letter writer, and in one of his letters, which is dated December 9, 1898, to J. Golden Kimball, one of the first presidents of the seventies, speaking of the Senatorial campaign, he recites the amounts of money that Mr. McCune had contributed to the Mormon Church for temples and meeting houses and missionary funds, and things of that kind, and the moneys that his wife had given to the church, and then his letter has this significant paragraph:

“I wish to say to you that before entering the race to assist Mr. McCune to become a United States Senator I obtained the full, free, and frank consent of President Snow to work for Mr. McCune. Two years ago, at the time of the Moses Thatcher fight, President Woodruff told me that of all the men mentioned as prospective Senators he would prefer Mr. McCune.”

Among other reasons that he states why Mr. McCune should be elected is the fact that he is not a Mormon, but in sympathy with them, and could therefore do more here in the Senate for them than a Mormon could.

The letter referred to is as follows:

“SALT LAKE CITY, UTAH, *December 9, 1898.*

“MY DEAR GOLDEN: I suggest that you have a talk with Ed Snow before you talk with McQuarrie, as I am half inclined to think that he will assist you in converting McQuarrie. I have understood that Ed is more or less tinctured with the idea that Mr. McCune is trying to purchase a seat in the United States Senate, and that he resents this kind of thing. I do not blame him, and would join him heart and hand in opposing anyone for the Senate whose only qualification was the possession of money. If King had money I do not doubt that he would use his money as well as his time for his own advantage, and I would say it was all right. To allow one man to use his time to try to get into the United States Senate, and to accuse his opponent of dishonesty because he used his money for the benefit of his party, to my mind is simply ridiculous.

“Mr. McCune is one of the biggest-hearted men with whom I have ever been acquainted, and long before he ever aspired to become a United States Senator did some very generous things, among them being a donation of \$5,000 to assist in completing the temple in 1892.

“He gave \$1,700 to remodel the Nephi meetinghouse, and \$750 to the Seventeenth Ward meetinghouse. And this was done before he had an income of \$20,000 a month from the Payne mine.

“Recently he gave \$5,000 to Elder Matthias F. Cowley and myself to assist us in accomplishing a financial mission placed upon us by the presidency of the church. He gave the Era missionary fund \$500 last year and said we could have as much more if we needed it, and has promised \$500 this year. His wife gave the Young Ladies’ Journal \$500.

“President Woodruff called at the Gardo house at the time that Mr. McCune had an accident, and in speaking of the return of Apostle Lund from Jerusalem, incidentally remarked that he wished he had \$1,000 for that mission. Mr. McCune pulled out his check book and wrote out a check for the amount.

“The night his wife gave a reception for the benefit of the Improvement league, which netted something over \$125, he gave them an additional \$500 to assist them in canceling their obligations. At the solicitation of Benjamin Cluff, jr., he sent the Brigham Young Academy \$1,000.

“These are a few of the things that I know he has done, to say nothing about helping many a person in distress.

“I wish to say to you that before entering the race to assist Mr. McCune to become a United States Senator I obtained the full, free, and frank consent of President Snow to work for Mr. McCune.

“Two years ago, at the time of the Moses Thatcher fight, President Woodruff told me that of all the men mentioned as prospective Senators he would prefer Mr. McCune.

“I started to say a few words only in this letter, but I find that it is growing on me again, so I will say good-bye. With best wishes, your brother.”

Mr. POWERS. From my knowledge of that campaign I state as my opinion that if it had not been for the pernicious influence of Heber J. Grant, William H. King would have been elected to the United States Senate. As it was, there was no election, but toward the conclusion of the Senatorial fight, which was long drawn out, one hundred and fifty odd ballots being cast, on the fifty-ninth day of the session I met a member of the legislature, Mr. Heber Bennion, a friend of mine, a good Mormon, an official in the church, in the hallway of the city and county building, where the legislature was in session, and he said to me there was talk of making George Q. Cannon a candidate for Senator, and asked me what I thought of it. The idea struck me as preposterous, and I said to him that I thought it would be a good thing, that at any rate he was a man of ability; but to my surprise, at the joint session that afternoon, Cannon’s name was brought forward as a candidate, and he received on the first ballot 13 votes, I think. George Q. Cannon was a Republican. I had never understood that he belonged to the Democratic party. The legislature was Democratic, with 13 Republicans. I could not conceive that men who were elected as Democrats would go there and vote for a Republican under the circumstances.

On the fifty-ninth day of the session George Q. Cannon received 13 votes. The legislature would die under the law at 12 o’clock midnight of the sixtieth day of the session. After taking the one ballot, that being the one hundred and forty fifth ballot. George Q. Cannon

coming forward as a Senator, the joint session adjourned until the following day.

It was reported and believed at our various State headquarters that Judge King had been summoned to the first presidency, and it has been generally conceded by all connected with political affairs there, I think, that he was informed that George Q. Cannon would be a candidate, and that it was his (King's) business to get out of the way and suffer him to be elected. King returned to his headquarters, it is said, and declared that he could not do it, but subsequent results show that he was eliminated as a candidate. Judge King was a Mormon in good standing.

Senator DUBOIS. I do not quite understand. You say there were 13 members of the legislature, and George Q. Cannon received 13 votes.

Mr. POWERS. Yes.

Senator DUBOIS. Did he receive the Republican vote in the legislature?

Mr. POWERS. He received some of them, but he did not receive all of them. For instance, Representative Howells, who sits at my left, was there, a Republican. He was a senator. On that first ballot he voted for George Sutherland, lately a member of Congress. Senator Alder, Republican, voted for George Sutherland. Representative Honegran, who was a Republican, voted for George Sutherland. So that but 10 of those Republicans voted for Cannon on that first ballot, and 3 Democrats, among the Democrats being Bennion.

On the next day, the sixtieth day of the session, the balloting proceeded and it proceeded until George Q. Cannon received 23 votes. It took 32 votes to elect. Of course those votes were largely Democratic. Senator Howells afterwards, and on the sixtieth day, voted for George Q. Cannon.

There were men there who voted for Cannon who stood up and made speeches protesting against the action, apparently, that they were taking, and then would sit down, and when their names were called would answer "George Q. Cannon." Along at the night session it became evident that he would be elected. Some of the Democratic leaders procured an adjournment to be taken. The Democrats went downstairs and held a caucus. They agreed upon James H. Moyle, who had been the State chairman that year, as the caucus nominee for the Senate. Before they got together again, however, which was not more than fifteen or twenty minutes later, something occurred that caused them to abandon Moyle, for he only got 5 votes on that ballot and George Q. Cannon received 19. Thereupon the joint assembly adjourned sine die, without any election.

Mr. TAYLER. What had become of Mr. McCune?

Mr. POWERS. Mr. McCune received on that last ballot—I will turn to it and give you the last ballot, so that you may know how the final ballot stood. For Frank J. Cannon, 7; for William H. King, 4; for Mr. McCune, 20; for Senator Nebeker, 1; for Powers, 4; for Sutherland, 2; for George Q. Cannon, 19; for Moyle, 5.

Mr. VAN COTT. How many for George Q. Cannon?

Mr. POWERS. For George Q. Cannon, 19; for Frank J. Cannon, 7.

Mr. TAYLER. Was McCune a candidate for the Senate at any later time than that?

Mr. WORTHINGTON. May I ask there—can you tell me how many members of that legislature were Mormons?

Mr. POWERS. I would have to go over the list. I can not tell it right now. I can do that this evening and give it to you, I think.

Mr. TAYLER. Will you now answer the question I asked?

Mr. POWERS. What is it?

Mr. TAYLER. Whether this was the only time Mr. McCune was a candidate for the Senate?

Mr. POWERS. Yes; his name had been mentioned at the previous session, but he was not voted for; that is, there was some talk in the lobbies of Mr. McCune.

Mr. TAYLER. And was there any particular reason why he, being, as you have said you thought he was, the church candidate, should be defeated?

Mr. POWERS. I think he would have been elected on one day there. At any rate, he had D. O. Ridout, who had stood out against him, and S. W. Stewart, now one of our judges. Judge Stewart, to my certain knowledge, had been labored with very hard, but he had remained loyal to Judge King. It had been impressed upon him that it was his duty to vote for Mr. McCune. Mr. Heber J. Grant worked on him one day for three or four hours. Finally he had determined to vote for McCune. They had a meeting up at Moses Thatcher's house, and both Ridout and Stewart had determined to vote for McCune, and that would have elected him, but on that very day Mr. Law, a Republican from Cache County, stood up in the joint session and declared that Mr. McCune had paid him \$80 and had promised him \$1,500 for his vote. Of course, that necessitated an investigation, and by the time the investigation was through with neither Ridout nor Stewart wanted to vote for Mr. McCune, and I think his chance of an election was destroyed by the statement that Mr. Law made and by the subsequent investigation.

Mr. VAN COTT. What was the result of the investigation?

Mr. POWERS. The result of the investigation was a divided report, two reports. The minority reported that the charges had been proved and the majority reported they had not been proved.

Mr. TAYLER. Anyhow it was sufficient to prevent his election at that juncture.

Mr. POWERS. Yes; otherwise he would have been elected that very morning. There is no doubt about that at all, I guess.

Mr. TAYLER. You may proceed.

Mr. VAN COTT. I suggest that Judge Powers must be very weary talking so long as he has, and maybe it would be a good idea to let him stop.

Mr. TAYLER. Let him quit when he cries quit.

The CHAIRMAN. Can you conclude within a short time?

Mr. POWERS. I think I can conclude what I would state here with regard to political situation, in ten minutes, with the exception of some questions. I will try to.

The CHAIRMAN. You might conclude your statement then, if you feel like it, in ten minutes. We will adjourn about 4 o'clock.

Mr. POWERS. I think I can do it. There are one or two incidents I will call attention to, that show church interference there.

There is the case of James Charles Bowen. We held school election on the 1st day of December, 1897. Prior to the election, down in the

first municipal ward, there had been a caucus held to nominate candidates for the school board. Mr. E. B. Critchlow was nominated, and Mr. E. W. Wilson—Mr. Critchlow being a Gentile and a Republican and Mr. Wilson a Gentile and a Democrat. At the caucus there had been two Mormon candidates, one Mr. Charles W. Symons; the name of the other I do not now recall. They were defeated in the caucus, and Critchlow and Wilson were nominated. Mr. Bowen was a teacher of the Mormon Church, and had taken a part in that caucus and felt bound by it. The night before the election he was starting out to perform his duties as a teacher, with an associate teacher, and the clerk of the stake came to him and gave him some ballots containing the name of Symons, leaving the name Critchlow off, and asked him to distribute those tickets when he called upon the people in performing his church work. He declined to do so, but the teacher who was along with him took the tickets, and Bowen, as the tickets were distributed, said to the people that they had a right to vote as they saw fit.

The next day was election day and Bowen went to the polls and distributed Wilson and Critchlow tickets, and he was denounced as being an enemy of the people. He was ordered to leave the place and to stop peddling tickets, and he was threatened with arrest by members of the Mormon Church. The next night there was a bishops' meeting and Bishop Warburton, the bishop of that ward, brought up the subject-matter of this man's conduct and said he had been deceiving the people; that he had not anything to say about his peddling the Wilson and Critchlow tickets, but he had deceived the people and caused them to think that was the only ticket in the field. He asked the people present what they thought of it. One man got up and said he considered him worse than a pickpocket. Another man said he ought to be thrown out. Another man said he ought to have been arrested. At the conclusion of the meeting the bishop declared that he was unfit to be a teacher of the church and he stripped him right there of his ecclesiastical authority. This was given out by Mr. Bowen to the newspapers, and he made an affidavit, which was published in the newspapers.

Senator McCOMAS. Then your information is derived by reading the newspapers?

Mr. POWERS. And from conversation with Mr. Bowen, and from the reading of his Plea for Liberty, which I hold in my hand.

Senator McCOMAS. That is all the source of your information?

Mr. POWERS. Oh, no; from conversation with people, because this case became quite a case. Although he was a man without any particular standing in the community, those of us who believed the church should not interfere in those affairs at all became quite interested in it.

Mr. WORTHINGTON. You do not know anything about it except what you were told by other people, and what they claimed to be true?

Mr. POWERS. I know very little about the public affairs of this nation except what other people tell me. I know you are counsel in this case. I knew it before I came here, but I knew it as a matter of public history.

The CHAIRMAN. Was he deposed as a teacher?

Mr. POWERS. He was deposed as a teacher in that ward.

Senator McCOMAS. How soon after the election?

Mr. POWERS. The next night at that bishops' meeting.

The CHAIRMAN. Has he been restored since that time?

Mr. POWERS. He has not been restored. He appealed to Angus M. Cannon, bishop of the stake, for permission to go through the temple, which was refused.

Senator McCOMAS. Where is he now?

Mr. POWERS. In Salt Lake City. He is willing to appear before this committee.

Mr. VAN COTT. Did he tell you so?

Mr. POWERS. Yes, sir; he told me so. [Laughter.]

Mr. TAYLER. We do the best we can, Mr. Chairman.

The CHAIRMAN. He has not been restored?

Mr. POWERS. He has not been restored.

Mr. WORTHINGTON. I think he should be brought here.

Senator McCOMAS. Yes; I think Mr. Bowen ought to be brought here.

Senator BAILEY. Have you his affidavit here?

Mr. POWERS. I have his affidavit in my hand. [Laughter.]

Senator BAILEY. Read the affidavit.

Mr. POWERS. From page 18 of this book, which I will hand you, I want to read just one paragraph.

Senator BAILEY. You will not forget to put that affidavit in the record.

Mr. TAYLER. What is that book?

Mr. POWERS. This is "A Plea for Liberty, being an open letter to President Lorenzo Snow and Members of the Church of Jesus Christ of Latter-Day Saints. By the deposed Mormon teacher, James Charles Bowen. Price, 10 cents; 20 for \$1.00. [Laughter.]

Mr. WORTHINGTON. That is about as much as it is worth, Judge?

Mr. POWERS. I do not know. It seems to me to contain much of value. For instance, on page 18, he had appealed to President Angus M. Cannon, who was on the witness stand yesterday, and stated he met him on the porch in front of his office there in Salt Lake City, and told him how he was being treated, and that President Cannon said to him that "he thought it too bad that Critchlow, who was a bitter enemy to our church should be elected to the school board when the brethren had arranged otherwise, and you, I am told by several people, helped to elect him, you then being a teacher, and peddled tickets there, and our people got tickets from you, you saying they were the right tickets, thereby deceiving them. I have not spoken to many about it, but those who I have spoken to are reputable, and they say you was rewarded for electing Critchlow by being made janitor of the high school."

"Now, if this is true, I will not give you a recommend to the temple, but advise you to go on as you have been doing, receiving your reward until such time as you can repent and renew your covenants.

"He quoted the scriptural passage which says 'We should leave father and mother,' etc., for the gospel's sake."

Mr. VAN COTT. What page was it?

Mr. POWERS. I read from page 18 and the top of page 19.

The CHAIRMAN. Now, the affidavit to which you allude.

Mr. POWERS. That is in that book.

The CHAIRMAN. Will you read that?

Mr. POWERS. I can read that. It is very brief.

Senator BAILEY. I simply wanted it put in the record.

Mr. POWERS. Yes.

There is another recent instance, that of a man named Nicol Hood, who informs me he is willing to testify before this committee. In January, 1903, he wrote a letter to the Salt Lake Herald, criticising the election of Reed Smoot to the United States Senate, and in that letter to some extent criticising the leaders of the church, intimating that they had had something to do with it. It was not signed by Mr. Hood, but the letter was talked about considerably, and thereafter the bishop of his ward—his ward is called Sugarhouse Ward—called with his two councilors and demanded to know whether he wrote that letter. He said that he did. The bishop said, "I am sorry." He said, "Why?" "Because it is a very serious matter." He said, "How can it be a serious matter?" "Why," the bishop said, "you have criticised the authorities of the church." He said, "I have only done so as they enter upon politics. I have a right to criticise Mr. Smoot if he goes into politics." The bishop said to him that as long as he felt he was in that frame of mind he could not longer teach the theological class in the Sunday school and deposed him as a teacher of the theological class, and he has not been restored. His case was brought to the attention of the president of that stake, Mr. Frank Y. Taylor, and Mr. Taylor indorsed the action of the bishop and his two councilors. He did so in a public interview.

In 1896, in the fall of the year, just prior to the election, there were telegrams sent to some sections of the State instructing the people how to vote.

Mr. WORTHINGTON. In what year, Judge?

Mr. POWERS. In 1896. It was a year, however, when it was pretty hard to instruct people out in that section. I was shown one of those telegrams in 1896, in the hands of Mr. P. H. Lanham, then the proprietor of the Salt Lake Tribune. I think you can procure it yet. It was in cipher and was translated, and I saw the translation.

The CHAIRMAN. A telegram from whom?

Mr. POWERS. I do not know. It was signed in cipher, and I have endeavored to recall to-day the cipher by which it was signed, because if I could recall that I am confident that Brother Richards could tell me who it meant.

Mr. VAN COTT. I think that ought to go out of the record. I protest against that statement.

Mr. POWERS. I withdraw it. I did not intend it as anything, except that I thought I could identify it in that way. I did not intend any reflection upon Mr. Richards.

The last municipal election of Salt Lake City went some 3,500 Democratic. A mayor was elected by about 3,500. That city I believe to be normally Republican by about 2,000 or 2,500.

Mr. VAN COTT. Give us the majority again in the last election.

Mr. POWERS. I can only give it in round numbers; about 3,500 for mayor.

Senator DUBOIS. Who was the Republican candidate?

Mr. POWERS. The candidate was Mr. Frank Knox, the president of the National Bank of the Republic of Salt Lake City.

Senator DUBOIS. A Mormon or a Gentile?

Mr. POWERS. He was a Gentile.

Senator DUBOIS. Who was the Democratic candidate?

Mr. POWERS. The Democratic candidate was Richard P. Morris, a very liberal Mormon; a very popular man, it is true.

Mr. WORTHINGTON. There are liberal Mormons, then?

Mr. POWERS. Yes, sir; there are liberal Mormons.

Mr. TAYLER. Have you anything to say about that except the mere fact that a city that you say is Republican went Democratic?

Mr. POWERS. Why, we Democrats think we had the benefit of some church influence. It was reported, at any rate, quite generally during the campaign that the ladies of the Woman's Relief Society were aiding us in the canvass. [Laughter.]

Mr. TAYLER. This is another woman's association. Is that a Mormon association?

Mr. POWERS. Yes; that is a Mormon association.

Mr. TAYLER. That is not the Woman's Christian Temperance Union, or anything of that sort?

Mr. POWERS. No; they are antagonistic, to some extent. They of course work along the same lines in some regards.

The CHAIRMAN. Judge, do you recall any other incidents of alleged church interference?

Mr. POWERS. I do not believe I can just now.

Mr. TAYLER. Have you any other evidence that led you to the conclusion that the Mormon Church was interested in the selection and participated directly or indirectly?

Mr. POWERS. Not what you might call evidence. There are some indications.

Senator BAILEY. Mr. Chairman, supposing the committee would adjourn at 4 o'clock—I made an appointment here with a gentleman who has come quite a distance to see me. It is apparent Mr. Powers can not conclude his testimony this afternoon, and if he is through on that point I suggest the committee adjourn.

The CHAIRMAN. We usually adjourn about 4 o'clock.

Mr. WORTHINGTON. Before you adjourn, Mr. Chairman. Senator Bailey asked to have an affidavit of some kind put in the record. Do I understand that affidavits are to be received as evidence?

Senator BAILEY. Mr. Chairman, I will say that this is a committee of lawyers, and there is no very great danger of our being misled about those matters.

Mr. WORTHINGTON. I ask it seriously, because if affidavits are to be received as evidence, when our turn comes, of course—

Senator BAILEY. I said I wanted that affidavit put in, in response to the suggestion of Senator McComas, if Judge Powers knew anything of his own personal knowledge about that, and Judge Powers said he knew from the book from which he read. The affidavit is the oath of the man in question, and I want to see what he says. I prefer to have it printed in the record rather than to take the book and read it. I want it in the record.

The CHAIRMAN. It is in that book, I believe.

Mr. POWERS. It is in that book; yes.

The CHAIRMAN. Let that go in the record, then.

Senator McCOMAS. It is a printed statement, and is probably an affidavit made by somebody.

Mr. POWERS. This book was presented to me, I see, by the author. It contains his presentation.

The CHAIRMAN. And the affidavit is in that book?

Mr. POWERS. Yes, sir.

The CHAIRMAN. Is it lengthy?

Mr. POWERS. No; it is short.

The CHAIRMAN. Read it, Judge, if it is short.

Senator McCOMAS. I want to say, though, personally, that I want to reserve my right to object, generally, to a long series of affidavits here, and especially printed affidavits. The other side may be encouraged by this to do the same thing. We may agree that this is a paper in print which purports to be a copy of an affidavit, which probably was made by the person named; but, generally, I rather think it would be bad practice on the part of the committee to permit affidavits to be introduced, and as one member of the committee, while I do not want to make any comment upon this special instance, I have serious hesitation about the introduction of affidavits.

Mr. TAYLER. If the Senator will excuse me a moment, we have no thought of introducing affidavits in the ordinary sense in which that expression might be considered. This is a matter of the greatest public notoriety everywhere, and was for a long time the subject of discussion in the newspapers, editorially referred to in them.

Mr. POWERS. Yes.

Mr. TAYLER. And a matter that the whole community was, to a certain extent, aroused about, and it was just the kind of thing which the lines of this investigation ought to follow and which a witness who had knowledge of that sort of thing might testify about. For that reason we put it in.

Senator McCOMAS. To my mind a still better reason is that this is a pamphlet which is identified by Judge Powers as a pamphlet given to him by the author, the author having, at the day of election, handed around tickets containing the name of the man who was successful, a gentile, and having lost his office in the church the next day, as it now appears, without dispute.

Mr. TAYLER. Exactly.

Senator McCOMAS. This is a pamphlet which gives an account of the transaction and of the motives and conduct of officials of the church, which he himself has uttered as his statement; and which he will hereafter verify, because he is to be called as a witness.

Mr. TAYLER. Exactly.

The CHAIRMAN. Judge, read that affidavit.

Mr. POWERS. It is as follows:

STATE OF UTAH, *City and county of Salt Lake, ss:*

James Charles Bowen, being first duly sworn, on his oath says: That he is a member of the Mormon Church; that he is a resident of the First Bishop's Ward of Salt Lake City, and up to Thursday evening, December 2, 1897, a member of a teachers' quorum of said First Bishop's Ward, in good standing; that on said evening the regular monthly meeting of said teachers' quorum was held in the First Ward meetinghouse in said Salt Lake City, and that the following-named persons among others were present, they being also members of said quorum: Bishop Joseph Warburton; John T. Thorup, first councilor; Neils Rasmussen, second councilor; M. F. Eakle, Joseph Thorup, H. F. F. Thorup, Arnold Schulthess, Arnold H. Schulthess, James D. Stirling, John Siddoway, Peter Mortensen, Andrew Mortensen,

Fountain S. Johnson, Brother Kilpatrick, Barr Musser, Fred Musser, Riego Hawkis, Creighton Hawkins, John Squires, Charles Schneitter, and Henry Rebentisch.

That at said meeting, after the regular business had been disposed of, Bishop Joseph Warburton stated to the meeting in substance as follows: That he had been uptown during the day, and had visited mercantile houses and other places where such things ought not to have been talked about, and was asked concerning Brother Bowen's action on election day at the polls; that such action was the talk of the town, and that it had been asserted that Brother Bowen had been gulling and deceiving the people; that he would like to hear further concerning the matter from Brother John T. Thorup. That thereupon Brother Thorup stated to the meeting in substance as follows: That he went to the polls on election day and was told by Brother M. F. Eakle that Brother Bowen was peddling tickets for Messrs. Wilson and Britchlow, and deceiving the people thereby; that he went to Brother Bowen and asked him what he was doing—what tickets he had; that Brother Bowen answered in an indirect and evasive way that he had the correct ticket, or words to that effect; that he immediately requested some brother to drive him to the First Ward, where he notified the people residents thereof that Brother Bowen had turned traitor; that during the day he threatened to have Brother Bowen arrested for intimidating the voters; that a lady had come along and Bowen took her into a room, and that when she came out he brought her to the polls for the purpose of voting; that Orson Hewlett heard the lady say that she had not been given the right ticket by Brother Bowen.

That Brother M. F. Eakle then stated to the meeting in substance as follows: That Brother Hansen had been deceived by a ticket given to him by Brother Bowen.

That Brother Charles Schneitter stated in substance to the meeting: That he had gone to the polls with his wife; that Brother Bowen handed his wife a ticket when she had a ticket already, and that Brother Bowen ought to be arrested.

Brother Rasmussen stated in substance that Brother Bowen was like a pickpocket.

That Andrew Mortensen stated in substance that Brother Bowen ought to be thrown out of the meeting.

That Brother Frederick Scholes stated in substance that Brother Bowen was a Judas.

That Fountain S. Johnson stated in substance that Brother Bowen ought to be skinned. [Laughter.]

That Bishop Joseph Warburton thereupon stated, in substance, that they could not have a man in the teachers' quorum who would deceive the people, and he moved that Brother Bowen be dismissed as a teacher, not for peddling Wilson and Critchlow tickets, but for deceiving the people at the polls. That said motion was put and voted upon by uplifted hand and declared carried by Bishop Warburton.

That when said motion was put, Brother Bowen asked the privilege of making an explanation in reply to the charges which had been made against him by the brethren present; that such privilege was refused by Bishop Warburton, who stated, in substance, as follows: "No; it will cause a discussion, and you can not talk." That after said motion had been put and declared carried, Brother Bowen again requested the privilege of making an explanation to the meeting, which was again

denied by Bishop Warburton, who said, in substance: "You can not talk here on that subject." That thereupon Brother Bowen said: "All that you have heard to-night is not true. Brethren, I wish you good night." And thereupon left the meeting.

That said Bowen on his oath says that the charges made against him of deceiving and intimidating voters on election day are absolutely false; that I went to the polls on election day and worked for the regular nominees (Messrs. Wilson and Critchlow) of the mass convention which had been held in the First Municipal Ward, openly and above board, without intent of deceiving any person, and that I did not in any instance deceive any person by anything which I did on that day.

That I was approached on several different occasions during the day by members of my teachers' quorum, who threatened me with arrest and to throw me through a window, and stated to me that if I persisted in peddling Wilson and Critchlow tickets that I was never to enter his (one of the members of my quorum aforesaid) door again; that vile epithets were hurled at me and I was abused most shamefully.

That at said meeting the charges above mentioned were made against me without any warning whatever that such charges would be made; that no opportunity of any kind was given me to answer the same; that no proof was made to substantiate such charges, nor was I granted the privilege of defending myself in any way whatever, but was summarily, in the manner aforesaid, dismissed as a teacher in the teachers' quorum of the First Bishop's ward.

JAMES CHARLES BOWEN.

Witness: JOHN H. BEERS.

STATE OF UTAH, *County of Salt Lake, ss:*

Personally appeared before me, W. G. Young, a notary public in and for Salt Lake County, State of Utah, James Charles Bowen, who, being duly sworn, deposes and says that the subject-matter contained in the above affidavit is true to the best of his knowledge and belief.

[SEAL.]

W. G. YOUNG,
Notary Public.

The pamphlet referred to is in full as follows:

A PLEA FOR LIBERTY; BEING AN OPEN LETTER TO PRESIDENT LORENZO SNOW AND MEMBERS OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, BY THE DEPOSED MORMON TEACHER, JAMES CHARLES BOWEN.

637 SOUTH SIXTH EAST,
Salt Lake City, July 4, 1899.

President Lorenzo Snow and members of the Church of Jesus Christ of Latter-Day Saints, I, your brother, James Charles Bowen, send you this open letter.

Beloved, President Lorenzo Snow, brothers and sisters: Being denied the privilege of a recommend to the temple by the president of this stake, Brother Angus M. Cannon, or to have an investigation by the high council concerning it, having had no church trial, only had judgment passed upon me in person by him and Bishop Joseph Warburton, of the First ward, I now appeal to you in the matter, with the welfare of the church in view, and to ask you if you are aware of the treat-

ment that is being accorded to one of your brethren, as when one member of the church suffers innocently it causes the whole church to suffer, and to ask if there has been granted unto me that religious and political freedom which an American citizen, and we, as a church, believe should be granted to all.

I am a member of the church in the First Ward of this city, having lived there near fourteen years. On December 1, 1897, there was an election held in this city to elect members to the board of education. A convention was held some time previous to the election to nominate two candidates from the First Municipal Ward—one for a term of three years, the other for one year. Among the candidates were the Hon. E. W. Wilson, E. B. Critchlow, and Brother Charles W. Symons. In convention I voted for Wilson and Symons; Symons got defeated and Wilson and Critchlow got the nominations. The night before the election I and my partner were on our way to do block teaching to about six families in Cottage row (what is generally called the Rock row).

Brother James D. Stirling, our stake clerk, overtook us when we were at the north end of the row and had a bunch of tickets and circulars; the tickets were for the election which was going to occur in the morning, and had the name of Charles W. Symons on. The circulars were his also, stating the reason why he should be elected.

Brother Stirling asked me to hand them to the saints we were teaching. I told him no, I will not take them. My partner (who is also my father-in-law, Brother Robert J. Johnson), said he would take them, and he done so. He handed them to the saints after we got through teaching them, and I told them they were American citizens; they could vote for who they pleased. That same evening Brother Stirling, who was my teacher, left tickets and circulars with my wife for us.

Next day it was election day. On my way to work I called at the polls to vote. I had a Wilson-Critchlow ticket handed me, and as I proceeded along Brother M. F. Eakle offered me a Wilson-Symons ticket. I told him I did not want it, as I was going to vote for Wilson and Critchlow. Another brother was about to hand me one, when Brother M. F. Eakle remarked, "He don't want it; he is going to vote for Critchlow." Brother Symons was there and heard what was said. He called me aside and asked me to consider it well before I cast my ballot, as it was a very serious affair. I answered, "I know it is; I have done all I could in the convention for you, but we wanted the earth and got nothing, and that I should now vote for Wilson and Critchlow." By saying we wanted the earth I meant that if the other Mormon candidate had withdrawn Symons could have got the nomination, in my opinion. In that convention I peddled tickets and shouted for Brother Symons and W. E. Wilson. After voting I went to work, it being stormy, and working on top of the Atlas Block on a chimney, packing bricks and mortar to the bricklayer, Mr. John Shorten (he would not work in the wet, being subject to rheumatism).

I afterwards saw the Tribune of that morning and read a piece in which Apostle John Henry Smith had been interviewed on the question of the school election which was to occur that day. Apostle Smith said in his opinion the nominees of the convention should be elected. I then went to the polls and peddled tickets for Wilson and Critchlow, done so in an open manner, and worked only in an honorable way for

the success of the ticket. I met with much abuse that day. Wilson and Critchlow were. I am pleased to state, elected. Next evening was our ward teachers' meeting. I attended, as usual. After we gave in our reports I was accused of deceiving the people at the polls the day before, and was criticised severely by a number of the brethren and finally expelled from the meeting before it was through, not for peddling Wilson-Critchlow tickets, but for deceiving the people. On my way out of meeting I said, "Brethren, all that you have heard to-night is not true." The bishop refused me a hearing because it would cause discussion. I gave a report of it to the Herald and Tribune, for which I am now told to repent.

ATTACKED A WORKER.

[Tribune, December 2, 1897.]

Only one Mormon was openly engaged in the Critchlow campaign. He was James Charles Bowen, who lives at 637 Sixth East street. Bowen is a teacher in the first ecclesiastical ward. He was engaged all day peddling Critchlow-Wilson tickets. Several times during the day he was subjected to abuse by Mormons for so doing. M. F. Eakle, a son-in-law of Watermaster Wilken, called Bowen a skunk. James D. Sterling, clerk of the Salt Lake stake, charged Bowen with being a traitor, and told him Critchlow couldn't give him a "recommend" to the temple. Joseph Thorup, a clerk in Z. C. M. I., used severe language, concluding with a statement of his inclination to throw Bowen through a window. Riego Hawkins told Bowen he must stop distributing tickets or never set foot within his door again. W. R. Foster called Bowen a hypocrite. Neils Rasmussen, one of Bishop Warburton's councilors, intimated that probably Bowen had received his 30 pieces of silver.

These are only a few instances of the abuse that Bowen received for his support of Critchlow. All day he was abused, and when not verbal it took often the form of scowls. During it all he maintained an undisturbed demeanor, and never relaxed for a moment his self-imposed duty of circulating Critchlow-Wilson tickets. Bowen remained until the count was completed before leaving for his home.

THE AFFIDAVIT.

[Tribune and Herald, December 4, 1897.]

STATE OF UTAH,

City and County of Salt Lake, ss:

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Stirling, John Siddoway, Peter Mortensen, Andrew Mortensen, Fountain S. Johnson, Brother Kilpatrick, Barr Musser, Fred Musser, Riego Hawkins, Creighton Hawkins, John Squires, Charles Schneitter, and Henry Rebentisch.

That at said meeting, after the regular business had been disposed of, Bishop Joseph Warburton stated to the meeting, in substance, as follows: That he had been uptown during the day and had visited mercantile houses and other places where such things ought not to have been talked about, and was asked concerning Brother Bowen's action on election day at the polls; that such action was the talk of the town, and that it had been asserted that Brother Bowen had been gulling and deceiving the people; that he would like to hear further concerning the matter from Brother John T. Thorup. That thereupon Brother Thorup stated to the meeting, in substance, as follows: That he went to the polls on election day and was told by Brother M. F. Eakle that Brother Bowen was peddling tickets for Messrs. Wilson and Critchlow and deceiving the people thereby; that he went to Brother Bowen and asked him what he was doing—what tickets he had; that Brother Bowen answered in an indirect and evasive way that he had the correct ticket, or words to that effect; that he immediately requested some brother to drive him to the First ward, where he notified the people, residents thereof, that Brother Bowen had turned traitor; that during the day he threatened to have Brother Bowen arrested for intimidating the voters; that a lady had come along and Bowen took her into a room, and that when she came out he brought her to the polls for the purpose of voting; that Orson Hewlett heard the lady say that she had not been given the right ticket by Brother Bowen.

That Brother F. M. Eakle then stated to the meeting, in substance, as follows: That Brother Hansen had been deceived by a ticket given to him by Brother Bowen.

That Brother Charles Schneitter stated in substance to the meeting: That he had gone to the polls with his wife; that Brother Bowen handed his wife a ticket when she had a ticket already, and that Brother Bowen ought to be arrested.

Brother Rasmussen stated in substance that Brother Bowen was like a pickpocket.

That Andrew Mortensen stated in substance that Brother Bowen ought to be thrown out of the meeting.

That Brother Frederick Scholes stated in substance that Brother Bowen was a Judas.

That Fountain S. Johnson stated in substance that Brother Bowen ought to be skinned.

That Bishop Joseph Warburton thereupon stated in substance that they could not have a man in the teachers' quorum who would deceive the people, and he moved that Brother Bowen be dismissed as a teacher, not for peddling Wilson and Critchlow tickets, but for deceiving the people at the polls. That said motion was put and voted upon by uplifted hand and declared carried by Bishop Warburton.

That when said motion was put Brother Bowen asked the privilege of making an explanation in reply to the charges which had been made against him by the brethren present; that such privilege was refused by Bishop Warburton, who stated in substance, as follows: "No; it will cause a discussion, and you can not talk." That after said motion had been put and declared carried, Brother Bowen again requested the

privilege of making an explanation to the meeting, which was again denied him by Bishop Warburton, who said in substance: "You can not talk here on that subject." That thereupon Brother Bowen said: "All that you have heard to-night is not true. Brethren, I wish you good night," and thereupon left the meeting.

That said Bowen on his oath says that the charges made against him of deceiving and intimidating voters on election day are absolutely false; that I went to the polls on election day and worked for the regular nominees (Messrs. Wilson and Critchlow) of the mass convention which had been held in the first municipal ward, openly and above board, without intent of deceiving any person, and that I did not in any instance deceive any person by anything which I did on that day.

That I was approached on several different occasions during the day by members of my teachers' quorum, who threatened me with arrest, and to throw me through a window, and stated to me that if I persisted in peddling Wilson and Critchlow tickets that I was never to enter his (one of the members of my quorum aforesaid) door again; that vile epithets were hurled at me and I was abused most shamefully.

That at said meeting the charges above mentioned were made against me without any warning whatever that such charges would be made; that no opportunity of any kind was given me to answer the same; that no proof was made to substantiate such charges, nor was I granted the privilege of defending myself in any way whatever, but was summarily, in the manner aforesaid, dismissed as a teacher in the teachers' quorum of the first bishop's ward.

JAMES CHARLES BOWEN.

Witness: JOHN H. BEERS.

STATE OF UTAH, *County of Salt Lake, ss:*

Personally appeared before me, W. G. Young, a notary public in and for Salt Lake County, State of Utah, James Charles Bowen, who, being duly sworn, deposes and says that the subject-matter contained in the above affidavit is true to the best of his knowledge and belief.

[SEAL.]

W. G. YOUNG, *Notary Public.*

WARBURTON'S CONFESSION—EXPELLED BOWEN BECAUSE HE DID NOT FURNISH THE "RIGHT TICKET."

[Tribune, December 4, 1897.]

Bishop Joseph Warburton, who presided over the meeting at which Bowen was deposed, discussed the matter without hesitancy when questioned with respect to it last evening. His version of the affair does not differ materially from that given by Bowen in his affidavit, except that the bishop did not remember that Bowen was harshly criticised at the meeting, as claimed by him.

"Last night," said the bishop, "was our regular meeting night, and we disposed of our routine business as usual, Bowen being present and taking part along with the others. After the regular business had been transacted, I remarked that there was considerable dissatisfaction among the people with respect to the attempts of Brother Bowen to deceive them on election day, and I had been asked uptown who Bowen was. I then asked if anybody present was dissatisfied with Bowen's actions, and Brother Thorup stated what occurred between him and

Bowen on election day. Brother Eakle followed Brother Thorup and said that Bowen was telling the people that he had the right tickets and that the other tickets were the wrong ones. Brother Charles Schneitter then said that he and his wife went up to vote, and each had a Wilson and Symons ticket which they intended depositing. Bowen, so Brother Schneitter said, first asked his wife if she had the right ticket, and she replied in the affirmative. Bowen then looked at the ticket and said it was the wrong one, at the same time giving her another one, saying that it was the right one. He also gave Schneitter a different ticket from the one he intended voting, and assured him that it was the right ticket. After leaving Bowen, however, some one asked them if they had the right tickets, and they said, 'Yes; Brother Bowen gave them to us.' They were advised to look at the tickets, though, and upon doing so discovered that they bore the names of Wilson and Critchlow instead of Wilson and Symons.

"I saw when this had been stated at the meeting that considerable feeling was being aroused, and I then said that a man who would deceive the people as Bowen had done was not fit to be associated with this band of people. I also said to Bowen: 'You and I have the right to distribute tickets for whom we please, but no one has the right to deceive the people.' In conclusion I said to him: 'Not for your giving out tickets, but for deceiving the people you are dismissed from the teachers' quorum and from this meeting.'

"Bowen wanted to talk then, but I told him we did not want any discussion. I also told him that he had deceived Brother and Sister Schneitter, as well as others, and it would be best for him to say no more about it."

Bishop Warburton further said that Bowen was charged with giving Edward Braby and wife Wilson and Critchlow tickets, which they supposed were Wilson and Symons tickets until they looked at them, upon the suggestion of John T. Thorup, and learned to the contrary.

Warburton also stated that when Bowen addressed the voters as brother and sister and told them that he had the right ticket, they construed the words "right ticket" to mean a ticket bearing the names of Wilson and Symons.

THE BISHOP'S JUSTIFICATION.

[Tribune, December 4, 1897.]

To a reporter last evening Bishop Warburton admitted the correctness of practically all the allegations contained in Mr. Bowen's affidavit. But the bishop places an entirely different construction upon Mr. Bowen's charges. The ecclesiastical head of the First ward takes the high ground that Mr. Bowen was disfellowshipped from his quorum simply because he deceived his brethren and sisters in the church, as the bishop states, by having handed out Wilson and Critchlow tickets and saying they were Wilson and Symons ballots.

NOT ALLOWED TO SPEAK.

When the bishop was asked if it were true that Mr. Bowen was not given a chance to be heard in his own behalf at the teachers' meeting, Bishop Warburton replied:

"Yes. We were satisfied from the statements made at the meeting that Brother Bowen had deceived the people by peddling tickets that

were for Critchlow when he would have them believe they were Symons tickets. Of course, Brother Bowen had a right, as any citizen has, to hand out any kind of tickets at an election, but he had no right by virtue of his position in the church to practice any deception upon his brethren and sisters. He being a teacher, many of our people who wanted to vote for Symons naturally looked to him for the tickets bearing the name of Symons, and he had no right to make them believe the tickets he gave them were of the kind they wanted to vote. We were satisfied Brother Bowen did this, and not wanting to hear any extended argument, did not deem it necessary to let him speak in his own defense to prolong the discussion."

"MUCH ADO ABOUT NOTHING."

[Deseret Evening News, Saturday, December 4, 1897.]

This morning's Salt Lake papers, true to a policy which has been more or less characteristic of them for a long time, endeavor to make one James Charles Bowen a martyr to his convictions.

Notice is given to "Young Utah" that the peace, prosperity, and the position of the State in the Union are at stake, because the gentleman named has been released by the proper authority from certain ecclesiastical duties.

There is not the slightest cause for alarm, and "Young Utah" is not likely to let anyone scare it into nervousness about the affair.

The story as presented by Mr. Bowen's apologists is that he was submitted to much abuse and finally expelled from his quorum for no other reason than this: That at a recent election he worked for a certain ticket, but this version of it is denied by others well acquainted with the proceedings. They state that the gentleman at the polls approached several voters, addressing them as "brothers" and "sisters," apparently endeavoring to use his position as a teacher to influence them in favor of his candidates.

They all charge that in some cases he snatched tickets out of the hands of voters, and when demanded to return them endeavored to substitute his own, as if complying with the demand.

Whether these charges were substantiated or not is immaterial for the present, but it is exceedingly clear that if Mr. Bowen's friends and neighbors by his own actions received the impression that he was trying to use his ecclesiastical position for political purposes, and in addition resorted to rather low tactics, the only thing for the bishop to do was to release him from his duties as acting teacher until such time as the matter could be cleared up, and that was all the bishop did.

An acting teacher is simply an assistant to the bishop, called or dismissed by him as circumstances seem to require. If he releases a teacher from performing the duties of that calling, that is not in any sense punishment, still less an effort to curtail the liberty of the person released. In the case of Mr. Bowen there was no expulsion from a quorum, as stated in the papers. He belongs to a quorum of seventy and retains his standing there as well as in the church.

An acting teacher's duty is to visit the members of the church and endeavor to help the members of it in maintaining harmonious, brotherly relations with one another; but in order to do that the teacher must enjoy the full confidence of those among whom he is laboring. If for some reason, real or fancied, that confidence is shaken, his use-

fulness as a teacher is gone, and this seems, unfortunately, to have been the case in Mr. Bowen's district, not because he worked for a certain ticket—that was his right, which nobody disputes—but because he by many was believed to have done his work in a manner not consistent with the character of a Christian gentleman.

There is, therefore, not the slightest reason for the renewed attacks on the priesthood of the church or the tearful appeal to "Young Utah." The flag of the country floats in its unsullied purity in the air, and the institutions of our great Republic remain intact.

Still more the Mormons themselves, in this instance as so many others, have shown that they disapprove of the use of ecclesiastical positions for political purposes.

If this is disappointing to those who rather would find something to bring up against the people, they will have to bear the disappointment as best they can. The Mormons are not going to break faith or pledges.

[Tribune, December 5, 1897.]

Bowen made a mistake in his affidavit, he says, but it was trifling and without effect upon the substance of the deposition. He said that the dismissal was by vote. The fact is, he recollects now, Bishop Warburton dismissed him without any vote being taken.

[Herald, December 5, 1897.]

Mr. Bowen stands by his affidavit, as published, with one modification on one not very material point. The modification in the affidavit which Mr. Bowen desires to be as publicly announced as the original recital, refers to the statement that a motion was made by Bishop Warburton to dismiss him from his position as teacher and that the motion prevailed by an uplifted hand vote. The deponent, after recovering from the excitement attending his dismissal, remembered that the motion had not been made nor voted upon. The bishop merely announced his decision of dismissal.

* * * * *

JAMES CHARLES BOWEN.

JULY 4, 1899.

The CHAIRMAN. The committee will stand adjourned until to-morrow morning at half past 10.

The committee (at 4 o'clock and 10 minutes p. m.) adjourned until Saturday, April 23, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *April 23, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), McComas, Hopkins, Pettus, Dubois, Bailey, and Overman; also Senator Smoot; also R. W. Taylor, counsel for protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for certain witnesses.

TESTIMONY OF ORLANDO W. POWERS—Continued.

The CHAIRMAN. Mr. Tayler, have you any further questions to ask of Judge Powers?

Mr. TAYLER. There was a paper referred to yesterday by Judge Powers—a memorial—that some members of the legislature intended to present to the Senate of the United States, but which was not presented, and I desire to have Judge Powers take that up now.

Mr. POWERS. If I may be permitted, I should like to read it into the record, as I desire to keep the original.

“To the Honorable the President and members of the Senate of the United States”—

Mr. WORTHINGTON. Please state here what the paper is. I have forgotten just what it is.

Mr. POWERS. This paper was prepared by supporters of Moses Thatcher immediately after his defeat as a candidate for the United States Senate, in the session of the Utah legislature of 1897. It was signed by seven of his supporters, and thereafter it was determined that, instead of forwarding this paper to the Senate of the United States, a better plan would be, first, to introduce resolutions into the State senate, which was done, which resolutions I read yesterday.

“To the honorable the President and members of the Senate of the United States:

“Your petitioners respectfully represent that they are members of the State senate and house of representatives of the legislature of the State of Utah; that on the 3d day of February, A. D. 1897, the two houses of the legislature aforesaid convened in joint session, according to the laws of the United States, for the purpose of electing a Senator in the Congress of the United States; that at said election Moses Thatcher, a citizen of the said State of Utah, qualified according to law to sit as a Senator in the Congress of the United States, received the votes of 29 of the said senators and representatives of the said legislature; that Joseph L. Rawlins, a citizen of said State, duly qualified as aforesaid, received 32 votes; that Henry P. Henderson, a citizen of said State, received 1 vote; that Arthur Brown, a citizen of said State, received 1 vote; that upon the announcement of the ballot the presiding officer of the joint session declared the said Joseph L. Rawlins duly elected as a Senator in the Congress of the United States.

“Your petitioners charge and allege that there is in the State of Utah an organization, religious in character, to wit, the Church of Jesus Christ of Latter-Day Saints; that said church, through its officers and directors, have exercised an undue influence upon certain of the members of the legislature aforesaid, and that by threats of religious persecution and threats of temporal and spiritual disadvantage the officers and directors of the said Church of Jesus Christ of Latter-Day Saints did prevent certain members of the senate and house of representatives of the legislature aforesaid from voting for Moses Thatcher and by undue influence caused the election of the said Joseph L. Rawlins.

“Petitioners allege that all this was done in violation of the Constitution of the United States and of this State, and respectfully but

earnestly urge upon your honorable body to cause an investigation to be made of the action of the officers of the said church; that the said Moses Thatcher be declared elected as Senator in the Congress of the United States, and for such other relief as may be deemed equitable, and as in duty bound your petitioners will ever pray.

“WM. G. NEBEKER.

“JOSEPH MONSON.

“BENJAMIN A. HARBOUR.

“INGWALD C. THORESEN.

“GEO. A. WHITAKER.

“D. O. RIDEOUT, JR.

“N. C. SORENSON.”

It does not appear on the paper, but I will say that Mr. Nebeker is a gentile, Mr. Monson is a Mormon, Mr. Harbour is a gentile, Mr. Thoresen is a Mormon, Mr. Whitaker is a gentile, Mr. Rideout is a Mormon, Mr. Sorensen is a Mormon.

Mr. WORTHINGTON. How many Mormons out of the seven?

Mr. TAYLER. Four.

Mr. POWERS. Four.

There is one matter which escaped my attention yesterday in testifying to which I desire to refer, and that is that in 1890, at Provo City, Mr. George Sutherland, a gentile, was nominated for the office of mayor of that city and was opposed by a Mormon, representing the People's Party, and in that election Reed Smoot supported George Sunderland's candidacy for mayor, which caused him to be held in disfavor by some of his previous friends who declared that he had gone over to the liberal party, particularly in view of certain transparencies that he prepared.

Mr. TAYLER. When was that?

Mr. POWERS. In 1890.

Senator OVERMAN. You stated yesterday that women voted in Utah.

Mr. POWERS. Yes, sir.

Senator OVERMAN. Have any of them ever been elected to the legislature?

Mr. POWERS. Yes; I think there have been women representatives elected in each election since we became a State.

Senator OVERMAN. Were there any women in the legislature that elected Senator Smoot?

Mr. POWERS. Yes, certainly.

Senator OVERMAN. How many?

Mr. POWERS. There was one lady from Ogden, who was chairman of the judiciary committee of the house.

Mr. VAN COTT. Mrs. Coulter.

Senator OVERMAN. Chairman of the judiciary committee?

Mr. POWERS. She was chairman of the judiciary committee.

Senator BAILEY. What was the political complexion of that legislature; Democratic or Republican?

Mr. POWERS. That was a Republican legislature.

Senator McCOMAS. Necessarily.

Mr. POWERS. I forget whether there were any other ladies in that legislature or not.

Senator OVERMAN. Do you know whether she voted for Reed Smoot or not?

Mr. POWERS. I think she did.

The CHAIRMAN. May I ask you if recently you have any evidence of church interference in the affairs of the State?

Mr. POWERS. It seemed to me that there were indications of it during the past four or five weeks.

The CHAIRMAN. Will you state what?

Mr. POWERS. The official organ of the Mormon Church, the Deseret News, which is supposed to be a nonpartisan paper, in the contest for the election of delegates to the Republican national convention—

The CHAIRMAN. Of what date?

Mr. POWERS. For the coming national convention of the Republican party, supported the faction of the Republican party that is known as the Smoot-Sutherland faction, and opposed the faction which is called there the Kearns faction.

Senator DUBOIS. Judge Powers, I believe you stated that for a number of years there was only one political party in Utah, at any rate so far as the election of the Delegate in Congress was concerned.

Mr. POWERS. I did.

Senator DUBOIS. How long did that continue? What was the last date when there was only one candidate for Congress?

Mr. POWERS. My recollection is that it was in 1870—from 1851 until 1870.

Senator DUBOIS. That was because there were not enough gentiles in Utah to form a party?

Mr. POWERS. There was probably a sufficient number to form a party—I am unfamiliar with the reasons that induced them not to—because very few people frequently form a party and make considerable noise.

Senator DUBOIS. Were practically all the members of the dominant party members of the Mormon Church?

Mr. POWERS. Yes; I think they were all members of the Mormon Church, practically. There might have been some who were not.

Senator DUBOIS. Did they ever divide into factions and present two candidates?

Mr. POWERS. I have no knowledge of any such condition.

Senator DUBOIS. Was there much contention over the nomination of the Delegate in Congress?

Mr. POWERS. No, sir; there was not.

Senator DUBOIS. I should like to ask you, Judge, if you recall any instance in the politics of Utah, up to the issuance of the political manifesto, when any candidate of the church party for political office was defeated.

Mr. POWERS. Do you mean—

Senator DUBOIS. For Congress.

Mr. POWERS. Oh, for Congress.

Senator DUBOIS. Yes; and for higher offices.

Mr. POWERS. You do not mean local officers?

Senator DUBOIS. No, sir; higher officers.

Mr. POWERS. I do not recall any instance; in fact, there was no instance of that kind in our history.

Senator DUBOIS. Do you recall any instance since the manifesto when any candidate who had secured the consent of the church authorities to become a candidate has been defeated—a candidate for a high office, such an office as would send him to Washington?

Mr. POWERS. I can not, of course, know, except by general report, who does and who does not receive consent. Much of the work of the Mormon Church is not given out to the public, but I know that in our conventions, since this rule, so-called, was established, both sides inquire whether a candidate has received consent to run or not. I know of no such instance as you refer to, or I can not recall any just now.

The CHAIRMAN. You say "inquire." What do you mean by that? Do they inquire at the convention?

Mr. POWERS. If I was a delegate to a convention and a man who was a Mormon was talked of for Congress, I would go to my Mormon friends and say, "Has Mr. So-and-so secured consent to run," because we do not want any more trouble than we have to have with the church. We do not want to run a man any more who has not got consent, if we can help it.

Senator DUBOIS. You spoke of a church committee on legislation being appointed from among the members of the legislature. I think you said they were appointed at the first legislature and had been continued.

Mr. POWERS. No; I did not say they had been continued.

Senator DUBOIS. You stated that there was a church committee on legislation, composed of members of the legislature. Will you explain what that means?

Mr. POWERS. I understand that there was a committee of five appointed by some one in authority in the Mormon Church, selected—those five members not being members of the legislature—whose duty it was to keep track of legislation and to supervise it. Their names, I think, were given here correctly by Mr. Critchlow, as I remember it.

Senator DUBOIS. You have instanced a number of cases where the church has interfered in political matters—

The CHAIRMAN. Before you go on, just one word.

Senator DUBOIS. Certainly.

The CHAIRMAN. Was that committee composed of adherents of the Mormon Church?

Mr. POWERS. It was.

The CHAIRMAN. Entirely?

Mr. POWERS. Entirely.

The CHAIRMAN. Go on, Senator. Pardon me for interrupting you.

Senator DUBOIS. Is there any one instance which stands out more conspicuously, in your judgment, than any other; or, to put it in other words, what would you regard as the chief exhibition of political domination by the church authorities among all of those within your knowledge?

Mr. POWERS. To my mind it was the occasion in 1896, in the month of April, at the April conference, when without any previous discussion publicly, to any great extent at any rate, the political manifesto, or rule as you have designated it here, was presented to that conference and was adopted without a dissenting vote, there being present men and women who had been delegates to the reconvened convention of the preceding fall, and in the same conference the name of Moses Thatcher being dropped from the list of the apostles without any explanation being made and without any question being raised, Moses Thatcher being a man who had been a leader of the religious and the political thought of the State.

Senator DUBOIS. The political manifesto was submitted to the people in conference for their approval?

Mr. POWERS. On the 6th day of April, if I remember the date correctly, 1896.

Senator DUBOIS. Every member of the Mormon Church in that conference held up his hand?

Mr. POWERS. I can not say that.

Senator DUBOIS. No member refused to hold up his hand?

Mr. POWERS. I know of no adverse vote to it.

Senator McCOMAS. You are a very close observer of that community and of the State life generally. So far as you can give an opinion, I wish you would tell us how the younger Mormon men, married and unmarried, say under 40, regard the practice of polygamy.

Mr. POWERS. I think I can safely say that the younger men and the younger women of the Mormon Church—

Senator McCOMAS. I was going to ask you about the women directly.

Mr. POWERS. And I have talked with a great many of them upon the subject, are opposed to the practice, and strongly opposed to the practice. Although I have often been surprised at the power that the church has over its members, nevertheless, my opinion—my conscientious opinion—is that if the church was to attempt to reestablish polygamy, by revelation or otherwise, it would have trouble from those younger men and women.

Senator McCOMAS. Do you think they are strong enough to resist and overcome an attempt to reestablish the practice of polygamy?

Mr. POWERS. I believe so.

Senator McCOMAS. Is it true that their attitude now is one of tolerance in respect of the existing conditions as to polygamy—the marriages of elder women to elder men—expecting that the practice will die out with that generation?

Mr. POWERS. There exists this condition in that regard, as I have found from talking with my own friends and neighbors of the Mormon Church, of the younger generation. There is a feeling of toleration, with an idea that it will pass away. There is also—at least many of them had expressed to me—a feeling hostile to the continuance of polygamous cohabitation and to polygamy, and I know that there is that sentiment among many of the younger members of the church.

Senator McCOMAS. Is it or not an increasing sentiment, in your opinion?

Mr. POWERS. I hope so.

Senator McCOMAS. You have no definite belief?

Mr. POWERS. I think so—

Senator McCOMAS. You think so?

Mr. POWERS. And I hope so. At the same time, conditions are so peculiar out there, and we are so often mistaken with regard to men and things, that it is hard for one to give a definite conclusion as to the future.

Senator McCOMAS. In 1870, on a Sunday, I was in the tabernacle, and I heard Brigham Young appeal to the young men to marry and to marry often. He said the railroad had just come in, and that the competition with the Gentiles and the men who each had only one family would make it more difficult for the younger Mormons to support many families. But he said now the trial was upon them,

and, as he expressed it, the Lord would be on their side. He seemed to be right to the extent that they continued polygamy for some years after the railroad came in, and with the Gentile competition. Is not that difficulty ever present to the younger race of people—the men and women—that when a man has a number of families it is a harder proposition to make a living than it is for a man who has no family or only one family?

Mr. POWERS. I think it is, and I also think another matter, which is of a purely social nature, enters into it somewhat. We are growing there more like the rest of the world, and our women are growing like the women of the rest of the world, and they are becoming attracted to social matters, and they are beginning to desire to clothe themselves as beautifully as the women of the rest of the country. I think that will have some effect, too, because it increases the responsibilities if a man has a family who are going to dress——

Senator HOPKINS. Do I understand that even now a plural wife does not have the social standing that a first wife has?

Mr. POWERS. I did not intend to say that as among the Mormon people. Yes; they have, I think, the same standing among the Mormon people.

Senator OVERMAN. Is there any growing hostility among the younger generation against church interference in politics?

Mr. POWERS. Yes.

Senator McCOMAS. I was just coming to that. I beg your pardon, Senator.

Senator OVERMAN. I am through.

Senator McCOMAS. I was about to ask you how the incidents of which you have spoken, the Thatcher contest for the Senate, and the like, affect the public opinion among the younger Mormons who do not care for polygamy. I want to know how, in your opinion, they—men and women—receive what you have stated to have been interferences and efforts by the church to control political action at elections and in the legislature and in conventions. Are they restive or not restive under this church control?

Mr. POWERS. They are restive under the church control of our political affairs.

Senator McCOMAS. Are they growing more so or are they simply quiescent?

Mr. POWERS. At the time of the reconvened convention, as I endeavored to explain yesterday, they were in open rebellion. For some time after that convention, political defeat having come and their principal leader, Mr. Thatcher, having been compelled to sign the paper that has been offered here in evidence and the church drawing the lines a little more closely, they were more careful about what they said publicly, and neither before nor since the reconvened convention do we have that free expression that we had during that campaign.

Senator McCOMAS. How do the Mormon people, so far as you observe, submit to dictation as to how they shall vote at the general election, the municipal election, and how they shall cast their votes for senators in the legislature; do they submit more or less readily to the church dictation, of which you have spoken, as the years go on?

Mr. POWERS. Some submit regularly; some submit protesting against it, and some will not submit.

Senator McCOMAS. What is the outlook for a liberal movement among them, which is being agitated somewhat, I see?

Mr. POWERS. I do not think there is any outlook for it. I do not think there is any agitation among them on the subject. I saw it in the press dispatches in the East—

Senator McCOMAS. But you did not find it there.

Mr. POWERS. But I do not know of the younger Mormons making any effort for any change in that regard.

The CHAIRMAN. I saw recently in the press of Salt Lake that there was an organization of some 500 young Mormons, and a prospect of increasing the number of the organization, to resist the encroachments of the church in civil affairs. Do you know anything about it?

Mr. POWERS. I do not know a thing about it. I do not believe any such organization exists. If it does exist, it has been kept so secret that I do not know of a member who belongs to it.

The CHAIRMAN. One other thing. You spoke of the gradual decline, as you think, of the purpose of maintaining polygamy or polygamous cohabitation, and expressed the hope that that sentiment will ultimately prevail. Suppose the leaders of the church should exert their influence in the other direction, to reestablish polygamy and the continuance of polygamous cohabitation, what, in your judgment, would be the result?

Mr. POWERS. Of course I have no doubt that they could reestablish it, but I can not believe that it would be accepted by a great number of the younger men and women of the church.

The CHAIRMAN. Will you state why it is that those who live in polygamous cohabitation to-day are not prosecuted?

Mr. POWERS. I will do so as well as I can, and I simply state here the views, as I know them, of what are termed the "old guard" of the Liberal party, Republicans and Democrats, who fought the church party in the days when it was a power. Those men have felt, and still feel, that if the church will only stop new plural marriages and will allow this matter to die out and pass away, they will not interfere with them. First of all, of course, we want peace in Utah. We would like to be like the rest of the country. We want to make of it a State like the States of the rest of the Union. We want the Mormon people to be like the rest of the American people; but we realize that there is a condition there which the people of the East do not—and, I presume, can not—understand. You can not make people who have been brought up under our system of Government and our system of marriage believe that folks can sincerely and honestly believe that it is right to have more than one wife, and yet those people believe it. They are a God-fearing people, and it has been a part of their faith and their life.

Now, to the eastern people their manner of living is looked upon as immoral. Of course it is, viewed from their standpoint. Viewed from the standpoint of a Mormon it is not. The Mormon wives are as sincere in their belief in polygamy as the Mormon men, and they have no more hesitation in declaring that they are one of several wives of a man than a good woman in the East has in declaring that she is the single wife of a man. There is that condition. There are those people—

Senator HOPKINS. Do you mean to say that a Mormon woman will as readily become a plural wife as she would a first wife?

Mr. POWERS. Those who are sincere in the Mormon faith—who are good Mormons, so called—I think would just as readily become plural wives (that has been my experience) as they would become the first wife. That condition exists. There is a question for statesmen to solve. We have not known what was best to do. It has been discussed, and people would say that such and such a man ought to be prosecuted. Then they would consider whether anything would be gained; whether we would not delay instead of hastening the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecution. And so, notwithstanding a protest has been sent down here to you, I will say to you the people have acquiesced in the condition that exists.

Mr. Van COTT. You mean the gentiles.

Mr. POWERS. Yes; the gentiles.

The CHAIRMAN. Have you any knowledge of the extent to which polygamous cohabitation exists in the State to-day?

Mr. POWERS. I have tried not to know about it. When it has come under my immediate observation I have known about it. I do not know to what extent it exists. I want to see it pass away.

The CHAIRMAN. Does it exist outside of the city of Salt Lake?

Mr. POWERS. Oh, without doubt.

The CHAIRMAN. Have you any idea as to the extent?

Mr. POWERS. No; I could not give an idea as to the extent, because, as I tell you, I have honestly tried not to know about it.

Senator McCOMAS. Have there been many polygamous marriages lately? Of course polygamous marriages are forbidden, and it is difficult to ascertain whether there have been.

Mr. POWERS. If there are any polygamous marriages at the present time, my opinion is they are sporadic cases.

I have not since the time that I have lived there believed it was the worst feature of Mormonism. Polygamy, I think, is bound in the course of our advance as a nation to pass away. I do not believe it can exist any more than slavery could exist. I want to say—

Senator HOPKINS. Very well. On that basis, with the passing of this generation, polygamous marriages and polygamous cohabitation will disappear. Now, you say, in your judgment that is not the worst feature of that religion.

Mr. POWERS. Yes.

Senator HOPKINS. What is there in that religion aside from that which does not commend itself to good citizenship?

Mr. POWERS. It is the un-American domination by the hierarchy of the people of that faith, the constant teaching that they must obey counsel, the belief that the head of the church is inspired and speaks the word of God when he is inspired, and the interference in our political affairs, and the power that the church has to control our commerce and our business, through the interests that are held by the trustees in trust in all of our large corporations—I will not say all of them, but—

Senator HOPKINS. That claim is made, in a limited way, at least, against other churches.

Mr. POWERS. I know of no other church as to which the claim is made as I make it here now. I know of no other church which has annexed to it what is in one sense of the word a secret organization;

that has its temple rites; that acts concerning public matters as this church acts.

You have asked me for instances of church interference. They are hard to give, because the church is a secret institution. We see the result; we can not tell always just how that result was attained.

Senator PETTUS. Judge Powers, can you give us any reasonable estimate of the value of corporate property held by the Mormon Church?

Mr. POWERS. I can not at this moment. I could secure that data, but, of course, I can not give it at this particular moment.

I can state one or two institutions. For instance, there is our street railway, which has recently been combined with our electric lighting system.

Mr. WORTHINGTON. In Salt Lake, you mean?

Mr. POWERS. In Salt Lake City; our electric power system, which is capitalized and bonded for many millions of dollars and employs hundreds of men.

Senator HOPKINS. You do not regard the fact that the church holds property as anything detrimental to the church?

Mr. POWERS. No; and at the same time I do not think any church ought to be a business institution and engage in running street railways, and banks, and bathing resorts, and ordinary railroads, and things that are purely temporal.

Senator HOPKINS. The Methodist Church in Chicago owns large and valuable property there. I have always been a great believer in Methodism.

Mr. WORTHINGTON. The same is true of Trinity Church in New York.

Senator McCOMAS. Do you think the Mormon Church is a trust in respect of business corporations?

Mr. POWERS. It is indeed; the trustee in trust representing the church in these various corporations.

Senator McCOMAS. Does it have a controlling interest by trustees in all the larger corporations controlling public utilities or public monopolies?

Mr. POWERS. It would be hard for me to say whether it has a controlling interest in them. I would not want to state whether it had or not.

Senator BAILEY. Do I understand Senator Hopkins and Mr. Worthington to mean that the Methodist Church in Chicago and the Trinity Church in New York engage in mercantile or industrial enterprises?

Senator HOPKINS. Oh, no; rental property only.

Senator DUBOIS. I was about to suggest to the Senator from Illinois that it would be well to summon a bishop of the Methodist Church and have a comparison instituted between the Methodist Church and the Mormon Church if he thinks they present parallel cases.

Senator HOPKINS. It is not necessary from this side. If the Senator from Idaho were as familiar with Methodism as I am, he would not require any evidence about the church. He, however, may know much more about the Mormon Church than I do.

Senator McCOMAS. Speaking of these corporations controlling public monopolies, and of the Mormon Church controlling voters on election day, is it, or is it not, true that the church, where the Mormons control the corporation, try to control the vote of their employees in favor of their people or the candidate they favor?

Mr. POWERS. I do not know of any such instance.

Senator McCOMAS. That has not happened?

Mr. POWERS. No; I know of no such instance.

Senator BAILEY. They do not attempt to exert influence as the owner of the property?

Mr. POWERS. No.

Senator BAILEY. And whatever influence they exert over the members of their church is an ecclesiastical influence?

Mr. POWERS. Entirely.

Mr. TAYLER. Has it been supposed that it was difficult for the public-service corporations owned by the Mormon Church to obtain such general legislation as might advantage its property?

Mr. POWERS. It has not been difficult for them to obtain franchises from our city councils.

I want to state, as an instance of the conditions there, that the city council of Salt Lake City, prior to the present council, was supposed to be Republican, 9 to 6. After they got well along in the session it was divided 8 to 7, Mormon and gentile.

Mr. TAYLER. Now, Judge, you characterized as the most remarkable instance in your opinion of Mormon Church domination the conference of April, 1896, respecting the so-called political manifesto, and at this point I wish to read from the Church Chronology an account 5 or 6 lines long as to what was done at that time, and I will ask you if it accords with your memory of it:

“Saturday, April——”

Mr. WORTHINGTON. From what page do you read?

Mr. TAYLER. From Church Chronology, 1896, page 211.

“SATURDAY, *April 4, 1896.*”

“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 sixth, Charles W. Penrose was sustained as an assistant church historian; Moses Thatcher was not upheld as one of the twelve, 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 taking political offices which would interfere with their ecclesiastical duties.”

Mr. POWERS. That is about as I recollect it.

Mr. TAYLER. You have spoken about the uprising of 1895 against political control by the church of its people. Has there ever been in your knowledge any other serious or promising uprising of the people against any unpopular practice of the church?

Mr. POWERS. No.

Mr. TAYLER. Was this a time when what you would have called rebellion seemed to give large promise of ripening into successful revolution?

Mr. POWERS. It was such a time.

Mr. TAYLER. You spoke about the hope—or thought that if the church authorities would undertake to reestablish polygamy it could not be done. Have you a larger hope in respect to that, if it should occur, than you did have in 1895 of the success of this uprising against political domination?

Mr. POWERS. No; and if I stated that it would not be possible for

the church to reestablish polygamy, I do not want so to be understood. I think I stated that I believed, of course, they could reestablish it but that a large number of young men and women would rebel against it—stand out against it.

The CHAIRMAN. You speak of the council being, as you suppose, Republican, 9 to 6—

Mr. POWERS. Nine to 6, I believe.

The CHAIRMAN. And that, ultimately, it turned out that the council stood 8 to 7.

Mr. TAYLER. Eight Mormons and 7 gentiles.

The CHAIRMAN. I did not understand him to state that.

Mr. POWERS. Yes; 8 Mormons and 7 gentiles, if I remember it correctly.

Thereupon (at 11 o'clock and 55 minutes a. m.) the committee took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Judge Powers, you may take the stand.

TESTIMONY OF ORLANDO W. POWERS—Continued.

ORLANDO W. POWERS, having been previously sworn, was examined, and testified as follows:

The CHAIRMAN. Mr. Tayler, have you any further questions, or has any member of the committee any further questions, to ask Judge Powers? If not, the gentlemen will proceed with the cross-examination.

Mr. POWERS. Just a moment, gentlemen. In view of a question that was asked by Senator Foraker, I think it was—

Mr. TAYLER. Senator McComas.

Mr. POWERS. Senator McComas—as to whether any of the younger Mormons have recently been outspoken against the interference of the church in political affairs, I wish to say that during the noon recess I have recalled more particularly one very brilliant young Mormon, formerly a member of Congress, Judge William H. King, who has been very outspoken. Upon an occasion on the 19th of June, 1902, I was present at a political meeting when he made a speech, and as it sustains what I have said with regard to church interference, I desire, as a part of my testimony, to read three short paragraphs of it. Judge King said:

“I want to say, frankly, that there is very much to say relative to the combinations that look to the triumph of a particular wing of the Republican party in the future. It would be a disgrace to the people of Utah if they were to ratify any trade or bargain by which some particular individual was to be the beneficiary and was to be sent to the Senate of the United States. I want to repudiate one of the fallacious ideas which has been insidiously inculcated among many of my coreligionists in this State, namely, that we should stand in with the party in power. I believe that it is a damnable heresy, and that it is a doctrine which commends itself to cowards, and not to honest men. [Applause.]”

Again:

“I again refer to that pernicious and infamous doctrine that we

must stand in with the party in power. Let me appeal to the Mormon people as a Mormon, where would you have been, my coreligionists, if you had accepted that view and stood in with the religious party that was in power? Where would the Mormon Church have been and where would the Mormon people have been if they had carried out that policy which is being taught now in political circles, to stand in with the majority?

“Concede, then, that some of the members of the dominant church have dealt unfairly with us in the past; concede that we were cheated and robbed and defrauded out of the victory which we ought to have had a year ago; concede that the scheme is to defraud again by subterfuge and by underhanded methods; concede it all, and there ought to arise in the heart of every Democrat a stern resolve that so long as those influences can obtain every Democrat will fight harder and harder to resist them and to prevent the consummation of those infamies.”

The article from the Salt Lake Tribune of June 20, 1902, is as follows:

RAWLINS'S BOOM STARTS—ALL OTHER DEMOCRATS RETIRE FROM SENATORIAL RACE—KING'S SENSATIONAL SPEECH—THE RECEPTION FOR SENATOR RAWLINS AT LAGOON DEVELOPED INTO A DEFINITE MOVEMENT FOR HIS RETURN TO WASHINGTON IF THE DEMOCRATS CONTROL THE LEGISLATURE—OTHER ELIGIBLES LAY DOWN THEIR ARMS—SPEECHES BY ROYLANCE, POWERS, KING, RAWLINS, HENDERSON, AND STEPHENS.

In the pretty little dancing pavilion at Lagoon, in the presence of an enthusiastic gathering of Democrats, the boom of Senator Joseph L. Rawlins for a second term was inaugurated. The interesting feature of the little gathering was that each of the other Utah Democrats who might naturally be charged with having Senatorial aspirations stepped to the front during the meeting and laid their aspirations at the feet of the present Senator. James H. Moyle, who acted as chairman of the meeting, was the first to make his little sacrifice, and if he had any bitter regrets he concealed them from the audience. William H. King followed, and although it was like laying his firstborn upon the altar, he performed the sad duty manfully.

Orlando W. Powers was next placed upon the rack, and artistically smothered his feelings in a brilliant tribute to Senator Rawlins. Frank J. Cannon evidently could not nerve himself to the ordeal of being present, but he sent his slaughtered aspirations in the form of a letter to be read at the meeting. Judge H. P. Henderson did not flinch, and at the close of the meeting his aspirations were in the junk pile with the others.

Wise ones take these sacrifices to mean that the Democrats have given up at this early stage of the game all hope of carrying Utah this fall. Some of the faithful delude themselves with the idea that it is an indication of the return of the dove of peace to the ark of Democracy, and that all that remains to be done now is to clear the deck for the assault that is to lead to victory.

KING'S SENSATIONAL SPEECH.

The sensational feature of the meeting was that part of Judge King's speech in which he denounced what he was pleased to call the deal between the Mormon Church and certain politicians in the State. In

this the judge was most emphatic in asserting that the Democrats had been deluded, defrauded, and robbed by the church. He appealed to the Mormon people to repudiate such work and to block all such schemes for the future. These statements were greeted with hearty applause.

There was little that was notable in the other speeches. It was the general understanding that Senator Rawlins in his address would outline in some measure his policy upon which the Democrats would go into the fight this fall. This he failed to do, and outside of a general denunciation of plutocracy he failed to touch upon political issues at all. For the most part his brief address was of a social nature and an acknowledgment of the many compliments that had been showered upon him.

In opening the meeting about 8 o'clock Chairman Moyle said the object was to enable Democrats to pay their respects to one of Utah's most distinguished sons, a man who did not always vote as the Administration wanted him to vote; a man who enjoyed the respect of all from the President down to the least man in the Senate; a man who had led the fight in the Senate for liberty and equality in the Philippines.

ROYLANCE REQUESTS HARMONY.

W. M. Roylance was first introduced as chairman of the Democratic State committee. He read his address. The burden of it was that he desired to see a thorough organization of the Democrats in every county, and that if this were done Utah would be put back in the fold of Democracy. "The Republicans," he said, "will move heaven and earth to carry out the scheme to send Reed Smoot to the Senate to succeed Senator Rawlins. We must block this scheme—this trade. Honest Republicans of the State will not stand for it. Even now men are being sent into every county in the State to fix the fences, to see that the right men are nominated for the legislature, so that no mistake will be made."

Mr. Roylance made a plea for the nomination of the very best men and women in the party. He said he was getting encouraging reports, and that many people were rebelling against being bought and sold like cattle and sheep.

Judge King was loudly applauded when he was introduced, and after referring to the splendid services of the "able Senator, Joseph L. Rawlins, the champion of the rights of the people in the State and the nation," he spoke substantially as follows:

KING OPENS UP.

"I want to say, frankly, that there is very much to say relative to the combinations that look to the triumph of a particular wing of the Republican party in the future. It would be a disgrace to the people of Utah if they were to ratify any trade or bargain by which some particular individual was to be the beneficiary and was to be sent to the Senate of the United States. I want to repudiate one of the fallacious ideas which have been insidiously inculcated among many of my co-religionists in this State, namely, that we should stand in with the party in power. I believe that it is a damnable heresy and that it is a doctrine which commends itself to cowards, and not to honest men. [Applause.]

WOULD PREFER A DEMOCRAT.

“Stand in with the party in power. Why? To get some offices. And that reminds me that a Senator, who will be nameless here to-night, seems to think that the acme of perfection and that the highest duty of a Senator is to stand at the pie counter and obtain a few crumbs, a few offices for a few hungry pap suckers in the State of Utah. I had rather have a man in Congress or in the Senate of the United States that never got an office for his constituents or for the people of his State, who stood up valiantly for the right, and who defended Democratic principles rather than a man that was constantly petitioning the President of the United States for offices and to distribute pie to a lot of hungry people in the State of Utah.

“What is it that makes governments and builds up communities and spreads civil liberty in the world? Is it the office seeker, the man whose highest conception of statesmanship is to hunt for offices? What would have become of this Republic if that class of men had guided the destinies of this Republic? I say for shame upon this mercenary characteristic that is manifesting itself among so many people of this State? We do not send men to Congress to get offices. We send them there to defend the policies and principles that have made this Republic great and will perpetuate it if it shall endure.

APPEAL TO MORMONS.

“I again refer to that pernicious and infamous doctrine that we must stand in with the party in power. Let me appeal to the Mormon people as a Mormon. Where would you have been, my coreligionists, if you had accepted that view and stood in with the religious party that was in power? Where would the Mormon Church have been and where would the Mormon people have been if they had carried out that policy which is being taught now in political circles—to stand in with the majority?

“Has it not always been one of the proud boasts of the dominant church of this State and the members of that church that they stood up for that which they believed to be right, notwithstanding the fact that millions were against them? We want to inquire, first, Are we in the right? not are we in the majority. It is fraught with danger to the members of my church, as it is fraught with infamy to those who follow that policy anywhere. I would rather be right and have with me as a companion the dog that bays at the moon than to have a world with me and stand upon a wrong foundation.

HEARS WHISPERINGS.

“I hear now whisperings in this State that if we stand in with the Administration we can get favors. Favors in a Republican government. My friends, we become cowards and sycophants when we ask for favors. This is not a government that has favors to grant. This is a government where all men are presumed to be equal and where we do not ask favors.

“It is said that we can placate the Republicans if we will vote the Republican ticket. Do they mean that the Republican party is so damnably dishonorable and unjust that it can not deal justly and right-

cously with the people of this State unless they vote the Republican ticket? But that is the history of the Republican party. It is the party of trades, of bartering, of expediency; it is the party that will sell its birthright if it can get in power.

WHAT OUGHT TO ARISE.

“Concede, then, that some of the members of the dominant church have dealt unfairly with us in the past; concede that we were cheated and robbed and defrauded out of the victory which we ought to have had a year ago; concede that the scheme is to defraud again by subterfuge and by underhanded methods; concede it all, and there ought to arise in the heart of every Democrat a stern resolve that so long as those influences can obtain every Democrat will fight harder and harder to resist them and to prevent the consummation of those infamies.

DEMOCRATS ARISE.

“There might be an excuse if the Democrats were triumphantly in power for some of us to lag and to take it easy in our tents, but there is not only no excuse now, but it would be a crime for any Democrat in the State in this coming election to sit down supinely and to let the Republican party ride over us triumphantly to victory. Let the Democrats of this State rise up and shake their invincible locks and announce to the Republicans that the battle is on and we will fight for Democratic principles and fight on and on until we win, until the right triumphs and until free government is assured.”

POWERS SEES A MACHINE.

Judge Powers was also received with applause. He opened also with a high tribute to the services and the character of Senator Rawlins, whose utterances, he said, had been distorted over the State. The judge then spoke in part as follows:

“Here in this State there is being builded as corrupt and tyrannical a political machine as ever was builded anywhere in the United States, and the man who has a boy growing up in this State, the man who has a daughter growing up in this State, whom he expects to see live here in Utah, has an interest in fighting this battle of the people, which is a battle against the combined power of wealth and of influence here in the State of Utah.

“It has been said that already there has been named the Senator who is to succeed Rawlins, a man holding a high, ecclesiastical office. The people of Utah can not afford to send to the Senate of the United States a man holding a high ecclesiastical office. There is no reason why a Mormon should not sit there, but there is a reason why those whose lives should be dedicated to the preaching of Christ and Him crucified should not mingle in political affairs or seek high political offices. You will regret it. It is a thing you can not afford to do, and yet I believe that when the last Senatorial campaign was on that this arrangement and agreement was made, and that is the combination you have got to meet to-day.

THEORY AS TO TEST.

“What is the test of Utah to-day of Republicans? Is it that a man believes in the platform of the party? Is it that he has given honest, faithful service to the party as a whole? No. It is whether he will bow down in abject servitude to one man who holds a high place from this State at the present time, and unless he does, whether he be a reverend of the Congregational Church, or whether he be a high priest in the Mormon Church, he can not expect to receive the favor of the administration or be put into any political office.”

REGRETS PRESENTED.

At this stage of the proceedings Chairman Moyle read telegrams of regret from Legrand Young, S. R. Thurman, and A. J. Weber. All spoke in high terms of Senator Rawlins and seemed in hearty sympathy with the object of the meeting. A letter was read from Frank J. Cannon. In this he expressed the earnest hope that “if the party may be victorious at the next legislative election it give itself the honor and to the State the benefit of the reelection of Joseph L. Rawlins to the United States Senate.” In another paragraph the letter said of Senator Rawlins that he is “entitled to the respect and admiration of every citizen of Utah who has regard for sturdy manhood in political life.”

RAWLINS MUCH OBLIGED.

Senator Rawlins was greeted with hearty and continued applause when he was presented to speak. He was in good voice and gave the meeting an agreeable surprise by cutting his remarks short. He spoke substantially as follows:

“According to an advance notice of a Republican paper it was due from me upon my return from Washington to my native State to come bowing my head with shame. However that may be, I am proud to-night to greet you and to be greeted by you. I am glad to make my bow, and I shall leave you to put your own interpretation upon the performance. Under the circumstances it is needless to say that I feel highly complimented in your presence, and thank you for all the honor which it implies.

“To those whose friendship has brought about this interesting occasion, the members of the Democratic club, members of the State committee, and all who have participated, I extend my heartfelt thanks.

DEVOTION TO CAUSE.

“The words uttered here to-night by eminent and distinguished Democrats, men who have adorned and who are capable of adorning as representatives of the great cause of Democracy the highest station of this Republic of ours, words so kind, so complimentary, so magnanimous, I shall ever cherish as a precious treasure. Yet, Mr. Chairman, I am not so vain as to presume that all this was designed purely as a personal compliment. It is rather an exhibition of continued devotion to the cause which we in common cherish and which we in common, if we could, would see predominate, securing to our country the perpe-

tuity of its free institutions and the welfare and happiness of all its people.

“In this social-political reunion it seems to me inappropriate that I should indulge in political discussion. In a metaphorical sense, if I could I would forget those cruel wars and bloody scenes from which I have recently made my escape, and in coming hither among the people with whom I have always lived I ought not to enter the arena with a challenge. I would rather indulge in the felicitations of friendship. ▶

POLITICAL BIOGRAPHY.

“Mr. Chairman, for ten years it has been my fortune in one way or another to meet the buffetings of the stormy seas of politics. Sometimes the currents have been adverse, sometimes the winds unfriendly, and yet I have no cause of complaint, no aspiration of my heart that has not been gratified. I feel grateful for the high honors which have been conferred upon me by the people of my native State, at whose birth I was a humble attendant in the halls of Congress. Guided by my honest judgment, with an earnest desire to do my duty as I saw it, seeking never to be a suppliant at the throne of power, I have sought at the same time as I saw it to uphold the rights and interests of the people of my State and of the nation. I have lent what aid I could to keep the ship of state bearing in the right direction, with what measure of wisdom or success it is not for me to say. For whatever difficulties have been encountered, whatever disappointments may have been met, or whatever measure of success may have been achieved, I want to say to-night that I seek no other reward than the manifestation of the regard and approval which I see about me this evening as I cast my eyes upon this friendly audience.

“Mr. Chairman, the sober, conscientious judgment of the people some time or the other will pass upon the principles which I and you have espoused; will sit in judgment upon the cause which I for you and as your representative have sought to represent, not with reference to any personal advancement to me, because that is a subordinate consideration and is not a matter which is to be considered, and will approve those principles for which the Democracy in this State and in the nation stands.

HARD TIMES AHEAD.

“Mr. Chairman, what are those great questions? We have not the time to discuss them. In eloquent terms they have been pointed out in a measure by the distinguished speakers who have precedence. If there was ever a time when there should be a Democracy—sturdy, determined, brave, and independent—in Utah and elsewhere throughout this Republic, the time exists now. Never were the tendencies so menacing to the welfare of our country, so threatening to the free institutions of the Republic. How long will the institutions and structure of the Republic of our forefathers endure if we, the Democracy of the nation, are unable to rescue it and put it back in the pathway of those who started it in the beginning?

WHACK AT THE TRUSTS.

“I but make this suggestion: Strong influences are abroad. Once it was proclaimed by the founder of the Republican party, Abraham

Lincoln, that this should be a Government for the people, of the people, and by the people, and under the administration of the Republican party to-day it is a Government by the trusts.

“Are we to be controlled in our political, in our personal actions, in all that is dear to us by the trinity of plutocracy, imperialism, and militarism? Shall the Democracy appeal in vain to the American people on vital questions upon which depend the very existence of this free Government?”

“I appeal to you to stand faithful in all the majesty and power of your manhood, and as American citizens see that the force of your individuality is commingled with that of your fellow citizens, that the result may be the highest good to the State and to the people.”

At the close of Senator Rawlins's speech it was discovered that Judge Henderson was in the audience, and a loud call was sent up for him. The Judge spoke very briefly and did not touch upon the issues. He said it was too early for talk, but when the proper time came he expected to do what he had done ever since he was 16 years old—do all in his power for the success of the Democratic party. He said the Democrats can carry Utah if they will. If good men are put up on a good platform Utah, he said, would again take her place as a Democratic State, and be no longer a trophy of the trusts. He said the Declaration of Independence was not read in the Philippines because it preached treason; it was too large a dose of liberty for the Filipinos.

RAWLINS'S BURDEN.

Frank B. Stephens was called out of the audience and spoke in high terms of Senator Rawlins who, he said, had taken up the mantle of Wendell Phillips, Abraham Lincoln, and Charles Sumner. He compared Senator Rawlins's speech in the Senate on the Philippine bill to the speech delivered in Faneuil Hall, in Boston, in 1837, by Wendell Phillips, denouncing the murder of Owen Lovejoy. “If Senator Rawlins is not sent back to the Senate,” Mr. Stephens said, “Utah will be recreant to her duty. We have one Senator to distribute the patronage; we need one to uphold true American sentiment.”

Senator DUBOIS. Was that delivered by Judge King since the political manifesto?

Mr. POWERS. Yes; that was delivered in 1902, on June 19.

Senator OVERMAN. Is he out of harmony with the church, or in harmony?

Mr. POWERS. He spoke in the tabernacle this last winter.

Senator DUBOIS. Is he one of the bishops or one of the authorities higher than a bishop?

Mr. POWERS. No.

Senator DUBOIS. Then the political rule would not apply to him?

Mr. POWERS. Now, gentlemen, I think it does. I have heard it construed here as applying only to the higher officials, but I think that rule, as it reads, can be applied to any official of the church, if they so desire. That is my construction of it simply.

The CHAIRMAN. Is that all?

Mr. POWERS. That is all.

The CHAIRMAN. Gentlemen, you may proceed with the cross-examination.

Mr. VAN COTT. Judge, has not Frank J. Cannon also taken a position substantially as strong as that of Judge King?

Mr. POWERS. He has, and he is taking that position to-day in his newspaper published at Ogden.

Mr. VAN COTT. And that is being circulated in the State?

Mr. POWERS. It is.

Senator DUBOIS. Is Cannon an official of the church?

Mr. POWERS. He is not.

Mr. VAN COTT. He is a member of the Mormon Church?

Mr. POWERS. He is a member of the Mormon Church.

Mr. VAN COTT. And as high an official as Judge King?

Mr. POWERS. I think he is. I think they must be upon an equality.

Mr. VAN COTT. Judge, when you went to the Territory of Utah in 1885 the people were practically without any experience in politics, were they not?

Mr. POWERS. That is my understanding. That was my observation.

Mr. VAN COTT. For instance, such experience as framing platforms and of having defined issues and standing by them was entirely unknown to the people?

Mr. POWERS. That was entirely unknown to the people. In fact, Mr. Van Cott, I do not think they were at all familiar with holding caucuses or conventions, or the selection of candidates as they are selected through the States.

Mr. VAN COTT. And as to what would be the issues between great political parties, they had no idea and no conception of such things as that?

Mr. POWERS. I do not think they had any idea or conception of the issues dividing the great national parties, and in fact, I think they took very little interest in them.

Mr. VAN COTT. Is it not a fact that while Brigham Young was president of the church and a leader of the church, he was appointed twice by the Government as governor of the Territory of Utah?

Mr. POWERS. That is the fact.

Mr. VAN COTT. And served eight years as governor?

Mr. POWERS. And served eight years as governor.

Mr. VAN COTT. So the people had before them practically the union of church and state.

Mr. POWERS. They did, indeed. It was perfect.

Mr. VAN COTT. When you went there in 1885, did you notice any improvement in the political conditions up to the time of the commencement of the division on party lines, in 1892?

Mr. POWERS. There was a gradual improvement up to that time.

Mr. VAN COTT. Commencing in 1892, when the parties commenced to divide, was there then a campaign to enlighten the people in regard to political parties?

Mr. POWERS. There was.

Mr. VAN COTT. And to frame platforms?

Mr. POWERS. There was. There were platforms framed and declarations of principles issued by both the Republican and Democratic parties, and printed and circulated.

Mr. VAN COTT. Was that kept up with considerable activity or not?

Mr. POWERS. Yes; it was kept up with activity.

Mr. VAN COTT. Starting from that time, 1892, up to the present I wish, Judge, you would state in your own way the progress that has been made by the people in the knowledge of political principles and of parties, and of forming their opinions and things of that kind, and

their tendency to become fixed, if there is anything in addition to what you have already stated.

Mr. POWERS. Well, there has been progress made that to me is, in view of the conditions that existed prior to that time, somewhat surprising as well as satisfactory. For instance, along about 1892 and prior to that time, and after that, but not to so great an extent, it was not an unusual thing; in fact, it was expected by those living in Utah that at the religious meetings held on Sunday nights preceding the election there would be political talks, and an indication given by the tenor of those talks as to how the people should vote. Now, we do not have those Sunday night talks just prior to the election. Of course we still have an editorial in the Deseret Evening News on the Saturday preceding the elections, generally, that we look for, but we do not have those talks. The people have progressed politically. They have progressed socially. The bitterness that was so intense between Mormons and gentiles that it is hard to describe it, has in a great measure passed away, although it exists, unfortunately, to some extent yet. Take it socially. Prior to 1892 I do not know that any Mormons were members of the Alta Club, the leading social club of that city. At the present time there are Mormon members of that club, and as I say there has been an advance.

Mr. VAN COTT. How about the women's clubs, Judge?

Mr. POWERS. The same may be said with regard to the women's clubs, although I do not know that there were more than one or two women's clubs previous to 1890. I do not recall them, but now we have many, and the Mormon women are members of those clubs, and gentile women.

Mr. VAN COTT. Judge, will you also express your opinion on the particular point of the tendency of the Mormon people to become fixed in political convictions?

Mr. POWERS. Some of them have as fixed convictions as any people, and I think the number is increasing.

Mr. VAN COTT. You found that so in the reconvened convention time?

Mr. POWERS. I did; although I have since found that some who were with me in that reconvened convention no longer stand where I stand, either politically or with regard to the church. In 1902 a good many of them, without any apparent cause, it seems to me, changed.

Mr. VAN COTT. And also during the time of the Moses Thatcher campaign for the United States Senate, did you find them stand firm for him at that time?

Mr. POWERS. They stood very firm for him up to the time that he was defeated in the senate, and I believe that if he could have been elected he would have been a rallying point for those who earnestly desire this rule of the church to be broken. If he had had political office and political power—and there is nothing succeeds like success—I believe it would have been a godsend to Utah.

Mr. VAN COTT. Judge, in the problem out there, is it not an important element as to the honesty and sincerity of the people?

Mr. POWERS. It is

Mr. VAN COTT. What have you to say, in your judgment, as to the honesty and sincerity of the Mormon men and women?

Mr. POWERS. I believe the Mormon men and women are as honest and as sincere—I am speaking of the great mass of the people now—

as any people upon the face of the earth; and it has seemed to me that from that very fact, their sincerity, their honesty, their firm belief in their church tenets, and their fidelity to their leaders, their leaders have the opportunity to do what has been done politically.

Mr. VAN COTT. With a leader who himself was honest and conscientious in that particular would there be anything to fear whatever, in your opinion?

Mr. POWERS. Oh, no. The Mormon people are largely, of course, controlled by their leaders, and with an honest leader firmly believing and preaching American principles, certainly there would be nothing to fear.

Senator BAILEY. That, however, Judge, would be the rule of one man rather than the rule of all the people, would it not?

Mr. POWERS. That is true. That is one of the things concerning which we have trouble.

Mr. VAN COTT. But you have given your opinion as to what will be the ultimate outcome, in your opinion, as to a class of people who are honest and conscientious and earnest, as you have stated.

Mr. POWERS. Why, I have great faith in the people, not only of the country at large, but of Utah. I can not believe otherwise than that in this free Government, after a time—that is the trouble; I fear I will not live to see it—the Mormon Church will take its place, where it ought to take it, like the rest of the churches, in the country.

Mr. VAN COTT. With a people who have had so little experience in political matters, did you not regard it as rather natural that after the first campaign, in 1892, a good many should shift their position in the campaign of 1894?

Mr. POWERS. Yes; and particularly in view of the manner in which they were divided up. Now, it has been well known to us all there that we had a certain set that were called church Republicans and a certain set that were called church Democrats, who were not firmly attached to either party, not supposed to be partisans in any sense of the word; and of course those people have flopped one way and another.

Mr. VAN COTT. And that was to be expected, was it not, in your judgment?

Mr. POWERS. No; Mr. Van Cott. I think that was a part of the plan of division.

Mr. VAN COTT. Do you think the people were party to it?

Mr. POWERS. They were party to it in this regard, that much of their thought is left to be done by leaders of the church, and they are taught to obey counsel, to obey the advice and suggestion of those who are above them. They are a party to it in the believing in that system of religion. They have obeyed counsel.

Mr. VAN COTT. Was it natural, in your opinion, that in the first division on party lines in Utah a great majority of the Mormon people should go to the Democratic party?

Mr. POWERS. Yes; that was natural.

Mr. VAN COTT. Was one reason for it, and the principal reason for it, the fact that the General Government had been Republican, and most of the legislation that had been adverse to them had been passed by the Republicans?

Mr. POWERS. Yes; I have heard that discussed many times in the earlier days, that the troubles that had come upon them by way of prosecutions came by reason of legislation that had been adopted by

the Republican party, and, probably without knowing why they were, they claimed to be Democrats, largely.

Mr. VAN COTT. That being so, as most of them for that reason would go into the Democratic party in 1892, would you not expect that for that reason, in particular, as they became well acquainted with the issues of the political parties, there would be a readjustment of those people, according to the opinions that they would form when they became well informed in regard to politics and the issues?

Mr. POWERS. Why, certainly, I would have expected that; but, unfortunately, when they came to divide there was not that great proportion on the side of the Democratic party that I would expect in view of the past professions of the people concerning Democracy, and of their feeling toward the Republican party by reason of legislation and prosecutions. On the contrary, the people were quite evenly divided, as the votes show.

Mr. VAN COTT. In 1892, when the first election was held, Mr. Rawlins, a Democrat, had 15,201 votes, did he not?

Mr. POWERS. I believe that is the vote.

Mr. VAN COTT. And Mr. Cannon 12,390?

Mr. POWERS. I think you have them correct. I have them here somewhere.

Mr. VAN COTT. So far as the Republicans and Democrats were lined up, there was a substantial majority for the Democrats, was there not?

Mr. POWERS. Yes.

Mr. VAN COTT. Something over 2,800 votes. Calling your attention to the Liberal vote, which you stated was 6,987, were most of those Republicans, in your opinion?

Mr. POWERS. There was a large—I was going to say a large majority of Republicans. There were, of course, a good many gentile Democrats. We had an organization there of gentile Democrats, called the Tuscaroras, and we had in Salt Lake City at one time on our list between 1,000 and 1,200, nearly 1,200 I think, that were all Democrats in national politics, but I think a good majority of the gentiles were Republicans.

Mr. VAN COTT. Could you give us an idea of the percentage?

Mr. POWERS. Well, I would think that out of 6,000, say, there would be 2,000 majority Republican—pretty near that.

Mr. VAN COTT. About 66 $\frac{2}{3}$ per cent Republicans?

Mr. POWERS. Yes; I should think so.

Mr. VAN COTT. Then in 1894 the Liberal party had passed out of existence?

Mr. POWERS. It had.

Mr. VAN COTT. Giving the Republicans 66 $\frac{2}{3}$ per cent of that Liberal vote, would you not expect the Republicans to carry the State in 1894?

Mr. POWERS. I would have expected it under ordinary circumstances, but Joseph L. Rawlins was running for Congress. He was well known to all the people. Joseph L. Rawlins had accomplished more for the people of that State during his term as a Delegate than anyone they had ever had here, and you would naturally think that they would vote for him. At any rate the Mormon people wanted statehood. I think Mr. Rawlins helped to make that possible.

Mr. VAN COTT. That would be your opinion?

Mr. POWERS. I thought you were calling for my opinion.

Mr. VAN COTT. Yes; but the latter part I do not know that I asked

you about. Dividing up that Republican vote that way, that would elect Mr. Cannon?

Mr. POWERS. Certainly; if that was the question.

Mr. VAN COTT. You designate Frank J. Cannon as a brilliant man?

Mr. POWERS. Yes.

Mr. VAN COTT. And he is?

Mr. POWERS. He is.

Mr. VAN COTT. And a very fine campaign speaker?

Mr. POWERS. There is none better.

Mr. VAN COTT. So that you would not expect him to be behind in that political race in Utah?

Mr. POWERS. Except for the reasons that I have stated.

Mr. VAN COTT. In 1896, coming to the next campaign, I believe you stated that you would expect that to be Democratic, whoever was on the ticket, on account of the issue?

Mr. POWERS. Yes.

Mr. VAN COTT. And the same of 1898?

Mr. POWERS. Yes.

Mr. VAN COTT. In 1900 the silver question was practically out of the issue in Utah, was it not?

Mr. POWERS. It was.

Mr. VAN COTT. And the same in 1902?

Mr. POWERS. Yes.

Mr. VAN COTT. In 1900 the Republicans carried the State?

Mr. POWERS. They carried the State.

Mr. VAN COTT. And in 1902?

Mr. POWERS. In 1902.

Mr. VAN COTT. So, with the exception of the exceptional years of 1896 and 1898, the Republicans have consistently carried the State of Utah from the time of the division on party lines to date?

Mr. POWERS. My opinion is that it was inconsistently. [Laughter.]

Mr. VAN COTT. Anyway, those are the facts, as we have gone over them?

Mr. POWERS. Yes.

Mr. VAN COTT. Has there ever been more than one United States Senator who was a Democrat since the time Utah became a State?

Mr. POWERS. No. Unfortunately, no. [Laughter.]

Mr. VAN COTT. Now, the same way, in regard to Congressmen. Judge King has been elected twice, has he not?

Mr. POWERS. Yes.

Mr. VAN COTT. In 1896?

Mr. POWERS. And then at the special election.

Mr. VAN COTT. Now, coming to State officers, I will ask you the general question whether all the State officers have not been Republicans with the single exception of Robert N. Baskin, who was elected during the time of the silver question, in 1898.

Mr. POWERS. They have been.

Mr. VAN COTT. Reed Smoot, when he was a candidate for the United States Senate, would have to get this consent that has been mentioned?

Mr. POWERS. I so understand it.

Mr. VAN COTT. And he was opposed by very many prominent Mormons in the Republican party, was he not?

Mr. POWERS. I think so.

Mr. VAN COTT. And he was also supported in his candidacy by very many prominent Republican gentiles?

Mr. POWERS. Yes.

Mr. VAN COTT. What did you mean, Judge, when yesterday you spoke of many of the people who landed in Utah with much bitterness in their hearts?

Mr. POWERS. I meant this. I meant no reflection upon the people. I meant that they had had serious trouble at the place from which they migrated; that the man whom they believed a prophet of God had been murdered, and they had gone off into a new country away from all that. They would be less than human if they did not have some bitterness in their hearts.

Mr. VAN COTT. Coming to the city election in November, 1903, Salt Lake City usually is Republican, is it not?

Mr. POWERS. Yes; I think it usually is Republican.

Mr. VAN COTT. Is it your opinion that it was the Mormon Church that turned Salt Lake City Democratic in that election?

Mr. POWERS. The last election?

Mr. VAN COTT. Yes.

Mr. POWERS. They helped.

Mr. VAN COTT. They helped. All right.

Mr. POWERS. I was going to say it was not alone the Mormon Church. There was quite a body of gentile Republicans who voted, or who are supposed to have voted, the Democratic ticket.

Mr. VAN COTT. Was it not principally, in your opinion, the gentile Republicans who turned the city over to the Democrats?

Mr. POWERS. I do not think so.

Senator BAILEY. Just there, is not that easier of demonstration by taking the vote according to the wards?

Mr. POWERS. No.

Mr. VAN COTT. No; you could not tell by that.

Senator BAILEY. Is it or is it not true that there are certain wards in which the Mormon vote predominates?

Mr. POWERS. Yes; there are certain wards in which the Mormon votes predominate, and certain wards in which the gentile votes predominate; but it is pretty hard to—

Senator BAILEY. Could not a rather accurate conclusion be drawn from the changes in those wards, so far as influence controls?

Mr. POWERS. It might possibly be done more readily by reference to the voting precincts. We have from 50 to 60 voting precincts. The wards would be too large, I think.

Senator BAILEY. I would imagine you could form a reasonable conclusion in that way, just as we would in the city of New York.

Mr. POWERS. Applying that test, take the Third municipal ward of Salt Lake City. That is supposed to be largely Mormon. I think it is. That ward was originally Democratic, and is to-day somewhat. I think the vote in that ward would show. I haven't it with me now, but I think that would show.

Mr. VAN COTT. We will furnish that later, Senator Bailey.

Judge, did not Charles S. Zane, a gentile Republican and a judge appointed from Illinois, come out and in public interviews oppose the Republican ticket?

Mr. POWERS. He did.

Mr. VAN COTT. Did not Mr. Allison, president of the State senate, a gentile Republican, do the same thing?

Mr. POWERS. I think Mr. Allison did.

Mr. VAN COTT. Did not George Sutherland, a gentile Republican, and ex-Congressman from the State of Utah, do the same?

Mr. POWERS. I understood that George Sutherland supported the straight ticket.

Mr. VAN COTT. I am talking now of the published interview; whether in the published interview—

Mr. POWERS. He may have done so; but I do not recall that. I was quite certain that Mr. Sutherland yielded to the will of the convention.

Mr. VAN COTT. Did not W. F. James, a gentile Republican, do the same?

Mr. POWERS. Yes; he did.

Mr. VAN COTT. Did not M. H. Walker do the same?

Mr. POWERS. I do not recall Mr. Walker.

Mr. VAN COTT. E. B. Critchlow?

Mr. POWERS. I do not recall what Critchlow did.

Mr. VAN COTT. And Grant H. Smith?

Mr. POWERS. Yes; I think he did.

Mr. VAN COTT. And did not Dean Eddy, the Episcopal minister, in a public interview, do the same?

Mr. POWERS. It was so stated, and then I saw afterwards he denied that.

Mr. VAN COTT. They are all gentile Republicans that I have mentioned?

Mr. POWERS. Yes.

Mr. VAN COTT. And did not O. J. Saulsbury, national Republican committeeman, do the same?

Mr. POWERS. Yes; he did.

Mr. VAN COTT. In a public interview?

Mr. POWERS. I think so. I know he was opposed to the Republican ticket.

Mr. VAN COTT. Do you not understand, Judge, that the gentile Republicans furnished money to the Democrats for the purpose of organizing their city committee and carrying that election for the Democrats?

Mr. POWERS. No; I do not understand that. On the contrary, Mr. Leary, who was chairman of that committee, I understand, denies anything of that kind.

Mr. VAN COTT. Judge, you stated that Mr. Richard Morris's majority was 3,500. Have you looked at that since?

Mr. POWERS. Yes; I was in error as to the size of that majority. That was my recollection.

Mr. VAN COTT. What is it?

Mr. POWERS. I think it is about 2,700.

Mr. VAN COTT. Let me refresh your recollection a moment. Will you look at this statement and see whether it was not 2,270 instead of 2,700.

Mr. POWERS. Is this the official count or the vote given the morning after the election?

Mr. VAN COTT. It is the newspaper report the morning after the election.

Mr. POWERS. This, of course, placed it at 2,270. It probably is

somewhere near accurate. I would not want to say that is the exact majority.

Mr. VAN COTT. Keep that before you a moment. John S. Critchlow was a gentile candidate for city recorder, was he not?

Mr. POWERS. He was.

Mr. VAN COTT. And his majority was 1,956, was it not?

Mr. POWERS. It is 1,910 here.

Mr. VAN COTT. Mr. Phelps was a candidate for auditor?

Mr. POWERS. Yes.

Mr. VAN COTT. What is his majority?

Mr. POWERS. Six hundred and fourteen. The majority of Fisher Harris, who is a gentile, is 918. He is a very popular young man, too.

Mr. VAN COTT. The Salt Lake Tribune supported the Republican ticket in that campaign, did it not?

Mr. POWERS. It supported the Republican ticket.

Mr. VAN COTT. Judge, you are attorney for the Salt Lake Tribune, are you not?

Mr. POWERS. I am attorney for the Salt Lake Tribune.

Mr. VAN COTT. And you have been for many years?

Mr. POWERS. I have been since 1887.

Mr. VAN COTT. Before statehood? Calling your attention to the naturalization, have you any memory as to how many persons you refused to naturalize on the ground you stated?

Mr. POWERS. No; but there were quite a number. I refused several at Provo, and I refused quite a number at Ogden.

Mr. VAN COTT. Would you venture to state the number?

Mr. POWERS. I would not want to give figures. I could not do that. I would probably be inaccurate if I did. I would rather get the figures as near correct as I could.

Mr. VAN COTT. Will you answer this? Would it be a hundred, or very much less?

Mr. POWERS. Oh, no; it was not a hundred. It would be less than that.

Senator DUBOIS. Did any other judges beside yourself refuse to naturalize applicants?

Mr. POWERS. I think Judge Zane did.

Mr. VAN COTT. Is it not a fact that Judge Zane refused to follow that rule; that some of the other judges did follow the rule not to allow naturalization, but that Judge Zane refused to do it?

Mr. POWERS. Let me think a moment. My impression is that he refused, possibly not on that ground. I know he questioned them very closely in regard to their belief in polygamy. My questions were along this line. I would interrogate them and ask them: Suppose they were upon a jury and the proof showed beyond a reasonable doubt that a man was guilty of polygamy or of unlawful cohabitation, would they find a verdict of guilty or not guilty; and I would interrogate them on the proposition as to what they would do in the event that the law of the land commanded one thing and the church commanded another; and of course when they told me they would follow the rule of the church, I declined to naturalize them.

Mr. VAN COTT. What would you say as to whether Judge Zane refused naturalization to such persons?

Mr. POWERS. My recollection is not clear upon it. My impression

is that he did refuse on those same lines, but I am not clear upon that. I would not say that he did or did not.

Mr. VAN COTT. Calling your attention to the Bowen matter; that occurred in one of the precincts in Salt Lake City upon the election of school trustee, did it not?

Mr. POWERS. Yes; the first municipal ward.

Mr. VAN COTT. Do you know who wrote Mr. Bowen's plea?

Mr. POWERS. No, I do not. I think he wrote it himself. I so understood it.

Mr. VAN COTT. Calling your attention to the canvass in 1895, you stated that you thought in September the Democrats would carry the State by a majority of 2,500 to 4,000.

Mr. POWERS. Yes.

Mr. VAN COTT. You have sometimes been wrong, have you not, in your estimates, Judge?

Mr. POWERS. Mr. Van Cott, I do not want to appear egotistical, but in the campaigns in Utah, with regard to the estimate of the probable vote, I have generally been right.

Mr. VAN COTT. And if you have not been right—

Mr. POWERS. For this reason.

Mr. VAN COTT. Excuse me.

Mr. POWERS. It has been my rule, in taking a canvass, to require that the thing should be done without regard to any partisan feeling and that every man concerning whom there was any doubt as to how he was going to vote should be counted against you. By doing that, if you then could figure up a majority you would come pretty near being right.

Mr. VAN COTT. And in cases where you have not come out as you anticipated you have laid that to some other influence?

Mr. POWERS. No; I take the responsibility myself when things do not come out as they ought to, and I have charge of it. I say I am the one that is in fault. I do not lay it to any other influence. I am not that kind.

Mr. VAN COTT. Judge, calling your attention to the case of Thomas D. Jones—

Mr. POWERS. Joseph D. Jones.

Mr. VAN COTT. Joseph D. Jones. The bishop you refer to is Judge Booth?

Mr. POWERS. Judge Booth.

Mr. VAN COTT. Who is now serving on the bench?

Mr. POWERS. He is.

Mr. VAN COTT. He is a Republican?

Mr. POWERS. He is a Republican.

Mr. VAN COTT. And has been for many years, has he not?

Mr. POWERS. Yes; he nominated himself in one convention for Congress.

Mr. VAN COTT. Joseph Dan Jones, as you understand—

Senator BAILEY. He is now a judge?

Mr. POWERS. He is the judge of the fourth judicial district, comprising the counties of Utah, in which Provo is situated, Wasatch, and Uinta.

Senator BAILEY. Do you mean seriously to say he nominated himself for an office?

Mr. POWERS. Yes; at a Republican convention up at Ogden. The

Judge was a candidate, and no one else put him in nomination, and he rose and nominated himself in the convention. [Laughter.]

Mr. TAYLER. That is the place where they say they have been slow to learn political methods. [Laughter.]

Senator BAILEY. I am inclined to believe that is proven. [Laughter.]

Mr. VAN COTT. Did not Judge Booth do that as a joke?

Mr. POWERS. I thought he was serious. I thought he really desired to be a candidate for Congress.

Mr. VAN COTT. Did he not do it in a way, Judge, that showed that he was merely making a joke of the matter, and it was so taken by the convention?

Mr. POWERS. Why, the convention took it as a joke.

Mr. VAN COTT. They treated it as a joke?

Mr. POWERS. Yes; they treated it as a joke.

Senator BAILEY. However earnest a man might be, any convention in any part of this country would be rather inclined to treat his speech nominating himself as a joke, would they not?

Mr. POWERS. I think they would.

Mr. VAN COTT. But of all the people present, you were the only one who took that seriously, were you not?

Mr. POWERS. I was not present.

Mr. VAN COTT. Oh, you were not there?

Mr. POWERS. Why, he is a Republican. [Laughter.]

Mr. VAN COTT. Proceeding, Judge, with the Jones matter, Mr. Jones belonged to the Loyal League, did he not?

Mr. POWERS. He did, as the papers showed.

Mr. VAN COTT. One of the purposes of that league was to disfranchise all the Mormons, was it not, on account of what was alleged to be their improper practices?

Mr. POWERS. Well, there was discussion, I think, of that kind. I did not belong to it, but I think that was considered by them, anyway.

Mr. VAN COTT. Calling attention now to Mr. A. W. McCune, who was a Senatorial candidate in 1898, you spoke of the large amounts of money that had been donated to temples and things of that kind. Mr. McCune's wife is a strong Mormon, is she not?

Mr. POWERS. She is.

Mr. VAN COTT. And do you not think that the donations of money to the church were on account of Mrs. McCune and not on account of Mr. McCune?

Mr. POWERS. I have no doubt of it, and I did not mean anything I said as being any reflection upon Mr. McCune. On the contrary, Mr. McCune is a very generous and very public-spirited man. I referred to that as being a portion of a letter that Apostle Heber J. Grant wrote, and merely as introductory to the remark that I desired to call attention to, where he said he had secured permission to work for him.

Mr. VAN COTT. Was not Reed Smoot a prominent candidate for the United States Senate even though he had not been chosen an apostle?

Mr. POWERS. Yes.

Mr. VAN COTT. And he had been active for the Republican party?

Mr. POWERS. He had been.

Mr. VAN COTT. Do you remember whether, even before the division on party lines, Mr. Smoot had taken an interest in Republican politics to the extent of having Republicans come to Provo to announce the doctrines?

Mr. POWERS. Yes; that is true.

Mr. VAN COTT. Do you remember the gentlemen who came?

Mr. POWERS. I think Mr. Charles S. Varian went down there for one.

Mr. VAN COTT. The men who are polygamists are mostly elderly men?

Mr. POWERS. I think the great proportion of them are elderly men.

Mr. VAN COTT. Judge, have not the Democrats also endeavored to seek and to obtain some of the church influence?

Mr. POWERS. Some of them have. I never did.

Mr. VAN COTT. In 1895, you were chairman of the party that year?

Mr. POWERS. I was.

Mr. WORTHINGTON. Chairman of what, the Democratic State committee?

Mr. POWERS. Yes.

Mr. VAN COTT. And in that year did not the Democrats nominate Mr. Moses Thatcher, an apostle, and Mr. Roberts, one of the first presidents of seventies, on account of what was thought to be their popularity with the people in the State?

Mr. POWERS. Yes; on account of their ability and their popularity.

Mr. VAN COTT. Their ability had only been shown in an ecclesiastical way, had it not?

Mr. POWERS. Mr. Roberts showed his ability in that constitutional convention, and he showed his courage. In that constitutional convention it was the desire of—

Mr. VAN COTT. I am going to ask you about that a little later.

Mr. POWERS. I want to finish this now.

Mr. VAN COTT. That is not an answer to my question.

Mr. POWERS. Very well.

Senator BAILEY. You asked him if they were not nominated for a certain reason. I should like to hear the full explanation.

Mr. VAN COTT. I withdraw the objection. I thought the Judge was going to speak of the woman's suffrage, and I had that for a special question. It was not in answer to my question at present; but I withdraw any objection.

Mr. POWERS. In that constitutional convention it was the wish of the majority that suffrage should be given to women. Mr. Roberts did not think it was going to benefit the women or benefit the State, and notwithstanding the fact that he was upon the unpopular side and was running counter to the wishes, I think, of the great majority of his own people, he delivered a speech in that convention that would do credit to any man, in opposition to it, and the people who disagreed with him on that subject admired him for his ability and his courage.

Mr. VAN COTT. Were not the leaders of the church also opposed to Mr. Roberts's position on woman's suffrage?

Mr. POWERS. They were.

Mr. VAN COTT. Strongly opposed?

Mr. POWERS. They were; and that is one thing that commended Mr. Roberts to the gentle people of that community.

Mr. VAN COTT. Mr. Roberts held this high position ecclesiastically that he now holds?

Mr. POWERS. Yes, sir.

Mr. VAN COTT. Now, Mr. Thatcher was popular on account of his ecclesiastical position, was he not?

Mr. POWERS. He was popular on account of his ecclesiastical position and he was popular because of his power as an orator. He was a scholarly man and he was a man of great oratorical ability and power. He could influence and sway those who were favored with an opportunity of listening to him, and was a strong man outside of his ecclesiastical position.

Mr. VAN COTT. But this power you speak of of both these gentlemen was principally shown in their ecclesiastical duties, was it not?

Mr. POWERS. Yes; that, I think, perhaps is true, although Mr. Thatcher delivered a great many public addresses on other subjects.

Mr. VAN COTT. And these were the men whom the Democrats nominated in 1895?

Mr. POWERS. They did.

Mr. VAN COTT. Even as to the Republican side, whatever influence has been attempted, either justly or wrongly, to saddle onto the church has been done in part by gentile chairmen of the Republican party, has it not?

Mr. POWERS. Yes.

Mr. VAN COTT. I call your attention to what I think is already in evidence, the letter of Charles Crane. He was a gentile chairman of the Republican State committee, was he not?

Mr. POWERS. He was.

Mr. VAN COTT. And in this letter that is already in evidence did he not advise that these pamphlets and letters be distributed in the Sunday schools and elders' meetings and church meetings, and I call your attention to the bottom of page 21 of the Utah Commission's report.

Mr. POWERS. Yes; he advised it, and I understand it was done. That is one of the things we complained about, and I understand he claimed at the time he was very close to the first presidency, whether truthfully or untruthfully I do not know. One of the things we complained of was using Sunday schools for distributing political literature.

Mr. VAN COTT. And this was a gentile who advised this to be done?

Mr. POWERS. He was said to be a gentile.

Mr. VAN COTT. Well, he is, is he not?

Mr. POWERS. Yes; he is a gentile, but he did not belong to the old guard.

Mr. VAN COTT. No. In 1895, when that reconvened convention was called, in the call you did not lay it to the church, did you, on account of the influence that had been used?

Mr. POWERS. No; it was thought best by the committee that I should frame that, as I stated, in diplomatic language, so as not to—we did not know how far our people would go with us. That is the truth of it.

Mr. VAN COTT. You do not mean to say you sacrificed the truth for diplomacy, do you?

Mr. POWERS. I do not understand that you have to sacrifice the truth in order to be diplomatic.

Mr. VAN COTT. Well, you did not, did you?

Mr. POWERS. No; I think not.

Mr. VAN COTT. In that call that you read yesterday it is laid to the efforts of unscrupulous Republicans to distort the ill-advised statements of some of the high church officials.

Mr. POWERS. Yes; and that was being done. That was done at

Brigham City; it was done at Logan; it was done at Moroni; it was done at Manti; it was done at Richfield; it was done at other places.

Mr. VAN COTT. You spoke recently—

Mr. POWERS. I was going to say I could refer you to a letter from Brigham City which was written to Mr. Roberts, and by him turned over to me, that showed that the language that had been used was distorted for political purposes.

Mr. VAN COTT. You spoke at a Jefferson Day banquet recently in Utah, did you not?

Mr. POWERS. I did.

Mr. VAN COTT. And at that banquet did you not lay the present condition of affairs to the Republican party and not to the church?

Mr. POWERS. I inquired of the people who was responsible for the position in which Utah found herself at the present time with the finger of all the other States in the Union being pointed toward her. I said to them, in substance, that we of the Democratic party had run up against Congress once, and that we had warned the people that if they voted the Republican legislative ticket it meant the election of Mr. Smoot to the Senate and meant trouble for the State. That is what I said to them.

Mr. VAN COTT. The Deseret News is the church organ?

Mr. POWERS. It is the church organ. It so announces itself at the head of the column.

Mr. VAN COTT. And have not the Republicans always complained about that paper helping the Democrats?

Mr. POWERS. I think they have, more or less, made complaint.

Mr. VAN COTT. Has not the Salt Lake Tribune, the Republican organ, also charged that the Deseret News has favored the Democrats?

Mr. POWERS. It has, at times.

Mr. VAN COTT. Judge, in your investigation in regard to the affairs that you mentioned of Brigham Young borrowing money from the city, down to what year did you find that that condition existed?

Mr. POWERS. Well, the last item that he seems to have borrowed from the city was—I will find it in a moment. I believe it was in 1873, but if you will excuse me a moment until I go to my overcoat I can give you the date.

Mr. VAN COTT. Never mind. There has been nothing since 1890, has there?

Mr. POWERS. No.

Mr. TAYLER. When did he die?

Mr. WORTHINGTON. He died in 1877.

Mr. POWERS. In 1877, I believe.

Mr. TAYLER. I think 1875 was the last.

Mr. POWERS. Just a moment; I will get it.

Mr. VAN COTT. It is not particular, Judge, as you said there was nothing since 1890.

Mr. POWERS. In 1875 he gave his note to the city for \$14,000.

Mr. VAN COTT. Did you state yesterday that when George F. Gibbs, the secretary to the presidency, wrote the letter that you mentioned to Bishop Wright, of Hyrum, they refused to censure him or reprove him?

Mr. POWERS. I say that when the committee presented the matter before the first presidency, and Joseph F. Smith was interrogated with regard to it, they received no word of censure of the secretary. That is as I understand it.

Mr. VAN COTT. They did write and publish a statement, did they not, censuring him and denouncing as reprehensible his conduct?

Mr. POWERS. Yes; and retained him as secretary at the same time.

Mr. VAN COTT. And this document to which I refer is in the address of the Democrats at the time of the reconvened convention?

Mr. POWERS. Yes; in the declaration of truths.

Mr. VAN COTT. Was John C. Graham, of Provo, a Republican or a Democrat?

Mr. POWERS. Well, he claimed to me to be a Democrat, but I must say that I doubt whether he was either.

Mr. VAN COTT. What year was that?

Mr. POWERS. I think he did not know the principles of the Democratic party or the Republican party either.

Mr. VAN COTT. Did he claim that he had been converted to Republicanism by hearing a Republican speak?

Mr. POWERS. I think after his paper became a Republican paper, he made that claim.

Mr. VAN COTT. Now, the paper was owned by a corporation, was it not?

Mr. POWERS. I think it was.

Mr. VAN COTT. And were not the majority of the stockholders and a majority of the directors of that corporation Republicans?

Mr. POWERS. They must have been, to make the paper Republican.

Mr. VAN COTT. And it was simply a question of Graham and not the paper, in regard to being Republican?

Mr. POWERS. Yes. I was not speaking of the paper. I was speaking of Graham more particularly.

Mr. VAN COTT. And the same at Logan. Was not the Utah Journal a Democratic paper, and did it not continue as such?

Mr. POWERS. I believe it did.

Mr. VAN COTT. And then did not the Republicans start the Logan Nation as a Republican paper?

Mr. POWERS. My recollection of that matter—it may be wrong, of course; it is a good while ago—is that they were both Democratic originally.

Mr. VAN COTT. You would not say my suggestion is not correct?

Mr. POWERS. I would not.

Mr. VAN COTT. The Australian ballot system prevails in Utah?

Mr. POWERS. It does.

Mr. VAN COTT. It has for several years?

Mr. POWERS. Yes.

Mr. VAN COTT. Judge, did you get your information about the controversy between Bishop Warburton and Mr. Bowen from Mr. Bowen's pamphlet?

Mr. POWERS. Yes; and from conversations with him.

Mr. VAN COTT. That is, with Mr. Bowen?

Mr. POWERS. Yes; and his pamphlet. Of course, the substance of it had been previously printed in the newspapers.

Mr. VAN COTT. In a general way, where did you get your information that the Republicans could go out on the stump and could talk and proselyte, and that the Democrats must keep quiet?

Mr. POWERS. Well, from many different sources. That is a matter that has been discussed ever since the division upon party lines. There is a particular report of that in the Salt Lake Tribune of May

10, 1896, it being the report of a meeting where the manifesto was presented for confirmation at Logan on the 3d day of May, 1896, and speeches were made there by Heber J. Grant, by Joseph F. Smith, and by John Henry Smith, and reference was made to the agreement that had been made in the Gardo House, to the effect that those believing in Democratic principles should remain quiet, while those who are Republicans should go abroad, in order that there might be more Republicans in the State. That was a complaint made at that meeting against Moses Thatcher, that he had not obeyed that agreement made at the Gardo House.

MR. VAN COTT. And the other data that you have furnished to the committee has also been obtained from the Tribune, has it not?

MR. POWERS. From the Tribune, from the Deseret News, from the Salt Lake Herald, and from the knowledge that one gains by living among a people and hearing the people talk.

MR. VAN COTT. The Tribune has been, with the exception of a brief period, since statehood, distinctly anti-Mormon, has it not?

MR. POWERS. Yes; it was the Liberal organ up to the time of the division on party lines.

MR. VAN COTT. Has it not been your experience that several things, a good many of the things, that they have charged have been inaccurate?

MR. POWERS. Yes. I do not think any newspaper can be absolutely accurate. I think they all try to be.

MR. VAN COTT. Calling your attention to Mr. B. H. Roberts in particular, and to the year 1895, yesterday you spoke of him being in everyone's mind for nomination. Will you explain that a little more in detail?

MR. POWERS. I did not mean all over the State. I meant at the convention.

MR. VAN COTT. That is what I understood you.

MR. POWERS. Why, it seemed as if he was the choice of the party. That is what I mean by that.

MR. VAN COTT. And that included Mormons and gentiles?

MR. POWERS. Yes.

MR. VAN COTT. Mr. Roberts was a polygamist then?

MR. POWERS. I understand he was.

MR. VAN COTT. And living in unlawful cohabitation?

MR. POWERS. I did not know that at the time.

MR. VAN COTT. It was a matter of general reputation?

MR. POWERS. Not so much so as it was in the next campaign.

MR. VAN COTT. The next campaign? Very well.

MR. POWERS. Yes; in that campaign I do not think it was discussed at all by anybody. I do not recall now of having seen anything in any of the papers nor having heard anything concerning it.

MR. VAN COTT. At that time you knew, I suppose, that George Q. Cannon had been expelled from Congress for being a polygamist?

MR. POWERS. I did.

MR. VAN COTT. Coming to the campaign of 1898, at that time it was known that Mr. Roberts, in all human probability, had obtained the consent of the church to run for that office?

MR. POWERS. Yes, sir.

MR. VAN COTT. Were you chairman that year?

MR. POWERS. What year was that?

Mr. VAN COTT. 1898.

Mr. POWERS. No; I was not chairman.

Mr. VAN COTT. You took an active part in the campaign?

Mr. POWERS. I took an active part in the campaign.

Mr. VAN COTT. And you and other gentiles spoke for Mr. Roberts on the stump?

Mr. POWERS. I spoke for Mr. Roberts on the stump; I went upon the stump for him. I defended him as well as I knew how, and, unlike some other Democrats who sustained the ticket and yet never mentioned his name, I mentioned his name in the meetings and spoke for him.

Mr. VAN COTT. And made special arguments for him?

Mr. POWERS. I made as good an argument for him as I could.

Mr. VAN COTT. Well, that would be a good one.

Mr. POWERS. I do not think that I was any more culpable in naming him and advocating him than you would have been if you had gone upon the stump, which I understand you did, and supported him without mentioning his name by supporting the ticket.

Mr. VAN COTT. You mean supporting the ticket without mentioning his name?

Mr. POWERS. Yes; supporting the ticket without mentioning his name.

Mr. VAN COTT. It was known at that time that Mr. Roberts was living in unlawful cohabitation?

Mr. POWERS. It was charged in the newspapers.

Mr. VAN COTT. Well, it was general reputation, was it not?

Mr. POWERS. It was general reputation. I must say I did not believe all that was charged against him.

Mr. VAN COTT. It was charged in the Tribune?

Mr. POWERS. It was charged in the Tribune, but the Tribune does not own me, nor it is not my guide in political matters. I try to guide it in the courts as well as I know how.

Mr. VAN COTT. You supported Moses Thatcher in his candidacy for United States Senator?

Mr. POWERS. I did.

Mr. VAN COTT. In the legislature of 1896?

Mr. POWERS. I did. I withdrew in his favor.

Senator DUBOIS. Before you go on with that, who was running against Mr. Roberts?

Mr. POWERS. Mr. Eldridge, of Coleville.

Senator DUBOIS. Was he gentile or Mormon?

Mr. VAN COTT. He was a Mormon.

Senator DUBOIS. Well, compare the two Mormons, then—Mr. Roberts and Mr. Eldridge. How would you diagnose them?

Mr. POWERS. I am very glad of the opportunity to make answer to that. There were charges made against Mr. Roberts in the newspapers, as I say, many of which I did not believe. I thought seriously over the matter as to what my duty was with regard to sustaining him on the stump as well as I could, and I took counsel and advised with the best councilor that I have upon earth. We discussed it all over. There was Eldridge, without the ability of Roberts; there was Roberts, who was competent and qualified for the position. There was Roberts, who, if he was living in polygamy, as they charged, was simply doing that which Eldridge connived at, aided, abetted, and believed in. I could not see any distinction between the men in that regard.

Besides, I was a strong bimetallist. Mr. Roberts represented my views; Mr. Eldridge did not. In addition to that, I noticed upon the stump, teaching the people, such men as Apostle John Henry Smith, who was as culpable as Mr. Roberts could be, and my friends on the other side were willing to accept the aid of men of that class. So I determined that I would support the ticket, as I have always done, and I went out upon the stump and I defended him as well as I knew how. I did all I could to help elect him, and under the circumstances I would do the same thing again. I have nothing to take back.

Mr. VAN COTT. Judge, your position on that was the position of many gentiles of the Democratic party, was it not?

Mr. POWERS. Yes.

Mr. VAN COTT. Mr. Eldridge was not a polygamist?

Mr. POWERS. No.

Mr. VAN COTT. Now, calling your attention——

Mr. POWERS. But it is a distinction without a difference.

Mr. VAN COTT. That is, if a man belongs to the Mormon Church, for all practical purposes, he is a polygamist, although he only has one wife?

Mr. POWERS. No; I do not mean that.

Mr. VAN COTT. What do you mean, Judge?

Mr. POWERS. I mean this: Eldridge was not condemning Roberts. Eldridge believed in what Roberts did. Eldridge was aiding and abetting, if there was any wrong that Roberts was doing.

Mr. VAN COTT. Very many Mormons in the Democratic party were opposed to Roberts's candidacy, were they not?

Mr. POWERS. They were opposed to his nomination, and I may say that I did not vote for Mr. Roberts in the convention.

Mr. VAN COTT. And they were opposed because he was a polygamist and supposed to be living in unlawful cohabitation?

Mr. POWERS. That was the opposition that was made to him.

Mr. VAN COTT. Now, calling your attention to Moses Thatcher—Moses Thatcher was also a polygamist at the time of that candidacy, was he not?

Mr. POWERS. He was a polygamist, but, as I have always understood it, he was living within the law. I have always so been informed, and I never knew anything to the contrary.

Mr. WORTHINGTON. What do you mean by that?

Mr. POWERS. I mean by that that he was not living in unlawful cohabitation; that while he had been married to plural wives prior, he was obeying the law of Congress. That is as I understood it.

Mr. VAN COTT. Judge, do you understand that when a man like Apostle Grant, for instance, wages a campaign against Moses Thatcher, that it is really the church?

Mr. POWERS. No, not unless he is set apart, as the saying is, for that work. With us we have a church phrase that if a man is designated to do some particular thing, he is set apart to do it, and it has seemed to us that Heber J. Grant has been set apart as the Democratic apostle to make us trouble a good many times. [Laughter.]

Mr. VAN COTT. Was it in this particular campaign, Judge, that you believe he was set apart?

Mr. POWERS. No; it was in the McCune campaign.

Mr. VAN COTT. But what would you say about the campaign in

1896? That is when Mr. Moses Thatcher was a candidate for the United States Senate.

Mr. POWERS. I would not say that he was set apart at that time. It seemed like they were all taking a hand in it that year.

Mr. VAN COTT. Is it your opinion that Mr. Thatcher was beaten on account of the influence of the church?

Mr. POWERS. That is my firm opinion. I think that beat him also in the legislature in 1897.

Mr. VAN COTT. Beat Mr. Thatcher?

Mr. POWERS. I think so.

Mr. VAN COTT. Mr. Thatcher was not a candidate in 1897, was he? Are you not mistaken about that?

Mr. POWERS. I may be mistaken about the year. I was thinking that was the year.

Mr. VAN COTT. Was it not just one year? The legislature elected in 1895.

Mr. POWERS. It was 1897, was it not, that he was candidate for the United States Senate?

Mr. VAN COTT. Yes; that is right.

Mr. POWERS. Yes; I am right.

Mr. TAYLER. The legislature elected in 1895—

Mr. POWERS. 1896.

Mr. TAYLER. Was Republican?

Mr. POWERS. The legislature in 1895 was Republican. They elected two United States Senators.

Mr. TAYLER. That ended his candidacy for the Senate from that election?

Mr. POWERS. From that election; but in 1896 we elected another legislature, which was Democratic, and Moses Thatcher then became a candidate before the legislature for the United States Senate.

Mr. VAN COTT. Now, adapting my questions to the year 1897 instead of 1895 and 1896, would you answer the same?

Mr. POWERS. Yes.

Mr. VAN COTT. After Mr. Rawlins was nominated, the different candidates made a speech before the legislature, did they not?

Mr. POWERS. They did.

Mr. VAN COTT. And you made one?

Mr. POWERS. I made one.

Mr. VAN COTT. At that time did you not say that your candidate, meaning Mr. Moses Thatcher, had gone down to an honorable defeat? And I call your attention to your speech, and particularly to the bottom of page 171.

Mr. POWERS. I said that. I used these words:

“The candidate whose cause I espoused has gone down to an honorable defeat. The standard that he raised aloft has been stricken. Another gentleman, a son of Utah, has succeeded, and I now congratulate him, as I promised I would, that he has been named to represent in the Senate of the United States the great and glorious State of Utah.”

When I am whipped, to use a common phrase, I do not kick.

Mr. VAN COTT. Yes; but, Judge, while you do not kick you do not state anything that is not correct?

Mr. POWERS. Why, I try not to. I yield.

Senator BAILEY. A defeat may be entirely honorable on the part of

the defeated man, and a defeat might still have been accomplished by dishonorable means on the part of others. I do not suggest that that was true in this case, but that is entirely possible.

Mr. POWERS. The reference was as stated by the Senator. That was the idea conveyed by that paragraph.

Mr. VAN COTT. That is, he had gone down to an honorable defeat, but had been dishonorably defeated?

Mr. POWERS. Yes; by means that I have detailed here.

Mr. VAN COTT. That is what you called an honorable defeat?

Mr. POWERS. Yes; he was beaten.

Mr. VAN COTT. Were not your remarks, taking your whole speech together, to the effect that I have mentioned, that it was simply an honorable defeat on the part of Mr. Thatcher?

Mr. POWERS. Well, you may construe it so. I do not think that that can be said of it, though.

Senator BAILEY. What was the expression about the standard? Was it "stricken?"

Mr. POWERS. That the standard that he had raised aloft had been stricken. I meant that the man himself had so carried himself that in defeat he was honorable. He had gone down to an honorable defeat. That he had not himself done anything that would cause the blush of shame to come to his supporters.

Mr. VAN COTT. Judge, you spoke of the pernicious influence of Apostle Grant having defeated Judge King also?

Mr. POWERS. Yes.

Mr. VAN COTT. In that same campaign?

Mr. POWERS. No; that was the next campaign. Judge King was not a candidate when Moses Thatcher was defeated.

Mr. VAN COTT. Well, Apostle Grant labored for Mr. A. W. McCune, did he not?

Mr. POWERS. He did.

Mr. VAN COTT. His pernicious influence did not elect Mr. McCune, did it?

Mr. POWERS. It would have elected Mr. McCune if Mr. Law had not stood up there in the joint convention and made the statement that I have detailed.

Mr. VAN COTT. That is, with the exception of the "if," Mr. McCune would have been elected?

Mr. POWERS. If it had not been for Law he would have been elected.

Mr. VAN COTT. Judge, I want to call your attention to some of the church candidates—I will say Mormon—candidates who have been beaten. Angus M. Cannon, in 1896, was president of the Salt Lake stake of Zion, was he not?

Mr. POWERS. Yes.

Mr. VAN COTT. And he is one of the officers who would have to get consent to run?

Mr. POWERS. Yes.

Mr. VAN COTT. He was beaten in that campaign, was he not, together with his ticket?

Mr. POWERS. The whole ticket went down that year, all over.

Mr. VAN COTT. All over?

Mr. POWERS. The State went about 50,000 Democratic.

Mr. VAN COTT. I am calling attention to the senatorial district.

Mr. POWERS. Oh, yes.

Senator BAILEY. What election was that?

Mr. VAN COTT. 1896. He was beaten by gentiles, was he not? I suggest Mr. Whitaker and Mr. Harbour to you.

Mr. POWERS. No; he told me himself the other day—I was thinking he was beaten by his wife, Mattie Hughes, but he told me he was beaten by Thomas Caine.

Mr. VAN COTT. Judge, coming back to the serious part of the question, Mr. Whitaker—

Mr. POWERS. I should say he was a candidate on the Democratic ticket that year.

Senator OVERMAN. Mrs. Cannon beat her own husband?

Mr. POWERS. I charged him with it the other day, but he denied it and said he was defeated by John T. Caine.

Senator OVERMAN. His wife was elected, was she?

Mr. POWERS. She was elected.

Senator OVERMAN. And he was beaten?

Mr. POWERS. He was beaten.

Mr. TAYLER. Did they run in different districts?

Mr. POWERS. No; they ran in the same district. [Laughter.]

Senator BAILEY. I do not see how you keep the peace out there. [Laughter.]

Mr. VAN COTT. Were not the gentiles, Mr. Whitaker and Mr. Harbour, elected on the Democratic ticket?

Mr. POWERS. Yes, sir.

Mr. VAN COTT. And Mr. Cannon, the president of the stake, was beaten?

Mr. POWERS. Yes.

Mr. VAN COTT. And Mr. Cannon's plural wife, Mattie Hughes Cannon, was elected on the Democratic ticket over her husband, who was the president of the stake?

Mr. POWERS. Well, he denies that. He says it was John T. Caine that beat him. [Laughter.]

Mr. VAN COTT. Those are the returns?

Mr. POWERS. I have forgotten what the returns were.

Mr. VAN COTT. But I mean that she was elected and he was defeated?

Mr. POWERS. He was elected and she was defeated. Yes; that is right.

Mr. VAN COTT. I call your attention to Abraham Hatch in the same campaign, 1896, and to his senatorial district, the fifth, and ask you whether he was not president of the Wasatch stake of Zion?

Mr. POWERS. Yes.

Mr. VAN COTT. And one of the officials who would have to get consent?

Mr. POWERS. They all have to get consent, as I understand. I would say yes.

Mr. VAN COTT. He was beaten by a gentile, R. C. Chambers, was he not?

Mr. POWERS. Yes. Now, Mr. Van Cott, I should explain that by saying that the senatorial district was composed of Summit County and Wasatch County. R. C. Chambers was the president of the Ontario Mining Company, a very prominent citizen of Utah, and Summit County, by reason of Park City being there located and being a mining camp, was in majority gentile. Mr. Chambers was a popular man and Wasatch County is normally a Democratic county; and when you

Mr. POWERS. He was.

Mr. VAN COTT. He defeated Richard W. Young, Democratic Mormon?

Mr. POWERS. Yes.

Mr. VAN COTT. Richard W. Young is a very popular and able Mormon, is he not?

Mr. POWERS. He is.

Mr. VAN COTT. A graduate of West Point?

Mr. POWERS. A graduate of West Point, formerly connected with the United States Army. He took part in the Philippine war. After the war, although he was a Democrat, he was appointed a judge by President McKinley in the Philippine Islands, and I understand he served with honor to himself and those who appointed him. He has recently been made president of Ensign stake, in which I reside.

Mr. VAN COTT. Mr. McCarthy had also been designated judge in Utah, had he not?

Mr. POWERS. He had.

Mr. VAN COTT. And he had sent Mormons to the penitentiary for unlawful cohabitation since statehood in Sevier County?

Mr. POWERS. Will you call my attention to the case? Probably I would remember it.

Mr. VAN COTT. I will have to hunt through the documents to get at the names of the men. I can not call them from memory. I will ask you whether you do not remember the circumstance?

Mr. POWERS. I remember something about it, but I do not remember the case. I have a recollection of it.

Mr. TAYLER. Christensen and Olibord?

Mr. POWERS. I remember that name—Olibord.

Mr. VAN COTT. And Judge McCarthy was elected over Mr. Young?

Mr. POWERS. He was.

Mr. VAN COTT. Calling attention now to the first State election under the constitution, which would be in the fall of 1895, the Republican candidates for the supreme court were Judge Charles S. Zane, George W. Bartch, and James A. Minor, were they not?

Mr. POWERS. They were.

Mr. VAN COTT. And all gentiles?

Mr. POWERS. All gentiles.

Mr. VAN COTT. And on the Democratic ticket two of the candidates were Samuel R. Thurman—

Mr. POWERS. Thomas Maloney was one.

Mr. VAN COTT. Two of the candidates were Samuel R. Thurman and Richard W. Young, were they not?

Mr. POWERS. Yes.

Mr. VAN COTT. They were two Mormons?

Mr. POWERS. Two Mormons.

Mr. VAN COTT. Did not the three gentile Republican candidates get the largest majority of anyone on the Republican ticket?

Mr. POWERS. That I do not recall now.

Mr. VAN COTT. I did not know but that you would remember it.

Mr. POWERS. No.

Mr. VAN COTT. You remember they were elected?

Mr. POWERS. They were elected and had a large majority; and I think, now I come to reflect upon it, that you are right about that—that they had the largest majority of anyone upon the ticket.

Mr. VAN COTT. Larger than Mr. Thurman?

Mr. POWERS. Yes.

Mr. VAN COTT. And Mr. Thurman is the same gentleman you spoke of yesterday?

Mr. POWERS. Of course they had a majority over Mr. Thurman. You do not mean that?

Mr. VAN COTT. I mean the largest vote on the Republican ticket.

Mr. POWERS. Yes; and of course it would be larger than Mr. Thurman, because he was running against them.

Mr. VAN COTT. Mr. Thurman is the same gentleman you spoke of yesterday as an able lawyer and popular in the State?

Mr. POWERS. Yes.

Mr. VAN COTT. In 1900 William H. King was an opponent for candidate to Congress against George Sutherland, a gentile, was he not?

Mr. POWERS. He was.

Mr. VAN COTT. And Mr. Sutherland won over Judge King, did he not?

Mr. POWERS. Yes.

Mr. VAN COTT. Is it your understanding that the church favored Judge King in that campaign against Mr. Sutherland?

Mr. POWERS. That has been my opinion.

Mr. VAN COTT. But still Mr. Sutherland won?

Mr. POWERS. Mr. Sutherland won by a small majority, 262.

Mr. VAN COTT. Judge King is also a son-in-law of Apostle Lyman, is he not?

Mr. POWERS. He is.

Mr. VAN COTT. In 1896 W. G. Nebeker, a gentile, beat Bishop John C. Sharp in the first senatorial district, did he not?

Mr. POWERS. Yes; that was in 1896.

Mr. VAN COTT. This morning, Judge, you spoke of the church interfering, in the last four or five weeks, in regard to national committeemen. What are your sources of information on that?

Mr. POWERS. I stated, I think, that the Deseret News espoused the cause of one of the factions in the Republican party in Utah.

Mr. VAN COTT. Your information, then, is based on what the Deseret News said regarding it?

Mr. POWERS. It is based on the action of the Deseret News.

Mr. VAN COTT. You have not those issues here, have you?

Mr. POWERS. No; I have not.

Mr. VAN COTT. All right; we will pass on, then. Calling your attention to the steering committee you mentioned, you said they were appointed by the church, as I remember. Do you mean that?

Mr. POWERS. No.

Mr. VAN COTT. Maybe I misquote you.

Mr. POWERS. I do not think I put it in that way.

Mr. VAN COTT. Will you express it in your own way now?

Mr. POWERS. How they were appointed I do not know, but it was generally understood that they represented the church there. How they got their appointment I do not know, of course.

Mr. VAN COTT. The particular thing is what are your sources of information in regard to that particular matter?

Mr. POWERS. Well, I have talked with members of the legislature. For instance, I had a talk with Joseph Monson, of Cache County, a week ago last Saturday. He is a member of the Democratic State

committee. I met him there and he was talking about that steering committee, and I talked with other members of the legislature who professed to have information about it. I have very little.

Mr. VAN COTT. The Mrs. Coulter that you refer to as chairman of the judiciary committee in the last legislature is a graduate of a regular law school, is she not—a graduate of Ann Arbor Law School?

Mr. POWERS. I do not know that. She probably is. No doubt she is. If you state it, I accept it.

Mr. VAN COTT. She was a classmate of mine, I will state, and graduated from the law school.

Mr. POWERS. I did not know that. I knew she was a leading physician at Ogden. I was not aware she was a law graduate.

Mr. VAN COTT. The Electric Power Company in Salt Lake City, before its consolidation with the Street Railway Company, was controlled by a regular corporation, was it not?

Mr. POWERS. It was.

Mr. VAN COTT. And the Street Railroad Company by a separate corporation?

Mr. POWERS. It was.

Mr. VAN COTT. When they were consolidated it was under the name of the Utah Light and Railway Company?

Mr. POWERS. Yes, sir.

Mr. VAN COTT. Do you say that the church owns the majority of that stock?

Mr. POWERS. No; I do not.

Mr. VAN COTT. Why do you say that the church controls that corporation?

Mr. POWERS. I said it had a control through the trustee in trust, who owns and controls certain of the stock of that corporation—and how much I do not know—and has a large voice in it. I do not pretend to state the amount.

Senator BAILEY. Who is the president of the corporation?

Mr. POWERS. Joseph F. Smith.

Senator BAILEY. Who is Joseph F. Smith?

Mr. POWERS. President of the Mormon Church; trustee in trust of the Mormon Church.

Mr. VAN COTT. Judge, you do not say, do you, that the trustee in trust and the church, or its leading officials, all put together, own a majority of the stock of that corporation?

Mr. POWERS. No; because, as I have said to you, I do not know how much stock they own in it.

Mr. VAN COTT. Judge, if all of those people put together do not own a control of the stock of that corporation, do you still say it is the church that runs the corporation and controls it?

Mr. POWERS. Well, I observe this: That the president of the church is the president of that corporation; that the attorney of the corporation is a leading member of the church; that when it consolidated, your firm, which had been theretofore attorney for the street-railroad company, was superseded by a member of the Mormon Church, a member of the board, and I do not know of any reason why they should have taken it away from you.

Mr. VAN COTT. Are those the inferences on which you state that this corporation is controlled by the church?

Mr. POWERS. Those are some of the inferences; yes.

Mr. VAN COTT. What was the last year, as near as you can tell, when a person was refused naturalization in the courts of Utah for the reason you have stated?

Mr. POWERS. For the reason I have stated? I think in 1887.

Mr. VAN COTT. Well, for any reason based on their membership in the Mormon Church? What was the last year?

Mr. POWERS. It was either 1889 or 1890.

Mr. VAN COTT. Of course, there have been many Mormons naturalized since then?

Mr. POWERS. Oh, yes; hundreds of them.

Mr. VAN COTT. Judge, when you spoke yesterday of the church acting as a collecting agency for taxes, or some of the church officials doing that, you do not mean that for late years?

Mr. POWERS. No; I stated that was in early times.

Mr. VAN COTT. That is what I understood.

Mr. POWERS. It was away back—I can give the date. It was away back in the fifties.

Mr. VAN COTT. That is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. TAYLER. Just one question. Judge, you have described or defined the character of this church organization, and especially emphasized the idea of obedience to authority—following the file leader, the taking of counsel—as being the thing that held the church together and was its dominating characteristic. Is that correct?

Mr. POWERS. That is correct.

Mr. TAYLER. Do you understand that that idea prevails to-day as ever before?

Mr. POWERS. I do.

Mr. TAYLER. You have described, in answer to the cross-examination, to some extent the development of those people in knowledge both of politics and of society. Do you intend that we shall infer from that statement of yours as to their development that the Mormon people can ever achieve individual independence as long as this doctrine of obedience to authority, of taking counsel, of following the file leader, is the doctrine and policy of the church?

Mr. POWERS. I do not see how they can, provided that counsel is applied to them in their political conduct, though I want to say that I think they have a perfect right, so far as their religion is concerned, to do as they please.

Mr. TAYLER. Have you discovered any relaxation on the part of the higher authorities of the church of that principle of authority and of obedience to authority running down through the rank and file of that body of people?

Mr. POWERS. I think that during a comparatively recent period there has been a renewed effort upon the part of the church to induce the members to follow that part of the creed. I think that some of the members have not been as ready to accept counsel and to be obedient as they had in the past.

Mr. TAYLER. You well remember, and you have been referring to, this Thatcher episode, and you remember the pamphlets that were printed and the speeches made by the apostles of the church and published in the Deseret News. You remember the fact generally?

Mr. POWERS. Yes; I remember that.

Mr. TAYLER. There is no doubt about the correctness of these quotations. Some of them are in the protest and some elsewhere.

Mr. WORTHINGTON. Are they all in the record now?

Mr. TAYLER. Yes; I think they are all in the record now. If not, they are indisputable.

Mr. WORTHINGTON. Is that the whole pamphlet that was put in?

Mr. TAYLER. Yes; I want to call your attention to this, as discovering whether it expresses your conception of their idea of their policy. It is in the speech of Wilford Woodruff, made on the 5th of October, in, I think, 1896:

“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 to-day. Our spirits are united. We believe together. 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.”

Whether that expresses the policy of unity that they demand from all their people.

Mr. POWERS. It does.

Mr. TAYLER. Now, only one other quotation in that connection, from the speech of Apostle Brigham Young at the same time, on the same occasion:

“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 affections 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 has lost the spirit. Where, brothers and sisters, will you get the channel of communication opened up between you and the powers that reign here on earth 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 by and forbidden paths. One channel, one organization, and no man can rise against that and expect that he will be favored by or permitted to guide his spirit.”

Whether that is not the universal, the ever-prevalent teaching and demand of the authorities of that church upon the faith of their people?

Mr. POWERS. It is. That is good Mormon doctrine.

Mr. TAYLER. That is all I desire to ask.

Mr. VAN COTT. Do not the Mormons vary in their opinions, some liberal, some very liberal, and others not so much so?

Mr. POWERS. Yes; and I want to say, as I apprehend you are concluding my examination, that I have not intended any criticism of the Mormon people as a whole. They are like other people, and there is

much that can be said in their favor. They are kind people. There are no people on earth that are more hospitable. There are no people that are better to their poor. There are no people who are more reverent toward the aged. It is the system that I condemn.

Mr. VAN COTT. But, Judge, do not very many of the Mormons, for instance, object to the stand that is taken by some of their leaders on extremes such as this and other points?

Mr. POWERS. They have objected to me, personally and privately—many of them, and yet one of their conferences would come along, and just exactly as I have told you with regard to leaving the name of Moses Thatcher off that list in that April conference, 1896, and promulgating that political manifesto, not one of them seemed to dare to say that his soul was his own, or stand up in defense of that man or in defense of the political liberties of the people.

Mr. VAN COTT. Even though Moses Thatcher was satisfied with it and his judgment approved of it, still you condemn the people for taking that stand?

Mr. POWERS. Do you think that Moses Thatcher—

Mr. VAN COTT. No; I ask you the question, Judge.

Mr. TAYLER. Do you mean that Moses Thatcher had then done it?

Mr. VAN COTT. I say if the judgment of Moses Thatcher thoroughly approved the meaning of that rule and then the people voted for him still, you would condemn the people?

Mr. POWERS. I would say yes, that I would condemn the people; that it ought not to depend on Moses Thatcher alone, but it ought to depend upon the views of the individuals, because it is such an un-American doctrine, so contrary to the spirit of our institutions, that the Mormon people ought not to permit it to prevail.

Mr. VAN COTT. That is, you construe the rule to be that it applies to all the members of the church, and not to high officials?

Mr. POWERS. I so construe it; but even if it applies to those whom you have named, I say it is putting a power in the hands of an ecclesiastical organization that should not be permitted to be exercised, and the Mormon people ought to protest against it.

Mr. TAYLER. At the time that this great body of the people in conference sustained the authorities in deposing Moses Thatcher and in promulgating this rule Moses Thatcher was still recalcitrant, was he not?

Mr. POWERS. He was.

The CHAIRMAN. Is that all, gentlemen?

Mr. TAYLER. That is all.

The CHAIRMAN. Will you gentlemen on either side desire Judge Powers to remain longer?

Mr. VAN COTT. We do not care for him.

Mr. TAYLER. I think I would rather he would stay a day or two.

The CHAIRMAN. Very well; remain over Sunday, Judge.

I want to say to the attorneys that the Senate next week will be very busy and in session every afternoon, and the members of this committee will have matters to attend to; so we shall restrict the hearing on Monday to the forenoon. I would ask the parties to be here at 10 o'clock instead of half past 10, and we will sit until the Senate opens.

The committee will stand adjourned until 10 o'clock Monday.

The committee (at 3 o'clock and 55 minutes p. m.) adjourned until Monday, April 25, 1904, at 10 o'clock a. m.

WASHINGTON, D. C., *April 25, 1904.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), McComas, Dillingham, Dubois, Bailey, and Overman; also Senator Smoot; also R. W. Tayler, counsel for protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for certain witnesses.

The CHAIRMAN. Gentlemen, have you any further questions to ask Judge Powers?

MR. TAYLER. I understand Mr. Van Cott desired to ask some questions.

The CHAIRMAN. Mr. Powers, please resume the stand.

TESTIMONY OF ORLANDO W. POWERS—Continued.

ORLANDO W. POWERS, having been previously sworn, was examined, and testified as follows:

MR. VAN COTT. Judge, there are a few questions that I desire to put to you. What have you to say, in a general way, about the interest of the Mormon people in education, both in their own schools and in the schools of the State?

MR. POWERS. I think the Mormon people have as much interest in the advancement of education and in the training of their youth as any people. I know that there is an impression abroad that such is not the fact, but we have as good schools in Utah as they have in Boston.

The Mormon Church schools are splendid educational institutions. They have many educators who would do credit to any people, and the State need not be ashamed of its school facilities, nor need it be ashamed of the record that many of its children have made. I want to say that in art, upon the stage, in the sciences, and in practical life it has many representatives of note. I was reflecting over it this morning and I recall the name of John Hafen, an artist whose pictures have been hung in the salon at Paris. Then there is Mr. Dallin, the sculptor, whose Paul Revere stands in Boston, and who modeled the magnificent monument to the pioneers that stands in Salt Lake City. Maud Adams, who is now an actress known of all people in this country, was born and brought up in Utah; also another actress, Edna Dwyer Russell; and only recently an Ogden girl, a Mormon girl, Nannie Tout, was called to sing before the King of England. Another girl who was born and brought up in Provo, Miss Emma Lucy Gates, sang before the Emperor of Germany.

Among our educators there is Prof. J. E. Talmadge, noted all through this country as a geologist. There is John A. Widtsoe, whose specialty is chemistry, and who has charge of the experimental station at the Agricultural College at Logan, whose bulletins are recognized by scientific men as being very excellent and accurate.

So I say that the suggestion that Utah takes no interest in educational affairs and that her people are not progressive people along educational lines is inaccurate.

Senator OVERMAN. Are all these persons whom you have named Mormons?

MR. POWERS. Mr. Hafen is a Mormon, Edna Dwyer Russell is

a Mormon, Professor Talmadge is a Mormon, Miss Nannie Tout is a Mormon, Emma Lucy Gates is a Mormon. Now, as to Dallin, he was born and brought up at Springfield, in Utah, but whether he is a Mormon I can not state. I do not think he is.

Mr. WORTHINGTON. Are these Mormons and non-Mormons all educated in the same schools?

Mr. POWERS. Not all in the same schools, of course. Some are educated in the church schools, some have a public school education, and some go to the State institutions, where Mormons and gentiles mingle together. Our State university, although it is a young institution, ranks well. Our young men are trained in mining. We have there a mining school that I believe is about the best they have now in the country. It is as good as any. Of course they have facilities there for teaching that they would not have in the East, because they have access to the great smelters and to the mines.

Mr. VAN COTT. What have you to say about the Mormon people, as a general rule, especially since 1890, being tolerant of other religious faiths and of other persons in the State?

Mr. POWERS. They have been quite tolerant. They have permitted those of opposite religious faith to speak in their church buildings, and they are always ready to debate with them—to discuss the merits of the two systems.

Mr. VAN COTT. What have you to say about the industry and enterprise, in a general way, of the Mormon people?

Mr. POWERS. The Mormon people are an industrious people, remarkably so when you take into consideration that many of their converts came from what might be termed the lower walks of life of the old world. They have been taught industry by their leaders. That is preached to them at their religious services, and they are also enterprising. The Mormons are erecting buildings in Salt Lake City that are very fine, indeed.

Mr. VAN COTT. And do the Mormons and gentiles unite in business enterprises? Is that common?

Mr. POWERS. Yes; they do. There is an institution there, the Commercial Club, of Salt Lake City, which has several hundred members, its membership extending over the State. It is a social club as well as a business club, where men gather for lunch or for dinner, or for the general purposes of a social club, and its membership is comprised of both gentiles and Mormons. Its principal object is to advance the business interests of the State.

Mr. VAN COTT. Judge, the most of the jurors come from the Mormon Church, do they not?

Mr. POWERS. In the outlying counties; I mean outlying from Salt Lake County and Weber County.

Mr. VAN COTT. You have had a good deal of experience with such jurors, have you not?

Mr. POWERS. If you say so, I have.

Mr. VAN COTT. Now, Judge, in a general way, in regard to their—

Mr. TAYLER. Mr. Van Cott has not said so yet.

Mr. VAN COTT. Well, I say so, and remove it beyond doubt. In a general way, I wish you would state the attitude of Mormon jurors in regard to criminal cases generally, in regard to their fairness, their integrity, and things of that kind when serving as jurors?

Mr. POWERS. Their attitude, so far as I have observed it, has been

as fair as you could expect of any people. I have in mind one case where I defended a man where the Mormons naturally would be interested against him, and I had a jury that was both gentile and Mormon. My client received fair treatment.

Mr. TAYLER. He was acquitted, was he?

Mr. POWERS. He was acquitted. [Laughter.]

Mr. VAN COTT. There are Mormon judges also in the State, are there not?

Mr. POWERS. Yes; there are a number of Mormon judges.

Mr. VAN COTT. And what have you to say about their conduct in the administration of the law?

Mr. POWERS. I never have observed any indication on the part of the Mormon judges to do other than to follow the law as they understand it. By that I do not mean that they would understand it in a way that was unfair. I mean that they have not known Mormon or gentile, so far as I have observed, in their decisions.

Mr. VAN COTT. And is there any difference in the way that the Mormons generally, either the judges, the jurors, or the people, treat gentiles from others in regard to their fairness and things of that kind?

Mr. POWERS. If there is any such difference, it is an exceptional case. Men might, of course, among any people be what you would call unfair as jurors, but I mean to say that would be exceptional.

Mr. VAN COTT. During the campaign following the reconvened convention state the attitude and conduct of the gentile Republicans in either approving or of ridiculing and deriding the platform that was adopted at that reconvened convention throughout the State of Utah.

Mr. POWERS. They disapproved of our reconvened convention, and they did ridicule our platform, and they declared we were making a grand-stand play.

Senator BAILEY. They did not, however, ridicule the declaration?

Mr. POWERS. Oh, no; they did not do that.

Senator BAILEY. There was nobody in Utah who questioned their soundness?

Mr. POWERS. Nobody ridiculed those that I recall.

Mr. VAN COTT. But in regard to the charges you made, and things of that kind, they did ridicule that part of it?

Mr. POWERS. Yes; they did.

Mr. VAN COTT. The gentile Republican paper did it also, did it not?

Mr. POWERS. I understood that I was answering that.

Mr. VAN COTT. Judge, what is the attitude of gentiles in Utah in regard to informing or reporting to the officers in regard to Mormons, for instance, living in unlawful cohabitation?

Mr. POWERS. Their attitude, I think, is precisely what would be the attitude of any other people. They do not like to do that. Nobody likes to be an informer, and they do not do it to any great extent.

Mr. VAN COTT. Calling your attention now to the incident that you mentioned the other day—of Judge Booth nominating himself for Congress—are not these the facts in regard to that matter: That in 1898 the Republicans knew that on account of the silver question they were hopelessly beaten in Utah; that when the Republican convention met the Republicans had great difficulty in finding any man who would accept the nomination, because of the sure defeat that was awaiting him; that a number of gentlemen were nominated and each one declined, and that finally, as a take-off on the repeated declinations,

Judge Booth arose and in a humorous manner nominated himself for that office?

Mr. POWERS. Well, I can not say that he did it as a take-off. I did not so understand it, Mr. Van Cott, but the other facts you have stated possibly are nearly as things occurred. I would not want to say he did it as a take-off. He may have done so. I would not want to say he did not.

Mr. VAN COTT. What is your opinion, from the way the circumstances existed at that time, the feeling of the Republicans of their sure defeat, and everything of that kind, as to whether Judge Booth did it as a joke or did it seriously?

Mr. POWERS. I have already stated that I have always thought the judge did that seriously. As I say, I may be mistaken about it, but that was my opinion at the time.

Senator OVERMAN. Judge, is it the general opinion among gentiles—Republicans and Democrats—that the church interferes in politics?

Mr. POWERS. I think so, without any doubt.

Mr. VAN COTT. One other question. Calling your attention to the time when George Q. Cannon was voted for as United States Senator by the Democratic legislature, did not Heber Bennion ask your advice about that matter, and did you not tell him it was better to support George Q. Cannon for the United States Senate than to support Alfred W. McCune?

Mr. POWERS. No; I think I stated the other day the substance of my remarks to Mr. Bennion, as I recall them. They were to this effect: That I met him, as I recall it, in the city and county building, where the legislature held its sessions, shortly after noon. He spoke to me in the hall, and said to me that there was talk of voting for George Q. Cannon for Senator, and asked me what I thought about it. As I say, the thought in my mind at that time was that it was preposterous, and I said to him "I believe it would be a good thing." My recollection is quite clear as to what I said, for there was an inaccurate report of it afterwards in the newspapers, which caused me to reflect as to what I had said. I said to him "At any rate, you would be voting for a man of ability."

Mr. VAN COTT. Mr. B. H. Roberts, after the constitutional convention in 1895, was very popular among the gentiles, was he not?

Mr. POWERS. He was very popular.

Mr. VAN COTT. And on account of his stand on the woman's suffrage question?

Mr. POWERS. Yes.

Mr. VAN COTT. And in gentile counties Mr. Roberts ran away ahead of his ticket, did he not, on account of the sympathy and the liking of the gentiles for him?

Mr. POWERS. Yes; I think he ran ahead in Salt Lake County, if I remember correctly. You mean, now, in the campaign of 1896?

Mr. VAN COTT. Yes, sir.

Mr. POWERS. I think he ran ahead in Salt Lake County. It was not so much because they were all opposed to woman suffrage, because many of them were in favor of it the same as the Mormons, but it was because they admired, as I said the other day, the man's courage and ability; and they thought then—I know it was generally thought among the gentiles at that time—that B. H. Roberts was the Moses who was going to lead us out of our political troubles. That was the thought

among the gentiles. They believed that with the stand he was taking, and the independence of the man, and his ability to lead, it would result in his leading the people away from church domination. I know I thought so.

Mr. VAN COTT. That is all, Mr. Chairman.

Senator DUBOIS. Judge Powers, the church authorities were understood to be for McCune in that Senatorial fight, as I understand?

Mr. POWERS. I understood it so.

Senator DUBOIS. The church authorities, as we understand it here, are the first presidency and the twelve apostles?

Mr. POWERS. Yes; when I speak of the authorities I mean to refer to the first presidency and the twelve apostles.

Senator DUBOIS. I think that is our understanding here. Do you recollect any of the apostles who were interfering in any way to prevent the election of McCune? In the beginning, I mean.

Mr. POWERS. No.

Senator DUBOIS. Did Mr. George Q. Cannon become a candidate when it was pretty well established that McCune could not be elected, or before?

Mr. POWERS. After it was pretty well established that McCune could not be elected; after the Law incident in the legislature.

Senator DUBOIS. There was no interference, however, by the church authorities to prevent Mr. McCune from being elected until it was demonstrated that—

Mr. POWERS. No; on the contrary, I think there was assistance.

The CHAIRMAN. Mr. Tayler, have you any questions?

Mr. TAYLER. Just one or two. Then, in consequence of the stand that Mr. Roberts took in the campaign of 1895 against church domination, he became popular with the gentiles, and even with the Republican gentiles?

Mr. POWERS. He did.

Mr. TAYLER. And if he ran ahead of the ticket it arose out of that fact, did it?

Mr. POWERS. Out of that fact, on account of the stand he had taken against ecclesiastical interference in our political affairs.

Mr. TAYLER. And when you say you Democrats looked upon him as the Moses who would lead you out of the wilderness, you meant that he, being a high official of the church and a Democrat who had taken a stand against church domination, was the most influential man, considering his ability also, to lead the party away from that unhappy relation?

Mr. POWERS. I do not know that I would say he was the most influential man, because Moses Thatcher was with us also; but Mr. Thatcher's health was poor. Mr. Roberts had splendid health. He is well equipped as a debater. He is a very forcible speaker, and has the magnetism of an orator. As a consequence the younger men of the Mormon Church had, for a long time, looked upon him as a leader, and when I say that we looked upon him as the Moses who was going to lead us out of our political difficulties, I mean that his ability and his courage and his popularity would inspire his following, and that it would be sufficiently large so that the church could not stand out against it.

Mr. TAYLER. You spoke about the public schools. Do you mean

that the Mormon Church and the Mormon people are responsible for the establishment of your admirable public school system in Utah?

Mr. POWERS. As I understand the history of our public schools, the bill was prepared and introduced in the legislature by Clarence E. Allen, who has been a Republican Representative in Congress and is now the general manager of a large mining corporation in Utah, and who had been an educator both in the East and in Utah. He was a member of the legislature.

Mr. TAYLER. Not a Mormon?

Mr. POWERS. Not a Mormon. He was a gentile. My understanding is that he prepared the free-school bill and that it was passed by a Mormon legislature after considerable discussion.

Senator DUBOIS. When was this, Judge?

Mr. POWERS. Well, it was away back before statehood; in 1890 or 1891, I think.

Senator DUBOIS. I wanted to know whether it was before or after statehood.

Mr. POWERS. Yes; before statehood.

The CHAIRMAN. Go on, Mr. Tayler.

Mr. TAYLER. After the manifesto of 1890 against polygamy for a time there was a general belief, was there not, that the church and its leaders would abandon, and had abandoned polygamy and polygamous cohabitation, and that you were about entering upon an entirely new career in that respect in Utah?

Mr. POWERS. Yes; there was that belief. That arose probably from the declarations of the church officials, the leaders of the church, to the effect that the manifesto meant not only a cessation of polygamous marriages, but also a cessation of polygamous cohabitation.

Mr. TAYLER. Since statehood, we will say since 1896, that idea has not been to the same extent prevalent, has it?

Mr. POWERS. I would not say since 1896. The idea was prevalent up to a later date.

Mr. TAYLER. Well, until what date?

Mr. POWERS. Along toward 1900, before there really began to be a change in public sentiment about it.

Mr. TAYLER. Taking the period from 1890 down to the present, when has the State shown the greatest signs of development?

Mr. POWERS. In 1889 and 1890 Salt Lake City and Ogden, the two principal cities of the State, made a wonderful advance, materially and socially and in an educational way. There was a large influx of people from other sections of the country, and I will say that both those cities are to-day gentile cities; that is, the gentiles have a majority of the people in both cities. Salt Lake City doubled in population in a very short time. Many new enterprises were begun and carried through. So that it was a very prosperous period. The influence was also felt in other sections of the State, notably at Provo. Then during the past three years there has been a very notable advance. The people have been very prosperous. The prosperity in 1889 and 1890 I attribute to the success of the Liberal party in Salt Lake and Ogden. The prosperity of the last three or four years has been from the same causes as the general prosperity that has existed through the country.

Mr. TAYLER. You stated, as I recall it, that when Judge Henderson was a candidate for the Senate, he seemed to be, if not the church's

candidate, at least to be approved as a candidate by leaders in the church, and that later on that support seemed to be withdrawn and only one man remained with him. Do you recall any observation that was made by Judge Henderson as characterizing that situation and condition?

Mr. WORTHINGTON. Almost everything goes here, Mr. Chairman.

Mr. VAN COTT. Mr. Tayler asks that we let it go in.

Mr. POWERS. I understand the Judge, when he found himself left with that lone vote, looked about him in his headquarters and said: "The Lord giveth and the Lord taketh away." [Laughter.]

Mr. TAYLER. That is all.

Senator BAILEY. Judge Powers, I have heard that it sometimes happens in particular places that after the public school is dismissed for its regular scholastic session the teachers are in the habit of saying to the children that they must remain while religious exercises are held. Do you know of any such practice as that in the public schools of Utah?

Mr. POWERS. I know that that matter is being quite generally discussed, and I know that it is a cause of complaint by the gentiles, because we feel that that thing must stop.

Senator BAILEY. Does it exist?

Mr. POWERS. I think it does exist in some sections of the State.

Senator BAILEY. That is all.

Mr. TAYLER. There is one question I neglected to ask. You say Salt Lake is a gentile city?

Mr. POWERS. Yes.

Mr. TAYLER. Are the gentiles in control of the school board in that city?

Mr. POWERS. They were up to a year ago last January. They had been quite insistant, notwithstanding the division upon party lines, that the schools should be under the control of the gentile people of the city, their reasons being that they desired that there should be no question but what there was no danger of the Mormon Church getting control of them, and during each school campaign there has been more or less contest between the Mormons and the gentiles over the election of school trustees. A year ago last January, if I remember the date correctly, the Mormons got control of the school board.

Mr. TAYLER. Have you any information, or are you able to approximately judge of the amount that is paid in salaries to the school-teachers?

Mr. POWERS. Approximately \$300,000, in Salt Lake City.

Mr. VAN COTT. Per annum?

Mr. POWERS. Yes. Is not that about right?

Mr. VAN COTT. I do not know, Judge.

Mr. POWERS. I think that is approximately the sum.

Mr. TAYLER. Do you understand that the system of tithing in operation in the Mormon Church would apply to the salary of the teacher?

Mr. POWERS. Yes; if she were a Mormon.

Mr. VAN COTT. Judge, will you mention one place where a meeting of school children has ever been called together for religious instruction in the schoolhouse since the year 1890?

Mr. POWERS. No; because I can not do that, but I understand it has been done in Davis County; the town I can not recall. And as I understand it, and as it has been discussed by the Deseret News and by the

Salt Lake Tribune and other papers there, a school sometimes would be dismissed a little earlier than usual and at other times dismissed at the usual hour, and then the building would be used for religious instruction.

Mr. VAN COTT. The Deseret News denied it, did it not?

Mr. POWERS. Yes.

Mr. VAN COTT. And the Tribune charged it?

Mr. POWERS. Yes.

Mr. VAN COTT. Outside of that, Judge, you have no specific fact that you can mention?

Mr. POWERS. No; I do not intend to state that I have any personal knowledge of that as a fact.

Mr. VAN COTT. Calling attention to the boom in Salt Lake City, did not that boom commence in about 1887 and reach its height in about 1889?

Mr. POWERS. Yes; and early in 1890.

Mr. VAN COTT. And then shortly after that was there not very serious depression and panic, lasting several years?

Mr. POWERS. Yes. I will tell you how that happened. The people in the East seemed to have more faith in it than we had. They bought our property at a low price, and then after we had carried Salt Lake City gentile they unloaded on us at a high price and left us to carry the load alone.

Senator BAILEY. The boomers did not do there any different from what they do everywhere.

The CHAIRMAN. Judge, I want to ask you about a matter for information. It has come to us that in some localities the magistrates decline to receive a complaint against the citizen accused of polygamous cohabitation. Do you know anything about that?

Mr. POWERS. No; I do not.

The CHAIRMAN. And sometimes if complaint is received and warrant issued the officer declines to serve the warrant on such people.

Mr. POWERS. I never knew of an instance of an officer declining to serve the warrant.

The CHAIRMAN. I wanted to know about it.

Mr. POWERS. I do not know anything about any case of that kind.

Senator OVERMAN. Is there any trouble in getting bills before the grand jury?

Mr. POWERS. We do not have the grand-jury system.

Senator OVERMAN. You do not?

Mr. POWERS. Except in the United States court. We had the grand-jury system, of course, under the Territorial law, but largely for the purpose, I take it, of saving expense the legislature passed a law by which complaint is made before a magistrate. Then the man is bound over to the district court, and then an information is filed by the district attorney against him based upon the examination before the magistrate, that taking the place of an investigation by a grand jury. The judges have power to call a grand jury whenever, in their judgment, the exigencies of a particular case require it. Our grand jury is composed of eight members.

Mr. WORTHINGTON. You mean in Salt Lake City?

Mr. POWERS. And through the State.

The CHAIRMAN. Judge, do you know Apostle Grant?

Mr. POWERS. Do I know him?

The CHAIRMAN. Yes.

Mr. POWERS. I do, indeed.

The CHAIRMAN. Where is he?

Mr. POWERS. He is reputed to be in England—not in England. The last information concerning Grant was that he was over attending some kindergarten school in Germany, a representative of the State of Utah.

The CHAIRMAN. That is an international convention, is it not?

Mr. POWERS. Yes.

The CHAIRMAN. Has he been designated as a delegate, as you understand, to represent Utah?

Mr. POWERS. Yes; the governor designated him as a delegate from the State of Utah.

The CHAIRMAN. He is a great educator, I believe.

Mr. POWERS. In some lines.

The CHAIRMAN. What lines?

Mr. POWERS. Well, he made a speech up at the university this last winter. He had been in Japan looking after the Japan missions, and he came back—

The CHAIRMAN. The University of Utah?

Mr. POWERS. Yes; he came back to Utah, and I think he was there a couple or three weeks. During those two or three weeks he was quite active. He made a speech at the University of Utah to the young men and women there, a State institution supported by the taxes of Mormons and gentiles, and he made a contribution of \$150. He told them it was \$50 for himself and \$50 for each wife, having two, and he said that he regretted that the laws prevented him from having more.

The CHAIRMAN. That was before the pupils of that State institution?

Mr. POWERS. It was.

Mr. WORTHINGTON. Were you there?

Mr. POWERS. No. I wish I had been; because that is a matter that I, as well as other gentiles, have resented and desire to resent, and many of the Mormons, too, I guess. We do not like it?

The CHAIRMAN. Do you know how it was received by the students?

Mr. POWERS. There was no hostile demonstration to it.

The CHAIRMAN. And he is the gentleman who is designated by the governor to represent the State at this great international convention?

Mr. POWERS. Yes. During the same period he was home he went down to Provo, and in a public meeting he took a Mormon lawyer to task because he had undertaken for a woman a case which Grant thought clashed with the doctrines, perhaps, of the church; but they afterwards settled their differences by a signed card in the paper. I think the Mormon lawyer held his own.

The CHAIRMAN. Do you know of any special reason why he is absent from the country at this time?

Mr. POWERS. I understand that a warrant was issued for him and placed in the hands of the sheriff, and he departed suddenly.

The CHAIRMAN. Upon his mission?

Mr. POWERS. Upon his mission.

The CHAIRMAN. Has he returned to this country since?

Mr. POWERS. No; that is, we do not understand that he has. If he has, I do not believe that anybody knows of it.

Mr. WORTHINGTON. Where was the warrant issued, Judge?

Mr. POWERS. In Salt Lake City.

Mr. VAN COTT. Judge, was it not well known and understood in the community that Apostle Grant was going over on that mission before ever this warrant was issued?

Mr. POWERS. I think so. I do not mean to be understood as saying that he went on the mission on account of the warrant being issued, but I think he got out of town the way he did on account of the warrant being issued. As I understand, he left in the night.

Mr. VAN COTT. Grant apologized to that lawyer for what he had said, did he not?

Mr. POWERS. Yes; he did. I say the Mormon lawyer, Mr. N. V. Jones, got the best of him. Grant apologized.

Mr. VAN COTT. The governor of the State and Apostle Grant are brothers-in-law, are they not?

Mr. POWERS. They are.

Mr. VAN COTT. You do not mean to say that Mr. Grant is over in Germany? He was simply designated.

Mr. POWERS. I do not know that he is there.

Mr. VAN COTT. You do not know that he has been there on this particular mission?

Mr. POWERS. Oh, no; I have not been there with him, if that is what you mean.

Mr. VAN COTT. I do not mean that. I mean, according to the reports in the newspapers, Grant has not been to Germany at all on this matter so far, has he?

Mr. POWERS. On that school matter?

Mr. VAN COTT. Yes, sir.

Mr. POWERS. No; I do not think I have seen anything about that, if that is what you mean.

The CHAIRMAN. Is Mr. Grant now one of the apostles?

Mr. POWERS. He is one of the twelve apostles.

Senator DUBOIS. You say Apostle Grant and the governor are brothers-in-law. Did the governor marry Grant's sister, or is one of Grant's plural wives the governor's sister?

Mr. POWERS. I understand one of Grant's plural wives is the governor's sister.

Senator DUBOIS. They are both Mormons?

Mr. POWERS. Yes; they are both Mormons.

Senator DUBOIS. Judge, you go up into Idaho quite frequently. I know you are quite popular up there. You go there socially and on business, do you not?

Mr. POWERS. Yes.

Senator DUBOIS. Are you familiar with conditions in Idaho and what is going on there?

Mr. POWERS. Why, as fairly familiar as one can be with the affairs of a sister State. I am somewhat acquainted in a business way and a social way.

Senator DUBOIS. Has your attention been called to the controversy going on in the newspapers up there and the charges being made that religion is taught in the Mormon schools and Mormon counties during school hours?

Mr. POWERS. I have seen such charges in the papers; yes.

Senator DUBOIS. Do you know anything about it?

Mr. POWERS. Nothing further than that I am aware of such charges being made.

Senator DUBOIS. I have not been there since they were made, and I know you have.

The CHAIRMAN. You speak of this State school. What is it called?

Mr. POWERS. The State University of Utah.

The CHAIRMAN. Under the control of whom?

Mr. POWERS. Of a board of regents of the State appointed by the governor and confirmed by the senate of the legislature.

The CHAIRMAN. Do you know the board of regents?

Mr. POWERS. Yes; I know them.

The CHAIRMAN. Are they Mormons or gentiles?

Mr. POWERS. Both.

The CHAIRMAN. Which are in a majority?

Mr. POWERS. Now, Mr. Van Cott, I think, is one of the regents. I would have to ask him that.

The CHAIRMAN. Who is the president of the university now?

Mr. POWERS. Professor Kingsbury.

The CHAIRMAN. Is he Mormon or gentile?

Mr. POWERS. Gentile.

The CHAIRMAN. Who was president before him?

Mr. POWERS. Professor Talmage.

The CHAIRMAN. Is he a Mormon?

Mr. POWERS. A Mormon; yes, sir.

The CHAIRMAN. Is he a polygamist?

Mr. POWERS. No; not that I know of.

The CHAIRMAN. And who before him?

Mr. POWERS. John R. Park.

The CHAIRMAN. Is the president selected by the board of regents?

Mr. POWERS. Yes; I believe the president is selected by the board of regents.

The CHAIRMAN. Recently a president of the institution retired for some reason. Do you recall that?

Mr. POWERS. That is the agricultural college.

The CHAIRMAN. Then turn to the agricultural college.

Senator BAILEY. Before you go to that I want to ask, Judge, if they accepted this \$150 contributed in the name of the apostle and his plural wives?

Mr. POWERS. I think they took the money.

The CHAIRMAN. Who is the head of the agricultural college?

Mr. POWERS. Professor Kerr.

The CHAIRMAN. Is he a Mormon?

Mr. POWERS. Yes; he is a Mormon.

The CHAIRMAN. Do you know whether he is a polygamist?

Mr. POWERS. I do not want to say.

The CHAIRMAN. Who was the president of the college before that gentleman?

Mr. POWERS. J. M. Tanner.

The CHAIRMAN. Is he a polygamist?

Mr. POWERS. Yes; he was a polygamist.

Mr. TAYLER. When did he get out of the presidency?

Mr. POWERS. Time passes so quickly—

Mr. TAYLER. Three or four or five years ago—something like that?

Mr. POWERS. Yes; something like that.

Mr. TAYLER. Do you know anything about the Brigham Young University?

Mr. POWERS. In a general way, yes. You mean the Brigham Young College?

Mr. TAYLER. The Brigham Young College. Where is that?

Mr. POWERS. Or the Brigham Young Academy. There is one at Provo and one in Logan.

Mr. TAYLER. The one in Provo I am speaking of. Do you know who is the president of that?

Mr. POWERS. No; I do not.

Mr. TAYLER. Do you know Greenwald? Have you heard of him?

Mr. POWERS. Yes; I have heard of him.

Mr. TAYLER. Is he a polygamist?

Mr. POWERS. He is.

Mr. TAYLER. Do you understand that Cluff was a polygamist?

Mr. POWERS. I understand he was. That is, I understand that was the general repute.

Mr. VAN COTT. Judge, I will suggest to you the gentiles as being four on the board of regents, and five Mormons.

Mr. POWERS. That is, I think, accurate.

Mr. VAN COTT. As to what took place at the university at the time that Grant spoke there, there were different versions of it in the newspapers, were there not?

Mr. POWERS. I thought they all concurred pretty well that the substance of it was as I have stated.

Mr. VAN COTT. But as to the manner?

Mr. POWERS. Yes; there were different versions as to the manner. Some said he said it in a joking way and some said he said it seriously.

Mr. WORTHINGTON. How many people were present at the time?

Mr. POWERS. I do not know how many pupils they have now.

Mr. WORTHINGTON. Well, several hundred people?

Mr. POWERS. As I understand, the pupils of the university.

Mr. WORTHINGTON. If there were two or three hundred people there who heard it, what is the use of taking testimony as to what the newspapers said about it?

Mr. VAN COTT. Mr. Tanner was compelled to retire from the agricultural college, was he not?

Mr. POWERS. Yes.

Mr. VAN COTT. And while he was president of the agricultural college, he was maintained there by W. S. McCornick and Colonel Adams, both gentiles, was he not?

Mr. POWERS. They helped to maintain him there.

Mr. VAN COTT. And McCornick is an influential gentile residing in Salt Lake?

Mr. POWERS. Yes.

Mr. VAN COTT. Colonel Adams the same?

Mr. POWERS. Yes.

Mr. VAN COTT. And when he resigned Professor Kerr was put in his place?

Mr. POWERS. Yes.

Mr. VAN COTT. Why was he compelled to resign?

Mr. POWERS. I think one thing was there was a fear that the Government would withhold its appropriation to the agricultural college.

Mr. TAYLER. Why?

Mr. POWERS. On account of the head of it being a polygamist.

Mr. VAN COTT. Did you not understand, Judge, that notwithstanding that threat, Mr. McCornick desired that Mr. Tanner should retain his position on account of his ability as an educator?

Mr. POWERS. Oh, I do not know. I did not pay much attention to that controversy.

The CHAIRMAN. Mr. Tayler, what next?

Mr. TAYLER. I will call Moses Thatcher.

Mr. POWERS. I just want to say one other thing, lest what I have been obliged to say may be considered as reflecting on all our people. I want to say that we have there in Utah just as good and just as exclusive society as there is anywhere. I want to add that to my testimony.

Senator DUBOIS. Mr. Van Cott, before Judge Powers goes off the stand I want to say that the constitution of Idaho prohibits the teaching of any form of religion in the public schools, and even prohibits the reading of religious books. I will have that portion of the constitution put in the record.

Mr. VAN COTT. The Utah constitution prohibits any kind of interference in the public schools of any religious denomination, does it not?

Mr. POWERS. Yes.

Mr. VAN COTT. That is all.

The CHAIRMAN. Mr. Thatcher, take the stand.

TESTIMONY OF MOSES THATCHER.

MOSES THATCHER, having been duly sworn, was examined and testified as follows:

Mr. TAYLER. Where do you live, Mr. Thatcher?

Mr. THATCHER. Logan, Utah.

Mr. TAYLER. How long have you lived in Utah?

Mr. THATCHER. I reached Utah in September, 1847.

Mr. TAYLER. With the original party under Brigham Young?

Mr. THATCHER. Following the pioneers two months.

Mr. TAYLER. Your parents were Mormons, then, were they?

Mr. THATCHER. My parents were Mormons.

Mr. TAYLER. Were you born in the Mormon Church?

Mr. THATCHER. Yes, sir.

Mr. TAYLER. What official position in the church did you hold?

Mr. THATCHER. Would you specify the time?

Mr. TAYLER. Yes; without going into detail, what was the first?

Mr. THATCHER. I first became an elder.

Mr. TAYLER. And following that?

Mr. THATCHER. I became a seventy and an apostle.

Mr. TAYLER. When did you become an apostle?

Mr. THATCHER. In 1879, I think; but I am not quite definite as to that date, Mr. Tayler.

Mr. TAYLER. Then, leaving the apostolate in 1896, you were an apostle only six or seven years?

Mr. THATCHER. I should have said 1878. That would be nearer it.

Mr. WORTHINGTON. You did say 1879, but Mr. Tayler's arithmetic is at fault.

Mr. THATCHER. I expect you will find my memory at fault in a good many things. It was between seventeen and eighteen years.

Mr. TAYLER. How old are you now, Mr. Thatcher?

Mr. THATCHER. I am 62 years of age.

Mr. TAYLER. It was during 1895 and 1896 that a controversy arose between you and the first presidency and apostles, in which it was claimed you were out of harmony with them, was it not?

Mr. THATCHER. 1896, I think.

Mr. TAYLER. Did it not originate in 1895, about the time of your nomination for Senator?

Mr. THATCHER. In respect of certain things that were said in a priesthood meeting I might say that that would be so.

Mr. TAYLER. I am only getting at the beginning of it. That controversy became more acute later on?

Mr. THATCHER. Yes, sir.

Mr. TAYLER. Had you been active as a Democrat prior to that time?

Mr. THATCHER. Well, I can not say that I had been active, although I had made one or two efforts at political speeches.

Mr. TAYLER. Had you been during the years of your maturity to any extent a student of political questions nationally considered?

Mr. THATCHER. Well, sir; I had not the advantages of an early education.

Mr. TAYLER. I am not speaking of education at all. Apart from any local questions that interested you in Utah, how long had you considered yourself in harmony with that for which the Democratic party in the nation stood?

Mr. THATCHER. As far as I can remember.

Mr. TAYLER. You now consider that you had a correct apprehension, running as far back as you can remember, of what the Democratic party's principles were?

Mr. THATCHER. I think so, sir.

Mr. TAYLER. So that when the time came that the Liberal and People's parties were dissolved you felt yourself quite capable of making a party choice in national politics?

Mr. THATCHER. I do not think I waited until that time.

Mr. TAYLER. No; I doubt not that you were ready at once.

Mr. THATCHER. I had been before, sir.

Mr. TAYLER. Had you been an active apostle so far as your health would permit you to be?

Mr. THATCHER. I think I had.

Mr. TAYLER. To what extent, Mr. Thatcher, had you labored as an apostle during the sixteen years or seventeen years of your incumbency?

Mr. THATCHER. I had been on a mission in Mexico during part of 1879 and 1880 and 1881. I had visited the Wind River Agency to advise Washekee to be quiet after his son was killed, and I had done any other work that pertained to missionary work.

Mr. TAYLER. Had you, in the performance of your duties as an apostle, been diligent and constant?

Mr. THATCHER. So far as I know, sir.

Mr. TAYLER. I notice in a statement that has been attributed to you, I think, a letter that appears to have been written by you, a statement that within four or five years you had been in Mexico 23 different times.

Mr. THATCHER. Yes, sir.

Mr. TAYLER. And that for many years, while an apostle, your duties

were away from Utah and not within the Territory, and you had traveled on an average from fifteen to twenty thousand miles each year.

Mr. THATCHER. Yes, sir. Will you repeat that question, please?
(The reporter read the question.)

Mr. THATCHER. I thought the question was directed as to whether that statement appeared in the letter?

Mr. TAYLER. No; I wanted to know whether that was the fact or not.

Mr. THATCHER. As near as I remember, that is the fact.

Mr. TAYLER. Prior to 1895, Mr. Thatcher, what controversies had you had with your quorum of apostles personal to yourself?

Mr. THATCHER. Now, do you refer to the quorum as such or to the individual members?

Mr. TAYLER. I mean to the quorum of apostles as apostles.

Mr. WORTHINGTON. As a quorum?

Mr. TAYLER. As a quorum.

Mr. THATCHER. I do not remember, sir, that that question ever came before the quorum of the apostles.

Mr. TAYLER. Had you conceived yourself, prior to 1895, as being out of harmony with your quorum?

Mr. THATCHER. Only so far as disagreement on any question subject to discussion before such a body of men, which was reconciled. No, sir.

Senator DUBOIS. Mr. Tayler, would it disturb you if I ask Mr. Thatcher a question right there?

Mr. TAYLER. No, sir.

Senator DUBOIS. The apostles have individual differences among themselves the same as Senators have individual differences among themselves, have they not?

Mr. THATCHER. I think, sir, that the quorum recognizes the right of discussion freely on any question that comes before them.

Senator DUBOIS. And you can differ with individual members of your quorum, and no doubt do?

Mr. THATCHER. Why, certainly.

Mr. TAYLER. But except as to natural differences of opinion that might be thrashed out in discussion among you, you were not out of harmony with your quorum?

Mr. THATCHER. I have always held the position that the right of discussion being freely accorded, after the majority decides a question, then a man would be out of harmony if he undertook to advance his own individual ideas.

Mr. TAYLER. Precisely; and upon that philosophy your conduct as an apostle was based?

Mr. THATCHER. So far as I know, it was.

Mr. TAYLER. In other words, if prior to 1895 you differed with the other members of the quorum of apostles respecting any subject which was discussed and had to be acted upon by you, and the majority was against you, you freely acquiesced in the determination of the majority and submitted your will to their determination?

Mr. THATCHER. I have always sought to do so.

Mr. TAYLER. And, as a matter of fact, so far as you know you did so?

Mr. THATCHER. Yes, sir.

Mr. TAYLER. When did you first learn that your brother apostles, or any of them, took offense at any conduct of yours or any position that you had taken?

Mr. THATCHER. Would that question relate to political matters?

Mr. TAYLER. I am referring now to what occurred in the fall of 1895. If there was anything before that I would like to have you refer to it—I mean anything that eventuated in important results.

Mr. THATCHER. The first that I can remember that there was any friction at all that could be called such was immediately subsequent to a speech which I made in the Ogden Opera House, early, I think, in 1892. Perhaps I had better refer to that date so as to get it right. It was May, 1892. Shall I go on, sir?

Mr. TAYLER. Yes; I will be very glad to have you proceed with any statement you desire to make in that connection.

Mr. THATCHER. I was called from the audience or by the audience and addressed them upon general political principles, trying to show from my standpoint the advancement in civilization and the growth of liberty for a thousand years; and doubtless in that speech, of which I have not a copy I am sorry to say, I may have made some caustic allusions to my Republican friends. I can not say as to that, because my memory does not serve me wholly; but at all events that speech called out severe criticisms on the part of the Ogden Standard, the right of which on the part of the Standard I readily conceded, but it also called out an open letter which was published in the Ogden Standard at the same time, I think, and in the same issue, as the Standard's criticisms of the speech. That was signed by Joseph F. Smith and John Henry Smith as Republicans, descendants of Whigs.

Mr. TAYLER. Yes.

Mr. THATCHER. Shall I go on any further?

Mr. TAYLER. Before you go on with that, let me ask you if you did not make a speech on the 30th of July, 1891, in the Salt Lake Theater?

Mr. THATCHER. Mr. Chairman, will you allow me to stand on my feet, just a moment?

The CHAIRMAN. Certainly; make yourself as comfortable as you can. I understand you are in feeble health.

Mr. THATCHER. Yes; but sometimes I can stand on my feet and rest rather than in a chair.

The CHAIRMAN. Let me ask you this before you start. You speak of a letter signed by Joseph F. Smith and another Smith.

Mr. THATCHER. Yes.

The CHAIRMAN. At that time the first Smith was president of the church?

Mr. THATCHER. No, sir.

The CHAIRMAN. What official position did they hold?

Mr. THATCHER. President Joseph F. Smith at that time was counselor to President Woodruff.

The CHAIRMAN. And the other Smith?

Mr. THATCHER. He was an apostle.

Senator DILLINGHAM. Did they write you as apostles?

Mr. THATCHER. No, sir.

Mr. TAYLER. They did not write him at all. It was an open letter published in the paper.

Mr. WORTHINGTON. It was addressed to him.

Mr. TAYLER. Yes; it was addressed to him.

The CHAIRMAN. Proceed, Mr. Thatcher.

Mr. THATCHER. Inasmuch as the record contains what is called the Thatcher episode, and the comments of parts of sermons, perhaps the entire sermons of certain of the presidency and of the twelve apostles, in 1896, also the charge made against Thatcher in 1897, the findings and decision of the high council of the Salt Lake Stake of Zion in reference to him and his unqualified acceptance, after incorporating the letter accepting it as part of that decision, and inasmuch as the letters have been referred to by the honorable gentlemen, it might be well, either as you may suggest, for me to call upon some friend here to read certain letters or parts thereof, as you may wish, and if they are not to be read, and should be tedious and impose too much upon this honorable body, they can simply be filed and become, with your permission, a part of the record.

Mr. TAYLER. Where do they appear now, Mr. Thatcher?

Mr. THATCHER. I have here a little work called "The Late Manifesto in Politics. Practical Working of Counsel in Relation to Civil and Religious Liberty in Utah."

Mr. TAYLER. I would like to have that all go in just as it is.

Mr. THATCHER. Yes.

The CHAIRMAN. What is the date of that pamphlet?

Mr. THATCHER. December 22, 1896. On the inner page—

Mr. WORTHINGTON. Who is the author or compiler?

Mr. THATCHER. I was just going to state. On the inner page there is: "Church and State. The Issue of Civil and Religious Liberty in Utah. By Calvin Reasoner."

Mr. WORTHINGTON. Who is he?

Mr. THATCHER. Well, he is Calvin Reasoner, and, as I understand it, was quite a prominent Republican at that time in Utah. At least I understood he was. Now, sir, you have referred to a certain letter.

Mr. TAYLER. Yes.

Mr. WORTHINGTON. This is a pamphlet, Mr. Chairman, of about 140 pages, I see.

Mr. VAN COTT. Mr. Thatcher, I understand, does not want to read all of this.

Mr. THATCHER. Oh, no.

The CHAIRMAN. I understand Mr. Thatcher does not care to read it all, but asks that it be inserted in the record.

Senator McCOMAS. Excerpts of it can be inserted.

The CHAIRMAN. Will you kindly accommodate the committee by looking it over and then submit those portions you desire to have inserted in the record. We will pass it for a time being.

Senator DILLINGHAM. Would it not be well to let Mr. Thatcher go on with his statement?

Mr. TAYLER. I think so.

Mr. WORTHINGTON. I submit that such portions of it as may be desired should be incorporated.

The CHAIRMAN. You are at liberty to proceed, Mr. Thatcher, taking that pamphlet and quoting from it as you desire and to such an extent as you may wish.

Mr. WORTHINGTON. And have somebody read from it for him if he prefers.

Mr. VAN COTT. I will read for you, Mr. Thatcher, if you desire.

Mr. THATCHER. Previous to a further reference to a speech or a few

remarks made in the Salt Lake Theater, I had personally apprehended a good deal of trouble in Utah in respect of political matters pending the division of the Liberal and the People's Party, and, having that in view, I formulated a document something like this. Of course I shall not use the exact words; I am quoting from memory—

The CHAIRMAN. You have not the original document?

Mr. THATCHER. No, sir; I have not.

The CHAIRMAN. Proceed.

Mr. THATCHER. But it was substantially as follows:

“Whereas the members of the Mormon Church of Jesus Christ of Latter-Day Saints in Utah compose the majority of the citizenship; and

“Whereas over the discussion of political matters there is liable to arise acrimonious discussions leading to criminations and recriminations, alienations, heartburnings, and the breaking up of long-established friendships: Therefore, be it

“*Resolved*, That no member of the first presidency, or of the twelve apostles, or of the seven presidents of seventies shall engage in partisan politics at all, but shall hold themselves aloof, always ready to pour the oil of the Gospel upon the troubled political waters as they may be in the future.”

As you will see, in the correspondence to which I refer and in the rule also, I think, there is a direct reference to this subject. It may therefore be understood that that was held by those whom I have mentioned as being a rule that would be well to follow; but subsequently pressure, no doubt, on the part of the two political parties was of such a nature as to make it almost impossible to remain in that status; and the rule, whether by permission or otherwise, of those who had—I will not call it a rule, but the ideas advanced—was gradually passed over, and influential members high in the church engaged more or less in political work; my friend, Mr. Roberts, for one. Mr. John Henry Smith was very active. Mr. Roberts, on the Democratic side—

Mr. WORTHINGTON. They were both apostles then?

Mr. THATCHER. No, sir; Mr. Roberts was one of the seven presidents of the seventies quorum.

Now, Mr. Chairman, having made this brief explanation, I will refer to the letters and just read what I said there.

On the evening of July 30, 1891, as reported in the Salt Lake Herald of that date or of the following morning, it is stated here on page 40 of this pamphlet which I hold in my hand that—

“The Democrats held a rousing meeting at the Salt Lake Theater last evening.

“Hon. Moses Thatcher was there as a listener. While the meeting was being adjourned the vast audience demanded that he speak.

“Mr. Dyer stepped forward to say that the meeting was at an end, but cries for Moses Thatcher resounded from all parts of the house, and Mr. Thatcher finally stepped to the front and said:

“For reasons which I think sufficient I have taken no active part in this campaign, not because I was not in sympathy with the grand old Democratic party, but because there are many people in Utah, throughout the length and breadth of the land, who believe the church dominates the state in Utah. Because of the ecclesiastical position which I occupy I desire to say no word in this campaign, but look to these gentlemen for the educating of the people.”

That is, my Democratic friends.

Perhaps, Mr. Chairman, it would now be well to have read, following this, the Times interview of June 23, 1891.

Mr. TAYLER. Mr. Thatcher, if it would not tire you to read just the last paragraph of that speech which you made on that occasion, I should like to have you do so.

Mr. THATCHER. Yes, sir; I can read that if you desire it.

Mr. TAYLER. Yes; it is very short. Do not be modest, either, and omit the words "Prolonged applause" when they come in.

Mr. THATCHER. I do not think that is necessary, unless you insist upon it.

Mr. TAYLER. Yes; I do want it put in the proper place. Just read that last paragraph. You need not read what precedes it unless you want to.

Mr. THATCHER. "We trust." Is that what you want?

Mr. TAYLER. That is right.

Mr. THATCHER. "We trust the gentile Democrats and the Mormon Democrats alike, because they can not go back on their promises without stultification. Stultification is dishonor, and to us dishonor is worse than death. [Prolonged applause.] I am opposed to a union of church and state, and always have been. [Applause.] It can not exist under the American system of government. [Applause.] We have never been understood, but thank God we will be."

Mr. TAYLER. Does that refer to Democrats or to Mormons—"Dishonor is worse than death"?

Mr. THATCHER. I suppose to Mormons.

The CHAIRMAN. Read that last sentence. I could not hear it.

Mr. THATCHER. "I am opposed to a union of church and state, and always have been. [Applause.] It can not exist under the American system of government. [Applause.] We have never been understood, but thank God we will be."

Is that all, Mr. Tayler?

Mr. TAYLER. That is all.

The CHAIRMAN. What was the date of that speech?

Mr. THATCHER. July 30, 1891.

The CHAIRMAN. Was that before or after you were deposed as an apostle?

Mr. THATCHER. Oh, long before.

Mr. TAYLER. Five years before, but the chronological relation, Mr. Chairman, is that immediately following this speech comes the letter published in the paper, signed by Joseph F. and John Henry Smith. That is right, is it not, Mr. Thatcher?

Mr. THATCHER. How is that?

Mr. TAYLER. Immediately following this speech came the letter published by John Henry and Joseph F. Smith?

Mr. THATCHER. No, sir.

Mr. TAYLER. When did that come?

Mr. THATCHER. This will show in chronological order, if you will permit.

Mr. TAYLER. Certainly.

The CHAIRMAN. The committee will be obliged to suspend at this time, and we will adjourn until half past 10 to-morrow morning.

The committee (at 11 o'clock and 50 minutes a. m.) adjourned until to-morrow, Tuesday, April 26, 1904, at 10.30 o'clock a. m.

WASHINGTON, D. C., *April 26, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), Foraker, Depew, Dillingham, Hopkins, Pettus, Dubois, Bailey, and Overman; also Senator Smoot; also R. W. Tayler, counsel for protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for certain witnesses.

The CHAIRMAN. Gentlemen, do you need Mr. Roberts any further?

Mr. VAN COTT. It all depends, Mr. Chairman, on what parts of that pamphlet composed of tracts, and of that other book, are to be designated specifically as going into the record.

Mr. TAYLER. We may want to put all of the pamphlet in, Mr. Chairman. We are not going to confine the committee to extracts from it.

The CHAIRMAN. You are not ready to discharge him?

Mr. VAN COTT. I think not.

Senator BAILEY. Mr. Chairman, Congress will probably adjourn on Thursday, and I think we have not yet obtained permission to sit in vacation, have we?

The CHAIRMAN. No, sir.

Senator BAILEY. I suggest that the gentlemen had better be preparing to close up this matter. I am not going to come here to-morrow, and I am not going to stay very long to-day. I have some other things to do that immediately concern my constituents. I have given to this matter all the attention I could very well devote to it. It is probably a matter for an executive session of the committee, but as I understand it the committee is going to ask permission to sit in vacation by a subcommittee.

The CHAIRMAN. I thought of calling a meeting of the committee possibly to-day or to-morrow morning to consider that question. We have only authorization to sit during the session of the Senate.

Senator BAILEY. Yes, I so understood.

The CHAIRMAN. And when the Senate adjourns our authority to sit ends. I shall bring that matter to the attention of the committee.

Senator BAILEY. The Chairman knows that in the closing hours of the session it is almost necessary for every one of us to be there. There is a matter in the sundry civil bill, when it comes before the Senate, that is of very great interest to the city of Galveston, and I must be on the floor.

The CHAIRMAN. You think you will not be able to stay during the session to-day?

Senator BAILEY. I will stay until 11 o'clock, and then I am going. I will come back again unless the bill is reported to the Senate. If it is, I shall not come back, as I shall myself probably occupy the time of the Senate for a part of the day.

The CHAIRMAN. If we hold an executive session to-day, say at about a quarter of 12, could you come in again for a moment?

Senator BAILEY. I could; yes, sir.

The CHAIRMAN. Mr. Thatcher, please take the stand.

That is, my Democratic friends.

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Mr. THATCHER. How is that?

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Senator BAILEY. I could; yes, sir.

The CHAIRMAN. Mr. Thatcher, please take the stand.

TESTIMONY OF MOSES THATCHER—Continued.

Moses Thatcher, having been previously sworn, was examined and testified as follows:

The CHAIRMAN. Proceed, Mr. Tayler.

Mr. TAYLER. I think Mr. Thatcher was interrupted in the midst of a statement he was making, and we would probably save time if he proceeds.

The CHAIRMAN. Proceed, then, Mr. Thatcher, with your statement.

Mr. THATCHER. As I remember, we stopped at a point where I am not able to see that a statement, in addition to what was already made, would add any light, unless it is brought out by questions.

Mr. TAYLER. You had, as I recall, reached a point in your examination where quotations had been made from some remarks made by you respecting the union of church and state. You read them, and your examination, for the time being, ceased.

Mr. THATCHER. I may state, Mr. Chairman, that in view of the statements of the honorable Senator, Mr. Bailey, I rather think it might be as well for me to simply file those letters to which it would be proper to make reference, for enlightenment, or that the committee may have a full understanding of the discussions arising from the differences referred to in respect of political matters. In order to save time and not impose upon this honorable committee, I might suggest that I could mark such letters for filing in the record, if it would be agreeable, and save time.

The CHAIRMAN. What letters do you refer to?

Mr. THATCHER. I refer to letters that pertain to this question.

The CHAIRMAN. Published in this pamphlet?

Mr. THATCHER. To the questions that were brought out yesterday in reference to my difficulty with the church authorities.

The CHAIRMAN. Are those letters contained in that pamphlet?

Mr. THATCHER. Yes, sir.

The CHAIRMAN. Mr. Tayler, perhaps you had better call the attention of the witness to that pamphlet at this time.

Mr. TAYLER. Will you open the pamphlet, Mr. Thatcher?

Mr. THATCHER. At what page?

Mr. TAYLER. At the title page. Mr. Thatcher, when did you see this pamphlet entitled "Church and State. The issue of civil and religious liberty in Utah. By Calvin Reasoner?"

Mr. THATCHER. When did I first see it?

Mr. TAYLER. Yes.

Mr. THATCHER. I should say shortly after its publication.

Mr. TAYLER. Who is Calvin Reasoner? Is he a friend of yours, I mean?

Mr. THATCHER. He became a friend of mine; yes, sir.

Mr. TAYLER. How long after its publication did you first see it?

Mr. THATCHER. It could not have been more than a few weeks, if that long.

The CHAIRMAN. Was he an adherent of the Mormon Church?

Mr. THATCHER. No, sir; he was not.

The CHAIRMAN. He was a Gentile?

Mr. THATCHER. He was a Gentile.

Senator DUBOIS. He was a political friend, Mr. Thatcher.

Mr. THATCHER. Well, I had a ways the impression that he was a Republican, but I never asked him.

Senator DUBOIS. Was he a political friend?

Mr. THATCHER. He was a friend in a political way, you might say. We were friendly.

Senator DUBOIS. As I understand, Republicanism and Democracy did not make a great deal of difference in this contention. He agreed with your views politically in the controversy?

Mr. THATCHER. Largely so.

Senator DUBOIS. He was your friend politically, speaking in that sense?

Mr. THATCHER. Yes, sir.

The CHAIRMAN. Proceed, Mr. Tayler.

Mr. TAYLER. What assistance did you render in the preparation of this pamphlet?

Mr. THATCHER. As I remember, I rendered no assistance in the preparation of the pamphlet.

Mr. TAYLER. Did you not furnish him some information for it?

Mr. THATCHER. Nothing, I think, except what was of general knowledge.

Mr. TAYLER. There would hardly be any necessity of your furnishing to him what was of general knowledge.

Mr. THATCHER. I do not remember that I furnished him any information except it might have been in conversations between us. That I gave him any specific information I do not remember.

Mr. TAYLER. You talked with him about the pamphlet, then, did you, before it was issued?

Mr. THATCHER. I may have talked with him about certain portions of the pamphlet.

Mr. TAYLER. You knew the pamphlet was coming out?

Mr. THATCHER. Well, I had reasons to think it was coming out.

Mr. TAYLER. And he undertook to get information from you respecting the facts of the controversy?

Mr. THATCHER. I do not think that he asked me any questions on that. I can not remember that he did.

Mr. TAYLER. Did you contribute to the expense of its publication?

Mr. THATCHER. No, sir; I did not.

Mr. TAYLER. Did you circulate the pamphlet after its publication?

Mr. THATCHER. In a general way, do you mean, Mr. Tayler?

Mr. TAYLER. Yes; did you circulate the pamphlet?

Mr. THATCHER. I think perhaps only to a few friends. I did not make any effort to circulate it in a general way.

Mr. TAYLER. How did you get possession of the pamphlets which you circulated?

Mr. THATCHER. I am inclined to think that my friends purchased some of those pamphlets from Mr. Reasoner.

Mr. TAYLER. It was recognized to be a fairly accurate account of the controversy, was it not?

Mr. THATCHER. I think in was.

Mr. TAYLER. And you now so recognize it, do you not?

Mr. THATCHER. I think I do.

The CHAIRMAN. You say "fairly accurate." Is it an accurate account of the transaction?

Mr. THATCHER. In a historical way I am inclined to think, Mr. Chairman, that it is an accurate account, from his standpoint.

Mr. TAYLER. We want to offer, then, the whole pamphlet. We may not want to have it all printed in the record, but the pamphlet ought all to be in evidence.

The CHAIRMAN. Do you desire to call attention to any particular part, Mr. Tayler?

Mr. TAYLER. I was about to go through the pamphlet and refer to some things that Mr. Thatcher especially desired to have our attention called to.

Mr. WORTHINGTON. I think the record should show what part is in evidence.

Mr. TAYLER. I have offered it all in evidence.

Mr. WORTHINGTON. My friend says it will all be in evidence, but that it will not all be in the record.

The CHAIRMAN. Counsel says he offers the entire pamphlet.

Mr. TAYLER. It is like contested election cases. There is a great deal of testimony offered in evidence that is not printed.

The CHAIRMAN. Do I understand you to say now you offer that pamphlet?

Mr. TAYLER. We offer the entire pamphlet.

Mr. VAN COTT. We object to it, and in view of the objection we should like to ask Mr. Thatcher a question relating to the pamphlet.

Mr. Thatcher, the argument of Mr. Reasoner in this pamphlet—is that either your own production or do you approve of all the argument of Mr. Reasoner that is contained in it?

Mr. THATCHER. From the position I took, Mr. Chairman, at that particular time, in reference to the scope and meaning of the political manifesto, the arguments appeared to me entirely consistent; but subsequently my views were modified by a decision of the Salt Lake stake high council, as will appear, probably, later on. But from the appearance of that question at that time, Mr. Calvin Reasoner's arguments seemed to me consistent. They were, however, entirely from his own standpoint.

Mr. TAYLER. That is what we understand; and the Calvin Reasoner pamphlet antedates the circumstance to which you have just referred, that brought about a change or modification of your views?

Mr. THATCHER. Oh yes, sir.

Mr. TAYLER. Because this is dated December 22, 1896, and when did the finding of the high council come?

Mr. THATCHER. I think on the 14th of August, 1897.

Mr. TAYLER. Yes; it was after this, at any rate.

Mr. THATCHER. Yes, sir.

Mr. TAYLER. The statements of facts, in so far as they appear to be made in this pamphlet, were correct, so far as you know, were they not?

Mr. THATCHER. The statement of fact?

Mr. TAYLER. Yes.

Mr. THATCHER. So far as I know; yes, sir.

Mr. TAYLER. And it was, so far as you are able to judge, intended to be a candid statement of facts, and not a misleading statement?

Mr. THATCHER. I did not understand that there was any intention to mislead.

The CHAIRMAN. Mr. Van Cott, have you any further questions?

Mr. VAN COTT. We have no further questions on this point.

Mr. WORTHINGTON. We do object to this pamphlet going in evidence.

The CHAIRMAN. It will be admitted, and printed in the record.

The pamphlet referred to is as follows:

**THE LATE MANIFESTO IN POLITICS—PRACTICAL WORKING OF
"COUNSEL" IN RELATION TO CIVIL AND RELIGIOUS LIBERTY
IN UTAH.**

That this nation, under God, shall have a new birth of freedom, and that Government of the people, by the people, for the people shall not perish from the earth.—*Abraham Lincoln.*

CHURCH AND STATE—THE ISSUE OF CIVIL AND RELIGIOUS LIBERTY IN UTAH—A TESTIMONIAL IN BEHALF OF CIVIL LIBERTY AND THE AMERICAN STATE AS SEPARATE FROM THE CHURCH, AND DEDICATED TO THE FRIENDS OF FREEDOM AND TRUE PROGRESS IN UTAH AND ELSEWHERE.

PREFACE.

The little book herewith presented to the public, and especially to the Mormon people, discusses those underlying principles of liberty that permeate the parties and shape the policies of a free governing people. While the book is political in its texture, its arguments and illustrations are designed to have no partisan or sectarian application. Its appeal is addressed to intelligent minds and honest hearts of all creeds and persuasions.

The case of Moses Thatcher is presented at considerable length, but only as an illustration of the practical working and results of the policy and discipline of the Mormon priesthood organization under the political manifesto recently promulgated. And in order to give a comprehensive view of the issue, his late deposition from all priestly offices by his ecclesiastical quorum and his political record for a number of years past have been selected for presentation, for the reason that they are matters of present interest, they are most extensively before the people in printed form, and throughout their origin, progress, and culmination they are more pertinent than any other as illustrations of the meaning and application of vital principles herein discussed.

There is no intention to vindicate Moses Thatcher personally in these pages. So far as his official and political record may have an appearance of approval, it is the reflection of general political principles in their application to a concrete case. What is said herein is said, not by him, and only in a subordinate way is anything said for him. The real truth is that nothing is said by him or for him; but his case is used as an object lesson to carry thoughts of the deepest importance to the people of Utah and the whole country.

Concerning the fundamental question raised in this book—the relation of church and state—there is a widespread misapprehension of a character similar to that presented in a well-written and candid letter by Judge Edwin G. Woolley in the Tribune, December, 6, 1896. So far as the writer defends the procedure of church discipline in the case of Moses Thatcher we make no rejoinder; for this book is not concerned with matters purely ecclesiastical.

But in discussing the political side of the controversy raised against Moses Thatcher by the *Deseret News*, Judge Woolley is wholly unconscious that there is a state to be encroached upon by the church; he could but make the same argument if the state were absolutely within the church as an ecclesiastical function. He fails to apprehend that the occasion of contention is that the church abandons its true sphere and usurps political authority when it enjoins "counsel" as a condition precedent to nominations and elections to civil offices. When Judge Woolley finds that there is such a thing as a state we shall be pleased to have him define it in a way that will show it incapable of being absorbed by the rule of "counsel."

And it may be further said in behalf of the writer of these pages, that as in times past he has said and done and written many things in kindly regard for the Mormon people, because it was deemed to be their due; so in this book, waiving personal considerations, the truth is sought to be presented and urged, not in any particular interest, but in behalf of humanity at large and the progress of the race.

Mankind is struggling up into the light of God and a higher civilization; and the race is deeply concerned with whatever promotes or impedes its progress. No true man can refuse to receive the truth from any quarter; neither can he be grieved when present customs and beliefs are shown to be erroneous. It is only as the present is passed away that the future glory is revealed.

CALVIN REASONER.

SALT LAKE CITY, UTAH, *December 15, 1896.*

CHAPTER FIRST.

MOSES THATCHER'S OFFENSE.

The following pages present, by way of illustration, the case of Moses Thatcher in relation to the recently adopted rule of the Mormon Church, and the disciplinary action of the quorum of apostles deposing him from the apostolic office and other priestly functions, in conformity with the spirit and requirements of said rule as embodied in the manifesto concerning "counsel" which was promulgated during the conference of last April.

It must be remembered that the action taken by Mr. Thatcher is not without its tragic element; for with his fidelity to a sense of duty he is compelled to relinquish positions of honor and usefulness which he cherished as the honest fruitage and well-earned recognition of long years of earnest labor and generous sacrifice in the service of his church. Furthermore, in his ecclesiastical humiliation, he contemplates nothing less than genuine faithfulness in the fellowship and brotherhood of Christ, realizing that service is ministry, and that to be greatest of all is to be servant of all.

In order that people who have not kept themselves fully informed on current events, and especially those living outside the State, may understand the nature and origin of matters discussed in this statement, it is well to state that for several years there has been more or less friction in the Mormon Church arising out of the political conduct of some of its leading men. About 1890, when the people of the

Territory of Utah were considering the question of dividing on national party lines to the exclusion of church issues, it was decided by the governing officials of the Mormon Church that men holding the higher orders of the Mormon priesthood should refrain from entering politics personally, lest jealousies and ill feeling might arise because of the influential positions which they held in the church. Accordingly, a rule was promulgated requiring the several higher grades of Mormon officials to decline leadership in the political parties.

It appears that this rule was soon disregarded by the action and counsel of the same governing officials in the church; and this because of political conditions and complications wherein it was deemed best, in order to promote statehood for Utah, to intervene in a partisan way, so that the Territory might show up in certain political colors, thereby to secure powerful influence in behalf of statehood legislation. In keeping with this policy, it soon transpired that high officials on one side were "counseled" to go forth and gather in the political harvest, while officials on the other side in politics were "counseled" to stay at home and hold their peace.

Moses Thatcher took the view that when the rule was abrogated for one or more, it was set aside for all; and accordingly he spoke in public several times, and in all his addresses never failed to urge the importance of a complete separation of church and state. His course gave offense to some of his brethren on the opposite side in politics, and there were numerous passages at arms politically; and there was also a good deal of muttering in church councils where his conduct came up with reference to ecclesiastical disapprobation and censure. But the whole matter was covered up and carried over as a thorn in the flesh until after statehood was secured; and then the church authorities issued an address of great length and prolixity, embodying a specific rule to the effect that all officers in the church—and almost all male members are officers—should seek "counsel" before accepting any political nomination or any secular position. The rule is as follows:

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.

The manifesto containing the foregoing rule was presented to Moses Thatcher for his signature, but for reasons indicated in the following he withheld his name.

SALT LAKE CITY, *April 6, 1896.*

At about 12 o'clock this morning two of the quorum of the twelve called on me and presented a document of several pages for my consideration, wishing me to sign it immediately so that they could take it away with them. On my request for more time to consider the matter, they agreed to leave it with me until 1.30 p. m., at which time I returned the document with the following reply:

"SALT LAKE CITY, *April 6, 1896.*

"President LORENZO SNOW and Apostle BRIGHAM YOUNG.

"DEAR BRETHREN: Having carefully read the document left with me for consideration, I herewith return it as per promise. There is much of its contents that I could heartily indorse by signing, but there are other portions which I can not

indorse without stultification. If I were well I might view this most serious matter in another light; or I might do so had I more time to consider it. But as it is, it seems that I must determine now, though I fully realize how sadly long illness has weakened me in every way. In the future the Lord may enable me to define my views and acts as running along those of honor, integrity, and truth. Now I can only humbly ask that you act according to the Holy Spirit's dictation as prompted by justice and brotherly love toward your fellow laborer in the cause of our Savior.

"MOSES THATCHER."

The daily papers made the whole circumstance a matter of news, their reports exhibiting the first flush of public sentiment. The Tribune has the following:

The session of the Mormon Church conference yesterday afternoon produced a stupendous political and religious sensation. The question that stirred Utah last fall relative to the candidacy of church officials for political office was revived by a proclamation in which the rule was reaffirmed that men engaged in the service of the church must take counsel—that is, ask permission—of the church authorities before becoming candidates for political positions. The address in itself was sufficient to excite the most profound interest; but the fact that it was subscribed to by B. H. Roberts was sensational. It did not bear the signature of Moses Thatcher, who, with Roberts, was under the ban last fall for violating the rule, and the lack of his name on the document was the cause of another development that was astounding.

When the names of apostles were called in the conference, that the people might vote to sustain these officials, that of Moses Thatcher was not announced. The failure to name him was not generally noted at the time, but when the knowledge of the omission was spread through the great congregation it excited most intense interest. Many were at first disposed to believe that the omission to submit Apostle Thatcher's name to a vote was due to a mistake. But it was not so. The omission was deliberately intentional. The address had been taken to the apostle about 12 o'clock by President Lorenzo Snow and Apostle Brigham Young, and he had been requested to sign it. After examining it he had declined to do so. This refusal occurred but a short time before the meeting of the conference in the afternoon, but the intervening time was long enough for the church authorities to decide to withhold his name from the conference.

In Mr. Thatcher's card, given above, is contained the statement of his reasons for not signing which he gave to the bearers of the address. It was upon this statement that the action of the church authorities was based. Though the letter to his fellow apostles is couched in touching terms, it is clear from it that years of physical suffering have not deprived him of the courage of his convictions. He holds that to sign the address would be to stultify himself, and he can not do that even to secure peace.

The refusal to sign the manifesto was thought to be the last straw of Moses Thatcher's offending. For several years it had been secretly whispered that he had been insubordinate to his priestly associates and superiors. In subsequent pages his alleged demerits will be more fully exhibited. It all amounts to this: He sought to think and act like any ordinary American citizen guided by the principles of Thomas Jefferson. But the "counsel" that interdicted his freedom of action was not in sympathy with the principles of Jefferson. It sought to make him a mere cog in the wheels of a priesthood programme for the manipulation of the political machinery of Utah in accordance with the dictates of a single central intelligence.

For twenty years Moses Thatcher had shown symptoms of political independence. Finally a rule was conceived and promulgated which would either clip his wings or disrobe him of his priestly functions. That rule forced him to decide whether he would abdicate his political manhood and hold his apostleship, or otherwise preserve his freedom of citizenship and cease to administer priestly offices that were not germane to the Declaration of Independence. He chose to pursue a course "running along the lines of honor, integrity, and truth."

It will be seen in the following chapter that a great effort was made to disseminate Moses Thatcher's demerits over an almost unlimited area,

but the discerning reader will see at a glance that the refusal to endorse the manifesto was the last grievance that a priesthood sovereignty would tolerate. Thenceforth it was either "recant or burn."

CHAPTER SECOND.

THE ACCUSATIONS AGAINST MOSES THATCHER.

At the time of the April conference Mr. Thatcher was a very sick man, scarcely able to walk across the room, and neither he nor his friends had much hope of his recovery. Soon, however, he began to mend, and concluded to spend several weeks at a mountain resort up the Logan Canyon. Before leaving the city he was assured by the presidency of the church and members of his quorum that nothing would be done in reference to his matter till his return and recovery. This assurance was repeated to him while he was in the mountains, but for some unknown reason the first presidency and members of his quorum did take up his case and made public charges against him in the last general conference held in October.

The purport of the remarks made in the conference was to show up a continued insubordination on the part of Mr. Thatcher, extending over a period of several years. His name had been dropped from the list of authorities presented for confirmation at the April conference immediately after his refusal to sign the manifesto, all the other names on the document having been signed before it was presented to Mr. Thatcher. It is evident that the authorities did not keep faith with Mr. Thatcher in bringing up his case in his absence, and it is apparent that there was a desire to locate the difficulty with Mr. Thatcher on other grounds than that of his refusal to sign the manifesto, though if he had signed it when it was presented to him in April there would have been no question as to his standing with his quorum.

In order to show the sentiments of the first presidency and apostles at the October conference in regard to Mr. Thatcher, and the grounds on which his insubordination was condemned, a few utterances from several speakers are herewith presented, the quotations being from the Deseret News:

(Geo. Q. Cannon, October 4.)

When I respect and honor Wilford Woodruff I bow to God who has chosen him. My neck does not and never did bow to man. Those who know me know that I am unbending in that respect. I may get along quietly; I do not like to quarrel, but I never yet bowed to man. I only bow to proper authority.

If I listen to Wilford Woodruff, if I look to him to see how the Spirit of God moves upon him; if I ask his counsel and take it, it is because God has commanded me. God has given him the keys of authority. Let anybody else try it, and see what effect their action would have. When Joseph F. Smith obeys Wilford Woodruff, he does it upon the same principle. We reverence him as the prophet of God, and as our leader. We listen to him, and are guided by his slightest wish. It is because we know that he is the servant of God, chosen by the Almighty to fill that place, and that he holds the keys of the priesthood to this generation on the earth at the present time. I can say truthfully that we strive to consult his slightest wish, and honor him in his position, because we know that God has chosen him. And who are we that we should withstand God? Who are we that we should withstand that which God reveals? Does this sacrifice our independence? Not in the least. And these twelve apostles are in precisely the same position. When they accept the counsel of the first presidency, they do it because they believe the first presidency

to be chosen of God. They may have different views on many things; but when the first presidency gives counsel, every man that has the Spirit of God accepts that counsel. This does not prevent him from entertaining his views and expressing them, and it does not detract from his influence. Now, we do not ask this people to be more obedient than we are. We do not ask you to do something that we are not willing to do. We have set you the example. We ask you, as the Lord asks you, to obey the authority of God and to respect it.

(Wilford Woodruff, October 5.)

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 to-day. Our spirits are united. We believe together, 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.

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.

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 can not 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 can not have any power or influence.

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.

(President Lorenzo Snow, October 5.)

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.

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 in 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. 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 heard 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 remain 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) of the first seven presidents of the seventies, of the patriarchs, and of the presiding bishopric—24 names in all—representing the authorities of the church; but he did not feel inclined, he said, to put his name to the 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 he would never say anything but that was true. Well, I think when a man is so well acquainted with the first presidency, with the apostles, with the patriarch, with the presidents of 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.

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.

(John Henry Smith, October 5.)

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 sustain his associates he would have been dealt with for his fellowship and standing in the council of the apostles but for his physical condition.

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 may be possible, among the whole people.

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.

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.

(Brigham Young, October 5.)

There was a time when I was absent from Utah for two years and a half. I left here in August, 1890. But I knew more than I cared to know before I left then in relation to this matter. I can not 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.

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 has lost the spirit."

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.

(Joseph F. Smith, October 5.)

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. It is written somewhere in the laws of God that "the Lord required the heart, and a willing mind and the willing and the obedient shall eat the good of the land of Zion in these last days." Now, if a man has given his heart unto the Lord, and is willing and obedient unto God and his requirements, that man I love and that man has my sympathy. But when he turns away from the love of God and steels his heart against the laws of God and the counsels of his priesthood, then amen to the authority and power of that man and to my love and sympathy for him in his wrongdoing. I may pity him for his wrongdoing, and I may love him, too, as well as anybody else; but when he ceases to do right, that is the end of it with me. He may go his own road and I will go mine. I love my own brother; I love my sister; I love my wife and children; but when my brother, or sister, or wife, or child turns away from God and raises the heel against the Almighty and turns his or her heart to their own selfish desires and whims they are no more to me than the heathen; for they are unbelievers, and they are not my brother nor my sister in the covenant of the gospel, and that covenant is stronger than all other covenants and all other ties that bind the saints together.

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. 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 can not uphold men who will pursue a course like this or who will betray their brethren. We can not afford it, and we can not 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. 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.

It is to be regretted that Mr. Smith, standing as he does at the head of a great ecclesiastical organization, should utter sentiments savoring so strongly of the dark ages. In the light of the gospel of the blessed Christ who died for all, both saint and sinner; in the presence of nineteenth century civilization, it sounds harsh and even cruel for a man to say that certain doctrines and ordinances are the supreme standard

whereby he will either love brother, sister, wife, or child, or otherwise spurn them from him and hold them as "heathen," if they do not believe and worship as he does. Surely Mr. Joseph F. Smith should realize that it is not a matter of doctrine or practice that is the true standard whereby to enter into sympathetic relations with men and women, but the soul endowment, the image of God in each and all. We may hate sin, but surely we must love the sinner. Such are the lessons of the Great Teacher.

In order that a little more light may be shed on the question of Moses Thatcher's disagreement with his quorum and the first presidency, it is well to add a portion of Mr. Smith's speech at the priesthood meeting at Logan a few months previous. There need be no question as to the accuracy of the report, for it is thoroughly substantiated, and may be read in full in the Salt Lake papers of May 10 and 11, 1896:

Joseph F. Smith was the next speaker. He said that Moses Thatcher's attitude all through the political fight in Utah could not be justified; that he had been the one apostle who had refused to take council as to how the people should be divided up; that the first presidency and all the twelve but Thatcher had decided upon a certain policy to get the relief they needed from the Government; but Thatcher had stood out against them; that he had been opposing his brethren ever since the division on party lines, and had not been in harmony with his quorum.

Joseph F. said further that the meeting called in the Gardo House to consider the advisability of disbanding the People's Party was attended by many of the authorities, stake presidents and leaders of the People's Party.

It was plainly stated at this meeting that men in high authority who believed in Republican principles should go out among the people, but that those in high authority who could not indorse the principles of Republicanism should remain silent. Their counsel was obeyed by all the apostles and high authorities except Moses Thatcher, who talked to the people contrary to the wishes of his brethren. If it had not been for his condition, Moses Thatcher would have been called to account for his declaration in the opera house (here giving Thatcher's declaration of political independence), but if he ever became able he would have to answer for that as well as other things they proposed to charge against him.

In this connection it is important to put on record a circumstance showing on the part of Joseph F. Smith a spirit of extraordinary resentment and clerical intolerance. At the Stake conference held in Logan during the month of November, Bishop Lewis was reprimanded by Mr. Smith for making Moses Thatcher the subject of prayer, although Presidents Woodruff and Snow at the October conference enjoined upon the saints the duty of praying for him. The circumstance is narrated in the following letter from a prominent churchman, appearing in the Tribune November 21:

LOGAN, UTAH, *November 20, 1896.*

It is fully realized here that in the Senatorial candidacy of Moses Thatcher and the fight being made against him by the organ which purports to voice the sentiments of the church, a grave issue has arisen, greater, in fact, than the one caused by the issuance of the original manifesto abandoning the practice of polygamy, and there are thousands whose faith scarcely survived that ordeal.

A great moral question is involved, and it will not be without serious thought that conservative members of the church will align themselves on either side. A few years ago there could have been no doubt of the outcome. Then the utterances of the first presidency and the apostles would have been considered as the voice of God, and no one would have thought of upholding Moses Thatcher or any other man in opposition to their expressed will; but division on party lines brought about a change, and they are no longer considered infallible, especially in political affairs.

They claim that church and state have been divorced, but a candid examination of the rule they seek to enforce—that of asking consent before accepting office—will be sufficient to convince one that Moses Thatcher is right when he says that it might be the means of making the church a great political machine, the steering apparatus

of which would be in the hands of the twelve or fifteen men at the head. The majority of those who opposed the rule did it for the same reason expressed by Moses Thatcher in his recent interview for the Tribune; it was too sweeping, and could be made to include almost every male member of the church, as there are but few lay members. The leaders have disclaimed any such intent in sermons on the subject, but it would have been just as easy and much more satisfactory to have changed the wording of the document so as to state specifically what officers were to be subject to the rule.

In Cache Valley, at least, Moses Thatcher will receive full credit for sincerity. Here he is known, and that this was a matter of conscience with him no one will doubt. It seems that special efforts have been made to cast discredit on him here, probably because here he was best known and loved. It was to the presidency of this stake that the first letter was issued forbidding them to allow him to preach or officiate in any of the ordinances; and it was here that Joseph F. Smith, contrary to the teachings of the Savior, publicly rebuked Bishop B. M. Lewis for praying for Moses Thatcher during our recent quarterly conference. The prayer was, one would think, a perfectly proper one from a church standpoint, as the appeal was that his mind might be enlightened and that he might once more be brought into harmony with his quorum. Mr. Smith assumed that no prayer must be uttered publicly in favor of the erring (?) member.

This savored so strongly of a spirit contrary to that of the divine love and compassion that has heretofore been enjoined, that many who had supported the manifesto and considered Mr. Thatcher's opposition wrong, wondered whether, after all, some strong personal feeling did not underlie the pressure brought to bear on him, and began to investigate his reasons for opposing it. If the senatorship could be left to the popular vote, Moses Thatcher would have an overwhelming majority in Cache County, and the constituents of the members-elect to the State legislature from this county will expect then to give this sentiment fitting expression. Young Utah has read history and has there seen the awful results of placing unlimited political power in ecclesiastical hands, when the merits of candidates were discussed and their fate settled, not in political conventions, but in priesthood meetings. Those days are gone; but would it not be the same in effect if rival candidates each had to ask the consent of the same church authority?

The following partial report of the proceedings of the conference on Tuesday, October 6, is quoted from the Tribune of the 7th:

As on the day before, Moses Thatcher received the major portion of attention from speakers at yesterday's sessions of the Mormon Church conference. Apostles John W. Taylor and M. W. Merrill in turn stated their agreement with the majority in the case. In the afternoon President George Q. Cannon discussed the matter at considerable length, though carefully avoiding mention of Apostle Thatcher's name. His tone indicated that he regarded the termination of the matter as settled. He spoke of the unjust condemnation of the priesthood for its course, and told those who had uttered condemnatory words what their duty now is.

President George Q. Cannon then arose. "Our conference thus far," he began, "has been of exceeding interest to all who have shared in its proceedings. Never have I heard the brethren speak with greater power. I have never felt more edified by the addresses. It is indeed deeply gratifying that such a measure of the spirit and power of God should have thus rested upon President Woodruff and upon President Snow. There is no doubt that the saints will depart instructed upon many points perhaps hitherto hidden from them. Equally there is no doubt that many surmises have been indulged in and possibly unjust remarks made regarding the authorities in some of their actions.

"I am glad that the spirit of God has moved President Woodruff and others to speak on the subject as they have done."

President Cannon explained that while it was the duty of the leaders to take up the matter as they had, still a feeling of delicacy caused them to shrink from making the trouble public. He said that the delay owing to this disinclination to act upon the part of the authorities had resulted in a peculiar condition of affairs arising, which had been further complicated by the introduction of politics. This made the brethren in full knowledge of the trouble less inclined than ever to speak. Their reticence had been misunderstood, their motives misconceived, and themselves held up for condemnation in many instances. All this had resulted from the kindness manifested by the failure to make public a brother's error.

"This should be a warning, a solemn warning, to all of you to not be hasty in reaching a conclusion or in the censure or condemnation of any one whom God has placed to preside over you. It is a warning to be careful, for I believe that a great amount of sin has been committed and the spirit of God grieved, causing darkness

to many minds because the liberty has been taken, if I may use the word, to condemn without understanding all the circumstances of the case mentioned yesterday."

President Cannon referred to a letter from a president of the seventies who at one time was prominent in Sunday school work, in which the writer said the authorities had violated the law of the church, and as men standing self-convicted they were called upon to repent and make amends. This letter, he said, affords an index of the sentiment that may actuate possibly hundreds.

"Now, God has warned us," he continued, "not to speak evil of the Lord's anointed. Anyone who finds fault with them is liable to lose the spirit and go into darkness. The prophet said that fault-finding was one of the first symptoms of apostasy. God has chosen His servants and claims it as His prerogative to condemn them and censure them. It is not given to us individually to do this. No man, no matter how high in the church, can speak evil of the Lord's anointed without incurring the displeasure of the Lord and losing the spirit. Then how important it is not to question or censure the heads of the church, no matter how difficult it may be to comprehend the reasons for their actions.

"Never since the days of Kirtland has there been such a spirit in the church to do this error as has been shown during the past few years. We have almost feared to go to some places, owing to the arraignment of our motives and condemnation of our actions. Yesterday's explanations ought to have the effect of making these people who have been finding fault and condemning unjustly, ashamed of themselves, so that they will ask God's forgiveness for having condemned innocent men. People are going to apostatize because of this, if they don't repent."

To the careful reader it will be apparent that the proceedings of the conference in relation to Moses Thatcher, beginning on Sunday and ending on Tuesday, are guided and inspired by one comprehensive and efficient mind. Mr. Cannon's avowed loyalty to his aged superior, his exaltation of the ostensible head of the church to the vice-gerency under God, his reference to him as the source of plenary authority, his professions of absolute submission for himself and his brother officials—all this was, in the nature of things, deeply suggestive to the venerable president, and next day it bore fruit in the form of harsh accusation in the speech of one whose guilelessness and gentleness are light and peace to the church. There were other speeches and exhortations, but they all chimed in harmoniously as parts of the orchestral performance inaugurated on Sunday. The master mind had touched the button and a responsive corps of helpers did the rest.

We can only imagine the depth of satisfaction with which the chief designer could take hold of the clearing-up process on the third day and thank God that there had been such outpouring of divine grace! And what a magnificent inning to the first presidency! They had been censured for too great leniency! But see now what mountains there were in the way! See how gallantly we have plucked them up by the roots and cast them into the sea!

But mark you! it was a "political document" that caused all this outpouring of zeal and sentiment; it was the refusal of a beloved apostle to sign that political document that caused the heavens to open and the vials of wrath to be poured out; in short, it was a spectacular performance, a shrewdly devised programme with sheet lightning and stage thunder in abundance, and all for the purpose of stampeding the faithful saints into an attitude of recognized encroachment on the political sphere! There were business reasons, too, and these are heaving in ferment like an angry volcano. Over all let us pay honest tribute to the sincerity and worth of the body of the saints; their industry and patience are worthy of all praise.

From the remarks of the leading officials quoted above several important conclusions may be drawn, as follows:

1. The priesthood organization, as viewed by the first presidency,

is the divinely authorized and exclusive channel or communication between God and mankind, the only instrumentality whereby God intends to promote his cause and kingdom in the world.

2. The obligations imposed upon those who hold the higher orders of priesthood require absolute obedience to the first presidency, not only as to religious and spiritual things, but also those that are civil and political.

3. Moses Thatcher's disobedience and insubordination lay in his refusal to submit his civil and political agency to the dictation of his quorum and his superiors in the priesthood.

4. As shown elsewhere in these pages, the first presidency, the apostles, and the whole church in conference assembled made solemn pledges to the people of the United States and the people of Utah that the church should claim no control or authority over civil and political functions, and on these pledges statehood was secured. Hence, in refusing to submit his political agency to the dictation of the church, Moses Thatcher was keeping the plighted faith of the Mormon church and people.

5. The decisive act of disobedience of Moses Thatcher was his refusal to sign the manifesto; and for this refusal, as John Henry Smith remarks, he would have been called to account "within three days" had it not been for the condition of his health.

6. The specific form of submission that was required of him in order to his reinstatement in full fellowship with his quorum was to submit absolutely and unreservedly his religious and political agency to the counsel and dictation of his quorum and his superiors in the priesthood. His want of fellowship was not a lack of love, kindness, and charity, for he would have given of his means unstintedly to the help of his brethren, and at the "last call" for money to finish the Temple he gave \$3,500; but this was not what was required; rather was it that he should surrender his political manhood and independence, and to this he could not consent, and thank God he could not and did not!

7. It is not intended in these pages to call in question any of the doctrines of the Mormon faith as a purely religious system; but as to politics and the civil sphere, the church and the authorities have surrendered control under formal pledge; they have said: "Render unto Cæsar the things that are Cæsar's and to God the things that are God's," and they must not seek to dishonor their pledges. Moreover, submission to church dictation in political affairs is in opposition to the spirit of the Declaration of Independence and to the genius of American institutions.

8. While there is no issue raised in this book against religious doctrines, there is a very clear issue made against that operation of religious doctrines which infringes on the political free agency of the individual. This opposition is on two grounds: First, it is wrong in itself as an infraction of the inherent civil rights of the citizen; second, it is in conflict with the pledges of the church, which has solemnly renounced all claim or assumption to control in the civil and political sphere. If Moses Thatcher, in entering the apostleship, made any pledges or took any vows which compromised his political or civil freedom, he is in duty bound to renounce them, especially since statehood was secured by relinquishing the right to enforce such vows.

But it seems that his offense consisted in his refusal to do what would be a ratification and recognition of such a vow. Such a vow, either in form or effect, would be a crime against the Declaration of Independence.

9. The several speakers of the conference, in referring to the manifesto, call it a "political document." It is most eminently a "political document," for it defines and qualifies the political and civil agency of every man that is subjected to its rule. Yet it is claimed in the name of religion that such a document should be submitted to! Is not this claim a usurpation of the functions of the State? President Snow censures Moses Thatcher because he did not sign the "political document" on the strength of the twenty-four names already on it, just as he says Erastus Snow indorsed the words of George A. Smith—words spoken while Erastus Snow was asleep—pronouncing them "God's truth," when he never heard a word, and gave his "testimony" on the single ground that he knew George A. Smith was "a man of inspiration and would never say anything untrue." How this process of believing and knowing things to be true because people say they are true, may work in religion, is not a matter of inquiry in this connection; but when it comes to roping in a man's political and civil agency on such grounds, it is a different matter. It is encroachment on the State.

10. John Henry Smith gives away his mental processes in a very open manner. He says that within three days "Moses Thatcher would have been dealt with had it not been for the state of his health." And this for not signing the "political document." And what does Mr. Smith rest his faith on? He says, "I stand by my president and the presidency of this church in the position they have taken, because I know they are right." And George Q. Cannon says, "When they (the twelve apostles) accept the counsel of the first presidency, they do it because they believe the first presidency to be chosen of God. They may have different views on many things, but when the first presidency gives counsel every man that has the Spirit of God accepts that counsel." Now all this yielding of individual independence of thought may suffice for religious uses and purposes; but when such machinery is used to enforce conviction and action within the sphere of a man's political agency, such as the signing of a "political document," it is in direct conflict with the spirit and genius of our institutions; it is a matter that demands notice from the world, and every loyal citizen should enter a protest against such methods when carried into politics. Moreover, the first presidency is recreant to its own pledges when it undertakes to enforce political action through its own alleged inspiration.

CHAPTER THIRD.—*Moses Thatcher deposed.*

Subsequent to the October conference there was a considerable correspondence between Moses Thatcher and Lorenzo Snow, president of the quorum of apostles, and as important items appear in the letters the greater portion of them are herewith presented in the order of their dates. The first letter recites Mr. Thatcher's exclusion from the Temple after having been invited by F. D. Richards to meet with the

apostles therein. The "notice" to which allusion is made is as follows, having appeared in the News October 15:

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 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, suspending 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.

Thatcher to Snow.

No. 101 N. WEST TEMPLE STREET,
Salt Lake City, October 16, 1896.

Elder LORENZO SNOW,
*President of the Twelve Apostles of the
Church of Jesus Christ of Latter-Day Saints.*

DEAR BROTHERS: Having in mind the utterances of my file leaders and others at the late semiannual conference, respecting myself and the attitude in which I was placed toward the Church of Christ, and those in authority over me in the holy priesthood, and desiring, if possible, to be in harmony with the quorum over which you preside, and with that of the first presidency of the church, I endeavored to meet with you and the brethren at their weekly gathering on Thursday, the 15th instant, but upon appearing at the door of the Temple was denied admittance.

Later in the day I was furnished by the secretary, George F. Gibbs, a copy of the general "notice" to the Latter-Day Saints, as published in the Deseret Evening News of October 15. That was the first notification received of the intended suspension of the functions of the priesthood held by me. I was aware that my name had not been presented and sustained by the vote of the saints assembled in conference on April and October last, but no intimation had been given that such action deprived me of the priesthood or in any way suspended its functions. Had I received an authoritative intimation that such was the intention, or was in any sense thought to be desirable, I would have, if possible, avoided occasion for complaint on that point.

Now, since I am denied the privilege of meeting your quorum for the purpose explained herein, I humbly and respectfully ask you to furnish me in writing, conveying in specific detail the items of all charges of wrongdoing which my brethren may think proper, or feel constrained to bring against me as objections to my further continuance as an apostle and fellow-laborer with them in the cause and church of the Master, our Saviour, to whom I also have dedicated all I have or may hereafter be.

Until the remarks of the brethren delivered at the last general conference, as they appeared published in the daily press of this city, apprised me of it, I did not know that they held aught against me, or premeditated the planting of charges against me on any matter whatever, other than that of my failure to indorse the "declaration" issued last April relating to political affairs past and present and future, and possibly complaints, also, respecting my political attitude as relating to political methods, words and works since the division of the people in Utah on national party lines.

I had understood that my failure to see eye to eye with my brethren or those civil matters, and for not on short notice indorsing the "declaration" caused the withholding of my name from the list of apostles as presented to the saints at the April conference.

The sacred, and as I believe, holy bond of fellowship openly confessed and candidly proclaimed many times, each to the other, during all the years of your presidency over the twelve apostles, and the sacred places and loving manner in which

that bond of "fellowship" was, as I thought, cemented together at least for all past and present time, if not for eternity, banished from my heart distrust of any kind, and naturally precluded apprehension, fear, and thought of such darkness and ambition as that publicly proclaimed as having been the condition in which I had continued for a number of years.

Under the newly revealed conditions, as stated at conference, it may be seen how naturally and how easily harmony might fail of its fullest fruition of confidence, hope, and trustful love, for how could those in the light harmonize with one in the dark, or how could one in the dark go to the light when not informed respecting his darkness?

It appears useless at this time, and as a waste of valuable time, for me to ever allude to the love and labor of the past, for those whose esteem and confidence I have tried hard to merit may well be trusted to remember of that all that is necessary.

For the light and for truth and for justice as defended in the laws of God I have sacrificed some things, and am willing when necessary to sacrifice all things. While greatly improved in health, I am not yet in a physical condition to endure a prolonged or severe strain of body or mind, and therefore trust that I shall be given sufficient time in which to answer all charges that may be brought against me. As to anything I have said or done contrary to the commandments of God, I hold myself bound under His law to answer or plead guilty whenever the charges are made specific, and have sufficient time so that the exertion shall not again force me toward the grave, on the verge of which, as you know, I have so long lingered.

My desire is to do right, and to be united with the brethren and those who preside over me, in all that will promote the glory of God and the salvation of man. For, as I comprehend the lessons of history, he who can not be governed is utterly unfit to attempt government even in the family relation.

Praying the Lord God of Israel to bless you, and expressing heartfelt gratitude to you for the considerate, humble, and loving manner in which you have presided over your brethren of the apostles, and trusting that you are not unwilling that I should still subscribe myself as your brother in the gospel, I remain, as heretofore, devoted to the cause of righteousness—the cause of Christ.

MOSES THATCHER.

Snow to Thatcher.

SALT LAKE CITY, UTAH, *October 23, 1896.*

Elder MOSES THATCHER, *City.*

DEAR BROTHER: Your communication of the 16th instant was received by me on the 19th and its contents carefully noted.

Since the writing of your letter the full stenographic report of the remarks of the brethren made at our late general conference has been published in the *Deseret News*, in which their feelings concerning you are quite fully expressed, and you not having read these published remarks prior to the writing of your communication, I take it for granted that it will not be necessary for me to explain or answer further. With kindest regards, your brother,

LORENZO SNOW.

Thatcher to Snow.

SALT LAKE CITY, UTAH, *November 4, 1896.*

Elder LORENZO SNOW,

President of the Quorum of the Twelve Apostles.

DEAR BROTHER: While at Logan last week I learned through a letter that Elder Franklin D. Richards had called at my home for the purpose of informing me that yourself and the quorum of apostles desired to meet me, and thought arrangements could be made to meet in the annex of the temple if I could name a date when I could be present. Appreciating this kindness and desiring very much to meet again with my brethren that they might know the inmost feelings of my heart by personal contact with the spirit that possesses me, I at once sent word desiring that you would name the time and place of meeting, so as to conform to your own and the convenience of the brethren, rather than to that of my own. It was my intention to go north from Logan to see my brother, who resides in Idaho, but on receiving no word as to when I could meet with you, I returned to this city Thursday—a week ago to-morrow—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.

That delays may be avoided, I send this by Elder C. W. Penrose, who has kindly consented to deliver it promptly to you.

M. T.

Snow to Thatcher.

SALT LAKE CITY, UTAH, *November 6, 1896.*

Elder MOSES THATCHER.

DEAR BROTHER: Your letter of the 4th instant received. In it you state that you learned last week at Logan, through letter, that Brother Franklin D. Richards had called at your home for the purpose of informing you that myself and the quorum of apostles desired to meet you in the annex of the temple, also intimating that it is our desire that you name a date when you could be present. I wish to correct this impression, the quorum, as such, not having expressed themselves in regard to this matter. Doubtless the misunderstanding arose from the fact that some time ago an appointment was made to meet with you in the temple annex, which appointment was not kept owing to your physical inability to do so, as we learned verbally through Brother John Henry Smith. But since then the council of first presidency and apostles felt it to be due to the late general conference that something should be said by way of explanation for withholding the presentation of your name to be sustained by the conference as one of the general authorities of the church, which resulted in the remarks of the brethren on this subject, as published in full in the News. Since then, also, a card has been published over the signatures of the first presidency, informing the officers and members of the church that the withholding of your name from going before the last two conferences suspended you from exercising the functions of your priesthood, the publication of this card having been made necessary, contrary to our expectations, by your addressing public congregations of the saints in your suspended condition. Since then, too, I sent you the following, under date of the 23d ultimo. (See above.)

I may say that the foregoing was in response to your communication in which you desired that whatever charges your brethren might think proper to make against you, that the same be specifically made in writing, etc. In penning the foregoing I hoped that further correspondence would not be indulged in by you, but that just as soon as you fully realized your true position you would not rest until you had conferred with me personally in regard to arranging for an interview with your quorum for the purpose of regaining your fellowship. I repeat, I hoped your feelings would have prompted you to do this, and I felt warranted in believing that your wisdom would have led you to do it; but in this I was disappointed, and so were your brethren, one and all.

This being the condition of affairs, you were not admitted to the temple on the forenoon of Thursday, 15th ultimo; for the further reason, also, that the meeting of that day was not a meeting of our quorum, but the regular council meeting of the first presidency and apostles, at which business of pressing importance was to be attended to, which could not be deferred for consideration of your suspension.

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.

The following letter presents a general review of all the facts and circumstances leading up to and terminating in Mr. Thatcher's deposition from the priesthood:

Thatcher to Snow.

LOGAN, CACHE COUNTY, UTAH, *November 11, 1896.*

Elder LORENZO SNOW,

President of the Quorum of the Twelve Apostles, and members of the Quorum.

DEAR BRETHREN: By way of preface to a request I am about to make of you, my brethren, I humbly ask your attention while I review briefly the reasons which lead me to make it.

My name was regularly presented to the people, and I was regularly sustained in my position in the church until the 6th day of April, 1896. On that day at noon, and never before, a document was presented to me for my signature. I was then confined to my room with what I considered at that time a fatal illness. I was given about an hour and thirty minutes within which to consider a matter of vital importance, not only to myself, but, in my opinion, to the people. I could not see my way clear to sign it without stultification, and I so informed you by letter. In about two hours from that time my name was unceremoniously dropped from the list of apostles presented to the conference for confirmation. No reason for your action was given, and my letter of explanation was, for reasons best known to yourselves, suppressed.

Matters went on this way, until a day or so before the funeral of our lamented brother, Abraham H. Cannon, I called upon President Woodruff and told him I desired to be relieved of all responsibility for a while in order to regain my health and strength. He acquiesced. Subsequently, I was informed by Brother C. W. Penrose that the brethren were willing for me to lay aside all care and go away if I desired, and that nothing further would be done concerning my standing until I should be fully restored to health, if it took six months, a year, or even two years. And these representations of Brother Penrose have since been confirmed by several members of our quorum.

I then went to Logan Canyon, where I remained about six weeks. While there rumors began to circulate that my case would be taken up, notwithstanding the promises which had been given me. These rumors did not reach me at the time, but they reached my son, Moses Thatcher, jr., who at once went to the city, where he called at President Woodruff's office in company with his brother Preston and Bishop W. B. Preston. While waiting for an opportunity to see President Woodruff, Brother Brigham Young entered, and to him my son told the object of his visit. Then Brother Young went into the president's office. After a while President Snow, Apostles Richards, Young, and Smith, Bishop Preston, and others came out from President Woodruff's office and assured my son that they had delivered his message to President Woodruff, and that he and all the brethren present had unanimously decided that nothing whatever would be done in my matter until I felt mentally and physically able to meet with the brethren. President Snow bade my son to convey to me that message, which he did by returning home and driving to my camp, 30 miles up Logan Canyon. When President Woodruff at that meeting was reminded of his former promise to me, he said that he had not seen me, and that I had not called on him for many months. Bishop Preston reminded him of my visit a day or so before Brother Abraham H. Cannon's funeral, and of our conversation at the time, whereupon he recalled the circumstance, and then said that he remembered distinctly what had transpired on that occasion.

Had it not been for the assurances and reassurances given me I would have attended the conference before which, in my absence, I was publicly accused.

Upon my return to Logan from the canyon I was dumfounded on reading and hearing reports of the treatment I had received at conference. Feeling, however, that there might be some reason unknown to me for your apparent change of mind, I went to Salt Lake on purpose to ascertain the truth, if possible. On my way to the office of President Woodruff, Wednesday, October 14, I met Bro. Franklin D. Richards. I told him that I expected to meet with my quorum at their regular meeting on the following day. He replied that they would be delighted to have me. I asked if there could be any objection to it. He assured me that there would not be and that he could vote for it with both hands.

Accordingly, I went to the temple next day at the regular hour, and was informed that the presidency of the church had given orders not to admit me into the temple. I was surprised and grieved, but one thought consoled me, and that was that during the last six months of the construction of the temple, now closed against me, I had given \$3,500 toward its completion, and if I had it to do over again I would give even more. No reason was given for refusing me admittance; no explanation was offered, not even by the one who had assured me of a welcome with both hands.

I went home distressed and with such a flood of sorrow in my heart compared with which the pain and sufferings of five years were like a drop to the ocean. I asked God for light and wisdom; I searched the innermost depths of my soul; I reviewed my whole life and my record in the church to find some excuse for the action taken, but in vain. As it seemed I was cut off from communication with you in every other way, I wrote to the president of my quorum asking what my brethren had against me, pleading humbly and respectfully for the charges, specifically stated, that I might have a chance to prove my innocence or plead guilty.

Before I heard from you I had gone to Logan with the intention of visiting my brother, who resides in Idaho. While in Logan word reached me that Bro. Franklin D. Richards had called at my home in Salt Lake City to see me. He left word that

my quorum desired me to meet with them, and thought such meeting might be arranged in the temple annex, if I would name the day when I could be present. I immediately sent word to him that I did not desire to set the time, but would leave the time and place of meeting with the quorum, desiring to conform to their convenience.

Not hearing anything further about the matter, I returned to Salt Lake, where I waited several days and wrote you again, meantime receiving the following answer to my request for specific charges. (See above October 23.)

This communication changed the face of the whole matter, because in it I am cited to the public press to read the accusations made against me in public meetings before the saints in general conference assembled and before the world. I am told to go to a newspaper and there read what my brethren have said about me and against me, and to these public utterances published to all mankind I am to make my answer.

But, owing to the word sent me by Bro. F. D. Richards, I still thought you might possibly have other communications to make, outside of the published declarations to which you referred me in your letter of October 23, and, being in the city in response to that request, I therefore wrote you on the 4th of November asking for information as to when that meeting would be called.

In reply I received a letter from you, President Snow, dated November 6, 1896, in which you repeat in full your letter of October 23, thus indicating that the public declarations made in conference covered all the charges against me. You say further that you had hoped that I would write no more after receiving your letter of October 23, and that I should have lost no time in seeking you personally after receiving that letter, and that you, one and all, were disappointed at my lack of wisdom after receiving that letter, and that therefore the temple was closed against me on the 15th day of October. Believe me, it is hard to understand how any supposed disregard of a letter written October 23 should cause the temple to be closed against me on the 15th of the same month, or eight days before. Be that as it may, I desire to make a simple request of you, to which, I am sure, your sense of justice and honor will acquiesce. It is this: As I was accused in public I desire to meet the charges in public. Although the judges before whom I am to be arraigned have nearly all expressed an opinion as to the merits of my case; although my accusers are to sit in judgment over me; although a verdict has already been delivered against me and without a hearing, and in the most public manner; still will I be willing to submit my case to them, to place in their keeping, not only my life, but that which is dearer to me than life—only asking for the defense the same publicity which has been given the prosecution.

It has been written, "If any shall offend in secret he shall be rebuked in secret," but I have been rebuked in public, and therefore ask a hearing in public. I am moved to make this request, not only because my brethren have, one after another, accused me before congregations of saints, nor because the door of the temple has been closed in my face, nor because Brother Joseph F. Smith in the last Logan conference classed me as one of the enemies of the church and publicly reprimanded my former bishop for mentioning me in his prayers; but also because, in a conversation with President Lorenzo Snow, on the train between Salt Lake and Brigham City last Saturday, November 7, I was given the impression that I have absolutely nothing to hope for in any other than a public hearing such as I now request. I shall not trouble my brethren, therefore, to convene in a special meeting named for Thursday at 2 o'clock p. m. in the historian's office.

In conclusion, brethren, I desire to say that nothing could shake my faith in the everlasting gospel. All the trials and afflictions through which I have passed leave me firm in my belief. I am devoted to my church, my people, and my God. I have willingly made every sacrifice required of me. I have given freely of my time and means to the upbuilding of the kingdom of God. I have never shirked a responsibility placed upon me. If I have done wrong it is because I am mortal, but I bear no consciousness of wrongful intent. If I have not been in harmony with my brethren of the quorum of the twelve on religious matters I was not aware of it till their public declarations to that effect. Have not frequent authoritative declarations been made in public during the last few years as to the perfect harmony existing between all the members of the quorum and the first presidency? With those made so often in sacred places you are familiar. It is very hard to understand why, in the face of these, the public should now be informed that we have not been in harmony for years.

Brethren, this matter may seem trivial to you, for in your hands is placed the judgment, while I stand in the position of a victim. Misapprehension as to the motives prompting my action during all the years of my official life may be the result of misinformation; and prejudice, once aroused, increases, as you know, like an avalanche. If there is aught in word or act of mine since I have been a member of the church that I would not have published upon the housetops, I do not know

It; and yet I am aware that any man is liable to become darkened in his mind, who, nevertheless, may still desire to do right and be just in all things. Therefore, I beseech you, that mercy have its claims, then award to justice, under the laws of God, all its demands; remembering always that it is a serious matter to judge even in small concerns, but it becomes of great magnitude when involving that which is more precious than life.

Your brother and fellow-laborer,

MOSES THATCHER.

Snow to Thatcher.

SALT LAKE CITY, UTAH, November 12, 1896.

Elder MOSES THATCHER, *Logan.*

DEAR BROTHER: This is to notify you that at a meeting of the quorum of twelve apostles held to-day, it was resolved that as you are not in fellowship with the council, your case will be called up for consideration and action at a meeting to be held for that purpose at 10 a. m. on Thursday, the 19th instant, at the historian's office, this city.

With kind regards, your brother,

LORENZO SNOW.

Thatcher to Snow.

101 NORTHWEST TEMPLE STREET,
Salt Lake City, Utah, November 17, 1896.

Elder LORENZO SNOW, *President of the Quorum of the Twelve Apostles.*

DEAR BROTHER: On the 11th instant I wrote you a somewhat lengthy letter in which, after reviewing my case, I asked that the same publicity be given my defense as that given to the complaints and accusations made against me.

My son, George F. Thatcher, delivered to you that communication about 10 o'clock a. m., the following day. At noon on the 13th instant, Brother Isaac Smith, of the Cache stake presidency, handed me a letter from you, of which the following is a copy. (See above, November 12).

As no reference is made to my communication of the 11th instant in yours of the 12th, I am in doubt as to whether the latter was intended to be a reply to the former or not; but as no other word has reached me I suppose I should so regard it, especially in view of the fact that the action of the apostles respecting my case was evidently taken after the delivery to you of my letter of the 11th instant.

You say: "Your case will be called up for consideration and action at a meeting to be held for that purpose at 10 a. m., on Thursday, the 19th inst." Am I warranted in concluding that you intended that declaration to be a denial of my request for a public hearing? And, if so, am I to understand that "consideration" and "action" mean that my trial will commence on the date and at the time and place mentioned? If that is the intention, am I, as heretofore directed by you, to defend myself against or plead to the charges as published in the Deseret Evening News of October 17? And, if so, will the charges be presented one at a time, or considered as a whole? In either event, will those making the charges be present to hear my witness? Will I be permitted to bring with me and introduce the testimony of those willing to testify in my behalf? Is the "manifesto" regarding church discipline in political affairs and for the failure to sign which, it was understood at the time, I was suspended from exercising the functions of the apostleship, to be introduced as any part of the charges against me?

As I will have to call witnesses from various points, I shall greatly appreciate as early a reply as possible.

Very respectfully, your brother in the gospel,

MOSES THATCHER.

Snow to Thatcher.

NOVEMBER 18, 1896.

Elder MOSES THATCHER, *City.*

DEAR BROTHER: I am in receipt of your letter of the 17th instant, in which you advise me of the receipt by you of a communication signed by myself in behalf of the quorum of twelve, and dated November 12. You ask whether my letter was intended to be a reply to a former communication which you sent to me, in which you

had requested a public hearing. You also ask, if this be so, are you to understand that "consideration" and "action" mean that your trial will commence on the day and at the time and place mentioned; and further, if that is the intention, are you to defend yourself or plead to the charges as published in the Deseret Evening News of October 17, and, if so, will the charges be presented one at a time or considered as a whole; also, in either event, will those making the charges be present to hear your witnesses, and will you be permitted to bring with you and introduce the testimonies of those willing to testify in your behalf. You further ask whether the document regarding church discipline which you failed to sign will be introduced as any part of the charges against you.

In reply to these queries, I have to say that the quorum of the apostles do not consider your request for public hearing a proper one—for this reason: It is not your standing in the church that is at issue, but your fellowship with the brethren of your own quorum. This is the business to be settled between yourself and us, and when this is settled satisfactorily there will be no difficulty remaining concerning the document on church discipline. You have been informed on several occasions that the members of your quorum could not fellowship your spirit and conduct. Several of them have waited upon you and informed you that the twelve felt that you should make amends and take proper steps to restore yourself to their fellowship. This, therefore, is not a matter for the general public, nor for the presence of witnesses. You yourself are the principal party interested, and if you can take the necessary steps, which are altogether within your own power, there need not be the least difficulty about you having the fellowship of your fellow apostles. This has always been the course taken in our church from the beginning to the present time. If the question of your fellowship with the church should be brought forward at any time, it will then be for the church to give you such a hearing as will enable its members to express themselves as to whether they will hold you in fellowship or not.

With kind regards, your brother,

LORENZO SNOW.

Thatcher to Snow.

No. 101 NORTHWEST TEMPLE STREET,
Salt Lake City, Utah, November 18, 1896.

Elder LORENZO SNOW, *President of the Quorum of Twelve.*

DEAR BROTHER: Your esteemed favor of even date, replying to my letter of yesterday, was handed me this evening and its contents have been carefully considered. As there is to be no trial of my case, and as I am not requested to be present, I take it to be the purpose, as heretofore notified, that the quorum meet on the morrow for the purpose of considering my case and determining what I must do before I can again enjoy the fellowship of my brethren of the twelve apostles.

Beyond the public action taken at the annual conference on the 6th of April last, which suspended me within a few hours after my failure to sign the document regarding church discipline on political matters, and your citations to the remarks of the brethren as published in the Deseret News of October 17 about me, I know of nothing upon which to found requirements in my case; and since judgment in those matters has been already passed, the necessity for presenting, through witnesses or otherwise, any defense in my behalf seems obviated. I can, therefore, only wait with great concern and deep anxiety your findings and specifying the conditions upon which I may regain the fellowship of my brethren and restoration to the official position heretofore held in the church, and the duties and obligations of which I have sought earnestly, honestly, and prayerfully to discharge. The thought of the permanent loss of that exalted position and of your fellowship, and of the consequent humiliation and bitterness that may follow, are very dreadful—I shrink from the contemplation. It seems a sad ending—a fruitless reward for thirty years or more of earnest and devoted work in a cause that has inspired and does still inspire the best efforts of a life, subject, of course, to human weaknesses and human errors, but nevertheless devoted and true.

I can not—brethren I utterly fail to feel that I deserve the fate that now seems hanging over me. Pardon, I did not intend to plead my cause. Only let me remind you, brethren, of how the Lord has required us to use the priesthood—persuasion, gentleness, brotherly kindness, patience, love. This in the interest of mercy. Try each of you to place or imagine yourself placed in my position. Remember if you can, that there is none of you, no, not one, for whose peace and happiness I would not give all I have, and for the preservation of whose liberties and rights I would

not, if necessary, sacrifice even my life. As proof, if you require proof, I refer you to records of the past. So, as you would be judged, judge me. Then submit that judgment, give me reasonable time to consider it, and if I can harmonize my conscience and convictions respecting justice, truth, and honor with your findings and requirements I shall do so gladly and with a heart full of grateful acknowledgments to Him whose servants we have all been glad to be.

Praying the Lord to direct your minds in all things and uphold and sustain you now and hereafter, I remain, your fellow laborer in the gospel.

MOSES THATCHER.

In answer to that appeal the following curt notice was sent:

Snow to Thatcher.

SALT LAKE CITY, UTAH, November 19, 1896.

Hon. MOSES THATCHER, *City.*

DEAR BROTHER: It becomes my painful duty as the president of the twelve apostles to inform you that, at a meeting of that body held to-day, November 19, 1896, at which all the living members of the council, excepting yourself, were present, it was decided, after a full consideration and individual expression of everyone present, to sever you from the council of the twelve apostles and deprive you of your apostleship and other offices in the priesthood.

I remain, your brother,

LORENZO SNOW.

The following notice appeared in the evening of the same day in the *Deseret News*:

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 (Thursday, 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 Twelve Apostles.

REMARKS.

We see that Mr. Thatcher was denied a public trial, although he sought diligently to have the charges specifically set out and passed on at a public hearing; and this was clearly his right as an American citizen, and particularly because he had been by a concerted action among certain leaders accused in open conference. Public sentiment, to which the speakers of the conference appealed, should unite with the broader sentiment of honest men throughout the world in condemnation of a star chamber procedure that persistently refuses to make a defense as public as the accusations. It shows unmistakable indications of narrowness, prejudice, and injustice.

President Snow says, in his letter of November 18, of the offense for which it was sought to try Moses Thatcher, "it is not a matter for the general public, nor for the presence of witnesses. You yourself are the principal party interested, and if you can take the necessary steps—which are altogether within your own power—there need not be the least difficulty about having the fellowship of your fellow-apostles." He says in the same connection, "the members of your quorum could not fellowship your spirit and conduct." "It is not your standing in the church that is at issue, but your fellowship with

the brethren of your quorum." Hence, there was no offense charged that concerned the public; there was no misdemeanor, no infraction of the moral or civil law, no personal wrong against any brother or sister; it was not anything that required witnesses to make accusation or vindication.

What was it, then, that was required of Moses Thatcher? It was simply submission and self-abnegation, a renunciation of selfhood to the control of his quorum and those in higher authority. He had declined to indorse the manifesto. He had formerly indorsed a rule that prohibited the leading officials from participating in political affairs as partisan leaders. He believed that restriction was proper and right under the circumstances. But when the first presidency concluded to rescind that rule and "counseled" that some should go out and speak and organize for a certain party while others should, because they favored an opposite party, hold their peace, under these circumstances Moses Thatcher refused to be controlled by a "counsel" which he knew to be morally wrong in itself, as also in conflict with pledges which the chief authorities were at that time making to the people of Utah and the United States in order to secure statehood. It was in such matters and under such conditions that Moses Thatcher refused to be made a subservient tool in the hands of certain of his quorum and ecclesiastical superiors to carry out a nefarious policy of religious tyranny and political infamy.

In all this, according to President Snow, he showed a "rebellious spirit." For such conduct he is called "rebellious and worldly minded." Hence, what he was now required to do was that he should go to his quorum and make a full renunciation of his rights and manhood as an American citizen. He must renounce the inspiration of the Declaration of Independence; he must eschew the freedom and equality that constitute our birthright of civil liberty. And all this he must do, notwithstanding the solemn pledges of the Mormon Church and authorities that no man's civil and political agency should be compromised or infringed by priestly authority. Not only this, he must also fly in the face of the Constitution of the United States, and the very expressive clause which he himself caused to be inserted in the constitution of the State of Utah—a clause pronouncing most emphatically and unambiguously in behalf of a complete separation of church and state, as follows:

SEC. 4. 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 qualifications shall be required of any person to vote or hold office, except as provided in this constitution.

Such personal renunciation and self-subjection as was required of Moses Thatcher by the president of his quorum is nothing new in the history of religious societies. Every Jesuit is under such vows; almost all monastic organizations require such a surrender; but they are all wrong; they are all inimical to liberty, and the genius of American citizenship is utterly hostile to such abnormal religious serfdom. No difference what church ordains such ordinances, they are all

opposed to the true spirit of progress, and the Mormon Church has already solemnly pledged itself against them.

We see in the procedure in the case of Moses Thatcher the course to be pursued in all similar cases of discipline for infraction of the rule of "counsel" promulgated in the manifesto. If an officer in the Mormon Church refuses to "counsel" in regard to a nomination to a political office, his refusal will be a "breach of fellowship" with his quorum. He will be called upon to "humble himself;" to renounce his "ambitions;" to abdicate his political independence. If he "submits" to a satisfactory degree, that submission restores his fellowship on the basis of an emasculated manhood and civil agency. The offense is now wiped out; he is henceforth redeemed from the infection of Jeffersonian Democracy; he is absorbed into the general control of "counsel" which says to one man "come," and he cometh; to another it says "go," and he goeth.

Note that Moses Thatcher was not to be tried for his refusal to sign the "political document," although, as one apostle says, "he should have been called to account within three days for that refusal, except for his poor health at the time." No; there would be no public trial for such an offense. The idea is preposterous! The political sagacity that rules in high councils is not going to give away its cause in that unsophisticated manner, for it would raise an insurmountable protest in the minds of the public.

But while there would be no trial for the specific offense of refusing to sign the "political document," the "submission" that was required would be such that no other refusal would ever occur, for the man's spirit would be subdued and molded into complete ecclesiastical serfdom.

But why not have a public trial, if the rule is right in the sight of God and man? Why not that which is spoken in the ear proclaim from the housetops? Alas, the ways of "counsel" are not so! If the rule is maintained and rigidly enforced, so far as the Mormon people are concerned, there is an end of Jeffersonian Democracy in Utah. As well could light subsist with darkness, freedom with bondage, as that "counsel" should dictate the nominations to political and civil offices, and not destroy the independence and individuality that are the life and inspiration of Jeffersonian Democracy and true Republicanism.

CHAPTER FOURTH.—*The questions involved.*

If Moses Thatcher is right in his dissent, as it is confidently believed these pages will demonstrate, the future history of Utah will rank him as one of her greatest benefactors. For, if he is right, his truth will prevail over error in the minds of the people and be the means of escape from untold tribulations. Throughout nearly half a century Utah has been a storm center within the American Republic. Beneath all the ostensible causes of disturbance, such as polygamy was made to be in the estimation of the masses, in the minds of the real statesmen of the country, those who have always shaped its policy, there was one menace—and only one in fact—the tendency of some of the Mormon leaders to lay hands on the functions of the government and subvert the State by a theocratic régime that strikes at the very life of our free institutions.

If such fears are confirmed in the development of Utah politics; if the offices of the State shall become subordinated to the dictation of

the church; if the will of the people and the government of the people shall become tributary to the will and the counsels of a priestly junta; if the Declaration of Independence shall be made null and void by a religious priesthood, slowly but surely a cloud will gather in the sky of American patriotism, Utah's representatives in Congress will be discredited, her population will be divided into hostile bands, the power of a hundred millions of people will frown in defiance of an attempt to subvert the Republic, and in the end there will be violence and loss of life; the whole State will be storm swept; every vestige of offense will be swept away.

It will be shown in this discussion that the rule of discipline in question is in substantial conflict with pledges and guarantees made by the Mormon Church and the leading officials thereof to the people of the United States--pledges made in behalf of full and complete civil liberty, individual freedom, and the entire separation of church and state. Indeed, the following pages will render it difficult to apprehend how any faithful adherent to the rule can at once with a clear conscience, and ordinary intelligence, claim, in either letter or spirit, to fulfill the pledges thus made.

The gist of the rule sought to be enforced is that every member of the church, and particularly every "leading official," shall first take "counsel" and be authorized by the "proper authorities" in the church in order to render service in the state. No officer or member can even "accept a nomination" to office in the state without first seeking "counsel" in the way of authorization. In short, the rule means, in effect, that the state shall subsist in and through the "counsel" of the church.

It is not unreasonable for the people to demand of Moses Thatcher that he show good and sufficient reasons for nonconformity to the regulations of his church; for a church has a recognized right to prescribe a system of rules and regulations for the guidance of its members, and no communicant has it within his own discretion to dissent from such rules, unless he can show ample grounds for noncompliance. In response to this demand Moses Thatcher is presented in the following pages as resting upon the most important and substantial reasons for his conduct, as indicated in the following propositions.

1. The rule in both letter and spirit conflicts with the political faith of Moses Thatcher, as shown from his conduct, sermons, speeches, and writings during previous years. Extracts will be presented sufficient to show that he could not, without self-stultification, indorse a rule whose meaning and effect he would, from his long experience in the church, know to be inimical to liberty and destructive of the state.

2. The rule will be shown to be in conflict with the sacred pledges of the church assembled in general conference and of high church officials, these pledges having been made in order to encourage a proposed division on national party lines and to promote statehood for Utah. Some of these pledges will be presented in these pages to show that the church and leading authorities entered into solemn covenant with the people of Utah and of the United States. And inasmuch as the people of the whole country accepted such pledges and ratified them in good faith, it is implied that the covenants thus made are expressed in terms conveying the common and accepted meaning that the people naturally and necessarily attach to words thus used to beget confidence and cooperation. There can be no toleration of a

double sense of language, no allowance shown to mental reservation. All must be clean and open in the full sense of frankness and manly integrity.

3. It will be shown that the rule is in conflict with the independence and freedom of the state, and that it tends to absorb the state into the church and make it the mere function and agent of a priestly junta. The rule is in conflict with the constitution of Utah, the Declaration of Independence, and the genius and spirit of American institutions.

4. The questions herein discussed are eminently adapted to awaken and educate the minds of the people in the principles of liberty and the spirit of American institutions. These are problems of sovereignty and statehood. They could not arise among other than a people seeking to be free and self-governing, and we venture to say that this discussion will deepen and quicken our sense of their sacredness and significance.

CHAPTER FIFTH.—*Moses Thatcher on church and state.*

In discussing the political pledges made by the Mormon Church and authorities, it is important to begin with Moses Thatcher; for during many years past his convictions in relation to church and state have been in accord with those of the most democratic of American statesmen. Throughout active manhood he has understood and cherished the inspirations of liberty and equality out of which originate government by and for the people.

A further reason for giving prominence to his opinions on church and state is that at the beginning of the "division movement" his attitude was a subject of discussion, and his unambiguous utterances in behalf of American principles had a tendency to quiet and reassure those who had fears as to the wisdom of promoting statehood for Utah. It was not known until long afterwards that Moses Thatcher was by some of his brethren considered too direct in his utterances. It now appears that he was severely reprimanded for the democracy of his politics; and at the Logan high council meeting he was the subject of bitter censure by Joseph F. Smith for his Ogden Opera House speech, delivered May 14, 1892. Joseph F. Smith and John Henry Smith made a caustic reply soon afterwards, but it seems that Joseph F. Smith was not satisfied; he desired to reenforce his arguments with ecclesiastical torture; and it is due to Mr. Thatcher to say that the unrelenting vindictiveness with which he has been pursued is due to the ire of certain priestly leaders who feel chagrined because of his refusal to be a party with them in carrying out political machinations that betray and violate the plighted faith of the Mormon Church and authorities.

And Mr. Joseph F. Smith must remember that the utterances of Moses Thatcher, which he now condemns, were at the time greatly instrumental in procuring statehood and in building up the party of Jefferson in Utah. Had it been known at the time that Moses Thatcher was an offending member of the Mormon Church, and that he was imperiling his official standing for his outspoken Americanism, there would have been no statehood for Utah so long as it was manifest that in the hearts of certain Mormon leaders there existed such rancorous hostility to the principles of civil liberty. But as Mr. Thatcher's opinions were scattered broadcast among the people, inducing many

to favor statehood who would not otherwise have done so; and, as his utterances were not repudiated by any public action of the chief church authorities, but left rather to contribute to the formation of statehood sentiment, under such a state of facts we are compelled to classify his declarations among those that bind the Mormon Church to a complete separation of church and state.

A very telling little address was delivered by Moses Thatcher at the Salt Lake Theater, July 30, 1891, and was briefly reported by the Herald as follows:

The Democrats held a rousing meeting at the Salt Lake Theater last evening.

Hon. Moses Thatcher was there as a listener. While the meeting was being adjourned the vast audience demanded that he speak.

Mr. Dyer stepped forward to say that the meeting was at an end, but cries for Moses Thatcher resounded from all parts of the house, and Mr. Thatcher finally stepped to the front and said:

"For reasons which I think sufficient I have taken no active part in this campaign—not because I was not in sympathy with the grand old Democratic party, but because there are many people in Utah throughout the length and breadth of the land who believe the church dominates the state in Utah. Because of the ecclesiastical position which I occupy I desire to say no word in this campaign, but look to these gentlemen for the educating of the people. A great hero of many battles, who had shot and shell tear up the ground at his feet, and who had seen the blood of those who wore the blue and the gray flow in streams, said to Lee when the latter surrendered and handed him his sword, 'No, General, not a horse or a mule. You will need them all for your spring plowing.' It is a glorious thing to be magnanimous. You may look on that picture and then turn and look on this. The Mormon people are sincere. [Tremendous applause.]

We trust the Gentile Democrats and Mormon Democrats alike, because they can not go back on their promises without stultification. Stultification is dishonor, and to us dishonor is worse than death. [Prolonged applause.] I am opposed to a union of church and state and always have been. [Applause.] It can not exist under the American system of government. [Applause.] We have never been understood, but thank God we will be.

This speech means that as General Grant was magnanimous in that he was generous, having all power in his hands, so also the Mormon people are greatly in the majority, but they also are magnanimous, for they do not desire to rely upon numbers, but upon principles. They do not believe in the union of church and state, and the people can confide in their faithfulness to the American system of government.

In a sermon preached at Logan in April, 1892, on the "Evils resulting from the union of church and state," Mr. Thatcher gave an exhaustive review of the whole subject as shown up in sacred and secular history. He traced the sacred records down to the time of Christ, when he commanded that the people "render unto Cæsar the things that are Cæsar's and unto God the things that are God's." He took up the union of church and state effected in European countries and the action of the people who fled to America for freedom.

"Then came the struggle for nationality," he continued, "that finally found voice in the Declaration of Independence demanding advanced human rights as outlined in the Constitution, an instrument inspired of God. Its writers, profiting by the experience of the past, made religious liberty its chief corner stone, but avoided a union of church and state. Without violation of that sacred charter of human rights Congress can pass no law respecting the establishment of religion or preventing the free exercise thereof. To that guarantee of the Constitution we owe our existence as a church."

Probably as clear and concise a statement as will be found of Mr. Thatcher's position is given in his letter to the reconvened convention,

which met at Salt Lake, October 22, 1895, the following report being from the Salt Lake Herald:

LOGAN, UTAH, October 21, 1895.

Hon. O. W. POWERS,

Chairman Democratic Territorial Committee, and members of the reconvened convention.

GENTLEMEN: Owing to the unsatisfactory condition of my health, which renders it impossible for me to be with you, I adopt this means of conveying to your honorable body a statement of my position on questions arising from the very serious crisis which, without volition of the Democratic party, now confronts us, and in the proper and permanent solution of which, as I view it, is involved the honor, peace, prosperity, and liberty of Utah's inhabitants. [Applause.]

As heretofore, when treating on political issues, I have sought to be candid and straightforward in word and act, and the conditions now confronting us, as well as my honor and that of the party of which I am a member, demand that I should continue along those lines, leaving nothing of a doubtful nature upon which to found an argument as to my position, either by friends or by political opponents. [Hearty applause.]

My connection with the matters relating to the present grave crisis would appear to warrant a brief statement of my political acts since the division of the citizens of Utah on national and local political questions.

At the outset, I was strongly impressed with the idea that it would be better for the ecclesiastical officers of the dominant religious society in Utah, as well as in the interest and welfare of the people, for prominent church officials, including the members of the first presidency, the twelve apostles and the presidents of the quorum of seventies, not to involve themselves in active partisan politics, believing that their influence should be brought to bear against the acrimonious jealousies likely to arise in a contest over questions in which the masses of the people were not then well informed. In other words, that these high ecclesiastical authorities might be called upon to pour oil on the politically disturbed waters of our fair Territory, a task which I then and now believe can be successfully performed by those only who had not become partisan in their political preferences, and I believe that action in harmony with those ideas was, about that time, taken, but was shortly thereafter, as I remember, ignored, and that, as the record, I think, will show, not by members of the Democratic party, but by their Republican political opponents.

* * * I need waste none of the time of this reconvened convention in an argument respecting the political struggles in this Territory during the past three years; nor need I add anything on the question of church influence being directly or indirectly to the injury of one party and correspondingly to the benefit of another, because that question has been fully discussed during the period to which I allude.

From the beginning, in nearly all, if not all, of my political addresses and private conversations I have uniformly sought to impress upon the minds of the people the absolute separation of church and state, holding that the civil obligations of the citizen should in no degree trammel the exercise of a man's religious obligations, nor, on the other hand, should the exercise of his religious duties interfere with his obligations to the state and nation whose citizen he was; maintaining always that there were no presidents, apostles, nor other church officials, as such, in politics, and that the freedom of the citizen in these matters was not the gift of any man or combinations of men, but a bequest from the fathers who, for the benefit of themselves, their posterity, and future generations, placed their honor, their fortunes, and their lives upon the altar of human liberty. * * *

Many Democrats, if not the majority in Utah, have been made to feel that they were, more or less, under a religious ban, and have had to endure the slurs, if not the direct insults, tauntingly and sneeringly put upon them by men who had espoused other political doctrines, and many have endured insinuations as to their religious integrity, and that which recently occurred in the priesthood meeting was a natural sequence of causes leading up to that culmination.

Personally, I have no complaint to make because of what then and there happened, in the allusions made to myself, because, as I view it, the individual peace, happiness, integrity, and reputation of one man, or a score of men, cuts but little figure in matters of great consequence to the people of Utah, like that which now confronts us, but I may be permitted to say in passing that nothing in the acts or words of myself would warrant any person in the church in the belief that I would not, upon proper occasion, show, as I have always done, the respect due my ecclesiastical superiors, and that without in the least degree doing a wrong or in any way affecting the honor of the political party to which I belong.

I have always believed, and now believe, that there is abundance of room in Utah, as elsewhere, for a citizen to do his whole duty to the State without in the least degree

interfering with his obligations to the church of which he may be a member. The thought had never occurred to me that I had, at any time, been a priestly hireling. Upon the least intimation from those who furnish means from which myself and others have received compensation that such is their view of the matter, I would thereafter neither take nor expect compensation for ecclesiastical work, but would gladly do all in my power, trusting in the future for the rewards to which I would be entitled.

Recent occurrences intensify the demand, as expressed in our State constitution, that state and religious matters must not be united, and that while it is the duty of the state to protect the church in the enjoyment of the fullest religious freedom, the church must not attempt to dominate in civil affairs, and on this point I am with my party and do not hesitate to believe that our citizens, when given the opportunity, will vindicate and maintain their political honor.

Believing, as I do, that the citizens of Utah will once more at the polls in November vindicate their integrity and preserve their honor, as I expect to do, I shall vote for the Constitution, ready and willing, in and out of season, to do my part in maintaining the political rights, privileges, and blessings of free institutions.

And now, in conclusion, in view of what has recently occurred, should the members of the convention feel that it would be in the interest of the Democratic party in Utah to have my name withdrawn as a possible candidate for the United States Senatorship, you may regard my resignation as herein tendered, but should you still think that I should remain where your action at Ogden placed me, I shall be with you, head, heart, and hand to the end.

Very respectfully, your obedient servant,

MOSES THATCHER.

The foregoing distinctions and declarations concerning the sphere and functions of church and state as being separate and independent are clear-cut and thoroughgoing. Moreover, he made these declarations at a time of intense interest and agitation of the questions discussed. At any other time his words would have had far less significance. At this particular time a great many members of the Mormon Church were assembled in convention, and the policy and procedure of their own church was the topic under consideration.

On May 25, 1892, Moses Thatcher published in the Salt Lake Herald a letter containing fundamental and discriminating thoughts on the question of church and state. The article was called out as a reply to a letter published in the Ogden Standard by Joseph F. Smith and John Henry Smith, who signed their names as "Republicans and descendants of Whigs." Their published letter was a quiver full of arrows, each one pointed and sharpened to make the keenest rejoinder possible to allegations made by Mr. Thatcher in a political speech at a Democratic convention held at Ogden a short time previous. The personalities of the two letters are not of importance in this connection, and we present those features of Mr. Thatcher's letter that develop the respective spheres and functions of church and state.

I simply maintained that Jesus contended for the exercise of man's individuality and free agency; while his imperious brother, Lucifer, sought by a plan of force exactly the opposite. * * * I recognize wisdom in the idea that "political addresses ought to deal in political matters solely and ought to leave theological matters alone," even though the letter itself appears in plain contradiction of that suggestion. In parity the rule can, I think, be reversed with profit to many, i. e., "That theological discourses ought to deal in theological matters solely and ought to leave political matters alone." Thus, with double purpose would be accomplished that which should be the great design of all religious and political parties, namely, the erection of an impassable barrier over which state influence, harmful to the constitutional guaranties of the church, could not pass, and over which church influence hurtful to the State could never go. And this, it seems to me, if not the greatest question involved in Utah to-day, is at least one of vast proportions, and one that none of us can afford to tamper with.

The conditions as now developed would seem to indicate the present as a suitable time in which to publicly define my position upon this most grave subject. To my mind it is a subject of vast moment to the people of Utah, and one fraught with the

peace, prosperity, progress, and hapiness of ourselves and our children on the one hand, or of degradation, misery, and bondage to us and to them on the other. I am, therefore, constrained to approach it with a sense of its profound gravity and far-reaching consequence, rather than with feelings of personal resentment, which, if gratified, could only be so gratified in the interest of personal pride.

In the conditions surrounding us there are political issues arising that demand solution; and as they can not be put aside, it would seem to be the part of wisdom to meet them manfully and courageously, affording such solution as the public weal, and not personal animosities, should inspire; for, after all, personality in questions of this nature, should find rest in the sea of public good as drops of rain find repose on the bosom of the ocean. For the wealth of empires I would not intentionally become a stumbling block or rock of offense to my friends, and if I have offended, it certainly was not premeditated. If errors by me have been committed they were of the head; the heart has certainly not held any malice aforesought.

As to the necessity of an absolute separation of church and state in this country, my position has long since been clearly defined, for I have urged earnestly and persistently, in public and private, that they should be entirely separate until He comes whose right it is to unite and rule over the one as King of Kings and govern the other as Lord of Lords. These views are the outgrowth of years of thought, and, I may be excused if I say, of most earnest prayer over a subject fraught with matters of deepest import to the majority of the people of this vast intermountain region. * * * As fellow-citizens, we meet upon a common political level, each being the peer of the other, while every other citizen, irrespective of class, color, or previous condition of servitude, whether poor or rich, famous or obscure, is the peer of either of us.

Resting upon this broad, humane, and just platform, all the people in whom we have confided, for whom we have fraternal affection, and upon whom we have builded high hopes of liberty and love will come to know, as many now know, how to distinguish between the words and works of a citizen and those of the church official, though the citizen and church official may be but one personality.

During the transition a few individuals may drink often from the cup of sorrow down to the bitter dregs, being lashed by the whips of party prejudice until the fruits of honest toil and the flowers of honest repute may fade away like snow before the July sun; but the boon once gained and discriminative judgment once founded on the rock of political and divine truth, the church will surely be safe, and may demand without fear that toleration and protection from the Government which is guaranteed by the Constitution of our country. Such a consummation gained in behalf of a persecuted and oppressed, but honest, upright people would be cause worthy of any sacrifice.

To my mind it affords a theme worthy the best thought and effort of statesman, poet, and prophet. As religionists, let us still hold fast to the supreme declaration, "that Congress shall enact no law respecting the establishment of religion nor prohibiting the free exercise thereof." As citizens let us see to it that no word nor act of ours shall, even by implication, taint the church with the unjust and dangerous charge of its interference in the affairs of civil government.

As to myself, the constant recognition of the civil rights of others, irrespective of party, seems important. And I desire in the discussion of political matters, and in every other way, to keep in mind the great Democratic fact that whatever distinctions, birth, ancestry, posterity, name, wealth, or education may have wrought in other directions, yet in political affairs and in the exercise of the sacred rights of franchise my poorest and most humble brother having the rights of citizenship is not only my equal, but under present conditions, many of them are my superiors. I shall never ask to become more than their equal. * * * If I believed politically and felt politically as do my Republican friends, Joseph F. and John Henry, I should no doubt write as they have written; but as I do not politically so believe and feel I refrain from imitating their style.

I fully recognize, however, their right to criticise anything that I may politically say or do; but I do not accord them a higher right in that respect than that accorded to the humblest Republican in the rank and file of the party. * * * Religiously, I have a yearning, earnest, prayerful desire to be one with my brethern, and in an humble way, always asking God for help, I shall try to do my part. But when it comes to matters political, especially in reference to the fundamental principles dividing Democracy and Republicanism, I must still remain on the side that trusts the people, opposes protection, bounty legislation, and force bills, so long as I believe them oppressive and harmful to the masses. But I am willing that others should entertain and maintain opposite views.

Respectfully,

MOSES THATCHER.

CHAPTER SIXTH.—*Pledges of the Mormon Church.*

One of the strongest and most notable features of Moses Thatcher's position is that he holds the very ground concerning church and state that has already been covered by repeated pledges of the first presidency, the leading officials, and the whole body of the Mormon Church. In order to clear the way for statehood, they pledged honor and manhood to the people of Utah and the United States that church and state should be kept separate, and that by no exercise of priestly authority should the sphere of the civil government be infringed upon.

Hence Moses Thatcher's position is confessedly impregnable, and the authors of the manifesto are put upon their defense to show that their rules and regulations do not violate the pledges heretofore given. As the terms in which such pledges were made are of great importance in this connection, we present several of them, beginning with the memorable interview of Presidents Wilford Woodruff and George Q. Cannon, published in the Salt Lake Times, June 23, 1891, which is as follows, in part:

TIMES INTERVIEW.

"It is asserted that the People's Party was dissolved by direction of the church. Is there any foundation for that charge?"

"The People's Party was dissolved, as we understand, by the action of its leading members. They have stated to us their convictions that the time had come for a division on national party lines. There has been a growing feeling in this direction for a long time, and the dissolution of the People's Party is a result of that sentiment, and not the fiat or instruction of the church. The first intimation that we had of dividing on party lines came to us from Ogden. There is therefore no foundation for the charge that the church brought about the dissolution of the People's Party. The church does not claim any such right."

"The Times has held that the appearance of church management of the People's Party during recent times resulted purely from the fact that the party was composed almost entirely of members of the church, with prominent churchmen taking part in the affairs, and that there has not been church rule, as charged. Is this view correct?"

"The Times has correctly stated the facts connected with the appearance of church management of the People's Party. That party having been composed principally of members of the church, and self-defense having compelled them to consult together and to decide concerning the best steps to be taken to preserve their rights, some color has been given to the charge that it was a church party. But this has not been done in a church capacity. Men have had influence in that party and been listened to according to their experience, and not because of their official position in the church."

"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?"

"This is what we wish to convey and have you understand. As officers of the church we disclaim the right to control the political action of the members of our body."

"Will there be any reason why members of the church should come together and vote solidly, if political conditions here are similar to those which prevail elsewhere?"

"We can not perceive any reason why they should do this in the future, if, as you say, political conditions should exist here as they prevail elsewhere."

"Do you understand that it is the wish of the Mormon Church to maintain a separation of church and state with respect to all political questions?"

"However much appearances may have indicated that we have favored the union of church and state, and notwithstanding the many assertions which have been made of this nature, there is no real disposition among the people of our church to unite church and state; in fact, we believe there should be a separation between the two. But in past times the situation in this Territory was such that officers of the church were frequently elected to civil office. If the people availed themselves of the best talent of the community they were under the necessity very frequently of selecting officers of the church to fill these positions. You must understand that

nearly every reputable male member of the Mormon Church holds office in the church. Of course, where the people, as was the case in many localities, were all Mormons, if they elected any of their own members they had to choose men who held positions in the church. Men were selected for bishops because of their superior ability to care for and manage the affairs of their wards. They were the practical and experienced men of the several communities, and in the estimation of the people were suitable for legislators, etc. Their election to civil office led to the idea that there was a union of church and state."

"Do you believe that it is the wish of the Mormon people to unite with the great national parties, and to conduct politics in this Territory as they are conducted in all other States?"

"That is the impression we have received from conversation with the men among us who take the greatest interest in political matters."

"Is there any reason why the members of the church should not act freely with the national parties at all times?"

"We know of no reason why they should not."

"Is there anything to be gained for the church by securing political control in Utah with or without statehood?"

"We see nothing to be gained for the church in this way."

"Is it not true that the members and leaders of the church desire to place it in a position in the community like that occupied by other church societies?"

"The only protection the church desires is that which it should obtain under general laws which secure the rights of all denominations. It would be most unwise for the Mormon people to endeavor to secure any advantage not shared in by all other religious people. All that we ask is to have equal rights before the law."

"Is it your understanding that the Mormon people differ as to the Republican and Democratic parties, and that they will act in accordance with their convictions in uniting with those parties?"

"That is our understanding."

"Is it your wish that the Republican and Democratic parties should organize and present their principles to the Mormon people, and that they should unite with them according to their honest convictions?"

"Personally we have felt that the time would come when the two great parties would be organized in this Territory, and we have felt that if an attempt of this kind should be made, each should have the fullest opportunity to lay its principles before the people so that they might have a clear understanding of the issues and be able to decide in the light of facts presented to them, to which of the parties they would belong."

"That being true, could anything be gained by bad faith, even if it should be contemplated by any of the former members of the People's Party?"

"Certainly not."

"The opponents of party division on national lines declare that they want evidence of the sincerity of the Mormon people. The Times would ask you to state whether the declarations of sincerity on the part of those leaders who have been before the public reflect your views and meet with your approval?"

"Those declarations express our views and have our entire approval. What greater evidences can be asked than those which have already been furnished? The statement has been repeatedly made that the great objection to us was our belief in and practice of patriarchal marriage. In entire good faith the manifesto was written, signed by the leading men, and adopted by one of the largest conferences of the church ever held—a conference composed of about 15,000 people. It has been asserted, in addition, that the people were governed by the priesthood in political matters. This is now disproved by the dissolution of the People's Party and the union of its members with the two national parties. What could possibly be gained by the action of the people if they were not sincere? If the elements of sincerity are wanting, such a movement would result in entire demoralization."

REMARKS ON FOREGOING INTERVIEW.

In this interview it is seen that the chief authorities disclaim all right to "dictate" to members concerning their political faith and action. They declare in behalf of an entire "separation of church and state;" and many other expressions are used with reference to popular and current opinions on the subject; and by a great variety of language the first presidency endeavor to show that their views and purposes are in harmony with the wishes and demands of the world at large.

The third question is of special significance: "Are we to understand that the church will not assert any right to control the political action of its members in the future?"

The answer is: "This is what we wish to convey and have you understand. As officers of the church we disclaim the right to control the political action of the members of our body." Surely if the single pledge herein set out were kept in good faith and in the full meaning of words there would be no cause of complaint.

These pledges were made at the time of the division on party lines and in order to promote that movement. The thing of most importance to say about them is that they must be made to the people in the current sense and meaning of the words. There must be no double sense or "mental reservation." The so-called "Gardo House meeting," as reported in the papers in connection with the proceedings of the Logan high council, was held about the time of the interview—probably later—we have not inquired into the matter of date as yet; but whenever held, its purpose and effect were in direct violation, not only of the pledges above given, but of all the others that were at various times and in divers forms promulgated. The matter will be presented elsewhere in these pages; but here it is necessary to make the point that all such political schemes are instances of bad faith in keeping pledges that were solemnly received and ratified by the people.

In the interview above given the Mormon Church speaks in its highest official capacity. They say in effect that they will not determine by counsel or any other priestly influence the status or policy of parties. They must not, in any ecclesiastical capacity, entertain and promote any policy or project of a political character. They disclaim all right to exercise political influence by means of ecclesiastical authority or inducement. The separation of church and state must be in the American sense. They must be really independent of each other. One must not live as a parasite upon the other; each has its own origin and sphere, each has its work to do, its cause for existence, and its end to achieve.

The Deseret News, June 24, 1891, in commenting on the "Times interview" given above, says:

We believe their unreserved and straightforward statements will have the effect of satisfying persons who are undecided as to the political attitude of the leaders of the Mormon Church. Although there has not been the slightest evidence that they either controlled or claimed the right to control the people of Utah in the exercise of the voting power, yet the charge that they did so has been reiterated so much that it has been taken by many as an undisputed fact.

At all events, whether the people had been subject to priestly "counsel" in political matters, or whether they had not, the "Times interview" shows that the first presidency intended to convey to the people the impression that they should be politically free; and the Deseret News endeavors to fortify that impression and to substantiate the validity of the promises and pledges thus made.

THE HOME-RULE MEMORIAL.

In January, 1892, the legislative assembly of the Territory of Utah, composed of Mormons and Gentiles, addressed a memorial to the Congress of the United States containing these words:

In the midst of wonderful material progress her (Utah's) people have recently turned their attention to the study of the questions of government and legitimate politics, and are espousing the cause of one or the other of the national parties.

These new conditions have come naturally, honestly, and for the future are absolutely secure. A patriotic people are pledged to their preservation. Retrogression, involving as it would dishonor and dire misfortune, is impossible.

Utah, in the feelings of her people, has been lifted from her humiliation and disgrace. To-day she is imbued with the hope and determination to be free—free in the full sense of American constitutional freedom; which means something more than liberty permitted; which consists in civil and political rights absolutely guaranteed, assured, and guarded in one's liberties as a man and a citizen—his right to vote, his right to hold office, his equality with all others who are his fellow-citizens, all these guarded and protected, and not held at the mercy and discretion of one man, or popular majority, or distant body unadvised as to local needs or interests.

DEMOCRATIC MEMORIAL.

At the national convention of the Democratic party, held at Chicago in 1892, a memorial was presented by the Democrats of Utah, signed by Hon. C. C. Richards, chairman of the Democratic Territorial committee, and Elias Smith, secretary, in which, among other things, it was stated:

That the sole objections, to wit, polygamy and church dictation in politics, against the Mormon people on political grounds have been entirely removed, and it is most unwise and impolitic to deny them the common rights and privileges of citizenship, or to place a barrier in their way when they are evidently determined to turn their backs on the past and for the future labor in harmony with the nation for the general welfare, in strict submission to the laws, and each taking an independent course in reference to party.

THE CONFERENCE RESOLUTION.

At the general conference of the Mormon Church, held at Salt Lake City in October, 1891, the following resolution was adopted after extended discussion of the questions involved:

Whereas the Utah Commission, with one exception, in their report to the Secretary of the Interior for 1891, have made many untruthful statements concerning the Church of Jesus Christ of Latter-day Saints and the attitude of its members in relation to political affairs; and

Whersas said report is an official document and is likely to prejudice the people of the nation against our church and its members, and it is therefore unwise to allow its erroneous statements to pass unnoticed: Now, therefore, be it

Resolved by the Church of Jesus Christ of Latter-Day Saints in general conference assembled, That we deny most emphatically the assertion of the commission that the church dominates its members in political matters, and that the church and state are united. Whatever appearance there may have been in times past of a union of church and state, because men holding ecclesiastical authority were elected to civil office by popular vote, there is now no foundation or excuse for the statement that church and state are united in political matters; that no coercion or influence whatever of an ecclesiastical nature has been exercised over us by our church leaders in reference to which political party we shall join, and that we have been and are perfectly free to unite with any or no political party, as we may individually elect; that the People's Party has been entirely dissolved and that our fealty henceforth will be to such political party as seems best suited to the purposes of republican government.

WHO IS IN THE WRONG?

The foregoing exhibits are public pledges made by the church as a whole and the chief authorities as representatives of the church. If the several specifications and distinctions are carefully weighed they will be found to cover all the points that are necessary to be emphasized in a discussion of the spheres of church and state. These pledges of the church put it on the same ground as that occupied by Moses Thatcher in his declarations concerning church and state. Are the church authorities true to their covenants? If they are, why is Moses

Thatcher ostracized? If their pledges affirm the rectitude of the position held by him, why is he now standing in the attitude of an offender?

What makes him an offender? It is his refusal to conform to the rule of the manifesto. Surely then the manifesto must conflict with Moses Thatcher's declarations as to church and state. If it does, it must also contradict the pledges made by the church and the authors of the manifesto. This is why Mr. Thatcher could not sign the manifesto without stultification. Not only himself but the church also would be stultified by the manifesto.

CHAPTER SEVENTH—*Priesthood "counsel" in politics.*

Under primitive conditions the secular ruler is also the religious authority, not only king but prophet and priest. As progress is made toward civilization the state is divorced from the church with a resulting increase of human welfare.

This process of differentiation is recognized by Christ himself when He said: "Render unto Cæsar the things that are Cæsar's and unto God the things that are God's." In the infinite mind all government is united; and if there ever comes a time when human souls will consciously enter the infinite life, then there may be but one organization for religious and governmental purposes. But at present man is a frail mortal, ever liable to temptation, ever subject to misapprehension, always open to motives of ambition and self-aggrandisement, never free from prejudice, never fully emancipated from the bonds of selfishness, never wholly illumined with the light and love of God, always human, always finite and dependent.

Hence it has become an axiom under democratic systems of government that there must be no "union of church and state." The first presidency are as emphatic in making this declaration as Thomas Jefferson was. But when it comes to the meaning of words and propositions, when it comes to practices and fulfillments, their policies lead to a subversion of the State.

DESERET NEWS QUESTIONS.

In order to show how the rule of "counsel" laid down in the manifesto is interpreted by the chief authorities that speak through the Deseret News, a list of seven questions printed in the issue of November 21, with short answers to each, is herewith presented:

1. Has the church through its rightly constituted authorities declared that church and state affairs shall be separate, or has it not?

Answer. Yes, it has; not only through its "authorities," but through the body of the church in convention assembled.

2. If it has, how can this declaration take effect without a solemn agreement between the ecclesiastical officers that none of them shall enter a political race without first seeking the counsel of his brethren?

Why should ecclesiastics be banding and bonding themselves together concerning political offices? Who made them the ministers and masters of political positions? This would seem appropriate for a country governed by the papacy, but here in Utah we have not yet subjected ourselves to the rule of a pope. It is supposed that we have a free republican government.

Who controls the State under popular government? What are the people for? What did Abraham Lincoln mean when he spoke of "government by the people, of the people, for the people?" Is it the "brethren" that determine the matter of civil offices, or the people? Is it so that political offices, like ripened apples, are dropping into the laps of the "brethren," whether they will it or not? Who taught these ecclesiastics that the offices were going begging for them to fill them?

So it seems in the mind of the priesthood organ that the only danger to the state is that church officers will each be greedy to fill them? In former times when the controversy between church and state arose, the state sought to run the church; later the church controlled the state and made it a simple function of the church. Now the Deseret News thinks that the only thing necessary to keep the church off the state is that "all the brethren" should agree to get into the state at one time. They must "all agree" in one act of trespass on the state. It is an offense if one officer does it independently; but it is all right if all together go pell mell into the transgression.

But the News asks a sober question: "How can this declaration (that church and state shall be separate) take effect without a solemn agreement between the ecclesiastical officers?" etc. How strange it is that such a question should seem to be necessary! Does the church infringe on the state because some preacher or other clerical officer seeks employment in the civil service? No. If all civil officers were ecclesiastics there might still be no union of church and state. They might still be clearly independent.

What then constitutes infringement? It is the use of the religious authority of the church to impel or induce men to act in civil affairs. Does the News know of anybody going up to Idaho recently to carry "counsel" to the "brethren" up there in regard to their political action? Does the News know of any prominent brother Mormon up in Idaho who now complains that he was defeated by the "counsel" carried up there by that same visiting brother? Does the News know of any "counsel" that was carried into Wyoming during the late canvass? Does the News know of any so-called visiting statesman who came to Salt Lake recently prepared with some of Mark Hanna's logic to procure "counsel" for the "brethren" in Idaho and Wyoming? Does the News know of any legislative "steering committee" whose mission it was to instruct "brethren" how to vote at the recent session?

It is such influences as the foregoing that constitute an infringement on the state. It is the use of church authority to induce actions and effect results in political and civil affairs. It can be said in truth that it is not the desire of the rank and file of the Mormon Church, the great and honest body of the membership, to have such infamous uses made of their sacred beliefs and confidences, but unfortunately there are men in power who control others, they hypnotize them and domineer over them, and in the end mold them to the nefarious purposes.

If the News wishes to know in good faith "how this declaration (against union of church and state) can take effect without the rule requiring 'counsel' in order to run for office in the state, let it reflect that no other church has found it necessary to have such a rule. Even those churches that have throughout the progress of Christianity warred against the union of church and state, none of such churches

has ever thought of a rule like that which is now proposed. Why? Because the rule is simply an expedient to control the presentation of officers to the state. It enables a few men, or perhaps one man, to say who shall be elected. It proposes to authorize certain men to run the state.

Hence the true answer to the question is that it is wholly and emphatically a usurpation for any church council to say one word or record a line concerning which one of their number shall take or seek political office. If they want to say that none of their number shall enter politics or any other secular occupation, it is their privilege to do so; but to say who shall go and who shall come is to present men to the State; it is usurpation, a violation of the rights of the people, an infringement on popular liberty.

3. Is it possible to obtain the desired result without strict adherence to some uniform rule of conduct; and if so, how?

Why surely it is possible to obtain the proper and true result without such a rule; but whether that would be the "desired" result is not certain. How? Why, let the church authorities get out of politics; have them let politics severely alone; let the people run that department for themselves; that is what the chief authorities promised to do, and let them be faithful to their pledges. If the authorities let the political offices alone, the people will soon learn to know whether they need any clerical functionaries to serve in a civil capacity. How do churches manage such matters in other settled States? Surely, because we have the Mormon Church in Utah, the people are not differently constituted here from what they are in other parts of the country. Let the people and their politics alone.

4. Is not the recent address to the Saints the adoption of just such a rule with the plain and evident intention of preserving inviolate the border line between church and state?

The recent address to the saints! Preserving the border line between church and state! The address uses many words and phrases that seem to sanction the separation of church and state. In that address the lion and the lamb lie down together in seeming peace and harmony, and in the practical working of the rule the lion is a perfect lion, and the lamb is a perfect lamb; and very, very lovingly they lie down together—the lamb inside the lion! The address is simply a contrivance of a very shrewd mind to get the lamb inside the lion with the utmost neatness and dispatch. If the lamb persists in not getting inside, the alternative is that it shall be defamed, maltreated, destroyed, as in the case of Moses Thatcher.

5. How can an ecclesiastical officer refusing to submit to such a rule escape the suspicion that he is the one who intends using his religious influence for political purposes?

What transparently shallow logic! How will such an ecclesiastic better the matter by being commissioned by his quorum and superior officers? Will he not be doubly charged with the church authority? And will he not be doubly empowered to impose himself on his brethren as a divinely appointed candidate for the office? Will it not give him a double dose of church influence? Will he not then go forth as the only simon pure, regularly authorized, doubly blessed, especially chosen emissary of the priesthood?

If there is evil in church influence in politics, as every lover of the Declaration of Independence must hold that there is, this endorsement

by "the brethren" under the rule of "counsel" enhances in every way the possibilities of evil. And why does the News suggest that the man who refuses to submit to such a rule is the one that intends using his religious influence for political purposes? Are all those men that have refused to submit to the rule seeking office? If they were, is it likely that they would deem it an advantage to resist a rule that they could, if they were designing and unscrupulous men, use to promote their own interests? If they resist the rule, do they not thereby incur the enmity of crafty leaders who have great influence in the church? If they were sordid office seekers, would they not work the church for all that it was worth, and go to the people clad in all the religious influence of priesthood authority?

No; the man who has independence enough to go to the people without any such brand of church approval stands in the presence of all honest men with infinitely less of the taint of "suspicion" than the man who plots with his ecclesiastical associates to capture an office which is the heritage of the people in their secular capacity.

6. What is it—bigotry, mania, hypocrisy or villainy, or all combined—that prompts an attack on the church, because its authorities endeavor to carry out solemn pledges?

What is it that prompts such malice in a question? What is it that prompts such men as Moses Thatcher to refuse compliance to the rule of "counsel" promulgated by the church? Are such epithets as "bigotry, mania, hypocrisy or villainy" applicable to Moses Thatcher? Are such qualities of mind and heart exhibited in his correspondence with President Snow? Are his friends, relatives, and associates entitled to such designations? Does the News as the "church organ" claim to be the voice of "the Son of God" in resorting to such vituperation?

Why does the News beg the question by assuming an "attack on the church?" Does not that look like the most arrant cowardice? Don't you unjustly assume that your rule is right? By setting up an "attack on the church," don't you seek to dodge an examination into the righteousness and justice of the rule? Don't you thus seek to hide the inquiry as to its being subversive of the State? Don't you seek thus to raise such a dust that in the midst of it you may obscure the point at issue? Why not try to honestly show that the rule of "counsel" is not in conflict with the doctrine of the separation of church and state?

7. Are those the colors of the banner of "liberty," round which "Young Utah" are invited to rally? If so, keep on unfurling it to the breeze, as has been done in the papers the past week. "Young Utah" will then see where the standard of true liberty does not wave.

There was a mighty "banner of liberty" unfurled when the Declaration of Independence was promulgated. Its folds now wave in every land where the heart of man is bold enough and true enough to inaugurate self-government. That God-given ensign has been unfurled in Utah; its lines are written in our Constitution; its lessons are nourished in the hearts of our school children; we want to be true to the Heaven-born emblem of human liberty!

There is not a thought, not an emotion of soul that rises up in protest against the "rule of counsel" that does not have its inspiration from the "banner of liberty" that God unfurled in the Declaration of Independence. God knows that in the hearts of the men that are moved

to resist this "rule" there is no thought of malice or unkindness toward the church. But the thought is forced upon them that certain individuals in the church are seeking to use the church and its influence to promote their own selfish schemes. It is for the sake of these schemes that the church is about to be ushered into a career in utter conflict with the sacred pledges of the past. The protest is not an antichurch protest. It is the voice of liberty. It is the voice that spoke in the Declaration. It contains all politics, because it contains all the motives of self-government. It lies at the foundation of the democracy of Thomas Jefferson and the republicanism of Abraham Lincoln. It is the sunlight and air of every true patriot. It is as deep as the human soul, as broad as human life.

TRIBUNE QUESTIONS.

Having reproduced the queries of the Deseret News, it is fair to give place to a similar series of questions from the Tribune which have the merit of answering themselves in the intelligence of any man who can honestly lay claim to intelligence.

The News says it opposes Moses Thatcher's candidacy for the sole reason that he stands upon a platform "which, fairly interpreted, means nothing more nor less than war against a religious society."

The public of Utah is not especially interested either in Moses Thatcher or the News, but is deeply interested in knowing what the Mormon Church now holds as a "war against it." So we beg to propound to the organ of the church a few questions, as follows:

1. Does Moses Thatcher pretend to assail, trench upon, or render invalid any article of the Mormon faith?
2. Is or is not his present insistence solely that as an American citizen he has a right to exercise his political privileges, without regard to his religious superiors?
3. Has not that right been conceded to him and every other member of the Church of Jesus Christ of Latter-Day Saints by the present first presidency of the church?
4. Was it not the assumption of the right of the first presidency to dictate the action of the members of the church in political matters that kept Utah in a turmoil and filled with apprehension and unrest the hearts of men here for twenty-five years?
5. Was it not the voluntary surrender of that claim by the first presidency that secured statehood for Utah?
6. Has the course of the News during the past six days been the same that it would have been had the question of admitting Utah to statehood been one which Congress was about to consider?
7. If not, has good faith been displayed toward the United States and this people since the People's Party disbanded?
8. If the News as the organ of the church can dictate who shall not be elected to office, can not the same power dictate who shall be?
9. If it can, what political freedom has Utah any more than when the nominations were announced from the tabernacle altars and the people were instructed to vote for candidates so named?

The people of Utah are exceedingly anxious to read the answers to the foregoing interrogatories.

THE DESERET NEWS' FIGHT FOR THE SENATORSHIP.

In a letter of Judge E. G. Woolley, of St. George, published in the Tribune, December 6, the following paragraph occurs:

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.

Judge Woolley is right in one thing: he would rather have an "open fight" than "to be stating one policy for the outside to hear and pursuing another in secret;" and this "open fight" he is willing to pursue "at no matter what cost." He is "willing to stand by the church for any principle of right;" but he does not take time to discriminate whether the "principle of right" belongs to the church as coordinate with the state, leaving church and state independent of each other, or whether it belongs to the church as a means of absorbing and swallowing up the state. He seems willing to let the church say what it wants and then "fight it out," whether or not the state is overwhelmed as the result.

While open warfare is preferable to secret machinations, there is little doubt that both methods will be worked for all that they are worth. Yet it is nobler and fairer for the "church organ" to sound the keynote and head the charge with such of the saints as are loyal to its behests, than to inaugurate a secret warfare against Mr. Thatcher, such as the Tribune authorizes in its comment on Judge Woolley's letter, one of those strangely inconsistent, uncertain, and ambiguous counsels for which the Tribune has become famous of late:

We publish his (Judge Woolley's) letter merely as a matter of news, because that is the business of a newspaper, and have no comment to make upon it except this: To impress upon the readers of the Tribune the fact that the matter of the discipline of the Mormon Church, or in the quorum of apostles, is no concernment whatever to us, and the only reason we have entered any protest is that the organ of the Mormon Church in this city proclaimed a church warfare on Mr. Thatcher in political matters. That is something no church in America has any right to do, and is in violation of the understanding which was fairly had before statehood was given to Utah. To make it clear, if Apostle John Henry Smith or President George Q. Cannon, or President Woodruff pleases to go to the members of the legislature and say: "If I were in the legislature I would not vote for Mr. Thatcher, because he has needlessly antagonized the religion in which we believe," that would be a man's right, the same as it is Mr. Thatcher's right to be a candidate, notwithstanding his church troubles. But when the organ of that church in effect pulls down the anathemas of heaven on Mr. Thatcher or any other man to beat him for a political office, that is a direct trenching upon the State, and that kind of work must not go on in Utah.

One may well wonder that the Tribune should publish such an editorial comment. It evinces a marvelous blindness and flagrancy of misapprehension. The idea of monkeying with the question of church and state by saying that the open editorials of the News are objectionable while it is not objectionable for "President" Woodruff, "President" Cannon, and "Apostle" Smith to go privately to individual members of the legislature—members of the church—and make their fight in the name of the church and in defense of the church! And all this without making any reservation or qualification as to the character in which these men go, or the influences they shall bring to bear on brethren who are members of the legislature! How blandly those who are intense supporters of the News's policy will smile at the wisdom displayed by a paper that has set out to champion the statehood rights and exemptions of the people of Utah under specific pledges of the Mormon priesthood!

The point at issue is the separation, independence, and coordination of church and state in their respective spheres of action. Neither the church nor any member or representative of the church is justifiable in using means to influence legislators in either of the following forms:

1. By controlling the vote of a member of the legislature by priestly counsel. We don't need special inspiration of God to tell us concern-

ing the contents of the multiplication table, or any other problem of pure or applied mathematics, for the mind is naturally furnished with the power to acquire such knowledge; but we can have assistance such as the subject-matter warrants. It is the same with all secular questions appertaining to legislation and statesmanship. The mind itself is competent for all such things, with the assistance of the lights and helps of nature.

So far as Messrs. Woodruff, Cannon, and Smith can help men along in the exercise of their mental faculties and the acquisition of knowledge, they do not need to use priestly offices, for they are working along a natural and secular plane. But it is for no such purpose that "Presidents," "Apostles" and other priestly officers go to a legislator to give "counsel;" they go appealing to the religious susceptibilities of the human heart; they go claiming to represent Him who is essentially inscrutable and incomprehensible—that to which the awe and mystery of our souls respond. Into the sacred abiding place of faith and trust they make bold to intrude themselves for a secular purpose; and from this center of religious motive power they speak in the name of God, saying that certain things should be done. The natural grounds and reasons for the course recommended are ignored; the man is induced to obey from priestly dictation and authority. This is one phase of the nature and operation of counsel; but there is another equally as objectionable, as follows:

2. By setting up the church as imperial, absolute and unrestricted, the major premise for all secular reasoning, the true center and source of all right and authority, the real and present Kingdom of God.

It is this form of belief that pervades Judge Woolley's candid and valuable article. He sees nothing, knows nothing but the church; and what the church wants he is willing to fight for, utterly ignoring the contention that the "rule of counsel" is simply a piece of machinery chiefly valuable as a means of controlling and absorbing the state.

Under this second form of "priestly counsel" the legislator is warned that the church is endangered, that such a man is an enemy of the church, that his election will be an injury to the church, and he is cautioned against voting for him; and all the time there is a great and mysterious thought in the background—through the hazy exhortations of "counsel," the recipient, according to his faith in the church, thinks he sees the hand and hears the voice of God.

Frequently, however, the potency of priestly "counsel" resolves itself into a simple business proposition. There are considerable tithing funds, there are immense debts, and there is wild and daring speculation on the part of certain individuals in authority. A great many have got a foot in it; some are in with both feet; others are anxious to get in; still others are equally anxious to get out; some have their living and employment at stake; a vision of destitute and hungry wives and babies stares them in the face; this vast network of human needs and business complication is a magazine of reserve power, and all may be used by some one and in some way in connection with "counsel."

In answer to all unjust and forbidden methods of procedure it is important to recognize the fact that American institutions have originated in connection with a clean-cut distinction between church and state, that each is independent, each has its own grounds for existence

and its own sources of knowledge, each has its own conditions for progress and perfection; neither must trespass on the sphere of the other. Religion must not come into the control of the state; neither must the state trench on the province of religion. If the News will make an "open fight" and an honorable fight, neither ignoring the state nor shrouding its own counsels in a glamour of false godliness—an honest battle for the right—millions of men and women will gladly accord it a right to openly contend in the political arena.

THE DESERET NEWS ON CHURCH AND STATE.

In numerous issues and in a variety of forms the News has laid down its doctrine of church and state; we quote a sample paragraph in the editorial of November 18, as follows:

The candidacy of the person to whom all this has reference is antagonized by the News because it is an assault upon the doctrines and organic existence of the church of which this paper is the official organ. His appearance in the political arena at this time is nothing more nor less than this, and every candid voter in the commonwealth will admit it. He himself announces that he stands upon a platform equivalent to this very proposition. It is not a political question, for the candidate's politics cuts no figure in it. It is religious, pure and simple, in that it involves nothing more nor less than questions relative to the integrity of a religious organization, the maintenance of its discipline, and the perpetuity of its doctrines.

Note the following propositions contained in the foregoing editorial:

1. "The candidacy of the person to whom all this has reference (Moses Thatcher) is antagonized by the News because it is an assault upon the doctrines and organic existence of the church of which this paper is the official organ."

2. "It is not a political question."

3. "It is religious, pure and simple, in that it involves nothing more nor less than questions relative to the integrity of a religious organization, the maintenance of its discipline, and the perpetuity of its doctrines."

4. "The candidate's politics cut no figure in it."

Here are four propositions expressed in the identical language of the News' editorial, and every one of the four is wrong for the reason that the News puts the Mormon Church in the wrong attitude; it puts the church where it ought not to be; it puts the church on the railroad track of civil liberty, and then finds fault with the locomotive of American freedom because the obstruction gets bumped off the track.

This is the story in a nutshell: The reconvened convention, October 22, 1895, laid down the principles of civil liberty as a platform. Moses Thatcher and all others that participated in that convention, not excepting Mr. Roberts, adopted those principles and pledged themselves to stand by them. The crafty leaders among the Mormon authorities, seeing that they could not safely attack the principles directly, concluded to do it by a flank movement; so they promulgated "the rule of counsel." By this means they believed they could control politics in the interest of the church; and they further believed they could control the church in their own personal interest, and utilize its revenues to promote their wild speculations. In this way they set their "rule of discipline" on the track of civil liberty, and unless freedom fails in her godlike mission, that "rule of counsel" is going to be thrown out of the way.

Some of the more important principles affirmed by the reconvened convention are as follows:

"Equal and exact justice to all men, and special privileges to none," is the foundation principle of the Democratic party. It is now, and ever has been, the party of civil and religious freedom. It is the party of toleration. It has ever been the defender of the rights of individuals and the advocate of personal liberty. It believes in the people, and declares that they are the source of all political power. It steadfastly maintains that there shall be no invasion of personal rights. It is a staunch upholder of the doctrine that man must be allowed to worship God where he chooses and as he chooses, without molestation and without interference, and that, on the other hand, he should not be directed in his course toward governmental affairs by those whom he has chosen to minister to his spiritual welfare.

We declare the truth to be:

- I. That man may worship his Maker as his conscience dictates.
- II. That no State nor political body has the right to interfere with this great privilege.
- III. That man's first allegiance, politically, is to his country.
- IV. That no church, ecclesiastical body, nor spiritual adviser should encroach upon the political rights of the individual.
- V. That in a free country no man nor body of men can, with safety to the state, use the name or the power of any religious sect or society to influence or control the elective franchise.
- VI. That a trust is imposed upon each citizen in a free country to act politically upon his own judgment and absolutely free from control or dictation, ecclesiastical or otherwise.

VII. That no political party can be required to obtain the consent of any church, or the leader thereof, before selecting its candidate for public office.

VIII. That no citizen, by reason of his association with any church, can be absolved from his duty to the state, either in times of war or of peace, without the consent of the state.

IX. That all men should be, and of right are, free to think, free to act, free to speak, and free to vote, without fear, molestation, intimidation, or undue influence.

Thus believing, whenever designing men have seized upon the cloak of religion to hide from view their nefarious designs, and while appealing to man's spiritual faith have sought to direct his political action for selfish ends, the Democratic party since its organization has denounced such a course. It has declared in the past and it declares now for every man's political freedom, whatever may be the governmental views of those who guide his spiritual welfare.

We, therefore, in the most solemn manner, say that we will not be so dictated to, interfered with, or hindered in our political duties by those selected to minister to us the consolations of the gospel.

The people being sovereign in this free land, to the people we make our appeal. The church being the source of man's religion, to the church we appeal, when we so desire, with regard to matters affecting the conscience.

Now, let the "church organ" and all other persons and organizations take due notice that it is not so much Moses Thatcher or any other individual that stands in the way of the "rule of counsel" as the principles of liberty that were declared to be the political faith of the reconvened convention, and if the Democratic party of Utah proves true to its plighted faith these principles will prevail, and if that party should prove recreant to its trust some other party will maintain its principles. For civil liberty is not of mushroom growth, it is not the child of a day, for centuries it has been growing and it is not going to lose its meaning or change its color because a few members of the Mormon priesthood plot against it.

If any person wishes evidence of the fact that the feelings of the people were aroused in a way that culminated in the declaration of principles by the reconvened convention, and that a great many of the Mormon people were in spirit opposed to the meaning and intent of the "rule of counsel" and this before the "rule of counsel" was pro-

mulgated, let him consider the following telegram which was signed and sent at the time of said convention.

LOGAN, UTAH, *October 22, 1895.*

The Democrats of Cache County unite in declaring for absolute separation of church and state. We oppose the idea that men should be compelled to get permission from ecclesiastical authorities before exercising their political rights. We deny that Democrats are religiously or otherwise bound to follow the advise of Republicans in making up Democratic tickets. We shall uphold every legitimate effort of our party to resist and disavow such pretensions, if any such have been made. Stand firm for the right.

J. H. Paul, G. W. Thatcher, Joseph Kimball, William Haslam, W. R. Owen, Jesse S. Hancey, William Sparks, John Dale, Aaron F. Farr, jr., Joseph H. Olsen, Frank K. Nebeker, O. A. Reavil, Don C. Musser, Fred Turner, Will G. Farrell, S. M. Molen, W. G. Reese, B. G. Thatcher, William Edwards, E. G. Robinson, A. D. Smith, John Bench, Noble Warrum, jr., Joseph Monson, Arthur Hart, H. J. Matthews, H. A. Campbell, Martin Woolf, Newell W. Kimball, J. M. Blair, J. L. Payne, Thomas L. Obray, James C. Orr, Alma Olsen, James Lofthouse, Thomas Leishman, Joseph Quinny, M. A. Hendricks, H. G. Hayball, Chas. W. Maughan, Joseph Wilson, Samuel Clarke, John Robinson, G. M. Thompson, John M. Wilson, I. C. Thoresen.

With two exceptions these men are Latter-Day Saints, and on last June the Democracy of Cache County met again in convention and, with the exception of five, themselves personal friends of Thatcher, the convention of 150 representative men of the county agreed upon and adopted the following resolutions:

We are opposed to any union, and to any attempt at union, real, apparent, possible, or potential, of the church and the state. In the language of the Utah constitution, the supreme law of this Commonwealth, "there shall be no union of church and state, nor shall any church dominate the State or interfere with its functions." We declare the State to be the supreme authority in all matters that concern the political rights and duties of its citizens. We believe it prejudicial to the interests of the State if any organization existing under its laws should visit penalties, disabilities, or disadvantages upon any citizen of this State because of his free choice of his political party and participation in the ordinary duties of citizenship.

We believe that citizens should conform to whatever the state expressly and of right commands them to do; and in return for the benefits and protection which the state guarantees to them, that they should serve the state, whether in peace by casting a free and untrammelled ballot, or by holding public office at the call of a majority of the citizens, or in war by bearing arms; in all necessary ways should defend, honor, and obey the institutions and laws of the country. The state has the right to demand that whatever rules of discipline may be adopted by any society for the regulation of the political action of the society's own members, those rules must be consistent with the laws of the land and with the genius of free institutions and should be uniform in operation, applying with strictness and impartiality to each member of the class for whom they are intended, and showing favors to none.

We reassert with all possible candor and plainness, that any interference with the free exercise of the rights of the elective franchise will not be tolerated or condoned in our midst, so long as the Democratic party shall be able to maintain inviolate these sacred rights of our citizens. And, conversely, the Democratic party hereby reaffirms in behalf of every person and every society, religious, social, or political, in this State, the time-honored doctrine of true Democracy, in the guarantee of the utmost toleration and protection of each under the law, with special favors to none and equal rights to all.

We reaffirm the correctness of the doctrines of personal liberty, which were announced by the reconvened convention, as principles which are dear to the heart of every true citizen of this Republic, and we indorse the course of our esteemed fellow-citizen, Hon. Moses Thatcher, in maintaining his stand upon these principles of truth and justice amid the combined misfortunes of sickness, hostile criticism, and the honest misconception of perhaps both friend and foe.

Anybody can see that it is not Moses Thatcher, or the reconvened convention, or anyone else that is attacking the church, or interfering with its doctrine or discipline; but it is the framers of the "rule of counsel" that have put themselves in the pathway of civil liberty; and if there is to be a struggle for liberty and for a separation of church and state in Utah, "may God protect the right."

CHAPTER EIGHTH.—*The manifesto examined.*

Following is the manifesto in full, as first published in the Salt Lake Herald:

To the Officers and Members of the Church of Jesus Christ of Later-Day Saints, in General Conference Assembled:

DEAR BRETHREN 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 course 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 those 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.

THE RECENT ELECTION.

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

NO UNION OF CHURCH AND STATE.

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 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 church and 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 also held 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 charges and show its utter falsity.

On behalf of the church, of which we are leading officials, 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.

INDIVIDUAL LIBERTY.

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.

CANNON IN POLITICS.

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 parties alike—not because it was thought that there was any impropriety in religious men holding civil office, nor to deprive them of any of the 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 this happy prospect. In many instances, however, the pressure brought to bear upon efficient and popular men by the members of the party 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 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 subjects 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 preside 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 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 to-day.

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 it 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, can not properly, of his own volition, make those honors subordinate to or even coordinate with new ones of an entirely different character; we hold that unless he is willing to counsel 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 those 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,
GEO. Q. CANNON,
JOS. F. SMITH,
First Presidency.

The following is a discussion of the manifesto by sections and paragraphs in consecutive order. In each section it is intended to present, not only the surface meaning, but also the more latent significance of the language. In some cases the real meaning lies between the lines.

1. *To the officers and members of the Church of Jesus Christ of Latter-Day Saints, in general conference assembled:*

DEAR BRETHREN AND SISTERS: Every latter-day saint will recognize the value of union, not only in action, but in matters of faith and discipline.

It is noticeable in this enumeration of items in which union is desired, that the most important requisite, the only one really and truly attainable, is omitted: That is love—Christian love and sympathy. Love unites opposites; it blends the numberless diversities of human life into harmony; it is the bond of perfection; without it all other union is “sounding brass or a tinkling cymbal.”

The glory of love, as the bond of union, is that it is broader than church; it thrills the heart of motherhood throughout all animate

creation; it dances with the notes in the sunbeam; it murmurs with the brooks; it moves with the tides of the ocean; it joins its melody with the music of the spheres. There may be diversities of beliefs and practice; but with unity of love the heights are scaled and the ideals of the Lord Christ are achieved.

THE SPECIAL THEME.

2. 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.

The special topic proposed in the manifesto is "the rights and authority of the priesthood." There must be "no difference of opinion." This looks like centralization wherein one mind does the thinking and prohibits all other thought. With brotherly love there might be unity and harmony in the midst of great diversity of opinion; but without it, everything must run on the dead plane of machinery.

A FUNDAMENTAL PRINCIPLE.

3. 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.

To explain a principle is to state its nature and origin. This the manifesto does not attempt to do. It does not define the "rights" of priesthood, but it elaborates and enforces the "authority" of the priesthood which manifests itself through "counsel." This counsel applies to all things, but in this manifesto it is applied chiefly to political affairs. It is in reference to political matters that the authorities speak of "feeling the necessity of a correct understanding of this principle." But they do not explain a principle; they simply enforce a rule of practice.

A SOVEREIGN REMEDY APPLIED.

4. We are prompted to adopt this course at the present time because of events which have happened during the late political contest.

Certain political events have occurred; an emergency arises; they "feel the necessity of preparing and presenting a statement" of the doctrine of priesthood; their "statement" culminates in the duty of "counsel;" the old usages and teachings of the church all point to counsel as the first and foremost of obligations; and in this emergency counsel is what is necessary to redeem and preserve the church from dissensions and calamities that seem imminent. What is necessary is to restore the customary and time-honored authority of the priesthood. In order to restore "union in action, faith, and discipline," there must be under the new politics the same recognition of counsel as under the old régime.

DIVERSITIES DEPLORED.

5. 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.

Some are ducks that take to the water, others are chickens that scratch the ground. They entertain differences of opinion about the many things that enter into governmental policy. They develop differences of moral and economic instinct. Some are jealous of every encroachment on individual and personal rights. Others are zealous for combined effort and the exhibition of strong governing power as a means of safety and welfare.

This diversity of opinion is a new phase of things, and it can only be met by "counsel." Instead of diversity of opinion there must be unity, and instead of many minds running off here and there only one mind must do the thinking, and when this central thinking is spread out to the periphery by means of "counsel" the purpose of "union in faith, discipline, and action" will have been achieved.

WHAT MIGHT BE.

There is only one line of thinking that seems to threaten a disturbance of the counseled unity that tolerates "no difference of opinion;" that is the thinking suggested by the Declaration of Independence. But why should we fear to welcome the highest and truest attitude of the human soul—that of freedom, independence, and self-reliance? God himself is independent and absolute; and no soul can be truly begotten in his image without sharing his absoluteness.

What would happen to the Mormon Church were a majority of its members to imbibe in its full meaning and effect the lesson of the Declaration of Independence? Would it weaken the church or dim its glory? No. It would put the church in the way of true progress and efficiency. It would release it from the care of trivial burdens of a material, civil, and temporal character, and it would encourage the mind and spirit of the church to develop those higher truths that are needed to lift the world out of the slough of materialism and monetary greed into which it has fallen.

We are now importing from Asia doctrines concerning the soul and eternal life; and with much illusion and error these doctrines are spreading over the country in a way to counteract the sordid tendencies of the age. They find a welcome because they are a needed antidote for ills that are afflicting the souls of the race. And Mormonism has a groundwork of doctrine of the soul and eternal life that goes far toward satisfying the want for the sake of which many people are hunting up the records of thought dating back to the dawn of human history.

Would it be diminishing the sphere and splendor of the Mormon Church to take off its hands from the miserable squabbles of politics and the sordid weight of business interests in order that it might more truly and effectively explore and reveal the domain of eternal life? No. This would be to exalt the church and put it in the way of fulfilling its true mission.

AN OPEN FAITH.

6. It is of great importance that we understand each other, and that there be harmony in our teachings.

It is not so important that ministers of the gospel should "understand each other" as to understand Christ and his teachings. Having the same sources of knowledge and the same great leader, if they are faithful to those, they can not fail to comprehend each other.

There were numerous secret religious orders in ancient times, but Christ did not approve of them. When asked concerning his doctrine He replied: "I spake openly to the world; I ever taught in the synagogue, and in the temple whither the Jews resort; and in secret have I said nothing. Why askest thou me? Ask them which heard me what I have said unto them. Behold they know what I said." John, 18:20.

The great truths of life and being, of mathematics and philosophy, of morals and religion are all an open book, as free as the air and sunlight, as unobstructed as the open vault of heaven.

It is a menace to public welfare, when any order of men, whether secular or religious, have a secret understanding with each other. Especially in Christian work should there be an open book known and read of all men. The more sunlight and publicity the better for public morality.

IS DIVERSITY UNDESIRABLE?

7. 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.

Uniformity of belief and teaching is desirable if it be not at the expense of independence and individuality. It is far more important to preserve the personal coloring that distinguishes men and women, than to create unanimity by arbitrary processes. Men are made so as to think and act differently; yet all may be equally divine; even as the leaves of the trees and the sands of the sea differ each from the other. There is unity in diversity; and it requires all to reveal the fulness of the infinite. The numerous historic religions present diverse phases of truth. Doubtless each one will be found to reveal some special color that enters into combination with all the others to make the pure, white light of the eternal sun of righteousness.

"The rules and regulations which have been taught and which have prevailed from the beginning" are proposed above as a means of settling political differences of opinion and policy. As said in section 5, "A great diversity of opinion (in politics) has led to division of sentiment." Then comes the exhortation to be of one mind, to understand each other, to unite in the usages and teachings (counsel) of the past years of church activity, and all as a means of preventing diversity and division of sentiment in politics.

How do divisions of sentiment arise? We have an illustration in the reconvened convention, October 22, 1895. When this body affirmed for individuals the rights and principles of the Declaration of Independence, such action would naturally create a division of sentiment as to submitting to "counsel" any matter other than such as belonged to the church in its proper spiritual sphere. Whoever believed in the Declaration intelligently would be slow to ask "counsel" in any matter of party politics.

The Mormon people regard the Declaration as inspired. The question arises, Which is the greater inspiration, the Declaration or priestly "counsel" on political issues? Surely the magna charta of American independence is the outcome of all the ages; it is an epoch in the development of humanity—the monument set up as a memorial of all progress hitherto made in human government, and it is fair to believe

that whatever else perishes, the Declaration will survive the wreck of time.

SMOKE WITHOUT FIRE.

8. 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.

Why should there be so much smoke and no fire? It is singular that in this manifesto there is a large space taken up in repeated disclaimers like the foregoing, wherein it is asserted that there has not been any desire or attempt to unite church and state; yet, as will be seen, in no place is there any definition of the sphere and function of either church or state. We can not tell what the chief authorities mean when they refer to one or the other. Doubtless they may have been misunderstood and misrepresented, but in a document put to the church and the "public generally" there should be full explanation made. We can, however, set out the rights and authority of the State; and we can ascertain with some certainty from this manifesto the rights and authority claimed for the priesthood; and it will be easy to measure the conflict, if any there be.

REITERATION.

9. 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.

This last paragraph seems to be a repetition of the previous one in substance. If the published report of the high council meeting at Logan were true history, would the people, with all their "misunderstanding and misrepresentation," be very far wrong in charging the authorities with serious and unwarrantable intermeddling with politics and the State? It does not seem that they would; and what is more—there are so many testimonials of the correctness of the report of the meeting that denials seem quite useless.

EXPLANATION PROPOSED.

10. 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.

Here is an appeal to reason and intelligence. A judicial frame of mind, calm and dispassionate, is invoked. The authorities have acted in the late "political contest" in accordance with the teachings, rules, and precedents of the church; and it is all an object lesson setting forth the authority and sphere of priesthood. They propose to find a panacea for all political differences, ills, and controversies in the faith and usage of the church; and all this is to be applied by "counsel."

GENERAL DENIAL AS TO UNION OF CHURCH AND STATE.

11. 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 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 the one with those of the other.

There is really no occasion for "positive and emphatic language." It is not a question of vehemence or asseveration, but one of the facts and the philosophical significance of those facts—whether they are in their nature and operation an infringement on the sphere of the state. It is not a question for which denial or affirmation are at all competent. It is a case which turns on the significance of facts, just as the legal import of a document is determined as judicially interpreted, and not by any amount of affirmation as to what the document signifies. Whether the "rights of the priesthood," as set forth in this manifesto, are in conflict with the rights of the state, is to be decided, not by "positive and emphatic language," but by an examination of the rights and principles on each side, and by critical comparison to determine whether they conflict either in essence or in operation.

AN OBJECT LESSON.

12. 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 church and 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 also held 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.

During the period described the more important offices were appointive rather than elective, so that only to a limited degree would office holding come under the supervision of council. When the People's Party was in vogue, everybody knows, and nobody so well as the leaders, that the policy and energy and all necessary manipulation were under the control of the church authorities. The lamb would be all there, but it would be inside the lion. It might be said, as it is frequently said in this manifesto, that the "distinction" between the lamb and the lion was carefully preserved. It might be, and yet the lamb might be inside. So that there is something to be said of relation as well as distinction. If the state is inside the genius and power of the church, as in papal Rome; or if the church is inside the state as in Russia; in either case the relation is one of inclusion. The true relation is that of equality and independence.

When "every reputable member was entitled to hold and did hold some ecclesiastical office," and all offices and members were under

priestly counsel as to all the affairs of life, both temporal and spiritual, how could there be a state within the meaning of the Declaration of Independence? How could there be a democratic state when life is drawn from the church through the unbiblical cord of counsel?

It used to be a question for debate whether or not the relation of master and slave is sinful. Some attempted to settle the question by proofs as to usages and customs of antiquity, whether Jew or Gentile; but it remained to the quickening of the sensibilities, the awakening of conscience, and the diffusion of the love of Christ to enable mankind to perceive that the slave relation is in itself essentially wrong, abnormal, and sinful. In like manner, if we lift aloft the charter of American liberty, and men see in its light that they are created in the divine image and equally endowed with the rights of humanity, superstition, and serfdom fall away, independence and self-reliance are enthroned, and the state absolves itself from ecclesiastical thralldom.

No need to say above that because there were so many church people in civil offices there would need to be a suspicion of union between church and state. The only question is: Were they in office in conformity with and in subordination to counsel? If they were, the state was made tributary to the church.

If every civil officer in the United States were also an officer in the church, that fact would prove nothing in regard to a union of church and state. During all the above described period was counsel given as to who should and who should not hold office? It ought to be clear that so far as civil affairs are shaped and governed by the counsel of the church there is an absorption of the state by the ruling authorities.

RENEWED ASSURANCES AS TO NONINTERVENTION IN THE STATE.

13. On behalf of the church of which we are leading officials 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.

In this paragraph "the public generally" is taken into consideration and assured by the church that there is no desire, even the remotest, "to do anything looking to a union of church and state." As remarked under the eleventh paragraph, "this is not a question wherein any amount of affirmation, however positive and emphatic, is a means of solution." It depends upon the meaning of facts and conditions.

INDIVIDUAL LIBERTY.

14. 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.

There might be no desire or attempt to "curtail" or diminish or repress individual liberty, yet there might at the same time be a desire and a purpose to mold and redirect that individual liberty by methods and influences that might be either proper or improper. If a man is convinced of the truth of a mathematical, economic, or industrial problem by a demonstration or explanation that lies within the sphere of that problem, no difference who furnishes the proof, whether his priest or his school teacher, it is all right. But if a priest, because of his priestly authority, were to dictate to a man in mathematics, economy, or politics without furnishing appropriate reasons to appeal to

the man's understanding there would be a wrong done the man's intelligence and individual liberty. His liberty would not be "curtailed," but it would be directed and controlled by wrong methods.

A man might have a firm determination to pursue a certain course; and he might, by means of proper advice and enlightenment resolve upon the opposite course and pursue that as earnestly as he would the first determined upon. It is the purpose of the Christian gospel to change every man's mind from determinations that are wrong to those that are in harmony with his better nature and with the right and true everywhere. A man thus changed is under law, but it is "the law of liberty;" for obedience under this law springs from a soul inspired with the universal harmony. His individual liberty is not "curtailed," but renewed and redirected by right methods.

If the "chief authorities" were to publish books setting forth the facts of history and the principles of government, and such books were circulated among the Mormon people, thereby determining to a considerable extent their political status and action, there would in such case be no infringement upon individual liberty or the state, if the literature sent out were true, if no dictation or preference were indicated, and if the people received it purely on its merits and with no coloring of priestly authority accompanying it. That is, if men's minds were left free from any influence, other than that of scientific truths and principles, it would be all right; the people would be left free to judge and act under the operation of "the law of liberty" as revealed to them by the light of history and governmental science.

But if the people should receive such books under a species of priestly glamour; and if, because they came from the chief authorities, the people believed they must be infallibly inspired and divinely authoritative—in such cases the people would be brought into bondage. There would be no apprehension of "the law of liberty." There would be blind fealty to a fetish, the servitude of ignorance, bigotry, and superstition.

Hence the "chief authorities" should realize what a delicate and responsible position they occupy in relation to that large number of people who regard their utterances as inspired, and who would think it irreverent and sinful to doubt or question anything coming from the head of the church. They stand ready to surrender their judgment and individual independence, and thus they would put themselves beyond the pale of "the law of liberty."

There are few men living, possibly none, who are entitled to more regard for earnestness and integrity than Wilford Woodruff. Yet, if Wilford Woodruff were to go out upon the street on election day, in the earlier part of the day, and in the presence of multitudes cast his vote in a way that would seem open, spectacular, and demonstrative, and if the fact of his voting in such a way and with such a party were telegraphed all over the State, and if the incident, as telegraphed, were used at many polling places during the remainder of the day and voters were thereby induced to cast their votes in the same way—why, a great wrong would be done; the State would be encroached upon; religion and priesthood would be made the means of superstitious enthralment.

Surely a great and difficult work is laid at the door of the chief authorities to divest themselves and disclaim a homage from zealous followers which in its very essence is inimical to American institutions.

EXPLANATIONS CONCERNING COUNSEL.

15. The first presidency and other leading officers did make certain suggestions to the people when the division on party lines took place.

“The first presidency and other leading officers”—Whatever they said or did, it would be taken by “the people” as coming to them with all the insignia and credentials of authority and inspiration. They would be largely bound and guided by it.

They “did make certain suggestions.” As to whether right or wrong, those “suggestions” would depend on what they were. About the only kind of “suggestions” that could be rightly made would be concerning the nature of government, the duty of the people to become faithful, true, and competent citizens, the importance of understanding all questions of government, the necessity of independence and self-reliance; and above all, the first presidency should lay the foundation stone of American citizenship in the minds of “the people” by reminding them of the Declaration of Independence—a flash of inspiration and true manhood from the very throne of God himself—that men are by God created free and equal; that they are divinely endowed with inalienable rights of life, liberty, and happiness; that they must stand up in their own manhood and refuse to bow their heads to kings or priests; that they must be sovereigns in their own right; that they must render unto Cæsar the things that are Cæsar’s; that henceforth the spheres of church and state should be kept separate. But did the first presidency make such suggestions as these?

It was at the time “when the division on party lines took place” that “certain suggestions” were made, presumably in order to shape the division. If there were any biases or party preferences in the minds of the first presidency they will, to some extent at least, appear in the sequel.

NEW WINE IN OLD BOTTLES.

16. That movement was an entirely new departure.

Here is a very significant concession—that division into parties and independent action as citizens “was an entirely new departure.” There had been voting and other party action at Nauvoo; but there was no division into independent parties there; it was run by “counsel” as it was under the People’s Party régime in Utah. There was a long period of office-holding in Utah as set out in the foregoing section; but there was no division on national party lines. It was all done under the dictates of church counsel.

Now comes a new state of things, a “new departure.” There is a new wine for the people. Will it be put into new bottles? Will there be new rules and regulations? Or will the old bottles—the old rules and regulations of “counsel”—be patched up for the new State of Utah? A study of the manifesto reveals the fact that old bottles and old customs and usages are to hold the new wine of Utah statehood.

A QUESTION OF MOTIVE.

17. 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.

That "full benefit" was statehood containing by implication many other things that were regarded as beneficial. Hence we have a clue to the procedure of certain officials who went about dividing the people into parties, saying—"Zion wants your votes," "Zion wants statehood." We find that the people were about equally divided between the Democratic and Republican parties, and it would look a little strange, after the visit of one of the "dividing officials" to a town to see the next day some "unterrified" sagebrush Democrat posing as a genuine Republican. And as late as October, 1895, several minor officials gave out to near friends that they belonged to the "reserve corps," supposed to be a convenient means of holding the balance of power between the parties.

Beneath the politics of the national parties there was a statehood politics covering certain maneuvering in order to attain the "full benefit." This statehood politics called for the equalizing of parties; hence the counseling of some officials to go out and speak to the people and the counseling of other officials to stay at home and keep silent; hence the bargaining with party managers abroad. In short, there were a thousand things included in this statehood project that could not have come down from that "Son of God" whose name is so often used to give sanction to the wily schemes of man.

If the motive had been to enlighten the people thoroughly, to promote the spread of true political knowledge, to qualify men and women for self-government and useful citizenship—if such had been the motive set out in the manifesto, we could but regard it as worthy of the church or of Christ himself.

Whatever the "full benefit," it was necessary in order to its attainment "that people who were inexperienced should be warned against hasty and ill-considered action." Here we see no reference to instilling principles into their minds in order that they might be rightly guided. All that is told us suggests that the people were to be marched about and generaled into the accomplishment of some plan or scheme of priestly counsel. The first presidency seemed to be considering actions and results to be gained and controlled directly, rather than the political and civil enlightenment of the mind, whereby alone the true results in action should be sought to be attained.

OPERATIONS OF COUNSEL.

18. 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.

"Counseled to be wise and prudent." Does this mean counseled (that they ought) to be wise and prudent or counseled (so as) to be wise and prudent? Probably the latter; for it would avail but little to tell people to be wise and prudent without giving them a knowledge of what would be wisdom and prudence under the circumstances. As the "full benefit" was statehood and what appertained thereto, we may well suppose that "to be wise and prudent" included a disclosure of the "political steps" that would lead up to that consummation.

"With no idea (purpose) of winning them against their will to either side." No; it is not the nature of counsel to win a person against the will. Rather does it operate to convince the will, remove objections,

and thus with the consent of the will direct their political steps or their movements in any other department of life.

In the foregoing sentence, No. 17, the "inexperienced" were counseled against "hasty and ill-considered action." In the sentence under consideration, "in some cases," they were counseled to "be wise and prudent." Why not in both cases? Does not wisdom and prudence answer the purpose precisely to counteract "hasty and ill-considered action?" From what follows it will be more clearly seen that the writer of the manifesto has unconsciously written a good deal between the lines; and "to be wise and prudent" in this passage means to be wise in planning methods to achieve statehood.

As it afterwards turned out, statehood would have been more easily secured if there had been no plans or schemes forced upon the people. They were counseled "to be wise and prudent," and they were required to do certain things; but if no counsel whatever had been given, and the people had been left to their own judgment and inclination, statehood would have been more promptly secured. For while the incidents referred to in the manifesto were happening in 1890-91 there was a great overturning of parties in 1892. The President and Congress were changed from one side of politics to the other. And if Utah had not been thrown into a different political relation she would have been in harmony with President and Congress in 1893, and statehood would have come more promptly than it finally did.

One leading brother announced at Paris, Idaho, that he had received a political prophecy. He had it by a revelation, he claimed, that Cleveland would never be President of the United States again, although nominated at that time. Of course he was mistaken; but the matter that concerns us here is the tendency at that time to construe the counsel of certain leaders as being inspired, and the inclination to get supplementary inspirations to aid the leaders in controlling the political action of the people. It is a matter of congratulation that statehood was attained; but it did not need that the means and plans "suggested" by counsel should have been adopted, or even thought of.

TO THE LAW AND THE TESTIMONY.

19. 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.

It would be foreign to the purpose of this memorial to discuss what might be termed "statehood politics," were it not that the whole matter obtains a certain degree of importance in relation to the political character and conduct of Moses Thatcher. It was widely known that he was not in harmony with some of his brethren in relation to the policy to be pursued and that was finally decided upon by superior authority. Only those who were fully advised could have located the trouble, but enough was generally known to mitigate the surprise awakened in the public mind by the disclosures made in the Salt Lake Tribune of May 10 concerning the priesthood meeting at Logan. It may be remarked here that the report is substantially correct and in very many cases the exact words are used.

Joseph F. Smith was the next speaker. He said that Moses Thatcher's attitude all through the political fight in Utah could not be justified; that he had been the one apostle who had refused to take counsel as to how the people should be divided up;

that the first presidency and all the twelve but Thatcher had decided upon a certain policy to get the relief they needed from the Government; but Thatcher had stood out against them; that he had been opposing his brethren ever since the division on party lines, and had not been in harmony with his quorum.

Joseph F. said further that the meeting called in the Gardo House to consider the advisability of disbanding the People's Party was attended by many of the authorities, stake presidents, and leaders of the People's Party.

It was plainly stated at this meeting that men in high authority who believed in Republican principles should go out among the people, but that those in high authority who could not indorse the principles of Republicanism should remain silent. Their counsel was obeyed by all the apostles and high authorities except Moses Thatcher, who talked to the people, contrary to the wishes of his brethren. If it had not been for his condition, Moses Thatcher would have been called to account for his declaration in the opera house (here giving Thatcher's declaration of political independence), but if he ever became able he would have to answer for that as well as other things they proposed to charge against him.

"And I want to tell you now," said Joseph F., "that Moses Thatcher was only admitted to the dedication of the Salt Lake Temple after long hesitation; he only got in 'by the skin of his teeth.'" The speaker said that the only concession Moses Thatcher ever had made was that he would always submit to the will of the majority, but would not admit that he was wrong, although all his brethren voted against him.

Right here George W. Thatcher interrupted Joseph F. to say:

"Brother Joseph, will you allow me to make a statement?"

The permission was granted and George W. Thatcher said:

"My brother is very sick, and it does not seem right to make these charges against him behind his back. I have no knowledge of these matters, and can not defend him against you; but I love my brother and do not like to have him treated this way."

Joseph F. continued by saying that he, too, loved Moses Thatcher, and wouldn't have taken the matter up if Heber J. hadn't started it.

George W. Thatcher then asked Joseph F. if he meant to say that Moses Thatcher was at the meeting in the Gardo House referred to, and the answer was:

"Yes, I am positive, and I have related exactly what took place at that meeting."

It is scarcely necessary to assure the readers of this memorial that Moses Thatcher was not in attendance at that Gardo House meeting; but he is, nevertheless, under the ban of some of his brethren for his disregard of certain proposed "counsel" in relation to what they supposed to be his political duty.

And now the question arises, Was not Moses Thatcher wholly justifiable in the course that he chose to pursue? Will not history justify him? Will not men honor him for his independence? Will not God approve his fidelity and integrity? To ask such questions is to answer them. And even with respect to statehood, his course promised speedier success; for soon after that time the President and Congress became Democratic. But it is not as a mere makeshift that the question must be judged, but as a matter of principle and right. Mr. Thatcher took the right ground in the sight of God and his countrymen.

HOW ABOUT CHURCH AND STATE?

Suppose the published report of the high council meeting at Logan is substantially correct as to the language ascribed to the several speakers; suppose the "division" was accomplished about as described—that certain men were counseled to go out and speak and organize, and that certain other men were counseled to stay at home and hold their peace; suppose the parties were put into array in conformity with arrangements entered into between the "authorities" and certain prominent politicians; suppose statehood were secured by carrying out such a programme; what should our judgment be as to the leading authorities encroaching upon the sphere of the state?

Of course it might be said that by all such means certain leaders were counseled so as "to be wise and prudent;" but is this the wisdom that comes from above, from "the Father of Light with whom there is neither variableness nor shadow of turning?" To send out men for one side to speak and organize and keep the leaders of the opposite side at home, is to play the game with loaded dice. How does such a procedure differ in moral quality from the simple ordering up of a majority for either party as the circumstances required? If these things were done as narrated at Logan, or in any other way that produced the same result by means of "counsel," how can the authorities escape the judgment of mankind that they have trespassed, in no very exalted way, upon the sphere of the State?

BEGETTING A STATE.

20. 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 parties alike—not because it was thought that there was any impropriety in religious men holding civil office, nor to deprive them of any of the 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.

"Concerning officers themselves." In foregoing paragraphs the manifesto has been speaking with reference to the people at large as led about and divided into parties by the chief officials. Here they deal with "officers themselves."

And why must officers in the church abstain from holding office in the State? Note that the time here indicated is about 1890. In a former lengthy paragraph, No. 12, we are told concerning a period of nearly forty years, during which the people of Utah enjoyed a tranquil reign of church officials without having in the least degree obliterated or trespassed upon "the distinction between church and state."

Why should there be a feeling in the beginning of the political division spoken of that it would be prudent for leading men not to accept office at the hands of the political party to which they might belong? Why should it "create jealousy and ill-feeling?" Why was "this counsel given" at this particular time "to men of both parties alike?"

There is a very good and sufficient reason between the lines for all this: During all the long period of forty years before mentioned there was the church, and within its council was the semblance of a State; but so far as it was a State by Mormon votes it drew its life from the guidance and authority of the priesthood. The people knew this. They knew that in a general way they voted for whomsoever the church wished elected.

Now that the Mormon people were to be divided up with the gentiles into parties, they could not very well decide between church officials, many of whom had previously been in the habit of dictating to them as members of the People's Party. They had formerly looked upon the dictation of each one of the chief officials as inspired. Now they would have to decide between the leading authorities, and they would even have to consider the attitude of the first presidency. Here was indeed a chance for confusion, jealousy, and ill feeling!

The "counsel" is now given to the effect that the chief officers go back on the precedents that have guided them for forty years, and keep out of politics. This was probably good counsel under the circumstances. "Let all the chiefs who have been in the habit of dictating to the people now abstain from becoming political leaders, so that the chosen people shall not become confused in the matter of priestly authority."

A far better way—a truer, nobler, more American way, a way more in accord with the Declaration of Independence—was that pursued by Moses Thatcher, to let the people go free in political matters; to absolve them from all dictation and counsel; to let the State alone, as we allow the moon to freely move in her orbit; to let every Mormon brother stand up in his own manhood and God-given right as an American citizen.

A STATEHOOD GLAMOUR.

21. 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 this happy prospect.

"The consummation!" Not that the world was about to end, but the struggle of half a century would culminate in statehood, and Zion would be enlarged. The meaning is that the leadership of high church officials in politics would be likely to work confusion, and as a consequence prevent the "consummation," the "full benefit." At first all such officials were counseled to abstain from political leadership. This counsel was to be good up to the attainment of statehood. The next regulation is that all must be guided by counsel as to matters of state. This rule puts church officers—and all are officers—back into the People's Party régime. The index on the dial of liberty is put back forty years!

WEAKNESS AND DIVIDED COUNSELS.

22. In many instances, however, the pressure brought to bear upon efficient and popular men by the members of the party 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.

No; that was not the true reason. There had been a rule made that "all the leading authorities should keep out of politics." Now, if the chief authorities had themselves firmly adhered to the rule, and had set an example of faithfulness and consistency, there would have been no trouble whatever. No "solicitations" to receive nominations would have been a temptation.

After the rule was made there was "counsel" given that was in violation of the rule. One side in politics was counseled to go out to the people and promote that side, and the other side in politics was "counseled" to stay at home and keep silent.

When a rule is made by a certain authority, and by the same authority the rule is changed so as to apply to only one-half of the people subject to the rule, by all the dictates of right reason the rule is nullified. Otherwise there could be no government, no administration of justice. Whoever should be dealt with in this way would know that his rights as an American citizen were trifled with.

It would have been better to have discarded all political control over

the people and let them go absolutely free, but when it was resolved to promote one side, this would in honor release the other side, and any free man would resent restraint imposed by a partial and inequitable rule.

CONFLICTING COUNSELS.

23. 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 character, some did seek the counsel and advice of the leading church authorities before accepting the political honors tendered them.

Note that in the beginning of the division movement, as stated above in section 20, the chief officials were prohibited from accepting civil offices because of the likelihood of arousing "jealousies and ill feeling," and also for fear of imperiling the "consummation." But in this section some did seek counsel and some did not. Now, how could it have a tendency to allay "ill feeling" and disarm "jealousies" to know that any leading official had not only gone into politics, but had been instructed by counsel to go into politics? The fact is, it would have the contrary effect, and it actually did have that effect; for time and again individuals and committees appeared before the first presidency and complained of their unfairness in allowing certain men to go into politics to the exclusion of others.

Here it is that "counsel" seems to disregard its own policy. For, it was stated a few lines above that for certain reasons—"jealousy and ill feeling"—leading men were to abstain from civil office. In this section all that seems to have been required was the seeking of "counsel," and counsel being obtained they were ushered into politics notwithstanding "jealousy and ill feeling."

The whole procedure is confused and conflicting. It is utterly impossible to gather any consistency or uniformity out of it. "When important positions were held, some did seek counsel before accepting, etc." They sought counsel, and according to the rule laid down above, they ought to have been forbidden the privilege; but they were elected, and the meaning between the lines is that they were helped into their position because they did seek counsel. All this is crooked and confused; it indicates no system and no uniformity, and it can but be looked upon as reprehensible.

WITHOUT COMPASS OR RUDDER.

24. 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 subjects of bitter reproach.

The writer is very much confused at this point. He is speaking of things connected with the "division movement." The reason given "for leading men not to accept office" was to "avoid any action that would be likely to create jealousy and ill feeling." Here we find the writer complaining that "ill feeling was engendered because some others did not seek this counsel and advice."

This is not stating it consistently with what precedes. The counsel was given generally that all the leaders should stay out of politics. See above: "This counsel was given to men of both parties alike." All must keep out. What is the trouble then? It should be stated

thus: "Counsel was given and a rule made that all leaders should stay out of politics. Subsequently a different plan was adopted. It was thought best to favor a certain party, and the leaders that were favorable to that party were allowed to go out, and those that were not favorable to that party were counseled to stay at home. Some men that felt independent claimed that the original rule was nullified and that the whole plan was vitiated by partial, discriminating, and conflicting counsels." Of course there might be ill feeling; but it would be because of divided counsels.

A REVISED EDITION.

25. 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.

"We have maintained." When? How long previously was the doctrine of submission and obedience put into this form? At the time of the "division" other reasons prevailed—the likelihood of "jealousies and ill-feeling." Later on things went haphazard and a great partisan movement was inaugurated. There were divided counsels, insubordination, and ill-feeling. Previous to "division," and throughout the long reign of the People's party, all faithful Mormons were, as a matter of faith and practice, subject to the chief leadership. They sought authoritative guidance in all the affairs of life, temporal and spiritual.

And when did the authors of the manifesto begin to put the doctrine of subordination and counsel in the precise form above stated? Never before did they claim that the duty of seeking counsel depended on the obligations and responsibilities involved in an office. The duty had always rested upon the relation of subordination to the head of the church, and the obligation to obedience as in the kingdom of God. This change of reason for counsel and obedience is of importance as showing conscious need of some rational ground on which to base the universal obligation to submission and counsel.

AT WAR WITH AMERICAN INSTITUTIONS.

26. 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.

Here is the statement of the doctrine of counsel and submission as originally promulgated. They had no "right." They had relinquished all such secular rights. In order to be reinstated in those "rights" they must consult with brethren and with those in authority over them. In the former sentence this rule is modified, and it is called an improper thing to accept office in the State. The earlier doctrine was that they had "no right" to do so.

But it is made very evident in this exposition of the duty of "counsel," how thoroughly and essentially it is at war with the individuality

and independent manhood required by the Declaration of Independence. Just consider. Here in Utah is a majority in one church, every reputable male member of which holds some ecclesiastical office, all such members being bound to "counsel" with their brethren, and especially with those that preside over them, and all this in relation to secular and political duty. Everyone relinquishes his individuality. He no longer acts from the dictates of his own will, but from the will of the church.

The chief authorities do not dictate to individuals how they shall vote, but they determine which of the officers shall accept nominations and which shall not; and with a large number of voters acting as a reserve corps, ready to be guided by the least intimation from the chief authorities, it is easy to see that any desired result can be predetermined.

WHY NOT?

27. 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.

The writer breaks down in the last clause of the foregoing long sentence—"nor that to any improper degree were their rights and duties as American citizens being abridged or interfered with." There is a "degree" in which they feel their rights abridged and interfered with; but it is not an "improper degree." How much is "proper," and how much more will make it "improper?" Cæsar's wife was to be "above suspicion." How much latitude could there be until it would become "improper?"

No; a good many that have been bound hand and foot for lo! these many years with the twofold cord of church counsel begin to feel now that in nature and essence it stands opposed to the spirit of American freedom and independence, and that their manhood and individuality are sacrificed by being required to submit for guidance to a junta of the church.

PRIESTLY OFFICES AND AUTHORITY.

28. They realized that in accepting the 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 preside over them.

In the Mormon Church "every reputable member" is entitled to hold office. So says the manifesto, and this is the general understanding. The not holding some office is a suggestion of disrepute. In fact, holding an office of some kind seems necessary in the Mormon Church as an evidence of full and reputable membership; but most of the officials—almost all, indeed—receive no compensation whatever.

When persons agree to perform certain work for a certain compensation they are amenable to those who employ them for a faithful discharge of their duties, and for neglect or nonperformance they are justly liable to discharge or some other expression of demerit.

Thus if a man is employed by a mercantile company or a church committee to do a certain work, he is bound to do it, and to make reparation for neglect of duty or lost time. If an employee desired

to devote time that was unemployed or uncontracted for by the company or committee to other work, it would be his right and privilege to do so. All that his employers could require would be performance of duty; all that they could censure him for would be neglect or non-performance of the duties for which they had employed him. If his employers demanded the right to control his unemployed time, so as to say what he should or should not do during the hours for which he was not under contract to them, they would then trespass on his rights, and he would be under no obligation to yield to them.

Of course the great majority of the officers of the Mormon Church have duties to perform that require but little of their time, and almost none at all of their week-day time, and none are required to make special preparations in order to address the people. Nearly all officers make their living and support their families by some secular occupation or profession. A number of the apostles even are laborious and thrifty business men, devoting a large share of their time to secular work.

Under such circumstances it is wholly preposterous for the chief authorities to claim the right to dictate to a member or an officer in reference to the time that is naturally and ordinarily taken up with secular occupation in order to earn a living for the individual himself and his family. If a man is a farmer, he devotes some of his time to church duties, but he seldom neglects his farm occupations. If he is elected to a civil office, he devotes even less time to his office than he formerly did to his farm.

What reason or justice is there in the claim that because a farmer, a merchant, or an artisan devotes a small portion of his time to church duties that therefore a priesthood must pass upon his right to devote the secular part of his time to some kind of civil service? Is it not evident at a glance that such claims are unreasonable and tyrannical?

All that a priesthood having charge of church affairs can demand of a subordinate officer is that he perform his duty properly. All that they can justly and honorably do in the way of discipline is because of neglect or non-performance of duty. Because a man is commissioned to devote a fraction of his time to the church, they can not have a right to dictate how he shall employ the balance of his secular time. All such claims savor of capricious and unprincipled monarchy.

A SERIOUS PENALTY.

29. 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 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 to-day.

But in the Mormon Church more than any other, perhaps, the priesthood constitutes the life and significance of the church; and to be deprived of priesthood as a matter of discipline reflects to the man's discredit, and thus becomes a penal alternative.

In such a case the member deprived of official standing as a punishment is in little better condition than an open apostate. He must feel the confidence and respect of the church are withdrawn from him, for his loyalty to liberty has led him to refuse to do what all the other members of the priesthood have done, some willingly and

others through fear and compulsion. Thus his patriotism ostracizes him. It marks him out as unpleasantly peculiar and unbrotherly in the church. It makes him a target for unkind and unwise criticism on the part of those who have not studied and thought upon the question, and who are consequently unable to understand and appreciate his motives.

Why is it that no American Protestant Church has ever made such demands upon minor officers? A deacon or an elder in a Presbyterian Church, or a minor officer in any other Protestant Church, is at liberty to conduct his secular affairs as he sees proper, so that he abstains from those forms of business that are denounced as vicious and immoral by the churches. Would the members and minor officers of any American Protestant Church tolerate any such rule as is here sought to be enforced? No. They would rebel against it instantly. Neither would the Catholic Church either attempt or care to enforce such a rule. Is it reasonable that the Mormon Church, which is now greatly in the majority in a State that has just attained statehood, should enact a rule that is more exacting, more liable to abuse and temptation, than that of any other church in the Western Hemisphere?

All these evil consequences and possibilities could have been avoided by framing a rule in harmony with the circumstances as they actually exist in the Mormon Church. There are a few officers that are supposed to devote the most or all their time to church work. These are the first presidency, the apostles, the presidents of the seventies, and a very few others. These, by the custom and consent of the church, receive certain amounts for their temporal needs, perhaps only enough to partially support them, the balance to be procured through some secular occupation. It is reasonable to require that these men confine themselves to church work, and that they should not engage in politics so long as they continue in ecclesiastical office.

But as to the vast number of members who are minor officers in the church, deacons and elders and bishops of wards, it is utterly unreasonable and tyrannical to control their secular time or business occupations because of their membership in the lower priesthood to which all male members in good standing are eligible. All that could be required in justice and right would be sincere devotion to duty, and discipline for neglect and nonperformance of duty.

It is now generally known that a large proportion of the higher officials in the church were in favor of a regulation in accordance with the foregoing principles; but in this they were overruled, and the present rule was promulgated. Certainly Mr. B. H. Roberts's bold and manly words last fall were decidedly against such a regulation; and those thousands of independent and liberty-loving Mormons who agreed with him then will be slow to accept the contrary doctrine with full purpose of heart. It is apparent at a glance that the rule now proclaimed achieves a purpose that could not have been subserved by a rule that would prohibit high officials from entering politics. The difference is that the rule now laid down puts all the officials of the church under a control that is to all intents and purposes in the hands of a centralized power, a power that can say to one, "come," and he cometh; to another, "go," and he goeth.

If this rule gets to working efficiently in all the regions where the Mormon Church is now in the ascendancy, and in those States where it holds the balance of power, it may be made the means of accom-

plishing important political results. Our Presidential elections are so close at times that a few votes in the electoral college turns the scale. Under this rule an ambitious leadership could easily determine the political status of one or more States and thus decide a Presidential contest. As a matter of money such a power would be worth millions of a corruption fund; but its exercise would imperil the peace and safety of the Commonwealth; its existence would be a menace to free institutions; and to destroy it the whole country, if necessary, would desolate our fair valleys and fill every house with mourning.

CLEARING THE DECK FOR ACTION.

30. 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.

By the constitution of the Mormon church a solemn declaration like this manifesto commits the priesthood to a certain line of action which would be continuous and unchanged except as subsequently modified by some equally solemn declaration.

The authorities aim to have "no dispute or controversy" as to their position. Yet their document is so redundant and ambiguous, both in the rule itself which follows and in the grounds laid for the rule, that there could be no end of doubt and controversy, unless, indeed, which seems possible, the whole subject should die away in importance and effectiveness until it ceases to be an authoritative regulation. The light of liberty and popular education is growing and spreading too rapidly to permit a regulation so monarchical and undemocratic to flourish upon American soil and among a free people.

THE RULE OF COUNCIL.

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 responsibility.

This rule is to be perpetuated; it is "always to be observed." It applies to every member of "the church;" and it specially applies to "every leading official thereof." It applies to "any position, political or otherwise," that the member would wish to enter upon. It applies to any "nomination" to civil office. All of these may be construed to "interfere with the proper and complete discharge of ecclesiastical duties." Before accepting any such new occupation the member must apply to the "proper authorities" for permission.

They propose to decide whether the new duties will be compatible with the performance of church duties already assumed.

The grounds on which this rule is laid is that certain duties are already assumed, and that when new employments are undertaken the authorities must decide upon their compatibility with existing obligations. In this way every officer and member, male and female, is bound to seek counsel for every new step in political, civil, or industrial affairs that it may be desired to take.

CHAPTER NINTH.—*Cases and principles in church and state.*

ROBERTS AND THATCHER.

And now the question arises, Was Moses Thatcher right in withholding his assent to the rule promulgated in the manifesto? He was willing at the outset, and possibly may still be of the same mind, to concur in the regulations whereby all the high officers in the church should remain entirely out of politics. But he was not willing to indorse a rule that makes it uncertain whether a man's political allegiance is first of all to the state or to the leading authorities of the church. It seems that Elder B. H. Roberts was of the same opinion as to the authority of the church. At the time of his political canvass last fall he was reported in the papers as follows:

I believe the church has a right to say whether or not its high officials shall be allowed to participate in politics. If they decide that certain officials shall not enter politics, it is for those officers to submit to the regulation or resign. But if the church permits its high officials to enter politics at all, then those men ought to be absolutely free to follow their own discretion as to what their politics shall be and the extent to which they shall engage in the affairs of government, as anything short of this would render party loyalty impossible. I do not believe that Democratic officials ought to be expected to go to Republican church officials for counsel in political affairs, or vice versa. Such a requirement in our community would place the control of the respective parties under the church officials, and would give up political affairs entirely into their hands. I see no middle ground between absolute and complete retirement on the part of high Mormon church officials from politics, or else perfect freedom of conduct in respect to politics—trusting the individual's own discretion and judgment in political concerns.

Note Mr. Roberts's very significant language: "If high officials are permitted to enter politics they must be left absolutely free to follow their own discretion." Again, "Democratic officials [Mormon] should not be required to go to Republican church officials for counsel in political affairs, or vice versa." Why? Mr. Roberts says "it would place the control of the respective parties under the church officials, and would give up political affairs entirely into their hands." He says further there must be "a complete retirement of Mormon Church officials from politics, or else perfect freedom of conduct with respect to politics."

Of course, with such convictions as are above expressed, Mr. Roberts could in no wise sign the manifesto; and that he did finally sign it can only be explained by a state of facts similar to those reported by the papers as having been set forth in the high council meeting at Logan as follows:

Apostle Heber J. went on to say that the brethren had worked with B. H. Roberts for nine weeks before they brought him around. After the first protracted effort availed them nothing they gave him a couple of weeks to think the matter over and counsel with the authorities at his leisure. When his period of reflection expired they met with him again, but found his heart like stone. They prayed with him and wept over him, but without avail. Another extension of time was given him, during which they all took up a labor with him, but he was still unwilling to admit that he had done wrong.

In the meantime Apostle Grant said he and F. M. Lyman had been appointed a committee to persuade Roberts that he was in error. Day after day and night after night they went to him and wept and prayed, and he wept and prayed, but insisted that he had done no wrong. This continued for nine weeks, at the end of which time he yielded. One morning he appeared before the authorities and told them he was ready to acknowledge his wrong and would sign any paper they might ask him to sign, or do anything they might tell him to do.

Whether or not the foregoing statement is absolutely faithful to the facts in the case is unimportant; though supposing the narrative to

be strictly correct, there is nothing in it that is seriously derogatory to an honest man's character. It shows that there must be great pressure brought to bear upon a strong man ere he can surrender a deep and consistent conviction. It shows that a man must be harassed and distressed and his nights filled with troubled dreams ere he can do such a thing. Under such circumstances there remains an appeal from Mr. Roberts, after nine weeks' continuous agitation, to the same man, when free and unobstructed, boldly and eloquently discussing the rights of church and state.

THE CASE OF MOSES THATCHER.

The charges against Moses Thatcher, so far as we have been able to ascertain them, were quite fully delineated at the stake high council meeting at Logan, and they seem to be about as follows:

1. "Moses Thatcher's attitude all through the political fight in Utah could not be justified."

2. "He had been the one apostle who had refused to take counsel as to how the people should be divided up."

3. "The first presidency and all the twelve but Thatcher had decided upon a certain policy to get the relief they needed from the Government, but Thatcher had stood out against them."

4. "He had been opposing his brethren ever since the division on party lines; and had not been in harmony with his brethren."

5. "The meeting called in the Gardo House to consider the advisability of disbanding the People's Party was attended by many of the authorities, stake presidents and leaders of the People's Party. It was plainly stated at this meeting that men in high authority who believed in Republican principles should go out among the people, but that those in high authority who could not indorse the principles of Republicanism should remain silent. Their counsel was obeyed by all the apostles and high authorities except Moses Thatcher, who talked to the people contrary to the wishes of his brethren."

6. "If it had not been for his condition, Moses Thatcher would have been called to account for his declaration in the opera house [here giving Thatcher's declaration of political independence], but if he ever became able he would have to answer for that as well as other things they proposed to charge against him."

7. "The speaker said that the only concession Moses Thatcher ever had made was that he would always submit to the will of the majority, but would not admit that he was wrong, although all his brethren voted against him."

The last charge, No. 7, shows a wonderful concession on the part of Mr. Thatcher. While his judgment could not be convinced of the rectitude of such a plot as was hatched at the Gardo House, or of the righteousness of other plans for dividing the people like so many cattle and sheep, yet he was willing, according to democratic principles, to submit to the "will of the majority."

As to charge No. 6, his declaration at the opera house, as given in preceding pages, that declaration is in harmony with the solemn pledges of the church, pledges which Moses Thatcher himself ratified most devoutly. What sort of justice or honor would that be which would require him to renounce his own political faith, deny his own personal pledges, and withal dishonor the covenants of his church?

In reference to charge No. 5, the whole recital is something so sepulchral and uncanny, so utterly out of harmony with the honor and rectitude of open daylight and honest business, that everybody will forget at once that it contains an accusation against a noble man, and only hope that such a seeming conspiracy against American institutions was never plotted.

All the other charges mean simply that Moses Thatcher had refused to concur in a plan adopted and promulgated at the Gardo House to divide the people into political parties according to a certain policy. He had been willing to keep entirely out of politics according to the rule first adopted; but when this was set aside and the Gardo House rule put in operation he refused to be bound by it; and for so doing he will have the approbation of posterity, and doubtless that of the God of all.

PLEASE EXPLAIN.

A great part of the manifesto is devoted to the subject of church and state, not that any attempt is made to define what is meant by the one or the other, but to make it clear by many and oft-repeated disavowals that no thought or desire or attempt has ever been made or ever will be made to unite church and state, or to permit the functions of the one to interfere with those of the other.

One is compelled to wonder what kind of a state is meant by the writer of the manifesto. Surely it can not be an American State! If you have not interfered with the State, how is it that you have controlled the politics of the parties by taking from one side and adding to the other until the State of Utah now ranks in a different organization and marches under a different banner from that of half a dozen years ago, or even less? Who made this variation? Surely it was made in great part by the church authorities.

If you did not wish to interfere with the state, why would you send out men to speak and organize for one side, while the leaders for the other side were commanded or counseled to keep silent? If you wish not to interfere with the state, why should you seek to punish Moses Thatcher for not cooperating with you by keeping silent while other leaders were converting his friends and neighbors to a new political profession?

If you wish not to interfere with the state, why do you encourage church members to be guided by your preferences in political matters? Why do you not disabuse the minds of the people and command them to be guided by their own thinking and their own preferences? Why should it be a matter of importance to the brethren all over Utah to know the position of the "chief authorities" on political matters?

If there has been no attempt to infringe on the state, why should there be any concern about political parties? Why should not one be as welcome as the other? And above all, why should the authorities wish to consult with every member in order to determine for him whether he shall accept an office or not? Suppose a certain farmer is a deacon or bishop in the church in which he holds membership, and that he is desirous of some civil office in his county. For twenty years he has lived on his farm and attended church on Sunday, giving thus a small portion of his time to ecclesiastical duty. Now, why should such a man be compelled to accept and hold a civil office under the authorization and control of his superiors in church office, on the plea

that he held a little official position in the church, and for that reason he must submit all other duties and undertakings to the arbitrament of "counsel?"

LEAD US NOT INTO TEMPTATION.

If the chief authorities are really desirous of keeping out of politics and abjuring the functions of the state, why should they ordain a rule that forever puts it within their power to control the state? Nearly every reputable male member of the Mormon Church is an officer of some kind. The chief authorities are the authors of the policies that shape the "counsels" of all that are subordinate to them in the priesthood. Every reputable member is guided by the counsels of the chiefs, either directly or indirectly.

Now what is the magnitude and nature of this power? It extends to the whole population of the church. Within this radius it is practically absolute. Moreover, the power is priestly—that is, it is paternal and patriarchal; just such power as should not be used in relation to the state.

But the inquiry arises, if the authorities do not want to control the state, why do they surround themselves with the means of doing it? Why do they place themselves in the very vortex of temptation? If the members are devoted and sincere, and if they submit to such a rule of counsel, there can be no doubt that they are at the mercy of their superiors in office. With such power in their hands, it is the invariable verdict of history that those who hold it never fail to use it to achieve their own selfish ends.

It is not right in the sight of God for any man to hold political power over another man. It is not right in the sight of man; for long ago have men declared that "all are created equal;" all are endowed with the same "inalienable rights."

If the chief authorities had desired to frame a rule that would put the state out of danger in case an ambitious priesthood should arise, they might have done so by requiring that all the higher officials abstain from all forms of political advocacy and from all civil office; and they might further require faithful performance of duty in all minor offices, with discipline for neglect and nonperformance of duty. For violation of the rule on the part of high officials, it might be required that they resign their places; and the same penalty could be exacted from minor officials for neglect or nonperformance of duty.

In such a regulation the church would stand in a negative relation to the state. It would have no positive authorization to make. As the rule reads, the church authorizes the official to seek office. It commissions and qualifies him. It gives him a certificate of character to church people. It tells the members of the church that he is the one to vote for. If any member should defy this counsel he would be classed as an apostate, and his political prospects would be blasted. Thus the power of presenting officers to the state would be complete in the priesthood. It would swallow up the state completely. Not more absolute would be Rome of the middle ages, or England under Henry VIII. The only prevention would be the inability of the priesthood to enforce discipline.

But why should the chief authorities thus surround themselves with unnecessary burdens, and most of all with needless and perilous temptations? Surely, if they sought only "those things that are honest

in the sight of all men," they would put away from themselves and their successors in office every possibility of wielding a political power so enormous and far reaching, so tempting to carnal ambition, so corroding and burdensome to such noble souls as are fitted by the divine spirit to be guides and expounders of eternal life.

CHURCH AND STATE FUNCTIONS.

The sphere of civil government extends to acts—external conduct. It commands the performance or nonperformance of acts. Civil government does not extend to the thoughts and beliefs and whatever constitutes the spirit world. The church is based upon the religious sentiments, and its true sphere is within the spiritual domain, where alone sin and righteousness and morality prevail. Acts of themselves have no moral quality; and it is only as they exist in the thoughts, desires, intentions, that they have importance in the estimation of religion.

If a man is insane, all his acts count for nothing, however good or evil they might be were the man of sound mind. In the church acts are of importance only as evidences of good or bad states of soul. The church can take no cognizance whatever of the physical act of adultery; the state alone has jurisdiction over the outward act; but the church acts with reference to the purpose of heart which dictates the adultery. The outward act is the evidence of the internal state, and the church performs its work as having jurisdiction of the spirit, and not with respect to external conduct. The state has no query whatever in regard to sin and righteousness. It looks to public order and welfare and has no eyes to see either sin or holiness.

The church may close its doors against a member because of certain acts, but it has jurisdiction only over the spirit, and the act is simply testimony as to what has been done in the heart, out of which proceeds all good and evil.

Church and state may each do much to modify each other; but in doing this, each must remain and work in its own sphere. Thus the state may for its own preservation and welfare establish a school system that will mold civilization and transform all the beliefs and conceptions of men. In this way religious opinions and ordinances are greatly changed from age to age.

The state may enforce order and protect life and property everywhere, in the church assembly, at the altar—wherever human beings and property exist. But the state can not enforce the discipline or ritual of the church. It can not order baptisms, communion, and confirmation. It can not pay preachers and provide houses of worship. And in speaking here of the state, we are enforcing the American conception of the state, with which only we have to do.

The church may modify and mold the state; it may change the characters of men and women; it may transform society and civilization; it may unseat presidents, abolish laws, defeat parties, inaugurate bloody and destructive wars. But how shall this be done? By working in its own sphere. By enlightening and moving the souls of men and women. By laying within the soul of the citizen the foundations of character, will, and purpose, thus giving the motive and incentive to action.

The church may teach principles that will surely build up or defeat a great political party, and thus rehabilitate the state. But it would depart from its sphere if it should use its priestly authority to control political action or manipulate parties. In modifying the state the church can only fulfill the office of a seer or revelator. It can within its own sphere reveal truths that will rock the state to its foundations, possibly overthrow it entirely. But the authority in this case is the authority of the truths revealed, not a priestly authority which adheres to the person of the priest.

There is an infinite difference between the priestly authority of the priest and the authority of truth itself. In a mathematical demonstration there is a sense of authority or self-existence of truth that is called conviction. This authority is infinite and eternal, and it inheres in the nature and essence of the soul, and in the nature of universal spirit. But the authority of a priest is that of an official personage. The submission and obedience rendered him is that of a child to a parent; it is not the result of rational motive. In consenting to receive a man as a priest, we become children, and the priest stands as the heavenly Father. We take the prescription of the physician, not because we understand therapeutics, but because we consent to be ministered to as a child.

In the civil state men act from rational considerations and with reference to definite and practical ends. It is largely a question of experience. It turns on the operation of the law of cause and effect. Whatever the church does with reference to the state it should do by revelation of truth in reference to civil duty and the standard of character. If it should attempt priestly control over men as children are controlled by a parent, or as the physician requires submission from a patient, it would then resort to priestly authority over civil action and inflict a grievous wrong against the state.

THE AMERICAN STATE.

Under the American system there are two distinct spheres for church and state, and they must be kept separate from inception to culmination. In the one sphere, according to the words of Christ, we must "render unto Cæsar the things that are Cæsar's;" and in the other we must "render unto God the things that are God's." The foundation of the state is the individual souls of men and women created by God in His image and after His likeness, endowed in the nature of things with inalienable rights of life, liberty, and happiness. These rights exist independently of government; they exist in order to government and a true government is an expansion and administration of these primal rights; and in proportion as governments accomplish this work they have a right to exist; and when they fail to do this they should be abolished. These principles, as written by Jefferson, are the magna charta of American liberty, and they can never be abrogated.

The inception and origin of the state is the endowment of right with which God has constituted the soul. Hence the state does not get its right and power to exist from the church. The state is an original and independent inspiration; and however much it may blend with the church, there are two spheres, and neither one must subvert the other. Neither must one be subordinate to the other or dependent upon it.

The state must not present officers to the church, as is done in all state churches; nor must the church present officers to the state, as would virtually be the case under the manifesto.

The manifesto lays the foundation for a church régime similar in its significance and portent to that which prevailed under the People's Party organization. It is more subtle in its workings, more deftly devised, but if unimpeded it could not fail to achieve results even more nicely and effectively than the former political machinery. It is very true that much would depend upon the character of the men to whose management the institutions of the church should be intrusted. With some only the good of the church would be sought, but with men of comprehensive and ambitious minds, both church and state would be covered by their administrations. There would necessarily be discrimination and choice; prejudices and preferences would enter into the work unconsciously; there would be a hundred avenues and inducements to fraud and oppression.

The State is largely made up of the laws, institutions, and customs which we inherit from the past; it is also constituted in part by those who hold positions to frame and execute its laws. The State exists because of a vast number of functions the performance of which requires an election to office, and in most cases a prior nomination.

ANTAGONISM OF THE MANIFESTO.

The position of the manifesto is that so far as the state exists in its official functions it must hold its tenure in harmony with the "counsel" of the priesthood; that is, if the population were all Mormon, as a majority of the Utah population is, those who hold civil offices, or military either, would do so in conformity with and in subordination to "counsel." No good Mormon would be found in office without the prior authorization of "counsel;" for if the manifesto is infallible he would be a violator of the ordinance of God, and the church people, acting in a civil capacity, would be in duty bound to vote against him.

This "rule" as promulgated provides a circle within a circle—a wheel within a wheel—and in the last analysis a very few minds, or possibly one mind, presses the button and the body of the church does the rest. Thus the network of guidance and authority tends to destroy individuality and personal liberty. In this regard it conflicts with the equality and liberty incorporated in the Declaration of Independence.

The "principle" that vitalizes the doctrine of priesthood is that of theocracy dispensed through descending gradations of priestly officials. The "principle" that animates the American system is that every man and every woman is created in the image and likeness of God, in virtue of which each is a sovereign unit of the state. These two "principles," allowing that both are genuine, operate in different spheres neither of which may be made subordinate to the other. In the state each man must be a sovereign acting freely, independently, and of equal right. There must be no hierarchy in a state, for every citizen is a king and a sovereign. The state must in nowise go to the church for its right to be or to do. In a true state no man could be elected to office, having been "counseled" thereto by the church—that is, if he held himself primarily at the disposal of the church he should not be accounted worthy of the state.

Perhaps the most important thought written by Jefferson in the Declaration of Independence is that of the innate freedom and independence of each human being. It requires only a clear realization of the spirit of liberty as embodied in the Declaration of Independence to see and feel that a State receiving its officers and holding its tenure in accordance with the "counsel" of a church is in utter conflict with the genius of American government. There have been times in the past when the church, notably the Catholic Church, has completely swallowed up the state, even to the literal putting of the foot of the ecclesiastical ruler upon the necks of kings. At other times and places, as in case of Queen Elizabeth, of England, and the Czar of Russia at the present moment, the state has absorbed the church, and ecclesiastical dignitaries are shuffled about as mere puppets of regal power. In such cases church and state occupy but a single sphere. The lion and the lamb lie down together, it is true, but the lamb is inside the lion.

CHAPTER TENTH.—*Supplementary charges by Lorenzo Snow.*

The managers of the case against Moses Thatcher must have had a keen sense of the fact that the concensus of public opinion was against them in the Thatcher deposition; for we find them hunting about for a subterfuge to give the semblance of a reason for opening up a magazine of obsolete and exploded charges against Thatcher; and the significant feature of it all is that their unwonted attack has been a boomerang that has spread dismay among their ranks. Probably they did not know the full import and history of the matters with which they were dealing. At all events the reaction leaves them in a far worse condition than before. But it is important here to notice the subterfuge that was employed to give opportunity for the managers, over the name of Lorenzo Snow, to amend their pleadings and file supplementary charges in order to stiffen up public sentiment against Thatcher. And in order to make the amended complaint more effectual, it is ordered to be read in many if not all the ward churches. A letter is written and a few young brethren are induced to adopt it as their own, and thus request Lorenzo Snow to give the "primary cause of Brother Thatcher's lack of harmony with his quorum." It seems that what was refused to the earnest pleadings of Moses Thatcher was here given out by Lorenzo Snow to a few young men, apparently to gratify a mere curiosity. Here is the letter of the young men:

SALT LAKE CITY, *November 20, 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. GLAUCQUE.
ARTHUR F. BARNES.
R. C. BADGER.
T. A. CLAWSON.

President Snow's Answer.

SALT LAKE CITY, November 30, 1896.

Messrs. NEPHI L. MORRIS, ARNOLD G. GLAUCQUE, ARTHUR F. BARNES, R. C. BADGER, and T. A. CLAWSON.

DEAR BRETHREN: In response to your esteemed communication of the 20th instant, 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.

THAT NEW MANIFESTO.

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 seven presidents of the seventies, the patriarch, 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 committee 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 everyone 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 anyone 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 simply dropped from the list of authorities presented. How could he have been sustained under the circumstances? There are 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 at that time 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 his 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 principle 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.

ASSURANCES WERE FULFILLED.

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 of 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 meeting 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.

THE TEMPLE INCIDENT.

Notwithstanding 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 should have done so 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 23d 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.

THE CONFERENCE ADDRESSES.

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 to-morrow—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 meeting as convenient will greatly oblige,

"Your brother in the gospel,

MOSES THATCHER."

To this I replied, as he has 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 thus appointed the apostles met at the time and place thus designated, when they received his lengthy communication dated November 11, in which he said:

"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 instant, as appears in my letter, published by him with the other correspondence.

When that day arrived we received this last letter, in which he said:

"As there is to be no trial of my case and as I am not requested to be present, I take it to be the purpose of considering my case, etc."

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 was 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.

GOES FURTHER BACK.

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 these 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 charged 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 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 nonacceptance 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.

BUSINESS DIFFICULTIES WITH PRESIDENT CANNON.

When President George Q. Cannon, after the decease of President Taylor, was in prison for infraction of the antipolygamy laws, Moses 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 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 pretensions of devotion to the church and declares 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.

MEETINGS OF HIS QUORUM.

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 33 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 this 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.

THE POLITICAL NOMINATION.

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 of 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, or the failure to do that which is so rhetorically professed.

The standing and fellowship of Moses Thatcher as a member of the church has 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 within 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 can not 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 time. 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 one 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 apostacy; 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.

CHAPTER ELEVENTH.—*A masterly vindication.*

The following reply of Moses Thatcher to the "supplementary charges" of Lorenzo Snow is a document of unusual importance, one destined to be a historic paper in the annals of Utah. It is the final word in the church controversy, and the opening chapter of what, it is to be hoped, will be an honorable public career for Moses Thatcher:

LOGAN, UTAH, *December 12, 1896.*

Elder LORENZO SNOW, *President of the Twelve Apostles.*

DEAR BROTHER: Your recent letter, written for publication in the *Deseret News* at the request of five young men of Salt Lake City, demands an answer from me in the interest of fairness, friends, family, and the saints throughout the world. 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.

I have read and reread your open letter, and have purposely delayed replying to it, hoping and praying that a sense of right and justice might dictate what I write to one holding the high and responsible position you occupy in the church, and for whom I entertain sentiments of profound respect—no matter what you may think or say about me. I confess astonishment, not only at the letter, but at the spirit of your communication; for, as I have always understood your disposition, your ideas of justice and your love of mercy, that communication does not appear to your advantage. Lorenzo Snow, as I have known him during all the years of his presidency over the quorum of apostles, nowhere, to my mind, appears in that bitter and acrimonious communication.

Political differences in Utah have unfortunately, and, as I believe, unnecessarily, resulted in criminations and recriminations, and in the resurrection of misunderstandings long since explained or settled. Before their introduction I never saw you turn a deaf ear to pleadings for specifications on the part of an accused brother. Nor is it like you to ignore my earnest, often-repeated requests for charges against me, which you furnished by the column with evident alacrity for a public print, in order to gratify the apparent curiosity of five young men of Salt Lake City. If, as you say, I was not entitled to a public hearing, as my case was not a public matter, why did you make public charges against me in a newspaper when you refused to give me even an intimation of them in private? It is difficult for me to understand why you have publicly accused me when privately you would not; why you presented specified charges against me after my deposal instead of before; why you so readily granted the request of the five young men when you so persistently refused mine; why you gratified their curiosity and that of the public concerning an affair in which you declared I was "the principal party interested." This treatment, this discrimination, is difficult for me to comprehend.

Nor can I conceive the object of those young brethren in asking a further explanation of the conduct of your quorum toward me, the entire correspondence on the subject being in their possession. The *Deseret News* had already declared officially that the action of deposing me had been "inspired, dictated, authorized, and approved of God." Holding the *News'* statement in view, it may seem strange to many of the saints that the young men should ask further reasons for my deposal, and stranger still that you should deem it necessary to furnish them. Besides, the published correspondence was complete. It told its own story of the patience and forbearance which had been shown me.

The appearance of those letters in secular newspapers (and I infer from your remarks that the *Deseret News* is not secular) was probably brought about by the direct personal attacks of the *News*, which has not appeared to be friendly to me under its present management. And why should I have gone to the *News* when its columns were daily filled with misrepresentations of my conduct and position; when it was falsely declaring that I had been pledging political support for months; when it was forcing me upon a platform I had never constructed and attributing to me words I had never uttered? But have you not seen even official declarations from those occupying higher positions than I ever held appear first in a secular newspaper and afterwards in the organ of the church?

Why should you feel called upon "to meet some of the statements" contained in that public correspondence? Were you not satisfied with the judgment of the people as to the merits of the controversy? Your side was placed before them just as

fully as it had been placed before me. If you believed a further explanation was due, why did you not give it to me when I requested it time and again?

Pardon me for quoting the following harsh expression from your open letter:

"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."

Judging from the way those appeals were treated, they were, indeed, "superfluous and unnecessary." Had I known that they would have been so regarded, I never would have made them. I will confess they were appeals, not to the public, but to my brethren. They were cries of anguish from a heart racked with pain. They were pleas for mercy—prayers for light—for information as to my offending. But why should you imagine they were published to excite public sympathy? Do you consider that to be the natural result of their publication? An appeal from one in distress, in jeopardy, is not "concocted." Rather does it not require the deliberation of a trained, skilled, and diplomatic mind to close the ears and hearts of men against such appeals?

You say:

"During that interval (April to October) he was visited by many of his 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 health during that period, but he was not too ill to upbraid his 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."

Did you, President Snow, ever hear me say anything of the kind? Which of the brethren did I upbraid or accuse of "blanketing" his conscience? You do not seem aware of the fact that of all the apostles and members of the first presidency only one, Apostle F. D. Richards, ever talked with me about the manifesto since the day it was presented to me for my signature. True, Brothers Richards and Young called one day just as I was leaving my residence in Salt Lake City for the depot with guests, and we talked a few moments while the carriage was waiting at the door.

At another time I said to Brother John Henry Smith: "How could you, knowing as you do of my work in the church for a quarter of a century, vote for my suspension simply because I could not see my way clear to sign the manifesto? How could you adjudge me guilty, condemn me, and execute your judgment all within a few hours and without a hearing?" He replied: "I will not talk with you about that, for you are too ill, and conversation on that subject will make you nervous." I then said: "Which, Brother John, do you think would make most nervous and ill, to have the brethren humiliate and degrade me by dropping me out of my place, or talking about it after the deed was done?" Said he: "I am with my brethren."

During all those 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, excepting the three mentioned, ever came to my house or visited me for any purpose whatever. I do not mention this by way of complaint, but because, from the general tone and certain statements in your letter you do not seem to be fully acquainted with these facts.

A few men holding less authority in the church called and argued with me, and sometimes may have heard the peevish complaints of a sick man which, it seems, were carefully delivered and preserved, and with which you are now willing to reproach me. It appears that every groan I uttered in my pain and weakness was borne away and used to poison the minds of those living in the light against a weak and helpless brother.

In this connection I would like to state also that even before the presentation of that manifesto for my signature not one of the brethren had taken up a labor with me concerning any of the matters it was made to embody. You contend that I should have signed it simply and solely because other officers of the church had signed it, "without hesitation and without requiring time to deliberate." I can not see how that statement adds to the credit of the document. Such matters demand deliberation, and because I always so contended I am called "contumacious and obstinate."

It may be that Elder B. H. Roberts signed it without consideration, but I have been authoritatively informed that strong and healthily 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. How many of the brethren deemed it necessary to waste their time on me, though I

was sick and near the portals of death? Not one. Yet they expected me to sign it when it was presented, although you say I was considered "contumacious and obstinate." If that was my disposition, why was I not labored with for weeks, or why was I expected to sign it without such attention? Did you really believe me "contumacious and obstinate?"

I do not desire to be understood as complaining of the short time given me for the consideration of the manifesto—the hour and a half at noon on the day my name was dropped from the list of church officials. I understood the manifesto then as I understand it now. But when I afterwards 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.

You say that "out of mercy and compassion" the reasons for degrading me were not given at the April conference. I fail to see wherein I was benefited by a compassion which gave rise to so many rumors, mysterious hints, dark insinuations, slanders and attacks, unjust allusions and unfair comparisons, which have been strenuously created and disseminated since that time. Nor can I appreciate the manner in which my case was left "in statu quo" by the remarks of the brethren at the October conference. I had received assurances and reassurances that nothing would be done or said affecting my case until I should report myself ready for trial. You say: "The assurances to which he refers were faithfully fulfilled. He was left in statu quo." The average man might be hard to convince that his interests would not be affected by creating adverse public opinion, by concerted and preconcerted action on the part of the juror intrusted with his fate in prejudging and prejudicing the people against him. When a tribunal pronounces a man guilty and announces to the world its judgment, has he been left in "statu quo?"

You complain because I did not for a time attend my quorum meetings as regularly as others had done. The time to which you call attention covers the period of lingering illness from which I have now almost entirely recovered. But I do not offer my sickness as an excuse for absence, as you had excused me from all official duties during a greater portion of that time, advising me to travel, to seek enjoyment and health.

The charge that I have "treated the council with contempt" needs no answer but a reference to the letters which passed between us. I endeavored persistently, patiently, and, as I thought, respectfully, to ascertain what my brethren held against me, what differences there were between us, in order that we might arrive at an understanding, and, finally, what their requirements were. When I went to the meeting place of the quorum of apostles, after being assured by brethren that I would be welcome and that no objections would be made, I found the door closed in my face. From that time on till my deposal I pleaded for a statement of the grievances against me, but dared not intrude upon my quorum again without invitation, as I had no desire to give offense.

I was never aware that I had no right to speak in public meetings until publicly reprimanded for so doing; I did not think I was barred from the temple until its door was closed in my face. And now you say that I "presumed to attempt an entrance to the temple." What could I have done? Every move I made was criticised and condemned and seemed to invite new forms of censure and humiliation.

I have no desire to quibble; but here is a passage in your open letter to which I desire to call your attention:

"It was but a few days after the October 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 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."

I presented myself at the door of the Salt Lake Temple at 11 o'clock a. m., Thursday, October 15, 1896. The meeting which promulgated the announcement you refer to was then in session. It was not published in the Deseret News until evening, and was not received by me for at least five hours after my return home from the temple. You will not deny that these are the facts, and yet you blame me for "attempting entrance to the temple" in disregard of an announcement which had not then been formulated. At no other time did I "attempt entrance to the temple" to be refused admittance.

This point is in direct line with your former statement in our original correspondence to the effect that, because I had seemingly disobeyed your letter of the 23d of

October I was refused admittance to the temple on the 15th, or eight days before. When I could not understand that, you explained it by saying I was in the dark. No doubt the same explanation will answer in regard to the paragraph abovequoted.

I did not mention my last contribution to the temple in the way of a boast, but the fact remains that the temple was, nevertheless, constructed with funds contributed by the saints. But when President Joseph F. Smith declared that I only gained admission to its dedication "by the skin of my teeth," a statement your open letter seemed to corroborate, I could not recall any hesitancy on the part of anyone about asking or receiving my donation during the period of its construction.

Another paragraph in your letter is truly remarkable, and especially wherein the public is informed that "silence" in my interest has been maintained by President Cannon, now absent, as you say, from the State. How far that business transaction between two members of the church has had a bearing on my affairs, as recently made public from the pulpit and press, I can not say; but future developments may show its relation to past and present conditions. Its frequent mention in garbled form, as in this instance, and as it has been told in public and private, on highways and byways, shows that it is no secret. And so far as I am concerned, there is nothing in it that I would have anybody trouble himself to keep secret. I will endeavor to convince you, President Snow, that you have not been well posted on this matter. For that, however, I attach no blame to you, for the story of the Bullion-Beck is a long one. I shall not hesitate to face willingly my part of the affair. Here is an extract from your letter:

"When President George Q. Cannon, after the decease of President Taylor, was in prison for infraction of the antipolygamy laws, Moses 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 mentioned against Brother Thatcher. But it is important in showing Moses Thatcher's spirit and bearing toward his brethren.'

The closing sentence no doubt satisfies the public as to the reason for bringing the matter up. I am not sorry you mentioned it, as it gives me an opportunity to correct the rumor which has been well circulated among the people. In answer to a letter written by President Woodruff on the 5th of December, 1888, on this very topic, I wrote, December 7, two days later, making the following statement of my position:

"In conclusion, you will permit me to say that I have no disposition, and never have had, to take advantage of any of my brethren in the position in which Brother Cannon is placed; for I regret his imprisonment, I believe, quite as sincerely as any of my brethren. Upon this point I hardly think that Brother Cannon himself entertains any doubt." For the present, at least, there is no need to go into further details regarding Bullion-Beck matters, except to correct your assertion that "instead of Brother Cannon owing him, he was in Brother Cannon's debt." I can think of no explanation so brief and authentic as a copy of the receipt I gave him in settlement of our financial differences. It reads:

"Know all men by these presents, that I do hereby acknowledge the receipt from President George Q. Cannon of an order signed by him, and dated August 5, 1889, on Secretary George Reynolds for the transfer to myself of 2,368 $\frac{1}{3}$ shares of the 'pooled stock' of the Bullion-Beck and Champion Mining Company, and that I have received all the dividends declared and paid by said company on the said 2,368 $\frac{1}{3}$ shares, as shown by the books of the company, less one-fourth, or 25 per cent, on all dividends declared and paid by said company since September 1, 1888, the said 25 per cent having been paid, as I am informed, to the Bullion-Beck and California Mining Company.

"This receipt is intended and shall operate as in full of all demands and claims by myself, heirs, and assigns against President George Q. Cannon on account of said 2,368 $\frac{1}{3}$ shares of stock when the same shall have been transferred, on surrender to the secretary of the company of the proper stock certificates upon which said transfer may be made, and is in full for the dividends thereon, as specified herein.

"MOSES THATCHER.

"SALT LAKE CITY, UTAH, September 24, 1889."

Those shares, for which I paid, represented a value to me at that time exceeding \$25,000—an amount I did not feel able or willing to lose. My anxiety about it was natural, if not pardonable.

And now let me call your attention to another astounding assertion in your open letter of information to the young men. You say:

“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.”

Not one word uttered by me at Lewiston on the occasion referred to partook of the nature of a prophecy as coming from me; nor did I predict anything whatever. I stated my belief upon numerous topics, but predicted nothing. I quoted somewhat extensively from the books of revelation, held by us as orthodox, and also from the history of the Prophet Joseph Smith. I was not and could not be held responsible for long-hand reports of what I said, nor for typewritten or printed slips said to have been multiplied and circulated among the people. Besides, it is well understood by the saints that the sermons, even of apostles, are not regarded as doctrine. Nevertheless, I have constantly endeavored to avoid teaching anything erroneous or out of harmony with the revelations of the Lord.

While in Mexico, in 1886, I was written to by Presidents Taylor and Cannon regarding this matter, and in reply I stated, in substance, what I had said in Lewiston. Of course, I could not remember the exact words I had used, but I closed my letter as follows:

“If, in your view, there is anything in these remarks erroneous, contrary to recorded revelation and history; or contrary to the spirit of inspiration and revelation in you; or, if their utterance by me was premature or imprudent, do me the kindness at your earliest convenience to point the same out, and suggest the means best calculated in your judgment to correct the same, should the inclosed notice—(which, if you think best, can be sent to the News for publication)—be considered insufficient to stop the multiplication and circulation among the saints of erroneous reports of my remarks as heretofore mentioned.”

The “notice” was apparently satisfactory, as it was published in the Deseret Weekly News of December 1, 1886, as follows:

“NOTICE.

“Any printed or written document circulated, or that may be circulated among the saints of God, as a report of any sermon, or part of sermon, sermons or parts of sermons; or of any private or public remarks said to have been made by me, are unauthorized unless personally revised by me, or written over my signature. And the making and circulation of any such unauthorized report is without my sanction and without my consent.

“MOSES THATCHER.”

In the same issue the News commented editorially, as follows:

“AN UNAUTHORIZED PUBLICATION.

“In another column will be found a notice from Elder Moses Thatcher of the council of the apostles. We direct general attention to it because there has been a great deal of comment over some remarks attributed to him, which have been copied and circulated, and lately have been printed and distributed among the saints. It is very unfair to take this course unauthorized, and we consider such proceedings worthy of severe censure. Those who have printed and distributed the alleged extracts from a sermon delivered by Elder Thatcher in Cache County, some time ago have, in our opinion, exceeded their right, and those who rely upon the purported remarks as authentic and to be discussed as prophecy or doctrine may be led into error, as the report thus disseminated is without authority of the speaker. We are pleased to receive the notice from Elder Thatcher, and cheerfully give it a prominent place in our columns.”

Subsequent to the year 1886 no further complaint was made until the appearance of your open letter ten years later, and as no additional requirements were made of me, I had a right to believe the matter long since adjudicated. No one at any time

ever intimated to me in any way that this was cherished secretly against me by any of my brethren. Candidly, President Snow, what is there in all this, that in any way can be construed as a justification for the unkind comments you have made upon the circumstance? Your statements are calculated to injure me in the estimation of many people who may have read your letter and condemned me without remembering or having read the *Deseret News* of December 1, 1886. Surely you would not intentionally do me an injury.

You say further:

"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."

The truth of this matter is made plain by the action of President Taylor in setting me apart on the same day as one of the councilors of the president of the Logan Temple. President Taylor would not have introduced discord in the temple, and had I contended against him that would have been the effect. I would not have been made third officer in that sacred place if I had been in such open rebellion as you depict. President Taylor was my guest in Logan at the time the president of Logan Temple was named.

On the morning of the day the appointment was made, President Taylor came downstairs, and before breakfast stated, in the presence of witnesses, that he felt impressed to appoint M. W. Merrill president of the Logan Temple, and asked me what I thought of it. I replied that it was a good selection; that he might search the stake over and not find a man better adapted to the position. And I gave as my reasons that Brother Merrill was financially well to do and could afford to give to the work his time and attention; that he was secretive and methodical in his habits. President Taylor said he was pleased to hear me say so. I never at any time or in any place opposed the appointment, but was continued third officer in that temple till, by the action of my quorum, I was deprived of all priestly offices.

Although on this point you make a very positive charge against me, you may have this matter confused with the selection of a president for Cache stake. In my absence from conference in Salt Lake, from which I was excused by President Taylor on account of illness in my family, Elder C. O. Card was chosen stake president to succeed Bishop Preston, who had been called to the office he now holds. A few days later I was informed by a member of my quorum as to the action taken in the matter of the Cache stake presidency, and my opinion was asked about it. I stated that since Elder Card had been unanimously chosen I acquiesced. Later on, an effort was made to remove President Card, which movement I opposed. I took the ground that, while Brother Merrill was the stronger character, I would oppose the removal of President Card as his appointment was generally known among the people, and his summary dismissal was sure to result in his irreparable injury. I only mention this matter because there is no foundation for complaint in the other incident, and you may have confused the two. I cite this as a possible reason for your charge because I have no desire to quibble.

Here is another of your specific charges:

"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."

To my mind there never was any question about the "proper successor" to President Taylor. I did not regard it as a debatable matter, for I always held President Woodruff as the logical successor to President Taylor. I maintained this at the time, and have since testified to its propriety on many occasions. I have always held that, with the death of a president, dies the authority of his councilors as councilors; and the supreme authority of the church is then vested in the quorum of apostles. Upon the death of President Taylor, Wilford Woodruff, as the head of the leading quorum of the church, was therefore the leading officer in the church.

In my view, no one had a right to assume his authority or issue addresses to the Latter-Day Saints ignoring him. Yet an address was issued which did not deign to mention President Woodruff or any of the apostles. Had my name been signed to it you might well accuse me of attempting to oppose the accession of President Woodruff, but my name was not there. If there was a contest between human smartness and simplicity of character for the presidency, I assure you my preferences were for the latter. Simplicity of character is an ornament to any position, although it is often subservient to "human smartness."

You make this general charge against my temper or disposition:

"His bearing with his brethren was such that he could not brook dissent, and resented their nonacceptance of his personal views."

I have always tried to be honest, careful, considerate, and conscientious with my brethren. I confess that I have had my personal views on almost every question that came up. I had thought I was entitled to them. Had I entertained the slightest doubt of my right in the quorum to my opinions, I would never have given the six brethren to whom you refer the opportunity to vote me an apostleship. As it was, I protested part of three days before giving my consent to President Taylor; but if I ever resented the nonacceptance of my views on any question where I had been accorded the right to present them I do not recall it.

And now I come to what appears to be the chief reason for my suspension and subsequent deposal, viz, the political manifesto read in the April conference. I regard this as the main difference between us, because of the space you give it in your open letter; and because President George Q. Cannon said plainly to Elder B. H. Roberts that it was not right to circulate other charges about me as my name would not have been dropped had I signed the manifesto; and because a leading apostle declared that, within three days from my refusal to sign, I would have been brought to trial had my health permitted; also because I was never publicly or privately accused of the other offenses you charge until after its presentation for my signature; and last, because at the Logan high council meeting President Joseph F. Smith gave that as the reason for my suspension. You say "there was nothing new in that document as it relates to church discipline;" that "it contains that which has always been an established doctrine of the church," and that "usually men do not require much time to consider a matter which they have always held to be right."

Had my views relating to this subject harmonized with your statements there would have been no hesitancy on my part in signing that instrument or accepting this rule of discipline. Had I understood that it was simply an old and established doctrine of the church I would have given no attention to the previously published declarations of the presiding quorum of the church respecting the absolute political liberty and individual responsibility of the citizens of Utah. And I believe that perfect freedom of political action unrestrained by fear of ecclesiastical punishment is essential under our republican form of government. This principle is so well established in the Declaration of Independence, in the National Constitution, and in the constitution of our own State, that it needs no argument to sustain it. Could I have accepted as a fact your statements I would have saved myself the distress that has followed my course regarding the manifesto of October, 1890, which was generally considered and is still regarded as the first public and effective movement toward securing statehood for Utah.

But my vote was sincere; and so it was a year later when the authorities and saints of the church, in general conference assembled, pledged themselves as individuals and as a people to this Government, that the members of their church should be untrammelled in all civil concerns; when it was declared that there was no foundation or excuse for the statement that church and state were united in Utah, or that the leaders of the church dictated to the members in political matters; and that whatever appearance of church domination there might have been in the past, nothing of the kind would be attempted in the future. I sincerely believed in these declarations and the subsequent official declarations of the authorities of the church on this subject. On the 18th day of March, 1892, the first presidency of the church declared, over their official signatures:

"We have no desire to interfere in these (political) matters, but proclaim that, as far as we are concerned, the members of this church are entirely and perfectly free in all political matters."

In a leading editorial the Deseret Evening News reaffirmed the position of the authorities as stated in their public declarations, and added:

"The public, however, must not expect that a leading churchman shall become a political enunch because of his ecclesiastical position. He is as much a citizen with all the powers and liberties of a citizen as if he were a layman or an infidel."

And the views expressed by the first presidency in the celebrated Times interview must bear a portion of the responsibility for the sentiments so thoroughly grounded in me. I call your attention to the following extracts from the answers carefully prepared by them:

"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?"

"This is what we wish to convey and have you understand. As officers of the church, we disclaim the right to control the political action of the members of our body."

"Do you believe that it is the wish of the Mormon people to unite with the great national parties and to conduct politics in this Territory as they are conducted in all other States?"

"That is the impression we have received from conversation with the men among us who take the greatest interest in political matters."

"Is there any reason why the members of the church should not act freely with the national parties at all times?"

"We know of no reason why they should not."

"Is there any foundation for the charge that the Mormon leaders are now engaged in a political conspiracy to secure political power for the church?"

"There is not the least ground for any such statement. We are not engaged in any conspiracy of this character."

"The opponents of party division on national lines declare that they want evidence of the sincerity of the Mormon people. The Times would ask you to state whether the declarations of sincerity on the part of those leaders who have been before the public reflect your views and meet with your approval?"

"Those declarations express our views and have our entire approval."

"What greater evidence can be asked than that which has already been given? It has been asserted, in addition, that the people were governed by the priesthood in political matters. This is now disproved by the dissolution of the People's Party and the union of its members with the two national parties. What could possibly be gained by the action of the people if they were not sincere? If the elements of sincerity were wanting, such a movement would result in entire demoralization."

If I could have looked upon these grave and solemn declarations differently I might have been spared the pain and humiliation following my failure to sign what you say has "always been a doctrine of the church." If this were well established and generally understood to be "a doctrine of the church," was not its reissuance in documentary form wholly unnecessary? You ask:

"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 anyone living to stultify themselves, or to assent to anything wrong that is of vital importance to them and to the church?"

I could not sign that manifesto because I had indorsed the others heretofore quoted, and because I could not reconcile this last one with those made by my file leaders and ecclesiastical supporters between 1890 and the date of Utah's admission into the Union. I must be permitted to suggest that my fellow-members of the quorum to which I once belonged can define better than anyone else their views of right and wrong and their ideas of what constitutes "stultification," but nevertheless, like myself, they are subject to human weaknesses and human errors. As students of history each citizen must determine how long any people can prosper under the practice of punic faith, secretly carried into effect or openly avowed. The declarations of perfect political freedom to all the saints are just as binding to-day as they were before we obtained statehood, and it is the duty of every citizen of Utah to so regard them.

And now, having shown by quotations from unquestioned authoritative sources why I should not, without stultification, sign the political manifesto, I am bound to stand where counsel and conscience have placed me; for, with other citizens of Utah, I was bidden "to attach myself to the party of my choice and then be true to that party."

While doing that I have constantly endeavored to show, upon every proper occasion, that respect and honor due my ecclesiastical superiors. I had thought that there was room in Utah, as elsewhere, for a citizen to do his whole duty to the state without interfering, in the least degree, with his obligations to the church of which he might be a member.

The views respecting nonunion of church and state are those I have held and openly advocated for more than a quarter of a century. Recent occurrences have intensified rather than modified them, and I now comprehend better than heretofore the wisdom expressed in that part of our State constitution relating to the absolute separation of civil and religious matters. And while the State is bound to protect the church in the fullest possible religious freedom, the church must not attempt, directly or indirectly, to dominate in civil or political affairs.

* As latter-day saints we are doubly bound to take cognizance of this. Loyalty to the Government protecting us demands it, and the law of the Lord requires it. I quote from section 58, paragraph 21, page 219, Book of Doctrine and Covenants:

"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."

Again, from section 98, paragraphs 4 to 9, inclusive, page 342:

"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 the law of the land 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, and as pertaining to the law of man. Whatsoever is more or less than these cometh of evil.

"I, the Lord God, make you free, therefore you are free indeed; and the law also maketh you free; nevertheless, when the wicked rule the people mourn."

There is no room here for comment. It holds me in the silken warp and woof of liberty and love woven in the Almighty's loom of truth and justice. Planting my feet upon that divinely inspired platform, and laying upon its altar honor, fortune, and, if necessary, life itself, I look anxiously but hopefully forward to the day when petty jealousies, envious hatred, and malicious accusations shall be deeply buried beneath mountains of peace, prosperity, and happiness resting permanently in Utah, upon the wide toleration and good will of her inhabitants toward all creeds and classes throughout the world. Should I live to witness one such day—the beginning of a series that shall not end—the memory of pains, afflictions, tears, and sighs shall pass, even as a dream at the dawn of a new day.

Utah pioneers—the aged and venerable—Utah's brave sons and daughters deserve such a happy consummation.

And what is there in human requirement or divine injunction to prevent me from humbly trying to devote the remainder of my days to the cause in which I have spent nearly forty years? It is true there are some of the stakes in Zion whose good people, as you state, I have never visited at their homes. But it is equally true that nearly half my time since I became a member of the church has been spent upon missions of various kinds. During a period of six years I crossed the line into Mexico some twenty-three times, and for quite a long period my annual travels covered from 15,000 to 20,000 miles a year. There are, I believe, some members of the quorum to which I once had the honor of belonging who have never, to my knowledge, been on a mission at all. But I would not infer from that they have neglected the duties of their calling.

As I have already stated, I understood the manifesto at the time it was handed me for approval just as I understand it now. While it ostensibly appeared not to restrict the liberties of the people, yet there was no limitation to its application, and in view of the fact that nearly every male member of the church holds some office, and as there has as yet been no public decision announced as to the officers to be controlled by it, there have arisen disputes and differences of opinion as to its intent. This being true, and the danger being that it could be applied to restrict the liberties of the people, I can not sustain it. I thought then, as I think now, that such a course would be a stultification. I had never dreamed that a condition would arise in my life where I could not serve God fully and yet yield my complete allegiance to my country and to my State. 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.

The position taken by me in political affairs was one that I could not alter. Through my veins and into them for generations has been sifted a blood that acknowledged the supremacy of the people only in civil affairs. Because of this it was easy for me to understand and accept the principles of Christ as explained by our church, which, as I understand them, accord the right of freedom and grant the free agency of man before God and among men. And it is because these rights are accorded men under the Gospel of Christ, as accepted by Latter-Day Saints, that I have yielded obedience to the gospel, have labored for it, and love it for the labor I have given it.

This assertion may not be accepted by you, but such activity as I have shown in politics has been caused by an anxiety to preserve the reputation of my file leaders when they gave assurances of political honesty among the saints, for there were intimations—and they are well-known—that in pledging political freedom to the

people of Utah the authorities were insincere in their declarations. My unwillingness to take part in Democratic campaigns, in face of the course of my Republican brethren, was one of the grounds on which it was asserted that the church authorities had broken faith. While I have loved Democracy, because to me its name embodies all of civil liberty, yet I did not want to take an active part in politics because of my poor health, and because I did not deem it wise for one holding my position in the church to become aggressive in the division movement. Yet, against my own judgment, in defiance of the demands of my health, and that it might not be said of the first presidency that their pledges were given to deceive, I made some political speeches.

For the same reason—having in mind the honor of the people and the reputation of the church leaders and against my solemn protest—I consented that my name should be used as a Senatorial candidate. For this act I was taken to task at a priesthood meeting. 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.

I do not claim that I can not be wrong. But with the light I have, 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.

If, as I hold, the people have enough intelligence to deserve citizenship, then they have sufficient intelligence to become acquainted with the responsibilities of citizenship, and they have no more right to yield their judgment in respect of the exercise of the franchise than have any set of men to attempt to control that judgment.

Whatever the cost, with the knowledge now guiding me, I must still stand where I have stood for years. 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. I did say that if the voters of the State of "young Utah" believed I represented principles they deem deserving of recognition, and was, therefore, tendered the United States Senatorship, I would accept. For the information of those interested, it must be understood that I am a Democrat, with all the word signifies. As a Democrat, I hold it a duty for every citizen to enjoy the privileges conferred upon him by our Government, and that it is given to no man, to no corporation, and to no body of men to control the citizen in the exercise of his franchise.

I believe in that Democracy which declares for equal and exact justice to all, with special privileges to none.

I am for a Jeffersonian government, in which, so far at least as legislation makes to that end, there shall be no extremely rich and no abjectly poor. I favor the principle of an income tax.

I am for the money of the Constitution, as interpreted in the Democratic platform adopted at Chicago this year.

I am for a tariff that will realize the amount necessary to conduct the Government without running it into debt in times of peace; but that tariff must be so levied and so adjusted that its burdens and advantages shall be borne and shared alike by all industries and by all parts of our common country.

I am with the State constitution in the declaration that there shall be an absolute separation of church and state; that the state shall not control the church, nor the church encroach on the prerogatives of the state, and to this end I have indorsed and still indorse the declarations of the Democratic reconvened convention of a year ago.

I invite neither the support nor the opposition of the church. It has no concern in political issues. The members of my former quorum have deemed it expedient to deprive me of my priesthood. If I discuss their action, it is as a church member. As a citizen and a Democrat, I do not concede their right to discipline me for any cause whatever. As a member of the Democratic party, as a citizen, I deny their right or their intention to interfere with my politics, the threat of the Deseret News, as the church organ, to the contrary notwithstanding.

In conclusion, I desire to say that I do not complain of the treatment accorded me, nor do I murmur at the humiliation to which I have been subjected, but I can not think the threatened excommunication from the church, as intimated in some quarters, can be seriously entertained. Am I to be driven out of the church because of the manifesto? I shall try and live the religion of our Savior. I want to live and die among my brethren and friends. I desire to do my duty to my church. I wish my children to observe the principles of the Gospel, that they too may desire to

live, die, and be buried by the side of their father, when they shall reach, on the hillside, a final place of peace and rest.

With sentiments of esteem, I am, as heretofore, your brother in the Gospel,

MOSES THATCHER.

REMARKS ON FOREGOING ADDRESS.

The foregoing paper of Moses Thatcher is highly meritorious in many respects. It was written hurriedly by him after having spent a week in overhauling letters and papers in search of the documents which he has presented in his defense. Notwithstanding hasty composition his letter expresses his thought and argument in a scholarly and elegant style; his logic is thoroughly pertinent and unanswerably conclusive; his tone in relation to the church is pathetic and respectful; his attitude toward the state is statesmanly, intelligent, and truly patriotic; his political creed is full to the brim with the magnetism of civil liberty; his manhood is cast in the mould of American independence; his heart is vitalized with the spirit that immortalized Jefferson and Lincoln.

No confession of political faith could be more timely or effective under the circumstances. By the remarkable aggressiveness of the last letter of Lorenzo Snow; by its unwarrantable and unseemly digging up of dry bones and exploded charges; by its needlessly acrimonious bitterness; by the weakness, invidiousness, and triviality of its allegations; by its ruthless disregard of the plighted faith of the first presidency and the whole church; by its authoritative and supercilious tone of command over the political sphere of the citizen; by its inquisitorial assumption of disciplinary power—by all these outcroppings of pontifical domination rather than Christian brotherhood, Moses Thatcher has been driven into an exhibition of moral and statesmanly qualities which might otherwise have remained hidden.

He has made no attack on either the Mormon Church or its discipline. He has simply stood as an unbroken phalanx upon the principles of democracy enunciated in the Declaration of Independence, the Constitution of the United States and the State of Utah, and more recently in the platform of the reconvened convention, October 22, 1895. If the church or any member of the church feels that an assault has been made upon the doctrine or discipline of the Mormon faith, it is a mistaken thought. If there is any trouble, it is wholly and solely due to the fact that certain leading officials have put the church on the track of civil liberty; and as the car of human progress moves onward the church is liable to have its unpatriotic rules of discipline crushed under the resistless wheels.

Moses Thatcher is not antagonizing the church or any rule of the church when he declines to renounce his political agency. He is merely performing his part as a free citizen. He is carrying out in good faith the declarations of the reconvened convention. He is truly fulfilling the pledges made by the authorities and membership of the Mormon Church.

Whatever the outcome of Moses Thatcher's career—whether he be overwhelmed in the warfare headed by the "church organ" or achieve recognized leadership in the party which has now most nobly declared for the principles of Jefferson; whatever the result, he is a factor in Utah history, and doubtless an instrument in the hands of All Merciful God for promoting the welfare of the people of Utah and the entire

intermountain region. There can be no doubt that some of the leaders of the Mormon Church have in their hearts, either consciously or unconsciously, to dominate the State.

Mr. Thatcher has long been an avowed patriot. He has never held his religion as a means of extinguishing the state. He has always given both church and state an independent recognition. When the pledges of the past half dozen years were made, he held them and ratified them without "mental reservation." He was as earnest in behalf of the state as he was in behalf of the church, and all his troubles have come from this earnestness and fidelity.

With this sincerity and rectitude of character, with the attainment of a leading position in the church, with a large share of love and respect on the part of his people, with a large following of friends and acquaintances who trust and honor him for his innate kindness and rectitude of heart, with unusual talents and a native resoluteness and buoyancy of character—with these several endowments, no one can be pointed out in Utah so well qualified to influence his Mormon brethren and lead them into the pathway of civil liberty and guard them against those tendencies which, if unimpeded, will encroach upon the State and keep Utah embroiled with internal discord and create perpetual friction with neighboring States and the General Government.

It seems hardly necessary to emphasize the completeness of his refutation of the numerous charges made against him in Lorenzo Snow's letter. Some of them are trivial; all of them would have been waived as mere fictions of gossamer, had Moses Thatcher yielded to his quorum and his superiors the right to dictate his political agency by "counsel."

But see how completely the main charges are answered, and even turned as a boomerang against his accusers! What is left of the Cannon business matter except the clear indication that he would have lost all his Bullion-Beck stock had he not resolutely claimed his property at the hands of an ecclesiastical management that would have construed a trust into a "dedication" and a "dedication" into ownership?

And as to church service, look at Moses Thatcher's wonderful record of travel—hundreds of thousands of miles—his long absences, the disabilities of poor health, his large money contributions, his unremitting labors for the cause of Christ as he understands the principles of the gospel.

And as to other charges, such as the appellate high council court, the appointment of the president of the Logan Temple, the chief presidency of Wilford Woodruff, contumacy, nonsubmission, arbitrariness, and such like; in the light of the foregoing reply, they all fade away as the baseless fabric of a dream! And there is not one of those accusing "brethren" that does not know and feel that if he were in want, either of temporal sustenance or spiritual consolation and sympathy, he could go to Moses Thatcher and be met with open arms and generous heart; the past would be forgotten, and naught but human kindness and Christian charity would govern his conduct.

It seems a pity that those "brethren" who prepared the supplementary charges for Lorenzo Snow to adopt, should think it necessary to ransack the English language to find words of vituperation with which to chastise Moses Thatcher for things that they knew were simply "trumped up;" and all this in order to divert attention from the real point of dissatisfaction—the refusal to sign the manifesto!

Has not B. H. Roberts stated that George Q. Cannon said that Moses Thatcher should be charged with this offense only and nothing else? Will Mormon brethren be blind?—or will they open their eyes and see? This is a matter serious enough to command individual and unbiased attention. Do not relinquish your birthright of freedom, of individuality, of personal identity. Know for yourself and judge for yourself, just as you have to bear your own burdens and be judged for your own deeds.

There is only one issue in all this case—the manifesto with its rule of counsel providing a clever piece of machinery whereby the chief authorities of the church can control politics within the State of Utah, and to a considerable extent without, if they so desire. The foregoing address of Moses Thatcher is chiefly valuable in meeting this issue in a manly, unambiguous, and statesmanly manner. His mind and heart are sincerely and unselfishly wrought into the issue, and he speaks in a way that must challenge the admiration of every lover of liberty.

Of all the prominent Mormon churchmen Moses Thatcher is now the one that stands squarely for an honest fulfillment of the pledges of the church.

Of all the leading officials he is the one that stands squarely on the platform adopted by the reconvened convention.

Of all the Mormon high priesthood Moses Thatcher is the one that stands for the principles of Jefferson and Lincoln as the American people understand those principles.

May God add His merciful guidance and abundant goodness to the end that Moses Thatcher—a humble instrument in His omnipotent hand—may be the means of giving to Utah a thorough establishment in the principles of civil liberty and individual independence!

The CHAIRMAN. Mr. Tayler, will you go on?

Mr. TAYLER. I have no further questions to ask Mr. Thatcher at this time.

The CHAIRMAN. Have you any further questions on the other side?

Mr. VAN COTT. Yes, sir.

Mr. Thatcher, at the time you had this controversy with the church authorities regarding that rule, there had been no interpretation given at that time of its meaning, had there?

Mr. THATCHER. No, sir.

Mr. VAN COTT. Will you state, in brief language, what was the point of conflict in your mind between the political manifesto or rule, as it is called, and your position?

Mr. THATCHER. From the Times interview, authorized by the president of the church and signed by him, as I understand it, and his first councilor, George Q. Cannon, the noninterference of the church with political matters and with the liberty of the individual in reference to such matters was clearly set forth. The manifesto, as presented to me, and the impressions which it made on my mind, on the 6th day of October, 1896, seemed to be in conflict with those declarations; and as there had been at that time no definition of its scope and meaning as to the officers of the church to whom it might be applied, for that reason I was unable to accept it.

Mr. VAN COTT. And you refused to sign it for that reason?

Mr. THATCHER. That was the idea I had in my mind—it was on that ground.

Mr. VAN COTT. Then followed your controversy and difference with the church authorities from then on until the high-council decision?

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. The Times interview is contained in this pamphlet that has just been introduced in evidence, is it not?

Mr. THATCHER. I think it is.

Mr. VAN COTT. And so marked, "Times interview?"

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. When was the high-council decision rendered?

Mr. THATCHER. I think it was on the 14th of August, 1897.

Mr. VAN COTT. At the time that high-council decision was rendered, did you write a letter that went in as a part of the decision?

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. And is that letter contained in this pamphlet?

Mr. THATCHER. I think it is not in that pamphlet, but it is in the record.

Mr. WORTHINGTON. At page 572 of the record.

Mr. VAN COTT. It is on page 572 of the printed record, is it not, Mr. Thatcher?

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. And the decision of the high council and your letter and the acceptance of the presidency of the Salt Lake Stake of Zion all go as one document, do they not?

Mr. THATCHER. I never could have accepted the decision of that high council in reference to that matter had I not fully understood that that letter became a part of the decision, which was to the effect that there was absolutely no conflict between the political manifesto as issued and published and the former declarations of the authorities as embodied in the Times; and I specifically referred to that fact in this letter. I make my letter a part of their decision, because it left me just where I stood before, absolutely free as an American citizen to exercise my rights as such. It left all the officers of the church absolutely free, and the members, as I understood it, and as I now understand it. It simply applied to the higher authorities of the church, to which I had no objection. Is that an answer?

Mr. VAN COTT. And the decision of the high council and your letter and the acceptance all went together?

Mr. THATCHER. All went together.

Mr. VAN COTT. And the acceptance is contained on page 573 of the record, is it not?

Mr. THATCHER. The acceptance is on page 573.

Mr. VAN COTT. Mr. Thatcher, if that political manifesto at the time it was presented to you had been interpreted as it was by the high-council decision in connection with your letter and the acceptance, would you have signed the political rule?

Mr. THATCHER. Why, certainly.

Mr. VAN COTT. Do you think, Mr. Thatcher, that there would have been any deposition from the quorum of apostles if you had understood in the beginning the interpretation that was given to that political rule by the high council?

Mr. THATCHER. I do not think so.

Mr. WORTHINGTON. I would like to ask a question. Mr. Thatcher, what is the date of that acceptance of your letter on page 573?

Mr. THATCHER. The acceptance by the high council or by myself?

Mr. WORTHINGTON. By the high council.

Mr. THATCHER. August 14, 1897.

Mr. WORTHINGTON. That, in substance, as I read it, is an agreement—and I would like to know if you so understand it—that the church did not claim the right, or that it disavowed the right to interfere in political matters at all.

Mr. THATCHER. Well, not “at all,” but in reference only to high authorities.

Mr. WORTHINGTON. And as to them that they would have to get leave of absence from the church when they undertook to do anything that was inconsistent with their duties?

Mr. THATCHER. Yes, sir.

Senator DUBOIS. It definitely states “leave of absence” in their statement, does it? Leave of absence is definitely stated, I presume?

Mr. THATCHER. Do you mean, sir, in the political manifesto?

Senator DUBOIS. When a high officer of the church desires to run for an office, he requests leave of absence, does he?

Mr. THATCHER. It is not in this decision. It is in the rule itself.

Senator DUBOIS. What is in the rule? Are the words “leave of absence” in the rule?

Mr. THATCHER. No, sir; I do not think they are.

Senator DUBOIS. That expression has been used constantly. What is in the rule?

Mr. THATCHER. I think high authorities are required to get the consent, the approval—

Senator DUBOIS. It is not “leave of absence;” it is “consent.”

Mr. THATCHER. I do not remember that term, “leave of absence.”

Mr. WORTHINGTON. Mr. Thatcher, you, of course, have been living in Utah since this date, August 14, 1897?

Mr. THATCHER. Yes, sir.

Mr. WORTHINGTON. Have you, in view of this history which we have gone over so often, had your mind drawn particularly to the matter whether the church has undertaken to interfere in politics since that time?

Mr. THATCHER. No, sir; not particularly. I have not.

Mr. WORTHINGTON. So far as you have observed it, I would like to know whether there is anything that has come to your knowledge which shows that the church has undertaken to dominate the political affairs of Utah.

Mr. THATCHER. Nothing that has come to my knowledge since that day.

Mr. WORTHINGTON. In any instance?

Mr. THATCHER. Not that I can remember.

Senator DUBOIS. You say they are all free to act. Suppose an apostle should ask consent to run for a high office and it should be refused and he should insist on running, what would follow?

Mr. THATCHER. What would follow?

Senator DUBOIS. Yes.

Mr. THATCHER. Will you permit me to stand again, Mr. Chairman, just to rest a moment?

The CHAIRMAN. Certainly.

Mr. THATCHER. I think if he would refuse to obey, after seeking the counsel, it might result as in my case.

Mr. TAYLER. How is that?

Mr. THATCHER. It might result as in my case, but as a free American citizen he would have a perfect right to retire from his official calling and remain free, and if an issue came I would hold that every man who loved his country would resign.

Senator DUBOIS. If they asked the consent of the authorities to be a candidate for high office, and the consent were refused, then their high office would be taken away from them if they persisted in running, notwithstanding the refusal, the same as in your case?

Mr. THATCHER. I would not say that that would be the case in every instance, but it would be liable to be the case.

Senator DUBOIS. They are free to run and resign, of course?

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. Mr. Thatcher, as that rule was interpreted by the high council of the Salt Lake stake of Zion, and your acceptance of it, did that meet with your free and voluntary judgment, or not?

Mr. THATCHER. Entirely so, for the reason that that was the contention. You will notice in the correspondence which is now filed for record that my objection to the political manifesto was in reference to the fact that it was not definite, that it might be applied to all officers in the church, and seriously I objected to that. I would object to it to-day just as seriously, because I apprehend that under such a condition it would absolutely put the state in the power of the church. That was my objection; but when an authoritative tribunal, holding coordinate jurisdiction with that of the twelve apostles, decided that that was not the meaning—that there was no conflict between the former announcements and the political manifesto itself—I accepted that decision on those grounds, and held that that would be the finding, and it would be the understanding throughout Utah. Whether it was or not, it was my understanding, and I am left perfectly free to stand where I have stood in all that discussion, barring any unkind references while under that misapprehension to my friends in and out of the church.

Mr. VAN COTT. Mr. Thatcher, do you understand, in effect, that the consent that you obtained under that political rule or manifesto had any other or further effect than a leave of absence? And if you do so understand it, state what further effect you think it has.

Mr. THATCHER. As to myself the political manifesto has no application whatever, for I hold no office in the church.

Mr. VAN COTT. But I mean as to high officials. Does it have any other effect than to give the officer a leave of absence?

Mr. THATCHER. I would not so understand it.

Mr. VAN COTT. Do you understand that it is an indorsement of his candidacy, or anything like that?

Mr. THATCHER. No; I would not understand it to be an indorsement.

Senator DUBOIS. Does it ever happen that the authorities give their consent to one man of one party to run for the Senate, for instance, and to another man of the other party to run for the Senate at the same time?

Mr. THATCHER. I have never known of such an instance.

Senator DUBOIS. They give their consent to only one man of the church, do they not?

Mr. THATCHER. As to that I can not say.

Senator DUBOIS. Do you know of any instance where they have given their consent to more than one man?

Mr. THATCHER. Indeed, sir, I do not know of any instance where they have given it at all, when it comes to that.

Mr. VAN COTT. Do you know of any instance where they have refused any man?

Mr. THATCHER. No, sir; I do not.

Senator DUBOIS. Do you know of any instance where they have objected to a man running for the Senate, for instance, without their consent?

Mr. THATCHER. As church authorities?

Senator DUBOIS. Yes.

Mr. THATCHER. I know of no such instance.

Senator DUBOIS. What do you mean by church authorities?

Mr. THATCHER. Well, I would refer to the general church authorities, consisting of the first presidency, the twelve, the seven presidents of seventies, and the presiding bishopric, the quorum composed of three men. I regard those, and perhaps the patriarch of the church, as the general authorities of the church.

Senator DUBOIS. Then when you say you know of no instance where their consent has been asked or given, do you mean the consent of all of these whom you have mentioned?

Mr. THATCHER. I did not catch the last part of the question.

Senator DUBOIS. When you say you know of no instance where the consent has been given to anyone to run for high office, and you know of no instance where consent has been asked for anyone in high ecclesiastical position to run for high office, do you mean by consent to anyone the consent of all these authorities?

Mr. THATCHER. No; all or any of them. I know of no such instance where any person—that is, of my personal knowledge. I never asked for such consent. I know of no instance where they have been asked and were refused, or where they have been asked and have been approved. Personally I know of no such instance.

Senator DUBOIS. And you know of no instance where any of these authorities have objected to anyone running for the Senate, for instance, without getting their consent?

Mr. THATCHER. I do not.

Mr. TAYLER. Mr. Thatcher, you stated that when this high council, whose report is published in the record, made a declaration as to the interpretation of the manifesto, that became authoritative to you?

Mr. THATCHER. Yes.

Mr. TAYLER. And having been so interpreted by that body, you accepted it?

Mr. THATCHER. Yes.

Mr. TAYLER. Is that what you want us to understand as being all that was necessary in order that you might understand precisely what the technical effect of that manifesto was?

Mr. THATCHER. To me; yes, sir.

Mr. TAYLER. Yes; to you.

Mr. THATCHER. Yes, sir.

Mr. TAYLER. Precisely. That body that first interpreted the manifesto was a high council composed of Angus M. Cannon, Joseph E. Taylor, and Charles W. Penrose, who constituted the presidency of the Salt Lake stake of Zion?

Mr. THATCHER. And they were also the presidency of the high council. There were twelve others associated with them in the hearing.

Mr. TAYLER. Who were they? Are their names given in this report?

Mr. THATCHER. No, sir; I think not. Now, I can remember perhaps some of them.

Mr. TAYLER. You could furnish us with those names, could you not?

Mr. THATCHER. Later on I could.

Mr. TAYLER. They ought to be in the record.

Mr. THATCHER. I have not the information here now.

Mr. TAYLER. What kind of a body was it? Where did it come from?

Mr. THATCHER. May I explain that, sir?

Mr. TAYLER. Yes; I would like to know what that is.

Mr. THATCHER. In each stake—they are called “stakes.” They are departments.

Mr. TAYLER. We understand that.

Mr. THATCHER. There is a high council composed of the presidency of the stake and twelve high priests. They constitute a stake high council. As I remember, in the Book of Covenants, which I suppose you gentlemen have with you, there is a statement reading like this, that the decisions of the high councils at the stakes of Zion are equal to those of the twelve apostles, the quorum to which I belonged.

Therefore, I regarded the Salt Lake high council, before whom I appeared under grave charges as to spiritual matters—because the charge was apostasy and unchristianlike conduct—I regarded the findings of such a council as authoritative. Up to that date there had been no rendering as to the meaning, in reference to its scope, of that political manifesto; and because there had been no rendering, because it had not been confined and restricted, but might be applied to all of the officers of the church, I objected to it, just as I would object to it now; and unless that rendering had been given, I suppose I should have lost my fellowship in the church. Have I made that plain, Mr. Tayler?

Mr. TAYLER. Yes; that is all right.

Senator OVERMAN. Who issued the political manifesto? What body?

Mr. THATCHER. The political manifesto was issued and adopted by the conference of 1896, but it had not been adopted as a rule of the church by the vote of the people in conference until I refused to sign it. It was delivered to me at 12 o'clock on April 6, as I remember, 1896. I had but little time to study it; but there appeared enough in it of a doubtful nature to cause me to hesitate, having always taken the stand on civil matters of the freedom of the individual, the separation of church and State, the noninterference of the church in civil matters, so that I could not sign that document unless it was defined.

Senator OVERMAN. You say it was declared by the conference. That was a general conference?

Mr. THATCHER. Subsequently; after I refused to sign it.

Senator OVERMAN. I say, you say it was declared by the general conference. Was it a general conference of all the stakes?

Mr. THATCHER. No, sir; that was a general conference assembled of leading authorities and members of the church.

Senator OVERMAN. I mean was it all the people of the stakes?

Mr. THATCHER. Well, it was a representation.

Senator OVERMAN. Then the construction put upon it is the construction put upon it by the Salt Lake Stake of Zion?

Mr. THATCHER. That was the construction of the political manifesto as given to me.

Senator OVERMAN. But the manifesto is issued by all the people in conference assembled—that is, representatives of all the people?

Mr. THATCHER. Let me make it clear if I can, Senator, that when I refused to sign it it was for the reasons stated. Within a very short time, possibly within two hours, certainly not more than four hours, because the document was handed to me at 12 o'clock, I was dropped from my position as an apostle.

Senator OVERMAN. Who presented it to you?

Mr. THATCHER. President Lorenzo Snow, who was at that time the president of the twelve apostles, as I remember—yes, that is right—and Elder Brigham Young, who was a member of the quorum of apostles.

Senator OVERMAN. After refusing to sign it it was carried before the general conference?

Mr. THATCHER. That question was not, but the political manifesto was.

Senator OVERMAN. That is what I understand.

Senator DUBOIS. Lorenzo Snow soon afterwards became president of the church, did he not?

Mr. THATCHER. Yes, sir.

Senator DUBOIS. Brigham Young, jr., was the president of the quorum of twelve and in direct line of succession, was he not?

Mr. THATCHER. At that time the line of succession, according to seniority, after President Wilford Woodruff and down to Francis M. Lyman, was as follows: Franklin D. Richards, George Q. Cannon, Joseph F. Smith, Brigham Young, Moses Thatcher, and Francis M. Lyman.

Mr. TAYLER. Mr. Thatcher, pursuing that point, following the question I asked you, which was touched upon by Senator Overman, the manifesto when presented to the general conference on the 6th of April, 1896, had been signed by what are called the general authorities of the church?

Mr. THATCHER. Yes, sir.

Mr. TAYLER. Excepting only yourself and any of the general authorities who may have been absent from Utah, and therefore where they could not sign?

Mr. THATCHER. I think I was the only one except those who were absent.

Mr. TAYLER. Now, those general authorities were the first presidency, the twelve apostles, the seven presidents of seventies, and the presiding bishopric?

Mr. THATCHER. Yes, sir.

Mr. WORTHINGTON. And perhaps the patriarch of the church, he added.

Mr. TAYLER. And perhaps the patriarch of the church. Now, that was submitted by the president to the general conference and by the general conference accepted?

Mr. THATCHER. That is as I understand it.

Mr. TAYLER. There was no debate upon it nor any dissent to it, was there?

Mr. THATCHER. I was not present, but I have never heard of any.

Mr. TAYLER. And then later your trial came on for something that was in the nature of apostasy, the result of which was an interpretation of this instrument which you felt to be binding upon your judgment and conscience—an interpretation made by a body not one of whom had originally signed it, and presented it to the general conference?

Mr. THATCHER. I think there was not one of them.

Mr. TAYLER. A body which, so far as its general authority over the church was concerned, was inferior to that of everybody who had originally signed the manifesto?

Mr. THATCHER. Well, yes, in a general way.

Mr. TAYLER. I understand. I am not going to permit my questions to mislead you or others. Of course, in the jurisprudence, if we might use that term, of your church, this general council has certain well defined powers and authorities.

Mr. THATCHER. Yes, sir.

Mr. TAYLER. And according to your description they did not exceed those powers or that authority in thus interpreting this document and in defining what you must do in order to maintain fellowship with the church. That is correct, is it?

Mr. THATCHER. My understanding was to this effect, that there had never been an authoritative interpretation given as to the scope and meaning. I recognized, I felt in my mind, that this council had that authority, and when they passed upon it, defining its scope and meaning, as I have stated before, that entirely satisfied me.

Senator FORAKER. The question is whether or not that definition or construction of it was binding upon the whole church, or simply upon one of the stakes of the church.

Mr. THATCHER. I hold that that would be binding on the church as to that interpretation, until, at least, it was appealed.

Mr. WORTHINGTON. I was just going to ask you that.

Senator FORAKER. In view of the fact that the body that so construed it was so inferior in numbers and authority to the body that had adopted it.

Mr. THATCHER. I think when the body adopted it, it was without any question in their minds such as arose in my mind as to its scope and meaning; but I think when the high council interpreted it, that became binding. I think so.

Senator FORAKER. Has that construction ever been disputed in the church by the church authorities or by anybody administering the affairs of the church?

Mr. THATCHER. Not that I am aware of.

Senator FORAKER. Has it been accepted generally and acted upon generally as a proper construction?

Mr. THATCHER. So far as I know that has been the understanding.

Senator OVERMAN. Has it ever been submitted to the general conference?

Mr. THATCHER. Not to my knowledge.

Mr. WORTHINGTON. What official position did the three who made the charges and who acted the principal part of the court hold—Angus M. Cannon, Joseph E. Taylor, and Charles W. Penrose—at the time of the decision?

Mr. THATCHER. I did not understand the question.

Mr. WORTHINGTON. What official position in the church did they hold at the time they rendered the decision?

Mr. THATCHER. They were first, second, and third presidents of the Salt Lake Stake of Zion. Is that an answer to the question?

Mr. TAYLER. Mr. Thatcher, previous to this hearing and this determination of your case by the high council of the Salt Lake Stake of Zion, you had been deposed from your position as one of the twelve apostles?

Mr. THATCHER. Yes, sir.

Mr. TAYLER. I believe you stated a moment ago, incidentally, that you were in the line of succession for the presidency?

Mr. THATCHER. That, as I remember, would have been the case.

The CHAIRMAN. What was the date of that?

Mr. TAYLER. April 6, 1896.

The CHAIRMAN. At the time he was deposed?

Mr. TAYLER. Yes.

Mr. THATCHER. Excuse me. I will say for information, so as not to get it confused, that I was simply dropped out of my place at the conference on April 6, 1896.

Mr. TAYLER. Yes.

Mr. THATCHER. My quorum acted upon my case, as I remember, on November 19, 1896.

Mr. TAYLER. 1895?

Mr. THATCHER. Oh, no; 1896, I think. It would be 1896, the same year, as I remember, April to November. In that act the quorum removed me from the apostolate, stating in their decision that I was relieved of all priestly offices whatever; so that I suppose I am possibly the only man of my age in the church who holds no office in the priesthood.

Mr. TAYLER. You are denied the right to enter the temple, are you?

Mr. THATCHER. Yes, sir.

Mr. TAYLER. To whom is that right accorded to enter the temple?

Mr. THATCHER. The president of the church, as I understand it, has that right to deny or receive; but ordinarily when people wish to go through, they receive first a recommendation from the bishop of the ward in which they live; second, the indorsement of the president of the stake in which they live, and third, of course, the approval of the president if he should in any case have objections.

Mr. TAYLER. I think a general definition was given here a day or two ago, by somebody who knew, as to who were ordinarily permitted to enter the temple.

Mr. THATCHER. I had been in the habit, with others, the quorum of the twelve, my fellow-laborers, and the presidency, of meeting there once a week, and until this date had never been denied admission.

Senator FORAKER. I thought you said awhile ago you were not now allowed the privilege of entering the temple?

Mr. THATCHER. That is what I said, sir.

Senator FORAKER. What is the statement you made just now. You said, "until this date" you had not been denied.

Mr. THATCHER. The date at which I appeared at the temple and was denied entrance.

Senator FORAKER. You mean up until that time?

Mr. THATCHER. Yes, sir.

Mr. WORTHINGTON. After he ceased to be an official.

Mr. TAYLER. Then the right to enter the temple is not a right that attaches to any particular ecclesiastical position that a man may occupy in the church?

Mr. THATCHER. Not necessarily.

Mr. TAYLER. But it is a right that is accorded to every Mormon of good standing in the church and of correct Christian life who makes application through the proper authorities to enter?

Mr. THATCHER. That is as I understand it.

Mr. TAYLER. That is all, Mr. Thatcher.

Senator OVERMAN. What do you mean by entering the temple? I do not exactly understand you.

Mr. THATCHER. To enter the temple for the purpose of work in the ordinances of the church. As I stated before, Mr. Senator, it was and is necessary that the party should get a recommendation from the bishop of the ward—

Senator OVERMAN. You mean go in for religious ordinances?

Mr. THATCHER. Yes; religious ordinances. If you understand that point, I will go on and say that the twelve apostles and the first presidency were in the habit, when I was a member of the quorum, of meeting in that temple once a week; and up to the date, which I can not remember now just exactly, but I think it was on the 15th of September, 1896, I presented myself at the door of the temple for the purpose of meeting with my friends and brethren. On that date I was refused the privilege.

The CHAIRMAN. By whom?

Mr. THATCHER. By the doorkeeper who had charge of the door. I asked him on whose authority, and he said it was on the authority of the presidency of the church.

The CHAIRMAN. Since that time have you been permitted to enter the temple?

Mr. THATCHER. I have never made an application since, Mr. Chairman.

The CHAIRMAN. You have not entered the temple?

Mr. THATCHER. I have not entered the temple since.

Senator FORAKER. Are you a member now of the Mormon Church?

Mr. THATCHER. I am simply a member; that is all. I hold no official position whatever; and I am glad to say that I am also a free American citizen.

The CHAIRMAN. Since you have been deposed?

Mr. THATCHER. Yes, sir.

The CHAIRMAN. How long were you an apostle?

Mr. THATCHER. Nearly eighteen years, I think, sir.

The CHAIRMAN. You stood in line for the presidency?

Mr. THATCHER. Yes, sir; but in the order above named, and I desire to say that the record shows that I made little effort to save my official position, but I made very strenuous efforts to save my standing in the church.

Senator FORAKER. Have you good standing in the church now as a member?

Mr. THATCHER. Well, really, Senator, I could not—

Senator FORAKER. I am only asking for information. It carries no suggestion.

Mr. THATCHER. So far as I know, as a lay member I have fair standing.

Senator FORAKER. That is, you have all the privileges in the church that any member would have who has no official position?

Mr. THATCHER. I could not enter the temple; no, sir.

Senator FORAKER. They would not allow that under any circumstances?

Mr. THATCHER. No, sir.

Senator FORAKER. Would they deny you any other privileges they would accord to any other member?

Mr. THATCHER. Oh, I think not.

Senator OVERMAN. Would you have been elected to the United States Senate but for the interference of the church?

Mr. THATCHER. I could not say that definitely. I regard the fact, which on reflection strongly appeals to my mind, that the Democratic party in Utah have been exceedingly unfortunate in contentions among themselves. Now, on that point, would it be proper for me to say—perhaps I am taking too much time, Mr. Chairman, and, if so, you can call me to order.

Mr. WORTHINGTON. Go ahead.

Mr. TAYLER. Before you go ahead on that, I want to ask a question in that connection.

Mr. THATCHER. Certainly.

Mr. TAYLER. Whether you did not feel, at the time, that you would have been elected?

Mr. THATCHER. Well, I rather felt that way; yes, sir; but I want to say in explanation of that—

The CHAIRMAN. I believe you were not reelected?

Mr. THATCHER. I was not elected, but I came very nearly being elected.

The CHAIRMAN. To what did you attribute it at that time?

Mr. THATCHER. If you will permit me now to stand on my feet a moment, Mr. Chairman, to rest—

The CHAIRMAN. Yes. What did you attribute it to at that time?

Mr. THATCHER. To several causes.

The CHAIRMAN. Name them, please.

Mr. THATCHER. One was this, that the Hon. Joseph L. Rawlins, who was my opponent, we both being Democrats, was a very able attorney. He was a man who had represented the Territory in the House of Representatives to the satisfaction of the people of Utah. He is the man by the side of whom I stood in the Logan Opera House, and when the charge was made that he should not be elected because he was an apostate, I stood before a very large audience and said that if Mr. Rawlins was to go down civilly on a claim of that kind I would take him by the right hand and go down with him, though I was an apostle at that time. Now, Mr. Joseph L. Rawlins had withdrawn from the field. The Ogden convention of 1895 had named Joseph L. Rawlins and Moses Thatcher as their choice—simply a recommendation to a Democratic legislature, if elected, which it was not. It proved to be a Republican legislature instead. So that when the campaign of 1896 was coming forward, also the legislature of 1897, I seemed to remain as the only person to fill their recommendations.

Now, then, I conceive that Mr. Joseph L. Rawlins, before the people and before that legislature, could easily be held to be a more able

man, and could, as he subsequently proved himself in the Senate of the United States, and was better qualified than Moses Thatcher even had he been in good health, but I believed at that time there were other influences existing.

The CHAIRMAN. That is what I wanted to get at. What were those other influences? We know about Mr. Rawlins. He has served here. His record is public.

Mr. THATCHER. Yes, sir.

The CHAIRMAN. What were the other influences that you believed at that time contributed to your defeat?

Mr. THATCHER. It was believed that a strong current of influence exerted by influential official Latter-Day Saints affected the matter, but personally I knew nothing about that.

The CHAIRMAN. Was that your belief and understanding at the time?

Mr. THATCHER. I had that understanding at the time.

The CHAIRMAN. One other question. The endowment house, I believe, has been taken down?

Mr. THATCHER. That is as I understand it. It has been taken down.

The CHAIRMAN. Has the ceremony of the endowment house been wiped out also, or is that performed now?

Mr. THATCHER. I am just trying to think whether I have been through the temple in the light in which I went through the endowment house, to give you a correct answer on that, but my impressions are that the ceremony has not been changed.

The CHAIRMAN. You have seen the ceremony in the temple? You have witnessed it?

Mr. THATCHER. I think I have heard it?

The CHAIRMAN. And you think there is no change in it?

Mr. THATCHER. No, sir.

The CHAIRMAN. When did you go through the endowment house?

Mr. THATCHER. My impressions are when I married the wife of my youth, in 1861.

The CHAIRMAN. Will you state to the committee the ceremony in the endowment house? I do not mean the ceremony of marriage; but did you go through the endowment house when you became an apostle?

Mr. THATCHER. No, sir; it was not necessary.

The CHAIRMAN. You have been through the endowment house, then, but once?

Mr. THATCHER. Yes, sir.

The CHAIRMAN. Will you state to the committee the ceremony of the endowment house?

Mr. THATCHER. I think, Mr. Chairman, that I might be excused on that.

The CHAIRMAN. Why?

Mr. THATCHER. For the reason that those were held to be sacred matters, and only pertaining to religious vows.

The CHAIRMAN. Are you obligated not to reveal them?

Mr. THATCHER. Yes, I think I am.

The CHAIRMAN. What would be the effect if you should disclose them? That is, is there any penalty attached?

Mr. THATCHER. There would be no effect except upon my own conscience.

The CHAIRMAN. That is all?

Mr. THATCHER. That is all.

The CHAIRMAN. But you are under obligation as a part of the ceremony not to reveal it?

Mr. THATCHER. Yes, sir; I feel myself under such obligation.

The CHAIRMAN. I have nothing further.

Mr. TAYLER. Such obligation as is taken is taken but once, in whatever particular ceremony it may have occurred? I understood you to say you thought you went through the endowment house at the time of your marriage.

Mr. THATCHER. Yes, sir.

Mr. TAYLER. And at that time, whatever obligation in formal words was ever taken by one who passed through the endowment house, you took at the time of your marriage?

Mr. THATCHER. I have only passed through the endowments once; that is all.

Mr. TAYLER. Others might pass through the endowment house—that is to say, might go through a ceremony in which an obligation occurs—and not be married?

Mr. THATCHER. They might; yes.

Mr. TAYLER. Then I assume that this obligation to which I have referred and which you feel you have no right to disclose, is imposed on every person who passes through the endowment house and may be done in connection with the marriage ceremony or in the absence of the marriage ceremony?

Mr. THATCHER. That is my understanding of it; yes, sir.

Mr. TAYLER. One question, Mr. Thatcher, that I neglected to ask you. That is as to whether the general charge—not in connection with the formal charge, perhaps, that was made against you finally and tried before this high council, but the general charge, as you understood it, made against you—included the proposition that you were the one apostle who had refused to take counsel as to how the people should be divided up after the dissolution of the People's and Liberal party?

Mr. THATCHER. What is the point of that question, Mr. Tayler?

Mr. TAYLER. That one of the charges against you, one of the points of complaint against you, was that you were one and the only apostle who refused to take counsel upon the question as to how the people should divide up as between the Republican and the Democratic party?

Mr. THATCHER. I do not remember that there is any such statement in the charge against me.

Mr. TAYLER. No; I am not asking you that; I am asking whether, as a matter of fact, that complaint was not made against you, not in the formal charge that was tried, but generally in connection with your troubles with the church?

Mr. THATCHER. I have heard of such a statement, and it was published, I think, in the Tribune, but on just what date I do not remember, to the effect that I had been out of harmony on that question since a certain meeting at which it was determined to do so and so.

Mr. TAYLER. Yes.

Mr. THATCHER. Now, then, so far as my memory goes up-to-date, and I have tried hard to think on that question, I do not remember anything of that sort, and I do not remember that I was at that meeting. I do not believe I was at any such meeting.

Mr. TAYLER. That is what is called the Gardo House meeting?

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. Mr. Thatcher, you stated that when you ceased to be a member of the quorum of apostles, you were simply a member of the church, not an officer, and a free American citizen?

Mr. THATCHER. Yes, sir.

Mr. VAN COTT. Did you or not consider yourself a free American citizen while you were a member of the quorum of apostles?

Mr. THATCHER. I am glad you asked the question, as perhaps my former answer would be misleading. I have never experienced a moment in my life since I reached mature years when I did not feel that if I was not free I would go where I would be free; for, while my allegiance to God is very high, I hold that a man must give his allegiance as well to his country. That has been my position.

Mr. VAN COTT. That is all, Mr. Chairman.

The CHAIRMAN. Have you gentlemen any further questions of Mr. Thatcher?

Mr. VAN COTT. We are through.

Mr. TAYLER. That is all.

The CHAIRMAN. You can be excused, Mr. Thatcher.

Now, I would like to know about Mr. Roberts.

Mr. VAN COTT. I suggest that as the time is limited, and we are coming near to the adjournment, that during the recess—later on, I mean, during the summer—Mr. Tayler indicate the particular portions of those books to us, and then we can recall Mr. Roberts to examine him on the particular parts about which we want to examine him, and Mr. Roberts might be excused.

The CHAIRMAN. You mean to-day?

Mr. VAN COTT. No, not to-day; but next week or next month.

The CHAIRMAN. Mr. Tayler, if you desire to call attention especially to portions of the pamphlet, can you not do that to-morrow?

Mr. TAYLER. I think so.

Mr. WORTHINGTON. Can not the same thing be done as to this book of 140 or 150 pages?

Mr. TAYLER. I do not at all like the idea of saying that when we produce a document and establish its authority one way or the other this committee is not going to use every or any part of it that may enlighten.

The CHAIRMAN. We will understand, Mr. Tayler, that the document is in evidence. The Chair understood you to say you desired to call attention to some portions of it. That was the view in asking whether Mr. Roberts should remain.

I will say to persons present that the committee desires an executive session. The committee will meet to-morrow morning at half past 10.

The committee, at 11 o'clock and 25 minutes a. m., went into executive session.

WASHINGTON, D. C., *April 27, 1904.*

The committee met at 10.30 o'clock a. m.

Present: Senators Burrows (chairman), Dillingham, Dubois, and Overman; also Senator Smoot; also R. W. Tayler, counsel for protestants; A. S. Worthington and Waldemar Van Cott, counsel for the respondent, and Franklin S. Richards, counsel for certain witnesses.

The CHAIRMAN. Proceed, Mr. Tayler.

Mr. TAYLER. Mr. Chairman, I call Mr. L. E. Abbott to the stand.

TESTIMONY OF L. E. ABBOTT.

L. E. ABBOTT, having been first duly sworn, was examined and testified as follows:

Mr. TAYLER. Where is your home, Mr. Abbott?

Mr. ABBOTT. Farmington, Davis County, Utah.

Mr. TAYLER. How long have you lived there?

Mr. ABBOTT. Thirty-six years. I was born and raised there.

Mr. TAYLER. Are you a Mormon?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. You were born in the church, were you?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Your parents were Mormon?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Do you know Apostle John W. Taylor?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. How long have you known him?

Mr. ABBOTT. Probably twelve years.

Mr. TAYLER. Where is his home?

Mr. ABBOTT. In Farmington.

Mr. TAYLER. Has he any other home than the Farmington home?

Mr. ABBOTT. By repute, I suppose he has.

Mr. TAYLER. How many wives is he reputed to have?

Mr. ABBOTT. He is reputed to have five wives.

Mr. TAYLER. How many has he living in Farmington?

Mr. ABBOTT. Two.

Mr. TAYLER. Do you understand that the two wives who live at Farmington are plural wives?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Do you know the name of his first or lawful wife?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. What is her name, or what was her name?

Mr. ABBOTT. Her name was Rich. I do not know the first name.

Mr. TAYLER. What are the names of the two plural wives who live in Farmington?

Mr. ABBOTT. Nellie Todd and Nettie Woolley.

Mr. TAYLER. Have you known them always?

Mr. ABBOTT. No, sir.

Mr. TAYLER. How long have you known them?

Mr. ABBOTT. Probably six years.

Mr. TAYLER. Then, until six years ago they did not live at Farmington?

Mr. ABBOTT. No, sir.

Mr. TAYLER. Had Apostle Taylor been living in Farmington prior to that time?

Mr. ABBOTT. No, sir.

Mr. TAYLER. Are they neighbors of yours?

Mr. ABBOTT. Yes, sir; my closest neighbors.

Mr. TAYLER. Do they both live in one house?

Mr. ABBOTT. No, sir.

Mr. TAYLER. Where are the two houses with reference to yours?

Mr. ABBOTT. I live on the corner, and the closest house to me on the left is Nettie Woolley's, and catercornered across the street, one block away, is Nellie Todd's.

Mr. TAYLER. Are they known there as Apostle Taylor's wives?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. And are the children known as his children?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. How many children, if you know, has Nellie Todd?

Mr. ABBOTT. Well, I should say about six.

Mr. TAYLER. How old is the oldest of them?

Mr. ABBOTT. I should judge 16.

Mr. TAYLER. And the youngest?

Mr. ABBOTT. Probably 2 years old.

Mr. TAYLER. How many children are there in Nettie Woolley's family?

Mr. ABBOTT. I think five.

Mr. TAYLER. How old is the oldest?

Mr. ABBOTT. I should judge 11 or 12.

Mr. TAYLER. How old a man is Apostle Taylor, would you judge?

Mr. ABBOTT. I should judge him to be 45 or 46 years of age.

Mr. TAYLER. Who are the other reputed plural wives of Apostle Taylor? I mean, what are their names.

Mr. ABBOTT. Rhoda and Roxie Welling.

Senator OVERMAN. Are they sisters?

Mr. ABBOTT. Yes, sir; half-sisters.

Mr. TAYLER. Where are they now?

Mr. ABBOTT. I do not know.

Mr. TAYLER. Were they born and reared at Farmington?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. So that you have known them all their lives, have you?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Did they live near you?

Mr. ABBOTT. Within about a mile of me.

Mr. TAYLER. How old are they now?

Mr. ABBOTT. I would judge them to be from 22 to 24 years of age, although I am not absolutely sure, Mr. Tayler.

Mr. TAYLER. When did it become public talk that they were the wives of Apostle Taylor?

Mr. ABBOTT. About two years ago.

Mr. TAYLER. Were they at that time living in Farmington?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. And where were they living—I mean where in Farmington?

Mr. ABBOTT. They were living one of them with each of his wives as hired girls.

Mr. TAYLER. Is that all you know about the Apostle Taylor families?

Mr. ABBOTT. Well, I do not know all of that.

Mr. TAYLER. You know whether he is reputed to have these wives, do you not?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. That is all I ask you. But I say, is there anything else, any information you can give, respecting Apostle Taylor and his families?

Mr. ABBOTT. I can not think very well, Mr. Taylor. You will have to ask me any questions you desire. I am a little nervous.

Mr. TAYLER. Do you know Walter Steed?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Where does he live?

Mr. ABBOTT. I disremember his post-office. He lives in the north part of Davis County at present.

Mr. TAYLER. That is the county in which you live?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. How long have you known him?

Mr. ABBOTT. All my life.

Mr. TAYLER. Has he, during his life, lived at Farmington?

Mr. ABBOTT. Until within the last few years.

Mr. TAYLER. How many wives has he?

Mr. ABBOTT. He is reputed to have two wives.

Mr. TAYLER. What are their names?

Mr. ABBOTT. His first wife was Julia Wilcox. His second wife was Alice Clark.

Mr. TAYLER. Has he any children by Alice Clark?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. How many?

Mr. ABBOTT. I do not know that he has more than one.

Mr. TAYLER. How old is that child?

Mr. ABBOTT. About 3 years old, I should judge—4, maybe 5.

Mr. TAYLER. How long have you known Alice Clark?

Mr. ABBOTT. All my life—all her life.

Mr. TAYLER. She lived in that community, then, did she?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Was she married to Walter Steed in 1890?

Mr. ABBOTT. I do not know.

Mr. TAYLER. Do you know where she was in 1890; or what is your recollection as to where she was at that time? What was she doing?

Mr. ABBOTT. I believe she was attending the University of Utah.

Mr. TAYLER. When did the general reputation of Walter Steed as husband of Alice Clark begin?

Mr. ABBOTT. I should judge about 1898.

Mr. TAYLER. About 1898?

Mr. ABBOTT. Yes, sir; or 1899.

Mr. TAYLER. Was that about the time of the birth of the child?

Mr. ABBOTT. About that time.

Mr. TAYLER. Was he then living at Farmington?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Was she living at Farmington?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Up to 1898 where did she live at Farmington?

Mr. ABBOTT. She lived with her mother in Farmington.

Mr. TAYLER. With her mother?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. And after the birth of the child where did she go to live?

Mr. ABBOTT. I do not know.

Mr. TAYLER. Did she leave her mother's?

Mr. ABBOTT. Well, it was presumed that she was not there.

Mr. TAYLER. She was not there. Do you know whether Walter Steed holds her out as his wife?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Have you seen them together when he has so held her out?

Mr. ABBOTT. Yes, I believe I have; on one occasion, or two, probably.

Mr. TAYLER. What kind of occasions were they? Where was he with her?

Mr. ABBOTT. I have seen them at sociables.

Mr. TAYLER. Is she known in the community as Mrs. Steed?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. And the child as Steed?

Mr. ABBOTT. That is my understanding of it.

Mr. TAYLER. Do you know J. M. Tanner?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. He is the J. M. Tanner who was president of the Agricultural College of Utah?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. And resigned?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. What official position does he now hold in the church?

Mr. ABBOTT. I do not know.

Mr. TAYLER. Is he the man who is general superintendent of the Mormon schools throughout the world?

Mr. ABBOTT. Why, he is connected with them. I am not sure that he is the superintendent.

Mr. TAYLER. How many wives has he?

Mr. ABBOTT. I do not know.

Mr. TAYLER. How many wives is he reputed to have?

Mr. ABBOTT. I do not know.

Mr. TAYLER. Do you know whether he is reputed to be a polygamist?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. Do you know one of the women who is reputed to be his wife?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. What is her name?

Mr. ABBOTT. Annie Clark.

Mr. TAYLER. Is she related to the plural wife of Walter Steed, Alice?

Mr. ABBOTT. She is an own sister.

Mr. TAYLER. How long has she been reputed to be the wife of J. M. Tanner?

Mr. ABBOTT. A good many years.

Mr. TAYLER. Where does she live?

Mr. ABBOTT. In Farmington.

Mr. TAYLER. Has she much of a family?

Mr. ABBOTT. Quite a large family.

Mr. TAYLER. You have a family and children?

Mr. ABBOTT. I have.

Mr. TAYLER. Do they go to the schools in Farmington?

Mr. ABBOTT. Yes, sir.

Mr. TAYLER. What do you know about the efforts to teach the Mormon doctrine, the Mormon religion, in the schools at Farmington?

Mr. ABBOTT. There is none that I ever heard of in the schools. They hold sessions in the public schools—religious classes, they are called—after the schools are out.

Mr. TAYLER. Have you had any experience with your children being taught in these classes?

Mr. ABBOTT. My children are taught, yes, generally.

Mr. TAYLER. Has anything occurred respecting that? Have you objected to it?

Mr. ABBOTT. Why, the children complained that it was too tiresome, some of the smaller ones, to stay, and I gave them permission to come home. I told them they need not stay if they did not want to. I have been a school-teacher myself, and I know that a child being held in a schoolroom too long, it is hurtful.

Mr. TAYLER. Did you have any communication with the teacher on that subject?

Mr. ABBOTT. No, sir.

Mr. TAYLER. Do you know whether it is the habit to have these religious classes in the public schoolhouse after school closes each day?

Mr. WORTHINGTON. Do you mean at Farmington, or generally?

Mr. TAYLER. At Farmington. I do not know that he knows anything about it generally.

Mr. ABBOTT. I think it is generally the habit in Davis County. That is my information.

Mr. TAYLER. Are there any Mormon schools in Davis County, or are they all public schools?

Mr. ABBOTT. All public schools.

Mr. TAYLER. How far is Farmington from Salt Lake?

Mr. ABBOTT. Sixteen miles.

Mr. TAYLER. Which way?

Mr. ABBOTT. North.

Mr. TAYLER. You may inquire, gentlemen.

Senator OVERMAN. How often does Mr. Taylor visit his wives in Farmington?

Mr. ABBOTT. I do not know, Senator.

Mr. WORTHINGTON. He says they are not there now.

Mr. TAYLER. Oh, no; he did not. Two of them are there.

Mr. ABBOTT. I have seen him there, but not recently. I have not been there much myself, Senator, in the last year. I have been away from home. I do not know that I have seen him in the last year, excepting, probably, once.

Mr. WORTHINGTON. When you say Mr. Taylor is living at Farmington, do you know whether he has changed his residence in the last year?

Mr. ABBOTT. Why, I said that I had not seen him, because I had not been there. I did not have reference to his residence when I made that statement.

Mr. WORTHINGTON. Do you know whether or not he now claims to be a resident and citizen of Canada?

Mr. ABBOTT. I know that he has possessions there, from his own lips.

Mr. WORTHINGTON. When did you last see him?

Mr. ABBOTT. I have not seen him to talk to him for over a year.

Mr. WORTHINGTON. How long since you last saw him at all?

Mr. ABBOTT. I am not able to say. As I said before, having been away for a year myself, only home for a few hours at a time, I might have seen him several times within the last year, but I can not recall them.

Mr. WORTHINGTON. That is all, Mr. Chairman.

Senator DUBOIS. Mr. Abbott, you said that Mr. Taylor was reputed to be married to the Welling sisters?

Mr. ABBOTT. Yes, sir.

Senator DUBOIS. Are they about the same age?

Mr. ABBOTT. Yes, sir; near.

Senator DUBOIS. They are half-sisters, you said?

Mr. ABBOTT. Yes, sir.

Senator DUBOIS. And they are about 22 years of age?

Mr. ABBOTT. Twenty-two to 24 I should judge.

Senator DUBOIS. Where are they supposed to be now?

Mr. ABBOTT. I do not know.

Senator DUBOIS. You do not know whether they are with him in Canada or not?

Mr. ABBOTT. I do not know.

Senator DUBOIS. I believe you said that Mr. Taylor is an apostle of the Mormon Church?

Mr. ABBOTT. Yes, sir.

Senator DUBOIS. Do you know when he became an apostle?

Mr. ABBOTT. No; I can not give you the date. It was quite a number of years ago.

Senator DUBOIS. Fifteen years ago, do you think?

Mr. ABBOTT. Yes, I do.

Senator OVERMAN. If they are only 22 to 24 years old he is bound to have married them since the manifesto. Is not that so?

Mr. ABBOTT. All that I know about it, Senator, I have said.

Senator OVERMAN. They could not have been more than 10 years old when they were married, if they were married before the manifesto.

Mr. TAYLER. Did you ever hear before any intimation that Apostle Taylor was a citizen of Canada?

Mr. ABBOTT. I never heard that he was a citizen, but I know that he has possessions there and has been in Canada probably half his time for ten or twelve years—quite a part of his time.

Mr. TAYLER. How many wives he may have in Canada you have no way of telling?

Mr. ABBOTT. No, sir; I know nothing about it.

Senator DUBOIS. Do you know whether or not it is commonly understood that with the plural wives that are now taken the marriage ceremony generally is contracted without the borders of the United States?

Mr. ABBOTT. I did not quite catch the question, Senator.

Senator DUBOIS. Do you know whether or not it is generally understood that when these high officials or other Mormons take plural wives now, they generally take them in Canada or Mexico or some place other than the United States?

Mr. ABBOTT. It is generally understood that they do not get them in the temple or by sanction of the Mormon people.

Senator DUBOIS. Is it not generally understood that they go outside of the United States to have these marriages performed?

Mr. ABBOTT. That I am not well enough informed about to answer, Senator.

Senator DUBOIS. You do not know what the general understanding is, then?

Mr. ABBOTT. No; I do not.

Mr. DUBOIS. You have heard that stated, I presume?

Mr. ABBOTT. Why, not from any authority that would be worth repeating.

The CHAIRMAN. Have you anything further, Mr. Tayler?

Mr. TAYLER. Nothing further.

The CHAIRMAN. Gentlemen, do you desire to cross-examine any further?

Mr. VAN COTT. No, sir.

Mr. TAYLER. Mr. Chairman, I would like to have placed in the record the letter which President Joseph F. Smith wrote to the chairman in response to an inquiry that I made of him and a promise that he made to assist, in so far as he might, in procuring the attendance here of Apostle Taylor and two or three other witnesses.

The CHAIRMAN. Have you gentlemen any objection to that?

Mr. WORTHINGTON. Certainly there is no objection.

The CHAIRMAN. I will say that the return to the process sent to the United States marshal at Salt Lake, D. B. Hayward, shows, among other things, that "George Teasdale, John W. Taylor, J. M. Tanner, Heber J. Grant, Matthias F. Cowley, and William Hamlin Cannon I have been unable to find in the district of Utah."

The president of the church writes me, explanatory of this, as follows:

OFFICE OF THE FIRST PRESIDENCY OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
Salt Lake City, Utah, April 15, 1904.

Hon. JULIUS C. BURROWS,

*Chairman Committee on Privileges and Elections,
United States Senate, Washington, D. C.*

SIR: It is with regret that I inform you of my inability to procure the attendance of Messrs. John Henry Smith, George Teasdale, Marriner W. Merrill, John W. Taylor, and Matthias F. Cowley before the Senate Committee on Privileges and Elections.

Hon. John Henry Smith is still quite ill, but has signified his willingness to appear before the committee, if desired, as soon as his health will permit.

I am informed that Mr. Marriner W. Merrill is still in such poor health that he is unable to leave his home.

My latest reports from Mr. Teasdale are to the effect that his health is still poor, but improving.

In accordance with the suggestion of Mr. Robert W. Tayler, I communicated to Messrs. John W. Taylor and M. F. Cowley my earnest desire that they should appear and testify before the committee, and am in receipt of letters from them stating, in substance, that they are unwilling, voluntarily, to testify in the Smoot investigation. As this is a political matter, and not a religious duty devolving upon them or me, I am powerless to exert more than moral suasion in the premises.

With reference to the others named the facts are as above stated.

Again expressing my sincere regret that I am unable to procure the attendance of these gentlemen, I am,

Very respectfully,

JOSEPH F. SMITH.

What further, Mr. Tayler?

Mr. TAYLER. Mr. Chairman, that is all the evidence we are now prepared to present to the committee.

The CHAIRMAN. Mr. Roberts has been retained at the request of counsel on one side or the other, I do not remember which. Is there any reason for his further detention?

Mr. WORTHINGTON. We asked to have him retained until we knew what parts of certain books were to be offered in evidence. Mr. Tayler has stated that while all of the books will not go into the record they are all in evidence. We do not have copies of the books, or, at least, I have not; and it is very embarrassing to have things in evidence which are not in the record and which we have to go to counsel on the other side to get, without knowing what parts they are going to rely upon.

Mr. TAYLER. I do not think your client is under such disability as to be unable to supply you with these rare books.

Mr. WORTHINGTON. I mean, we haven't them here.

Mr. TAYLER. One of them is Orson Pratt's works. I think he has heard of it, and I think you will find a rare copy or two around, published by the church—both of them published by the church.

The CHAIRMAN. Have you any further questions of Mr. Roberts?

Mr. WORTHINGTON. No.

The CHAIRMAN. Then, Mr. Roberts, you are discharged; and if this witness, Mr. Abbott, is not required further, he will be discharged.

Mr. WORTHINGTON. There is one thing to which my attention is called, Mr. Chairman. Mr. Taylor said just now that Mr. Smith had promised to bring these witnesses here.

Mr. TAYLER. I do not think that will be found in my statement.

Mr. VAN COTT. No; he did not say that.

Mr. WORTHINGTON. Very well; strike out my suggestion.

The CHAIRMAN. Certain witnesses have been subpoenaed whose attendance is anticipated at an early day, and the committee will adjourn, if agreeable, subject to the call of the chairman. I will notify the attorneys in time.

The committee, at 11 o'clock and 20 minutes a. m., adjourned.

WASHINGTON, D. C., *May 2, 1904.*

The committee met at 12.30 o'clock p. m.

Present: Senator Burrows (chairman), McComas, and Dubois; also Senator Smoot; also R. W. Tayler, counsel for protestants; A. S. Worthington, counsel for respondent, and Franklin S. Richards, counsel for certain witnesses.

TESTIMONY OF ANGUS M. CANNON, JR.

ANGUS M. CANNON, jr., having been duly sworn, was examined, and testified as follows:

Mr. TAYLER. What relation are you to Angus M. Cannon, who testified here a few days ago?

Mr. CANNON. I am his son.

Mr. TAYLER. How long have you lived in Salt Lake City?

Mr. CANNON. Forty-two years.

Mr. TAYLER. All your life?

Mr. CANNON. Yes, sir; practically all my life.

Mr. TAYLER. You are a Mormon?

Mr. CANNON. Yes, sir. I am not what they term in good standing. I am a member of the Mormon Church.

Mr. TAYLER. What relation was Apostle Abraham H. Cannon to you?

Mr. CANNON. He was my cousin.

Mr. TAYLER. Whose son was he?

Mr. CANNON. George Q. Cannon.

Mr. TAYLER. He died, I believe, in 1896.

Mr. CANNON. In 1896.

Mr. WORTHINGTON. That is, Abraham H. Cannon died then?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Abraham H. Cannon—what was his age? How old was he when he died?

Mr. CANNON. I think he was about 39.

Mr. TAYLER. He was not far from your age? He was but a little older than you?

Mr. CANNON. Not far from my age; a little over 2 years.

Mr. TAYLER. You were raised together there?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Had you always been friends?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Had you been particularly intimate?

Mr. CANNON. I had been very closely associated with him in business affairs.

Mr. TAYLER. And personally you were intimate?

Mr. CANNON. Yes, sir; we were very intimate. We were cousins.

Mr. TAYLER. You were always warm friends?

Mr. CANNON. Yes, sir.

Mr. TAYLER. You say you had had business relations with him?

Mr. CANNON. I was in his employ when he was managing the Deseret News.

Mr. TAYLER. How long did you remain in his employ while you were working on the News?

Mr. CANNON. I was in his employ there about two years—two or three years.

Mr. TAYLER. Did you have any interest with him in mining properties?

Mr. CANNON. No, I did not have any interest with him in mining properties. I had been interested with him in some real-estate properties in Salt Lake.

Mr. TAYLER. When he died how many wives had he?

Mr. CANNON. He had three at the time he died that I knew of at that time. I have since learned that he had one other at that time.

Mr. TAYLER. What were the names of the three wives whom you knew that he had when he died?

Mr. CANNON. Sarah Ann Jenkins Cannon, Wilhelmina M. Cannon, Mary E. Croxall Cannon.

Mr. TAYLER. They were all living at that time?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Are they all living now?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Did you know them all?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Have you been at his house or houses?

Mr. CANNON. Yes, sir.

Mr. TAYLER. At all of them?

Mr. CANNON. Yes, sir; at all of them.

Mr. TAYLER. Had he children by all of those wives?

Mr. CANNON. Yes, sir.

The CHAIRMAN. What was the date of his death?

Mr. CANNON. It was somewhere about the 20th of July, 1896; somewhere near between the 20th and the 30th.

The CHAIRMAN. In 1896?

Mr. CANNON. 1896.

The CHAIRMAN. July, 1896?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Had you known of his associating with Lillian Hamlin prior to his death?

Mr. CANNON. I had known of him taking her out riding.

Mr. TAYLER. When and where?

Mr. CANNON. In the month of May, 1896. I met them out one night. He was driving my horse and buggy. I met them out driving one evening.

Mr. TAYLER. How often did you see them out driving?

Mr. CANNON. Two or three times.

Mr. TAYLER. Where were your horse and buggy?

Mr. CANNON. They were kept at the Salt Lake Livery and Transfer Company's stable.

Mr. TAYLER. Did he talk with you before he went to get the buggy?

Mr. CANNON. Yes, sir. He asked me if I was going to use the buggy, and I told them at the stable whenever he wanted it to let him have it.

Mr. TAYLER. Did he tell you whom he was going to take out driving with him?

Mr. CANNON. No, sir.

Mr. TAYLER. What talk did you have with him in the summer of 1896 about Lillian Hamlin?

Mr. CANNON. I never had any talk with him about her particularly. I had spoken to him about her, he having told me that she was engaged to his brother David, who had died on a mission to Germany.

Mr. TAYLER. When did David die on his mission to Germany?

Mr. CANNON. I have forgotten what year it was, but I think it was eleven or twelve years ago.

Mr. TAYLER. Some three or four years before Abraham died?

Mr. CANNON. Yes; more than that.

Mr. TAYLER. More than that?

Mr. CANNON. Yes.

Mr. TAYLER. He told you that she had been engaged to his brother David?

Mr. CANNON. Yes, sir; to his brother David.

Mr. TAYLER. Did he say that he was going to marry her?

Mr. CANNON. No, sir.

Mr. TAYLER. Did he not have a talk with you to that effect?

Mr. CANNON. No, sir; he never did.

Mr. TAYLER. Were you present when he married Lillian Hamlin?

Mr. CANNON. No, sir.

Mr. TAYLER. Did you not see Joseph F. Smith marry them?

Mr. CANNON. No, sir.

Mr. TAYLER. Did you within the last two weeks tell Mr. E. W. Wilson, of Salt Lake, that you were present and saw Joseph F. Smith perform the marriage ceremony between Abraham H. Cannon and Lillian Hamlin?

Mr. CANNON. Yes, sir; I did tell him that.

Mr. TAYLER. E. W. Wilson is a banker there, is he not?

Mr. CANNON. Yes, sir.

Mr. TAYLER. You have known him a long time?

Mr. CANNON. Yes, sir.

Mr. TAYLER. You and he have been personal friends?

Mr. CANNON. Yes, sir.

Mr. TAYLER. The kindest relations have existed between you?

Mr. CANNON. Very warm friends.

Mr. TAYLER. Is he a gentleman of high standing in that community?

Mr. CANNON. Yes, sir; in a business capacity he stands first class.

The CHAIRMAN. I can not hear you.

Mr. CANNON. He is a man of fine business ability.

The CHAIRMAN. Did I understand you to say he is president of a bank?

Mr. CANNON. He is cashier of a bank.

Mr. TAYLER. Of what bank?

Mr. CANNON. Of the Commercial National, Salt Lake City.

Mr. TAYLER. He has lived there a long time?

Mr. CANNON. I think he came there in 1890.

Mr. TAYLER. He is a man for whom you have high respect?

Mr. CANNON. Yes, sir.

Mr. TAYLER. And a man who has always dealt, as you say, in the kindest way with you?

Mr. CANNON. Yes, sir; always.

Mr. TAYLER. Did you tell him within the last two weeks that you were aboard a vessel which had been chartered by somebody at Los

Angeles and that aboard that vessel was a party of ten or twelve people, who went to Catalina Island on it?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Did you say that among the party were Joseph F. Smith and one of his wives, Abraham H. Cannon and his wife, Mary Croxall, is it—

Mr. CANNON. I think I said that. I would not be positive.

Mr. TAYLER. And a man named Langford?

Mr. CANNON. I believe I did mention him.

Mr. TAYLER. And Abraham H. Cannon and Lillian Hamlin?

Mr. CANNON. Yes, sir.

Mr. TAYLER. And that after you had gone out a ways, before reaching Catalina Island, the party, with one or two exceptions, retired to the cabin, and that there Joseph F. Smith married Abraham H. Cannon and Lillian Hamlin?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Did you say to him that the third wife, Mary Croxall Cannon, when she discovered what was going on, became very angry, and refused to stay to witness the ceremony and left the cabin?

Mr. CANNON. He asked me how she took it and I said she got angry and left. I believe I told him something to that effect.

Mr. TAYLER. Then did you say that it was understood that nothing was to be said about it?

Mr. CANNON. I do not know that I said that. I may have. I would not be positive.

Mr. TAYLER. Then did you go on to say that you went on to Catalina Island, and you all went in bathing?

Mr. CANNON. I do not remember whether I did say that or not.

Mr. TAYLER. Anyhow, you told Mr. Wilson, with considerable detail and circumstance, this story, the central point of which was that you had seen Joseph F. Smith marry Abraham H. Cannon and Lillian Hamlin?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Now later in the same day, Mr. Wilson having sent for Mr. E. B. Critchlow, did you tell Mr. Critchlow the same story?

Mr. CANNON. I told Mr. Critchlow practically the same story; that is, the story that you have just spoken of was the one I related to both of them together. When I mentioned it to Mr. Wilson, I just mentioned the fact that Joseph F. Smith did know of plural marriages that had taken place since the manifesto.

Mr. TAYLER. And he asked you what marriages?

Mr. CANNON. And I told him that I saw him marry Abraham H. Cannon to Lillian Hamlin.

Mr. TAYLER. And where?

Mr. CANNON. I did not tell him then where.

Mr. TAYLER. You are sure you did not tell him where?

Mr. CANNON. I do not think I did, then. I might have.

Mr. TAYLER. You have a very distinct recollection of what you told him?

Mr. CANNON. Yes, sir; I have, and he told me he wanted to see me again; then I told him this story when he and Mr. Critchlow were together.

Mr. TAYLER. You went over these details—

The CHAIRMAN. The story you have just related you told both to Mr. Wilson and Mr. Critchlow?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Was anyone else present?

Mr. CANNON. No, sir; no one else was present.

Mr. TAYLER. Then it was asked whether you would be willing to come to Washington and testify?

Mr. CANNON. Yes, sir; they asked me that. I told them no; that I did not want to come to Washington, but I would go before the committee when it came to Utah, and testify there.

Mr. TAYLER. And testify to that story?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Later than that, did you, of your own volition, seek out Mr. Perry Heath and tell him the same story?

Mr. CANNON. No; I told Perry Heath, I believe it was the same day. I would not be positive.

Mr. TAYLER. Where was he when you told him?

Mr. CANNON. In the Tribune office.

Mr. TAYLER. You went up there to see him?

Mr. CANNON. Yes, sir; I telephoned him first, and he asked me if I could not come over to his office, and I went over there.

Mr. TAYLER. Did you go over the story in detail to him, as you had to Mr. Critchlow and Mr. Wilson?

Mr. CANNON. No, sir; I do not think I told him the whole story.

Mr. TAYLER. What did you tell him?

Mr. CANNON. Speaking about Joseph F. Smith's testimony in Washington, I think I told him that Joseph F. Smith did know of plural marriages that had been performed since the manifesto. I told him that I knew that he married Abraham H. Cannon to Lillian Hamlin on the high sea near Los Angeles; something to that effect. I was to see him again, but I did not see him.

Mr. TAYLER. You did not see him?

Mr. CANNON. No, sir.

Mr. TAYLER. Then about that time you received a subpoena to appear here before the committee?

Mr. CANNON. Yes, sir.

Mr. TAYLER. You could not come at once because you were ill or something of that sort?

Mr. CANNON. Yes, sir. I was ill and I was unable to leave my bed for several days.

Mr. TAYLER. You did not see Mr. Critchlow or Mr. Wilson again—

Mr. CANNON. No, sir.

Mr. TAYLER. After this talk you had with them?

Mr. CANNON. No, sir.

Mr. TAYLER. And you have not seen them since?

Mr. CANNON. No, sir. I saw Mr. Critchlow the day I received the subpoena and I was to see him the next day, but I was too ill to go up town.

Mr. TAYLER. Where was Mr. Critchlow when you saw him—the day you received the subpoena?

Mr. CANNON. In his office.

Mr. TAYLER. What talk did you have then?

Mr. CANNON. I talked with him about the subpoena. I was drink-

ing at the time, and I said if I had to come to Washington I wanted him to arrange it so that my brother-in-law could come with me.

Mr. TAYLER. That is Mr. Lynch?

Mr. CANNON. Yes, sir.

Mr. TAYLER. When did you first tell this story to Mr. Lynch that you told to Mr. Critchlow and Mr. Wilson?

Mr. CANNON. I do not think I told it to him it all.

Mr. TAYLER. Do you mean that he has never heard the story from you?

Mr. CANNON. I think he heard it from Critchlow and Wilson; some of those parties. I never told him the story.

Mr. TAYLER. Do you mean that you had never talked with him about the marriage of Abraham H. Cannon to Lillian Hamlin?

Mr. CANNON. I had talked to him about the matter and the marriage, but I do not think I ever told him I saw it.

Mr. TAYLER. You told him you knew who had married them?

Mr. CANNON. Yes, sir. I told him I was satisfied that Joseph F. Smith had married them.

Senator DUBOIS. Are you still satisfied of that?

Mr. CANNON. Well, of course I do not know it, but I am satisfied in my own mind that he did.

The CHAIRMAN. Where?

Mr. CANNON. In California.

The CHAIRMAN. On the occasion that you speak of?

Mr. CANNON. I think it was at the time they were down in southern California.

Mr. TAYLER. Who was the next person, Mr. Cannon, to whom you told this story after you had told it to Mr. Critchlow and Mr. Wilson and Mr. Heath?

Mr. CANNON. I do not think I told it to anybody else.

Mr. TAYLER. Who was the next person with whom you talked about the story?

Mr. CANNON. I do not think I talked with anybody about it.

Mr. TAYLER. Have you talked with anybody about it this morning?

Mr. CANNON. Yes; when I met Mr. Smoot over on the corner here this morning I told him after I went up—I was looking then for the building where the committee would meet. I inquired from an officer down the street, and when I got over to the building I met Senator Smoot coming out.

The CHAIRMAN. Got over to what building?

Mr. CANNON. Across over here—the Senate Annex, I believe they call it.

Senator DUBOIS. The Maltby Building.

Mr. CANNON. It is right across the way.

The CHAIRMAN. You were inquiring for the room where the committee met?

Mr. CANNON. Yes.

The CHAIRMAN. You inquired of an officer?

Mr. CANNON. Yes, sir; I inquired down at the depot of an officer.

The CHAIRMAN. Did he direct you to the Maltby Building as the Capitol?

Mr. CANNON. No, sir; not as the Capitol, but he told me after the Senate adjourned any Senatorial committees generally met in that building.

Mr. TAYLER. Did you inquire for Senator Smoot?

Mr. CANNON. No, sir.

Mr. TAYLER. This was a little time after you came in on the train?

Mr. CANNON. No. I had been to the café down here on the corner opposite the B. and O. depot and had had breakfast.

Mr. TAYLER. You had breakfast?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Then you inquired of this officer, who told you that in vacation committees generally met in the Maltby Building?

Mr. CANNON. Yes, sir.

Mr. TAYLER. And when you got up to the Maltby Building you met Senator Smoot?

Mr. CANNON. I met him coming out on this side.

Mr. TAYLER. You went up with him to his committee room?

Mr. CANNON. I addressed him and went up to his room and explained to him how it was that I was subpoenaed down here.

The CHAIRMAN. You explained it to whom?

Mr. CANNON. I did not explain it fully.

The CHAIRMAN. But to whom did you explain it?

Mr. CANNON. To Senator Smoot.

The CHAIRMAN. Before you leave this branch of the subject, do you know the name of the officer who told you that committees met in the Annex building?

Mr. CANNON. No; but I would know him again if I saw him.

The CHAIRMAN. You would know him again if you saw him?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Go on.

Mr. CANNON. I met Mr. Smoot, and we went up to his room in that building, and he told me that the committee met at 11.30. I said, "I will have plenty of time to go and get shaved." Carl Badger, who is a former acquaintance of mine in Salt Lake, was there, and Senator Smoot asked him to show me the way to the barber shop. He came over with me. He left me in the barber shop, and I got shaved and went back.

Mr. TAYLER. You went back over to Senator Smoot's room?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Was it during the first or the second visit that you told him how it was that you came to be subpoenaed?

Mr. CANNON. I told him partially at first, and I then told him and Mr. Richards together there that I had been drinking and how it was that I happened to get talking with Wilson and what statement I had made to him—to Wilson—

Mr. TAYLER. You told Mr. Smoot what story you had told Mr. Wilson?

Mr. CANNON. Yes, sir; Mr. Wilson and Mr. Critchlow. I did not tell him in full, I think; not as fully as I have here.

Mr. TAYLER. Did anybody talk with you about it after you saw Mr. Critchlow and Mr. Wilson and Mr. Heath in Salt Lake?

Mr. CANNON. No, sir.

Mr. TAYLER. Who knew that you were coming away?

Mr. CANNON. My wife and children and my sister and brother-in-law. My brother-in-law took me to the depot.

Mr. TAYLER. That was Mr. Lynch?

Mr. CANNON. No; it was my sister's husband, Mr. Ellis.

Mr. TAYLER. Did you talk over with them what it was that you were going to testify about here?

Mr. CANNON. No; I did to my wife.

Mr. TAYLER. Not to the others?

Mr. CANNON. No, sir.

The CHAIRMAN. What time was it that you told your wife?

Mr. CANNON. I told my wife while I was sick at home there, after I had been subpoenaed—

Senator McCOMAS. Did you tell her what you had told Wilson and Critchlow?

Mr. CANNON. I told her what I had told them, and I explained to her how it was that this subpoena had come to me.

The CHAIRMAN. You told her the same story?

Mr. CANNON. I told her what I had told them. She knew I was not in California that year—the year the marriage is claimed to have taken place.

Senator DUBOIS. Did you mention to Mr. Wilson and Mr. Critchlow any other persons who were present at the ceremony?

Mr. CANNON. No, I think not.

Mr. TAYLER. Did you say that this Mr. Langford was present?

Mr. CANNON. I told them I believed he was present. I knew that Langford was down in California about that time on Sterling Mine business.

Senator DUBOIS. Did you say Mr. Montgomery was present?

Mr. CANNON. I told them I thought he was there. He was one of the men they bought the Sterling mine from. I know he was very close to Langford and the others down there.

Mr. TAYLER. How, if you were not present, did you get the information that Joseph F. Smith had married Abraham H. Cannon and Lillian Hamlin?

Mr. CANNON. I got the impression from what I had heard my sister say.

Mr. TAYLER. Your sister?

Mr. CANNON. I had heard her say—

Mr. WORTHINGTON. Is this competent, Mr. Chairman?

The CHAIRMAN. I think under the circumstances, Mr. Worthington, we will hear this witness.

Mr. CANNON. I had heard her say that she was satisfied that President Smith had performed the ceremony.

Mr. TAYLER. Your sister was Abraham Cannon's second wife, I believe?

Mr. CANNON. Yes, sir.

Senator DUBOIS. Have you not heard Frank Cannon, who is a brother of Abraham H. Cannon, say that he was satisfied that they were married?

Mr. CANNON. No; I never heard him say it.

Mr. TAYLER. Now, who else gave you information to that effect?

Mr. CANNON. I do not think anybody but my sister.

Mr. TAYLER. What day in the week was it that you told Mr. Critchlow and Mr. Wilson?

Mr. CANNON. It was either a week ago last Tuesday or Wednesday; I would not be positive.

Mr. TAYLER. I think that is all, Mr. Chairman.

Senator DUBOIS. Were you with Abraham H. Cannon immediately before his death?

Mr. CANNON. Yes, sir; I was with him during his whole sickness.

Senator DUBOIS. Where did he die?

Mr. CANNON. He died at my sister's house in Salt Lake City.

Mr. TAYLER. Was he there all the time when he was sick?

Mr. CANNON. When he first returned from California he was with Mary E. Croxall Cannon. That is where he was taken. He was sick when he returned from California, but after he got real bad he wanted to be taken to my sister's house and was taken there. After he went there I was with him at least part of every day until the time of his death.

Senator DUBOIS. Was Lillian Hamlin there?

Mr. CANNON. She was there part of the day. Several days she would come in the afternoon and sit in the sitting room.

Senator DUBOIS. Has she a child?

Mr. CANNON. Yes, sir.

Senator DUBOIS. What is its name?

Mr. CANNON. Marba.

Senator DUBOIS. What is its last name?

Mr. CANNON. Marba Cannon.

Senator DUBOIS. Does this child share in the estate of George Q. Cannon?

Mr. CANNON. I could not say.

Senator DUBOIS. You do not share in the estate yourself?

Mr. CANNON. No, sir.

Mr. TAYLER. The child is known as the daughter of Abraham H. Cannon, or the child of Abraham H. Cannon?

Mr. CANNON. Yes; it is so understood by all the family.

Senator DUBOIS. Do not the brothers treat her as a sister?

Mr. CANNON. Lillian?

Senator DUBOIS. Yes.

Mr. CANNON. Yes, sir.

Senator DUBOIS. Do they not recognize her as one of the family?

Mr. CANNON. Yes, sir.

Senator McCOMAS. As the wife of Abraham H. Cannon?

Mr. CANNON. As the wife of Abraham H. Cannon.

Senator McCOMAS. You were in California once with Abraham H. Cannon?

Mr. CANNON. I never was down there with him.

Senator McCOMAS. Were you ever in California?

Mr. CANNON. Yes, sir.

Senator McCOMAS. When?

Mr. CANNON. I was there last in 1897.

Senator McCOMAS. What was the year he was there when he is supposed to have been married?

Mr. CANNON. In 1896.

Mr. WORTHINGTON. He died in 1896.

Senator McCOMAS. Did you tell Mr. Wilson that you had been in California with Abraham H. Cannon?

Mr. CANNON. I think so. I told him I was there at the marriage of Abraham H. Cannon.

Senator McCOMAS. That you were on the vessel?

Mr. CANNON. Yes, sir.

Senator McCOMAS. And that you had seen these people when they went down into the cabin and were married.

Mr. CANNON. Yes, sir.

Senator McCOMAS. And you gave the names of the people who were present?

Mr. CANNON. Yes, sir.

Senator McCOMAS. And then when Mr. Critchlow and Mr. Wilson came you repeated with more detail the same statement about the matter?

Mr. CANNON. I repeated the same thing.

Senator McCOMAS. Did you call up Mr. Heath, or did he call you up?

Mr. CANNON. I called him up. I told him I was satisfied that Joseph F. Smith knew of plural marriages that had taken place since the manifesto.

Senator McCOMAS. You told him substantially the same story?

Mr. CANNON. I told him part of it. I did not give him the details.

Senator McCOMAS. You told him about the marriage ceremony having been performed by Joseph F. Smith?

Mr. CANNON. Yes, sir.

Senator McCOMAS. And the stateroom of the vessel where it was performed?

Mr. CANNON. I did not tell him it was in a stateroom. I did not tell him it was on a vessel, I think, but I simply said in California.

Senator McCOMAS. You said to Mr. Critchlow and Mr. Wilson that it was on a vessel, and gave the details?

Mr. CANNON. Yes, sir.

Senator McCOMAS. Then when you spoke to Mr. Lynch, your brother-in-law, did you tell him what you had told Wilson and Critchlow?

Mr. CANNON. I told him what I had told them. I was sick at home and I told him to go to these fellows and see if they could not get the subpoena withdrawn; it was all hot air.

Senator McCOMAS. You did not tell Critchlow and Wilson it was hot air?

Mr. CANNON. No, sir; but I sent him to them and I am positive he went.

Senator McCOMAS. You never told Mr. Heath it was hot air?

Mr. CANNON. No, sir.

Senator McCOMAS. And now, in your judgment, it is not hot air. You believe that Joseph F. Smith performed the marriage ceremony between Abraham H. Cannon and Lillian Hamlin?

Mr. CANNON. I believed I knew—

Senator McCOMAS. And now you do not believe it was hot air?

Mr. CANNON. I do not think there was any hot air about the marriage, but it was hot air about my being present.

Senator McCOMAS. And about the ceremony having been performed by Joseph F. Smith?

Mr. CANNON. Yes, sir.

The CHAIRMAN. You have said that you were satisfied that plural marriages were being performed?

Mr. CANNON. I think that marriage was performed.

The CHAIRMAN. You say you were satisfied that plural marriages were being performed?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Did you ever hear of any other plural marriages except this one?

Mr. CANNON. I never heard of any other.

The CHAIRMAN. You had in mind only this one marriage?

Mr. CANNON. Yes, sir.

Senator McCOMAS. Is it hot air that Mr. Langford was present and the other people whom you have detailed to Mr. Tayler as being present at that marriage?

Mr. CANNON. I was talking to Wilson and Critchlow. I done it more to make them feel good than anything else, when I was telling them that story.

Senator McCOMAS. How would it make them feel good?

Mr. CANNON. Anything they thought would hurt the Mormon Church, or would go against it, would tickle them all over.

The CHAIRMAN. And being a Mormon, you were trying to please them?

Mr. CANNON. I was drinking at the time. I was doing it more as a joke than anything else. I had no idea that it would ever come to this, that I would be subpoenaed to Washington.

The CHAIRMAN. After the subpoena was served on you, Mr. Heath and Mr. Critchlow and Mr. Wilson were all within reach. Why did you not call them up at once?

Mr. CANNON. I was still drinking at the time. When I came to myself I was sick. I had an appointment with Mr. Critchlow uptown, but could not keep it, so I got my brother-in-law, James Lynch—

The CHAIRMAN. That we understand.

Mr. CANNON. I got him to go to them.

The CHAIRMAN. But before you left, why did you not seek these gentlemen or call them up by 'phone and tell them that you had been telling a falsehood?

Mr. CANNON. I have no 'phone in my home; and Mr. Hayward came after me in a hurry. He wanted me to go in a hurry. I was not expecting to go until Friday morning. He told me he wanted me to go at 3.15—

The CHAIRMAN. Did you ask Mr. Hayward, the marshal, to take you to Banker Wilson or Mr. Critchlow, or any of these parties?

Mr. CANNON. No, sir.

The CHAIRMAN. Did you tell the marshal anything about it?

Mr. CANNON. I did not talk to him about it at all.

Mr. TAYLER. Did you not say a moment ago that you saw Mr. Critchlow the day you got the subpoena?

Mr. CANNON. I told you I saw Mr. Critchlow after I got the subpoena.

Mr. TAYLER. Exactly.

Mr. CANNON. But I was drinking that day, and I had an appointment for the next morning.

Mr. TAYLER. You did not tell him then that it was "hot air"?

Mr. CANNON. No, sir. I was drinking at the time, and I had an appointment with him the next morning, and when the next morning came I was so sick I could not see him.

Mr. TAYLER. Where did you see Mr. Critchlow the day you got the subpoena?

Mr. CANNON. At his office.

Mr. TAYLER. When it was understood that you were to leave—that day or the next?

Mr. CANNON. The next, I believe.

Mr. TAYLER. The next day?

Mr. CANNON. Yes, sir.

Mr. TAYLER. Did you go to him right after you got the subpoena?

Mr. CANNON. Yes, sir. I was in a saloon drinking at the time I got the subpoena.

Mr. TAYLER. And you went up to see Mr. Critchlow?

Mr. CANNON. I saw Mr. Wilson, and he told me to go and see Mr. Critchlow.

Mr. TAYLER. After having got the subpoena to come here did you not tell Wilson that it was all "hot air"?

Mr. CANNON. No, sir.

Mr. TAYLER. When you saw Mr. Critchlow you did not tell him it was all hot air?

Mr. CANNON. No, sir; but when I came——

Mr. TAYLER. On the contrary, when you saw Mr. Critchlow after having received the subpoena, you again talked about what you had seen at Los Angeles?

Mr. CANNON. Not after I got the subpoena. I do not think so.

Mr. TAYLER. You did not refer in that conversation to the testimony you were to give here?

Mr. CANNON. No, sir; I think not.

Mr. TAYLER. Anyway, it was settled that you would start the next day?

Mr. CANNON. That I would see him the next day. I did not say I would start. But the next day I was sick, and I could not go down town.

Senator McCOMAS. Did you know Lillian Hamlin?

Mr. CANNON. Not until after Abraham's death.

Senator McCOMAS. You knew the head of the church, Joseph F. Smith?

Mr. CANNON. Yes, sir.

Senator McCOMAS. Your relations with him were kindly?

Mr. CANNON. They have always been friendly.

Senator McCOMAS. And you were a close friend of Abraham H. Cannon?

Mr. CANNON. Yes, sir.

Senator McCOMAS. In business and personally, and were his cousin besides?

Mr. CANNON. Yes, sir.

Senator McCOMAS. You said a while ago that you told this thing as a joke. Being kindly to Joseph F. Smith and having been a friend of Abraham H. Cannon, what was the joke when Abraham was dead to impute to him and to the head of the church a serious violation of the law? What was the joke, in your mind?

Mr. CANNON. I was just talking to Wilson and Critchlow. I did not think it would result in anything.

Senator McCOMAS. You liked Cannon, and yet you imputed to this dead friend of yours a crime. Why did you do that and call it a joke?

Mr. CANNON. I was speaking more about Joseph F. Smith having performed the ceremony, and I was not casting any reflection on Abraham.

Senator McCOMAS. But you did impute to Joseph F. Smith and Abraham Cannon a violation of the laws of the country. You knew your friend Abraham H. Cannon was dead. Why did you do that?

Mr. CANNON. I was not thinking about that at the time. I was thinking more about Joseph F. Smith than anything else.

Senator McCOMAS. You felt kindly toward him?

Mr. CANNON. Not particularly so.

Senator McCOMAS. Did you or did you not know that the statement had been made here by Joseph F. Smith that this marriage had not taken place?

Mr. CANNON. I had read his testimony where he had said that he did not know of any plural marriages.

Senator McCOMAS. Yet you did impute to him this marriage after you had heard of his testimony here?

Mr. CANNON. Yes, sir; after I had heard of his testimony here.

The CHAIRMAN. Whom did you first tell that this story was untrue?

Mr. CANNON. My wife and Mr. Lynch, my brother-in-law.

The CHAIRMAN. Since you left Utah, whom have you told that it was untrue?

Mr. CANNON. I told Mr. Tayler.

The CHAIRMAN. Did you tell Mr. Smoot?

Mr. CANNON. I told Mr. Smoot what I had told them. I did not tell him—

The CHAIRMAN. You say you told your wife before you left that the story was untrue?

Mr. CANNON. Yes, sir. She knew it was untrue because she knew I was not in California that year.

The CHAIRMAN. If you told her it was untrue the day you left, could you not have told Wilson and Critchlow?

Mr. CANNON. I did not see them.

The CHAIRMAN. Why could you not see them? The marshal could have taken you to their offices.

Mr. CANNON. The marshal was down to the house and I had to get ready. I was not ready.

The CHAIRMAN. Why did you not tell them?

Mr. CANNON. If I had made an effort I suppose I could have. I intended to try—

The CHAIRMAN. Why did you not make the effort?

Mr. CANNON. I told the marshal I would leave on Friday, and he came down on Thursday—

The CHAIRMAN. Did you not know that you had been subpoenaed, because of the statement you had made to Mr. Wilson and Mr. Critchlow?

Mr. CANNON. Yes, sir; and that is the reason I got my brother-in-law to go to them and try to have the subpoena withdrawn.

The CHAIRMAN. Why did you not go yourself and tell them you had told an untruth?

Mr. CANNON. Because I had been sick all the time, up to the time I came away.

The CHAIRMAN. But there was the day you came away; and you saw Mr. Critchlow after you were subpoenaed. Why did you not tell him?

Mr. CANNON. If the marshal had not insisted upon my starting that

afternoon, I intended to go up that afternoon and talk to Critchlow and Wilson.

The CHAIRMAN. You do not answer my question. Why did you not tell them before you took the train?

Mr. CANNON. I was not in the vicinity where they were.

The CHAIRMAN. Where were they?

Mr. CANNON. I suppose at their offices.

The CHAIRMAN. How far was it to the depot?

Mr. CANNON. It is not far from the depot.

The CHAIRMAN. How far?

Mr. CANNON. It is about six blocks from the depot.

The CHAIRMAN. So that you could have seen them in ten minutes?

Mr. CANNON. Yes, sir.

The CHAIRMAN. And told them?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Why did you not?

Mr. CANNON. Because Mr. Hayward did not want me to go up town. He wanted me to go direct to the depot.

Mr. WORTHINGTON. Mr. Hayward is the marshal?

Mr. CANNON. Yes, sir.

Senator DUBOIS. You have no doubt now that Abraham H. Cannon married Lillian Hamlin?

Mr. CANNON. No, sir; there is no doubt about it in my mind.

Senator DUBOIS. About 1896?

Mr. CANNON. I think it was in 1896. I would not be positive.

Senator McCOMAS. And you have no doubt that Joseph F. Smith married them?

Mr. CANNON. I think he married them. I do not know that he did.

Mr. TAYLER. Were you in Los Angeles prior to 1896?

Mr. CANNON. Yes, sir.

Mr. TAYLER. About 1895?

Mr. CANNON. No; I was not there in 1895. It must have been 1893, or 1894, or somewhere along there.

At 1 o'clock p. m. the committee took a recess until 3 o'clock p. m.

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF ANGUS M. CANNON, JR.—Continued.

The CHAIRMAN. I wish to ask one or two questions. You say you arrived here about what time?

Mr. CANNON. I arrived here shortly before 8 o'clock this morning.

The CHAIRMAN. You went to your breakfast?

Mr. CANNON. Yes, sir; I went to breakfast.

The CHAIRMAN. And from there over to the Maltby Building?

Mr. CANNON. Yes, sir; after breakfast. I stood around some little time before I had breakfast, probably a half hour.

The CHAIRMAN. I do not care about that. Then you went over to the Maltby?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Where did you see Mr. Smoot?

Mr. CANNON. Right outside, immediately on the outside of the building.

The CHAIRMAN. Had you ever met him before?

Mr. CANNON. Yes, sir; in Salt Lake.

The CHAIRMAN. You knew him?

Mr. CANNON. Yes, sir; I knew him by sight; I had been introduced to him.

The CHAIRMAN. Did he call to you or did you speak to him?

Mr. CANNON. I addressed him.

The CHAIRMAN. And then you went up to his committee room?

Mr. CANNON. Yes, sir.

The CHAIRMAN. How long did you remain there?

Mr. CANNON. I was probably up there not over ten minutes before I started over to the barber shop.

The CHAIRMAN. You came over to the barber shop?

Mr. CANNON. Yes, sir.

The CHAIRMAN. And after that you returned to the committee room?

Mr. CANNON. Yes, sir.

The CHAIRMAN. How long did you stay there then?

Mr. CANNON. I had been there probably twenty minutes.

The CHAIRMAN. Before coming over here?

Mr. CANNON. Before coming over here.

The CHAIRMAN. But you went nowhere else except to his office?

Mr. CANNON. Nowhere else except to the barber shop and to the hotel where I had breakfast.

The CHAIRMAN. Did you have a letter of introduction to Mr. Taylor?

Mr. CANNON. No, sir.

The CHAIRMAN. You have spoken of Miss Hamlin. Was she present at the death of Mr. Cannon? You spoke of being at the death.

Mr. CANNON. I could not say whether she was there at the time he died or not. She was there in the afternoon previous to his death.

The CHAIRMAN. You attended the funeral, I suppose?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Did she?

Mr. CANNON. I think so. I would not be positive, but I think she did.

Mr. WORTHINGTON. How long was Mr. Cannon sick after he returned from this California trip?

Mr. CANNON. I think about three weeks. I could not say positively.

Mr. WORTHINGTON. What was the date of his death?

Mr. CANNON. It was some time in July.

Mr. WORTHINGTON. You said it was some time between the 20th and 30th of July?

Mr. CANNON. Somewhere along there.

Mr. WORTHINGTON. 1896?

Mr. CANNON. 1896. It may have been later. I know he was sick—I think he was sick—on the 24th of July. That was Pioneer day. I would not say whether he was sick or lying dead at that time.

Mr. WORTHINGTON. He died about that time?

Mr. CANNON. Somewhere along about that.

Mr. WORTHINGTON. How long was he away on the California trip that summer?

Mr. CANNON. I do not know exactly how long.

Mr. WORTHINGTON. Were you in Salt Lake City when he went away?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. Did you see him off?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. How do you know he did go at the time you say he went?

Mr. CANNON. He told me he was going away. I understood he was going down to California on mining business—something connected with the Sterling Mining Company.

Mr. WORTHINGTON. Can you tell me about what time of the year it was when he told you?

Mr. CANNON. I believe it was in June. I could not say positively.

Mr. WORTHINGTON. Then he was gone a few weeks?

Mr. CANNON. Yes, sir; a few weeks.

Mr. WORTHINGTON. During the few weeks he was away on this trip, where were you?

Mr. CANNON. I was in Salt Lake City.

Mr. WORTHINGTON. In what household were you living at that time?

Mr. CANNON. In my own.

Mr. WORTHINGTON. Who compose your family?

Mr. CANNON. I have a wife, and at that time I had nine children.

Mr. WORTHINGTON. How old is the oldest child?

Mr. CANNON. The oldest child at that time was——

Mr. WORTHINGTON. How old is the oldest child living now?

Mr. CANNON. I buried my oldest since then. My oldest child living now is 19. I have twin boys 19 years of age.

Mr. WORTHINGTON. Were all these children living with you at the time?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. You had neighbors all around?

Mr. CANNON. I had neighbors right behind me, north of me.

Mr. WORTHINGTON. What were you doing that summer? Did you have any business?

Mr. CANNON. Yes; I was in the real estate business.

Mr. WORTHINGTON. Were you going about Salt Lake City every day?

Mr. CANNON. Yes; I was around there most of the time.

Mr. WORTHINGTON. So there would be no trouble in finding hundreds of witnesses who would testify that you were there while he was off on the trip?

Mr. CANNON. Yes; I can show all the time that I was there.

Mr. WORTHINGTON. Do you know whether Mr. Wilson or Mr. Critchlow made any inquiry in order to find out whether you were away or not?

Mr. CANNON. I do not know.

Mr. WORTHINGTON. If they did you do not know it?

Mr. CANNON. If they did I do not know that they did.

Mr. WORTHINGTON. You spoke of your brother-in-law Lynch. He is a physician?

Mr. CANNON. One is a physician and the other is a clerk in the United States Mining Company.

Mr. WORTHINGTON. Which one is it that you spoke to about seeing Mr. Critchlow and Mr. Wilson?

Mr. CANNON. Mr. Lynch, of the United States Mining Company.

Mr. WORTHINGTON. What day was it that you left Salt Lake City to come here—when the marshal took you to the train?

Mr. CANNON. The marshal did not take me to the train. He came about noon, and I had to leave on the 3.15.

Mr. WORTHINGTON. He told you that he wanted you to go then?

Mr. CANNON. On that train.

Mr. WORTHINGTON. That was on Thursday?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. When was it you told Mr. Lynch to see Mr. Wilson and Mr. Critchlow and tell them that your story was a fake?

Mr. CANNON. It was on the Saturday previous. I did not see him after that.

Mr. WORTHINGTON. I was going to ask you whether he had reported. He did say that he would see them.

Mr. CANNON. He told me positively that he would see them.

Mr. WORTHINGTON. That was on Saturday?

Mr. CANNON. Saturday.

Mr. WORTHINGTON. And from Saturday to Thursday you heard no more of him?

Mr. CANNON. That is right.

Mr. WORTHINGTON. The next thing you heard you were sent on a day ahead of the time when you expected to leave?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. Have you been in Washington before?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. Had you any directions where to go on arriving here?

Mr. CANNON. No; I was not told where to go; only to report here.

Mr. WORTHINGTON. You had your subpoena?

Mr. CANNON. Yes, sir; I had the subpoena.

Mr. WORTHINGTON. I wish you would describe the man you saw at the Baltimore and Ohio depot who told you that committees were not in session in the Capitol building in the vacation.

Mr. CANNON. He is a large man; he is a heavy-set man. I have inquired from the officers since I have been out. The party on now told me that the officer who was on when I came in on the train was not on duty now.

Mr. WORTHINGTON. You have been down there since you have been examined here?

Mr. CANNON. Yes, sir; I went down to see if I could see the officer.

Mr. WORTHINGTON. Did you ask his name?

Mr. CANNON. I asked his name. They could not tell me. One of them thought it was a man by the name of Saunders; but I saw Saunders, and he told me he did not come on until 8, and it was prior to that time that I saw this officer.

Mr. WORTHINGTON. What did you ask that man?

Mr. CANNON. I told him that there was a committee of the Senate that I had to appear before this morning, and I asked him where they met. First I asked him which car to take. I did not know the Capitol was so near. He told me that the Capitol was right here, and he said that after Congress adjourned committees usually meet there, and he pointed out that red building on the corner. He told me they

usually met there. So I told him, "Well, I am right here, and I don't have to go on any car." He says, "You are right at home."

Mr. WORTHINGTON. Was it before you had your breakfast?

Mr. CANNON. Before I had breakfast, I asked him where would be a good place to go and get breakfast, and he told me right across the street—Engel's, I believe they call it. He told me I could get a nice breakfast in there. I went over there and had breakfast.

Mr. WORTHINGTON. Then you started up to that red building to find the committee room?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. What time was it when you got to the red building?

Mr. CANNON. I did not pay any attention to the time. I suppose it was half past nine, probably.

Mr. WORTHINGTON. Had you entered the building when you encountered Senator Smoot?

Mr. CANNON. No, sir; I had just got to the corner and he was coming along and I addressed him.

Mr. WORTHINGTON. Was there any prearrangement about your meeting?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. It was wholly accidental?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. You had no idea of meeting him?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. You hailed him?

Mr. CANNON. Yes, sir; I hailed him.

Mr. WORTHINGTON. What occurred between you? State the conversation.

Mr. CANNON. He asked me who I was, and I told him my name was Cannon, and that I had been subpoenaed before this committee, and then I started to tell him—he told me to come up stairs, that "young Badger, my clerk, is up there," and I started to tell him how I was subpoenaed.

Mr. WORTHINGTON. Had he asked you anything about it, or did you volunteer the information?

Mr. CANNON. I volunteered the information.

Mr. WORTHINGTON. You found Mr. Badger there?

Mr. CANNON. I found Mr. Badger there and Mr. Smoot. I told—

Mr. WORTHINGTON. One moment. You knew Mr. Badger in Salt Lake City?

Mr. CANNON. Yes, sir. He is younger than I, but I have seen him around to my younger brother's.

Mr. WORTHINGTON. What did you tell Mr. Smoot?

Mr. CANNON. I told about my having been off on a spree and what I had said to Wilson.

Mr. WORTHINGTON. Just what you have said here, substantially?

Mr. CANNON. Substantially that. I asked the Senator what time the committee would meet. He said at 11.30. I said, "I will have time to go and get shaved."

He told Badger to come over and show me where the barber shop was. We went down there. I had to wait for three or four people to be barbered. He left me and went back to the office. After I got through I walked over there again.

Mr. WORTHINGTON. Was there any understanding when you separated from Mr. Badger that you were going back there?

Mr. CANNON. No, sir. I did tell Badger "I will be over. There is no need of your waiting. After I get through I will come over to the office."

Mr. WORTHINGTON. When you went back the second time whom did you find?

Mr. CANNON. Badger was there alone then.

Mr. WORTHINGTON. Did anybody else come in?

Mr. CANNON. Mr. Smoot came in, and Mr. Richards.

Mr. WORTHINGTON. Do you mean the Mr. Richards here present?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. What took place after that?

Mr. CANNON. He came in. I got up and shook hands with Mr. Richards. I told him about how I happened to be down here.

Mr. WORTHINGTON. Did Mr. Richards and Senator Smoot come in together or separately?

Mr. CANNON. Separately.

Mr. WORTHINGTON. Which one first?

Mr. CANNON. Senator Smoot, I believe. Let me see——

Mr. WORTHINGTON. I wish to ask you whether Senator Smoot, Mr. Richards, or Mr. Badger said or intimated to you a word of any kind as to what your testimony should be, or what they wanted it to be?

Mr. CANNON. Not a word.

Mr. WORTHINGTON. You simply told the same hot-air story to them that you have told here?

Mr. CANNON. That is it.

Mr. WORTHINGTON. Now, if I understand you, before you left Salt Lake City you had told your wife and Mr. Lynch that the story was all untrue.

Mr. CANNON. Yes, sir; my wife knew it was untrue.

Mr. WORTHINGTON. Yes; I understand that she knew it, but you had told Mr. Lynch so?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. Had you told anybody else?

Mr. CANNON. I think not.

Mr. WORTHINGTON. You can not tell us of your own knowledge whether Mr. Lynch told Mr. Critchlow and Mr. Wilson that the story was untrue?

Mr. CANNON. I can not say it, but I firmly believe he did, for he told me he would go there directly.

Mr. WORTHINGTON. Is it an unusual thing for you to be on a spree?

Mr. CANNON. I have drunk a good bit. It is periodical with me.

Mr. WORTHINGTON. You go on them pretty often. Has it not been a sort of failing with you, when you are on one of your sprees——

Mr. CANNON. I talk a good bit.

Mr. WORTHINGTON. Has it not been a failing with you to get off some cock-and-bull story that there is nothing in?

Mr. CANNON. I am in the habit of talking a good bit when I am drinking.

Mr. WORTHINGTON. I want to see whether I understand you or not. You said you were satisfied that President Smith married Mr. Cannon to this Hamlin woman because your sister was satisfied of it?

Mr. CANNON. Yes. That is the way I feel about it. Of course I do not know that he did.

Mr. WORTHINGTON. Have you any other reason for being satisfied in your own mind than that she is satisfied in her mind?

Mr. CANNON. Nothing more than what my sister said to me.

Mr. WORTHINGTON. What did she say?

Mr. CANNON. All she said was that she was satisfied he did it. She does not know.

Mr. WORTHINGTON. You do not know whether she is satisfied because somebody else is satisfied of it?

Mr. CANNON. I know she is very much prejudiced against Miss Hamlin.

Mr. WORTHINGTON. Your sister, of course, did not claim to be present or to know anything about it personally?

Mr. CANNON. No; she did not claim anything like that.

Mr. WORTHINGTON. After you had told this story to Mr. Wilson and Mr. Critchlow, did anybody in Salt Lake City undertake to influence you to change your story?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. Did you see after that, or before you came here, President Smith?

Mr. CANNON. How?

Mr. WORTHINGTON. After you had told the story to Mr. Wilson the first time, did you see Mr. Smith, president of the church, or have you seen him since?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. Or anybody representing him?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. I think you have said that nobody has undertaken to influence you in any way?

Mr. CANNON. Nobody has tried to influence me at all.

Mr. WORTHINGTON. Had you any particular object which would make you want to come to Washington?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. Why did you want Mr. Lynch to come with you?

Mr. CANNON. I do not know. I thought if I was coming I should like to have him come along; that was all. I was drinking at the time.

Mr. WORTHINGTON. You wanted a guardian?

Mr. CANNON. I needed one.

Mr. WORTHINGTON. Is there or has there been any feeling between you and President Smith?

Mr. CANNON. No, sir; never at all.

Mr. WORTHINGTON. There has been no hostile feeling on your part toward him at any time?

Mr. CANNON. We never have had any feelings toward each other. He has always been affable and pleasant when I have met him. I may have had some personal feeling.

Mr. WORTHINGTON. That is what I meant.

Mr. CANNON. Of course it is none of my business who he makes apostles, or who he does not, or anything of that kind, but I have felt he was giving them too much Smith—that was all.

Mr. WORTHINGTON. Have you expressed your feeling on "too much Smith?"

Mr. CANNON. I may have done so. I do not know. But I think I have several times.

Mr. WORTHINGTON. There is not any excessively kindly feeling in your mind toward him?

Mr. CANNON. No; nothing too kind; no.

Mr. WORTHINGTON. I think that is all, Mr. Chairman.

The CHAIRMAN. Mr. Tayler, have you any further questions?

Mr. TAYLER. Was Lillian Hamlin Abraham Cannon's wife in 1895?

Mr. CANNON. 1895?

Mr. TAYLER. Yes.

Mr. CANNON. I do not think she was. I do not know.

Mr. TAYLER. Do you not think you would have known it if she had been?

Mr. CANNON. No; I probably would not have known it. She might have been, and I not know it.

Mr. TAYLER. You were well acquainted with all the other wives, you said, I believe?

Mr. CANNON. Yes, sir; I was well acquainted with all the others.

Mr. TAYLER. Did you know she was engaged to his brother?

Mr. CANNON. I did not know it until after Dave's death.

Mr. TAYLER. Until after David's death?

Mr. CANNON. No, sir.

Mr. TAYLER. How did you find it out then?

Mr. CANNON. Through some member of the family.

Mr. TAYLER. Did you not know until after David's death, at the time you heard this, that Lillian Hamlin was not at that time Abraham Cannon's wife?

Mr. CANNON. I do not know that I understand the question. Immediately after David's death?

Mr. TAYLER. Yes.

Mr. CANNON. Of course I do not think she was at that time.

Mr. TAYLER. You did not suspect that she was both engaged to David and married to Abraham?

Mr. CANNON. At the time she was engaged to David, I am satisfied she was not Abraham's wife. David died while in Germany.

Mr. TAYLER. About 1892, was it not?

Mr. CANNON. I think somewhere along there. At the time Abraham was taking her out riding I thought it was simply because she, having been engaged to David—because of a sort of a brotherly feeling, he took her out for a drive.

Mr. TAYLER. Was Mr. Richards in Senator Smoot's office when you got in this morning?

Mr. CANNON. No, sir.

Mr. TAYLER. Did you say that Senator Smoot did not know you?

Mr. CANNON. He did not know me at first.

Mr. TAYLER. Did he say that he expected you?

Mr. CANNON. He said he had heard that I was coming.

Mr. TAYLER. That is all.

The CHAIRMAN. Did he say from whom he had heard it?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. Did you tell people out there that you had been subpoenaed?

Mr. CANNON. I told two or three.

Mr. WORTHINGTON. Two or three of your friends?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Whom did you tell?

Mr. CANNON. I told Lon Irving. He is my brother's partner there.

The CHAIRMAN. Who else?

Mr. CANNON. I told Nate Gray, a bartender.

The CHAIRMAN. Anybody else?

Mr. CANNON. I do not remember anybody else.

The CHAIRMAN. When you and the Senator met here, you say the Senator spoke first?

Mr. CANNON. No, sir; I spoke first. I addressed him.

The CHAIRMAN. What did you say?

Mr. CANNON. I said, "Mr. Smoot, I believe?" He said "Yes." He said "Who is this?" I told him it was Angus Cannon, jr. "Oh," he says, "yes, I understood you were on the way here."

The CHAIRMAN. What did he say?

Mr. CANNON. "I understood you were coming."

The CHAIRMAN. Then what?

Mr. CANNON. Then I told him. He says "Come up to the office." He says "Badger is up there," calling him by his given name.

The CHAIRMAN. That was the next thing which occurred?

Mr. CANNON. Yes. I asked him when the committee would meet. He says, "You are acquainted with Carl Badger," and I said, "I have seen him in Salt Lake." We went up there, and on the road in I was telling him how it happened.

The CHAIRMAN. Did you know Carl Badger any better than you knew Senator Smoot?

Mr. CANNON. Carl Badger knows me better. He has grown a good bit since I have seen him with my brothers. They live on the next block to my mother.

The CHAIRMAN. Did you at that time ask Senator Smoot where the committee would meet?

Mr. CANNON. I did not ask him where the committee would meet, but I told him an officer had directed me to that building.

The CHAIRMAN. After the salutation, and the statement that you were subpoenaed here, and the statement by him that he knew you were coming, then the next thing was, he invited you up to his office?

Mr. CANNON. I asked him on the road up there what time the committee would meet.

The CHAIRMAN. I understand; but he invited you to come up to the committee room?

Mr. CANNON. Yes.

The CHAIRMAN. Up to his committee room; and you went up and found this young man and the Senator?

Mr. CANNON. Yes, sir. The Senator left very shortly—

The CHAIRMAN. I understand that. Now, when you came back after you had been over to the barber's, did you find Mr. Richards there?

Mr. CANNON. No, sir; he was not there when I went in.

The CHAIRMAN. Who was there when you went back?

Mr. CANNON. Mr. Badger.

The CHAIRMAN. Who came in after that?

Mr. CANNON. I would not be positive whether it was Senator Smoot or Mr. Richards who came in first.

The CHAIRMAN. Did they come in together?

Mr. CANNON. They were not far apart—a few minutes. I believe Senator Smoot was there first. I think so.

The CHAIRMAN. Then Mr. Richards came in afterwards. How long afterwards?

Mr. CANNON. Probably ten or fifteen minutes; ten minutes.

The CHAIRMAN. Did Mr. Richards and Mr. Smoot remain with you then until you came over here?

Mr. CANNON. Mr. Badger was there. They were talking about some books.

The CHAIRMAN. I am not asking you about what they were talking about. Did they remain with you until you came over to this committee room?

Mr. CANNON. Not all the time.

The CHAIRMAN. They went out?

Mr. CANNON. Yes.

The CHAIRMAN. Did both of them go?

Mr. CANNON. Mr. Richards went out and afterwards Mr. Smoot. Then they came back in again.

The CHAIRMAN. How long were they gone?

Mr. CANNON. I could not say; probably five minutes.

The CHAIRMAN. After they had been out then they came back again?

Mr. CANNON. They came back again and talked to Mr. Badger about some books and things. It did not have anything to do with this case.

The CHAIRMAN. I did not ask you about that.

Mr. CANNON. I beg pardon.

The CHAIRMAN. They came back, after having been out. How long did they remain with you then?

Mr. CANNON. I could not say exactly how long, probably fifteen minutes, before the telephone message.

The CHAIRMAN. Did they remain there until you came over here?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Did you come over with them?

Mr. CANNON. No, sir; I came over with Badger. I did not know where your office was.

The CHAIRMAN. I understand. You came here before they came?

Mr. CANNON. Yes, sir.

The CHAIRMAN. How long was it after you came over before they came?

Mr. CANNON. I could not say. I was over here probably a half or three-quarters of an hour.

The CHAIRMAN. Lillian Hamlin is known as Mrs. Cannon?

Mr. CANNON. Yes, sir.

The CHAIRMAN. Does she live in Salt Lake?

Mr. CANNON. Yes, sir.

The CHAIRMAN. How far from you?

Mr. CANNON. I could not tell exactly where she does live. I have not seen her for a long time.

The CHAIRMAN. How do you know she lives in Salt Lake?

Mr. CANNON. Her home is there. She lived on Eighth West and Seventh South, and I live on Third East, near the corner of Ninth South.

The CHAIRMAN. Her home is there?

Mr. CANNON. Yes, sir.

The CHAIRMAN. She has one child?

Mr. CANNON. Yes, sir

The CHAIRMAN. Do you know what the age of the child is?

Mr. CANNON. Oh, she is 6 or 7 years old, I guess.

The CHAIRMAN. Is that her only child?

Mr. CANNON. Her only child.

The CHAIRMAN. Do you know where she is now?

Mr. CANNON. No, sir.

The CHAIRMAN. Have you seen Miss Hamlin in Salt Lake City recently?

Mr. CANNON. I have not seen her for years. The reason I have not seen her is that I have been out on the ranch up to a month ago or so. I have been out there for two years.

The CHAIRMAN. Then you have not been living in Salt Lake City?

Mr. CANNON. Not continuously. I came there a little over a month ago.

The CHAIRMAN. Were you ever in Los Angeles but once?

Mr. CANNON. I have been there twice.

The CHAIRMAN. You have been in Los Angeles twice?

Mr. CANNON. Yes, sir.

The CHAIRMAN. When?

Mr. CANNON. It was in 1892 or 1893; somewhere along there; and then again in 1897.

The CHAIRMAN. In 1897, and then again in 1892 or 1893?

Mr. CANNON. Yes, sir; somewhere along there.

The CHAIRMAN. That is all.

Mr. TAYLER. Were you ever there when Joseph F. Smith was there?

Mr. CANNON. No, sir.

The CHAIRMAN. Did you have communication with anyone while you were coming from Salt Lake—en route on the train?

Mr. CANNON. No, sir.

The CHAIRMAN. I have no further questions.

Senator DUBOIS. What is Miss Hamlin's business?

Mr. CANNON. She is a school-teacher.

Senator DUBOIS. Was she a school-teacher in 1895?

Mr. CANNON. I could not say as to that, whether she was or not. Since Abraham's death she has been a school-teacher.

Senator DUBOIS. Where was she teaching school?

Mr. CANNON. She was teaching school in Provo prior to coming to Salt Lake.

Mr. TAYLER. When did she come to Salt Lake?

Mr. CANNON. I could not say when she did come to Salt Lake. I met her about a year ago.

The CHAIRMAN. Where did you meet her a year ago?

Mr. CANNON. At Uncle George Q.'s farm.

The CHAIRMAN. George Q. Cannon?

Mr. CANNON. George Q. Cannon's home.

The CHAIRMAN. Was that the first time you met her?

Mr. CANNON. It was the first time I had met her since the time of Abraham's funeral.

The CHAIRMAN. When were you first introduced to her?

Mr. CANNON. I was not introduced to her until I met her just about a year ago.

The CHAIRMAN. Who introduced you then?

Mr. CANNON. I do not remember whether it was Mamie or one of

the other girls. When I went in the house Lillian was there—Miss Hamlin. They asked me if I was not acquainted with Lillian. I then met her and shook hands.

The CHAIRMAN. How did they introduce her?

Mr. CANNON. They just asked me if I was acquainted with Lillian. They only addressed her as Lillian. I knew who she was then.

The CHAIRMAN. Who was she then?

Mr. CANNON. She was understood to be Abraham's wife.

The CHAIRMAN. That is all.

Mr. TAYLER. Had you not been introduced to her when she was at the bedside of Abraham Cannon?

Mr. CANNON. I never was introduced to her at all. That is how I came to inquire who she was.

Mr. TAYLER. You found out who she was, then?

Mr. CANNON. Yes, sir.

The CHAIRMAN. You have not any doubt that they were married at the time of his death?

Mr. CANNON. Of course I do not know it.

The CHAIRMAN. I understand.

Mr. CANNON. But I believe they were.

The CHAIRMAN. Did she seem indifferent to his dying.

Mr. CANNON. No; she was not indifferent. She seemed to feel bad.

The CHAIRMAN. She attended the funeral, I think you said.

Mr. CANNON. Yes, sir.

The CHAIRMAN. And was one of the mourners?

Mr. CANNON. Yes, sir; I think she was at the funeral.

Mr. TAYLER. How did you come to meet Mr. Wilson on the occasion when you told him that you had seen Joseph F. Smith marry Lillian Hamlin to Abraham Cannon?

Mr. CANNON. I went to the bank for some purpose. I saw him there at his desk.

Mr. TAYLER. What did you do?

Mr. CANNON. I went over and got talking to him at his desk.

Mr. TAYLER. Did you go into the bank on business?

Mr. CANNON. Yes, sir.

Mr. TAYLER. What kind of business?

Mr. CANNON. I went in to get some money.

Mr. TAYLER. Had you a check on the bank?

Mr. CANNON. No; I did not have any check on the bank. I was going in to see Mr. Sherman.

Mr. TAYLER. Mr. Sherman?

Mr. CANNON. Young Sherman. He is employed in the bank.

Mr. TAYLER. And you happened to see Mr. Wilson and went over and talked to him?

Mr. CANNON. Yes, sir.

Mr. TAYLER. How long did you talk to him?

Mr. CANNON. Just a few minutes. I could not say exactly how long.

Mr. TAYLER. You introduced the subject of Joseph F. Smith?

Mr. CANNON. Yes, sir. I got talking about it.

Mr. TAYLER. Did he send for Mr. Critchlow before you left?

Mr. CANNON. Not then.

Mr. TAYLER. Not then?

Mr. CANNON. No. I left—

Mr. TAYLER. When was it?

Mr. CANNON. It was the next morning that Harris came to me and told me Wilson wanted to see me, and I went over and he told me he wanted me to go to Critchlow's office.

Mr. TAYLER. Who is Harris?

Mr. CANNON. He is a partner in the real estate business, or used to be, with E. W. Wilson.

Mr. TAYLER. Did you go to Critchlow's office?

Mr. CANNON. Not then. He asked me if I would come back and go, and I said "Yes," and he asked me, "About what time?" and I said "About 12 o'clock." I got in some time after 12; I do not know exactly how much. Mr. Critchlow was there then.

Mr. TAYLER. At the bank?

Mr. CANNON. Yes, sir.

Mr. TAYLER. So that the second conversation about it occurred at the bank?

Mr. CANNON. Yes, sir.

Mr. TAYLER. And Mr. Critchlow and Mr. Wilson were both present?

Mr. CANNON. Yes, sir; both were present.

The CHAIRMAN. You said you went into the bank. It was then during banking hours?

Mr. CANNON. Yes, sir.

The CHAIRMAN. About what time?

Mr. CANNON. I could not tell exactly what time of the day it was.

The CHAIRMAN. I do not mean exactly.

Mr. CANNON. It must have been near noon.

The CHAIRMAN. You went in—

Mr. CANNON. I went in to see Mr. Sherman.

The CHAIRMAN. You did not go in to get a check cashed?

Mr. CANNON. I went in to see Mr. Sherman.

The CHAIRMAN. You went in to get some money, you say?

Mr. CANNON. I went in to see Mr. Sherman about getting some money.

The CHAIRMAN. Not from the bank?

Mr. CANNON. No, sir.

The CHAIRMAN. Did you borrow some?

Mr. CANNON. I got some from Mr. Wilson.

The CHAIRMAN. How much?

Mr. CANNON. I think about \$14 or \$15.

The CHAIRMAN. Did you give your note?

Mr. CANNON. No, sir; I was owing him \$80 before. I told him I would settle it up at the same time. I was owing him \$80 for some insurance.

The CHAIRMAN. You say he let you have how much?

Mr. CANNON. I think about \$14 or \$15.

The CHAIRMAN. Do you not remember?

Mr. CANNON. No, sir; I do not remember exactly.

The CHAIRMAN. But he let you have it?

Mr. CANNON. I told him I would settle it when I settled the \$80.

The CHAIRMAN. He is a good business man?

Mr. CANNON. He has been a good friend of mine. He is a good business man.

The CHAIRMAN. He is not in the habit—

Mr. CANNON. He did not loan me the bank's money. He loaned me his own money.

The CHAIRMAN. He is not in the habit of loaning money to drunken people?

Mr. CANNON. No, sir.

Mr. WORTHINGTON. How did you come to get the money from Wilson, when you went there to see Sherman?

Mr. CANNON. I got to talking to Wilson. He talked about the \$80—

Mr. WORTHINGTON. Did you get the money before or after you told him the yarn?

Mr. CANNON. Before.

Mr. WORTHINGTON. Then, after you got the money you told him the yarn?

Mr. CANNON. I could not say whether it was before or after; and as to a dollar or two, I could not say how much I got.

Mr. WORTHINGTON. You were drunk, then?

Mr. CANNON. Yes, sir; I was drinking.

Mr. WORTHINGTON. How long had you been on this spree?

Mr. CANNON. I had been drinking two or three days.

Mr. WORTHINGTON. Where did you spend the night of the day you first saw Wilson?

Mr. CANNON. Spend the night?

Mr. WORTHINGTON. Yes.

Mr. CANNON. I was out to different saloons—Hogle Brothers, I was at Onyx Bank, I was at Reagan's, Riley's—

Mr. WORTHINGTON. Did you go home at all that night?

Mr. CANNON. Not that night, and I had not been home the night before that.

Mr. WORTHINGTON. You had been on this bum all the time?

Mr. CANNON. Yes.

The CHAIRMAN. You do not mean to convey the idea that Mr. Wilson paid you for this story?

Mr. CANNON. No, sir.

The CHAIRMAN. He is not that kind of a man?

Mr. CANNON. No, sir; he is not that kind of a man.

Senator DUBOIS. You have a very high regard for Mr. Wilson?

Mr. CANNON. Yes, sir; I have.

Senator DUBOIS. And for Mr. Critchlow?

Mr. CANNON. I have.

Senator DUBOIS. And they have a high regard for you?

Mr. CANNON. They have always acted that way with me.

Senator DUBOIS. They believe you, do they not?

Mr. CANNON. Yes, sir; they do believe me.

Senator DUBOIS. And they would believe any statement you would make to them?

Mr. CANNON. I think so.

Mr. TAYLER. You have no doubt about their believing you when you told this story?

Mr. CANNON. I think they firmly believed the story.

The CHAIRMAN. You regard Mr. Wilson and Mr. Critchlow as truthful men?

Mr. CANNON. Yes, sir.

Mr. WORTHINGTON. Why do you say they would be tickled all over if they heard something against the Mormon Church?

Mr. CANNON. Because I do not think they like the Mormon Church.

Mr. WORTHINGTON. Do you think they would be tickled to hear something against the church that was not true?

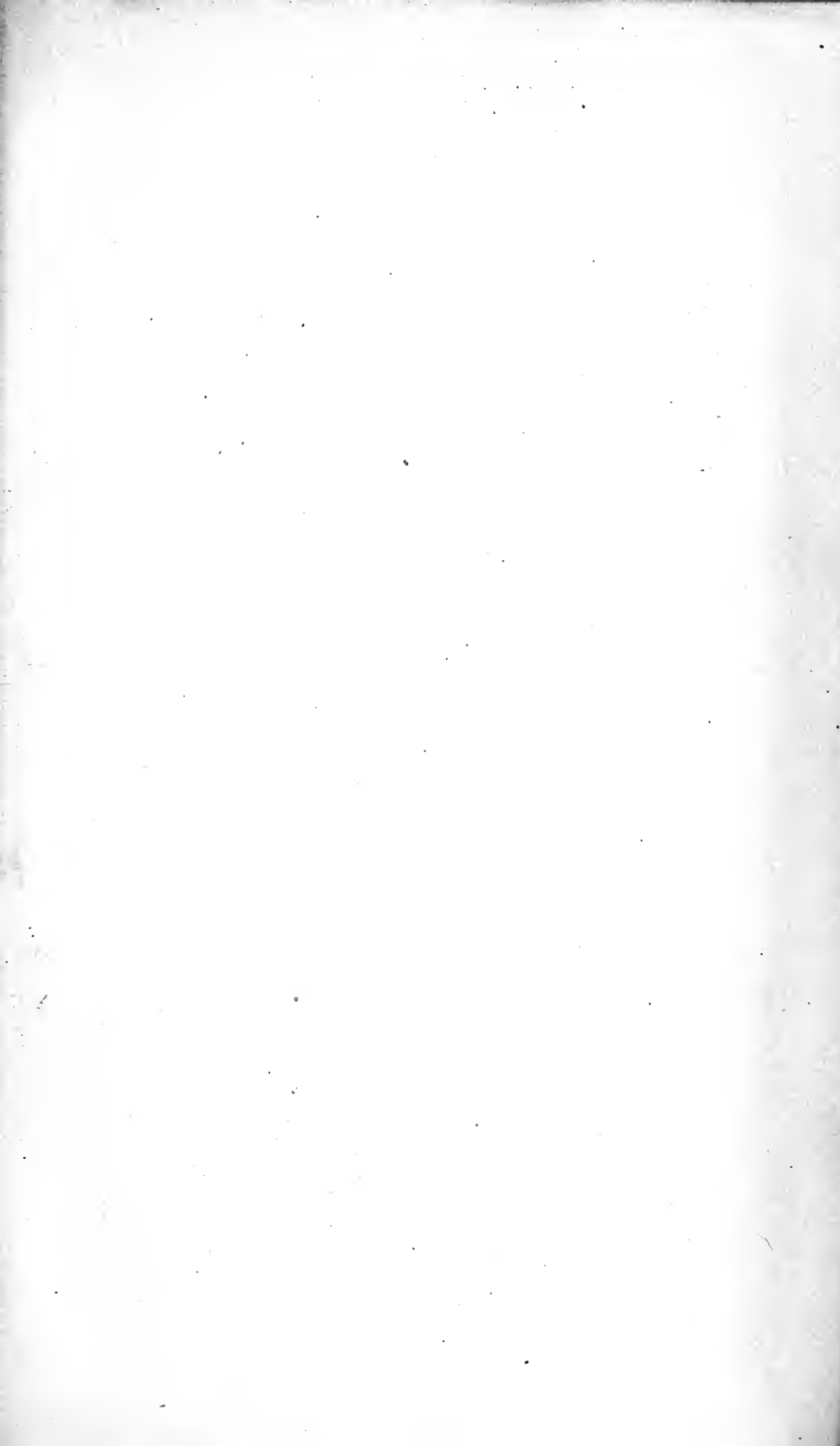
Mr. CANNON. They thought it was true. I do not think they would want anybody to lie about the Mormon Church.

Thereupon (at 3 o'clock and 45 minutes p. m.) the committee adjourned.

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