

members of the Church. To the best of his knowledge all of them had willingly approved of it. It would now be contrary to the laws of the Church for any of its members to enter into plural marriage, and any one doing so would be liable to excommunication. To his knowledge no such marriage had been contracted by any member of the Church since the issuance of the manifesto. He had not taught or advised or assented to its practice since then, and knew of no other officer of the Church who had done so, and he had no hope or expectation that plural marriages would be re-established in the Church.

Replying to Mr. Varian, in cross-examination, President Woodruff said he had never issued but this one manifesto on the subject.

Mr. Varian—Did you understand by this declaration that a tenet or principle of faith of the Church over which you preside was changed in any degree?

Witness—No, sir, I do not know that I did, with regard to the principle of faith.

Q.—Does your Church derive its principles of faith and rules of conduct from the Bible, the Book of Mormon, Doctrine and Covenants and the revelations from Almighty God?

A.—Yes, sir.

Q.—Was the principle of plural or celestial marriage derived from revelation?

A.—Yes, sir, the principle that has been adopted by the Church was.

Q.—Has there ever been any principle of faith or tenet of your Church incorporated in its creed through the vote of its people?

A.—No, sir, I think not; but I will here say that the principles of faith of the Church have been presented to the members and voted upon by them; the reception of those principles has been by vote.

Q.—Has any principle or tenet having its foundation in revelation been submitted to the members of the Church with a view of their accepting or rejecting it by vote?

A.—Yes, I think all revelations that we have received have been accepted by vote.

Q.—Has there ever been an instance of one being rejected?

A.—Not as a general principle.

Q.—Well, has there ever been an instance of its being rejected at all where it purported to come from higher channels—from a higher Power?

A.—No, sir.

Q.—Is not the principle of plural marriage still a tenet of the faith of your Church?

A.—Yes, I believe the Church believes in the principle.

Q.—Would it not have to be changed by the same power and authority from which the principle was derived?

A.—Yes; but I will remark that a principle may be believed in by the Church—a true principle—and still not be practiced.

Q.—You do not understand, then, that the people of your Church indicated by accepting your declaration that their views or belief upon the principle involved were at all changed, but only that they were willing to follow your advice in submitting to the conditions that confronted them?

A.—Yes, sir, I view that as being about the ground of it.

Q.—Did you state more, or intend to convey more, in this declaration than the fact that you yourself intended to submit to the law referred to, and to use your influence with the members of your Church to have them do likewise?

A.—Well, after that declaration, of course, I expected to obey the laws of the land, and requested the Latter-day Saints to do the same, and to carry out that principle whether it was stated or not. That was the point.

Q.—Does this declaration anywhere indicate to your people that the failure to follow your advice would become a subject of Church discipline?

A.—Well, it would become so, whether so stated or not.

Q.—But does it so state?

A.—I do not know that I can say it does.

Mr. Richards—That is hardly a fair question.

Mr. Dickson—The answer speaks for itself.

Mr. Varian—I am no fool, gentlemen; I know what I am asking! (To the witness): Did you intend to confine your advice to the Church solely to the forming of new rules, by entering into new marriages, without reference to those already existing?

A.—The intention of the proclamation was obedience to the law of the land connected with that subject myself, and I expected all the members of the Church to do the same.

Q.—You meant to include the laws, then, forbidding association in plural marriage as well as the forming of plural marriages?

A.—Whatever there is in the law of the land with regard to it.

Q.—In the concluding portion of your declaration, or 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 include the further statement of living or associating in plural marriage by those already in the status?

A.—I intended the proclamation to cover the whole ground—to obey the laws of the land entirely.

Q.—Was the sole reason of this declaration because of these laws that you speak of in it?

A.—Well, if I might make an explanation of this matter I would say this: There was no law against this principle—against polygamy, the patriarchal order of marriage practiced by the Latter-day Saints until 1862. The members of this Church did not believe that law was constitutional, and I myself thought there would be very few outside the Church, judges, jurists, and lawyers, who were versed in the law and constitution of the country, who believed themselves that that was a constitutional law. It remained on the statute book a dead letter for many years. One of our own people, an Elder in the Church—Brother Reynolds—came forward and furnished testimony himself, as a test case. He believed that he would be dealt with leniently, and until it was proved, or represented, to be a constitutional law there was nothing against the practice, and after that probably a dozen or more leading men of the Church went to prison rather

than expose their families, and to prove their faith and feeling with regard to the position they occupied. This was the position we were in: A very small percentage—probably five per cent—of the people would have covered the whole ground who had entered into polygamy, and here was ninety-five per cent. of a community who apparently would all suffer. The sentiment of the whole nation as well as the laws, apparently, were against it; and I will say for myself that I became thoroughly convinced that this practice would have to be changed. When I was appointed President of the Church I looked this question over, and for a good while became satisfied in my own mind that plural marriage must stop in this Church. It was not we who had practiced it only who were suffering, but a large proportion of people who had not entered into it. After I became President of the Church I did not advocate the practice of this principle among our people, for that was what I saw before me, and it was upon that ground that I issued the manifesto—I will say by inspiration. I believe it was my duty and the duty of our people to obey the law and leave events in the hands of God. Now, if the gentleman can understand my views upon it that is where I stand.

To Mr. Varian.—The manifesto was intended to apply to the Church of Jesus Christ of Latter-day Saints everywhere in every nation and country. We are giving no liberty to enter into polygamous relations anywhere.

Mr. Varian—Would it not, of necessity, require a revelation from as high a source as that from which the original came to revoke that law governing plural marriage?

A.—Yes, I suppose it would.

Q.—Are you willing to say, Mr. Woodruff, that you now consider by reason of this act of yours and your people in Conference assembled that the principle of plural marriage, as originally given and subsequently followed and practiced by your people, is no longer the law of the Church or of God?

A.—I have nothing to say with regard to the law of God particularly, but it is, as I have said, against the law of the Church. By the law of God to us we are required to abandon that doctrine or tenet of our faith in our practice.

Mr. Dickson—In the event of this Territory being admitted into the union, would you, as the President of the Church under such circumstances—I mean if the Territory came into the Union so that there was no longer any fear of punishment under the civil law for parties who might enter plural marriage—would you, under those conditions, advise, encourage or countenance such practices?

Judge Marshall—We object to that question as immaterial so far as this controversy is concerned.

Mr. Dickson—I desire to show by the answer of this and other witnesses that they have no hope, belief or expectation of returning to this practice, to this principle under any conceivable conditions. That is all.

The Master in Chancery, interposing, said he understood that that question had already been substantially an-