

THE IDAHO TEST CASE.

Full Report of the Proceedings.

THE TESTIMONY AND THE DECISION.

(Continued from page 667.)

C. J. BASSETT

Being duly sworn for the Intervener testifies as follows:

Q. You live here in town? A. Yes, sir.

Q. Have you ever been a Mormon? A. Yes, sir.

Q. Have you ever been through what has been called the Endowment House? A. I have.

Q. And understand the Mormon system as practiced and taught? A. Yes, sir, to some extent.

Q. What are accepted as their doctrinal books, what books? A. The Book of Mormon, the Doctrine and Covenants and the Bible.

Q. Have you ever within the last few years heard the subject of plural marriage discussed publicly by the teachers of the Mormon Church? A. No, sir, I have not been inside of a church for that time.

Q. Have you discussed it in private? A. Yes, sir.

Q. With what parties? A. With Nibley, and Bishop Redford at Beaver Canyon, and have talked with Taylor, the Apostle, about it.

Q. When did you have a talk with Nibley about it and what were his sentiments in regard to it? A. The discussion I had with him was about three years ago and his opinion was the same as that of all the others, that it was a divine revelation and a divine command for a man to enter into that system of marriage on this earth and that it was the only true thing. I asked him how long he thought they could stand the pressure and if he did not think a great many of the people would follow the example of Bishop Sharp of Salt Lake City, who had a short time before that promised to obey the law, and he said they would not and there would be some who would fall by the way and give up, but that the Almighty would carry them through.

Q. Did he say anything about their abandoning the teaching or the practice of that doctrine? A. No, sir, he said they would go on and the persecution would go on and finally the triumph would be for the Church.

Q. Did he say anything else? A. He said, they would have to build new penitentiaries and fill them up, but that the Church would finally triumph.

Q. How long since you talked with Redford about it? A. It was some five or six weeks ago.

Q. What was the substance of that discussion? A. He came over to register at the office and he took up an elector's oath, a blank oath and examined it, and I said to him, "Well, Bishop, are you going to come out?" Objected to as immaterial. Overruled and exception taken.

Q. State what Redford said in your presence about this matter? A. I asked him when he had read the oath, "Well, Bishop, are you going to register?" and he said, "I will not register because I belong to an institution that does practice polygamy. I asked him to come out and leave this institution. He said no, and had his name put on the rejected list."

Q. What institution was that that he had referred to or did you understand what it was? A. My understanding was that he meant the Mormon Church.

Q. Did you understand that from anything he said? A. It was from my knowing that he belonged to it and that he was a Bishop or a Presiding Elder, as they call them up there.

Q. This was five or six weeks ago? A. Yes, sir.

Q. You stated you talked with Apostle Taylor? A. Yes, sir.

Q. When was that? A. It will be three weeks tomorrow.

Q. Where was it? A. It was on the train between Oxford and Pocatello.

Q. What was the substance of that conversation? A. It came up through a discussion of the test oath, the matter of talking with him came up first through my arresting him. I had arrested him three years ago and finally it drifted around to the test oath. I asked him if the Mormons were going to vote and he said he could not give me much information about it and said, "We have left that entirely in the hands of Budge to manage it," but I presume they have made a test case by this time. They have arrested a man in Malad Valley by the name of Larsen to test the case, I believe. I understand he has taken the oath and has been arrested on account of it or for perjury," and I said, "Will you people go and take the oath and take chances on being arrested?" I said, "Now, Mr. Taylor, do you suppose that if a Latter-day Saint is what you call a good member of the Church he can take that oath or will take it?" He said, "No, not a conscientious one, and unless they get that law repealed our people, as a people, cannot vote."

Q. Was there anything said about their abandoning this practice? A. I asked him if there was any truth in the report that they were about to abandon it; that since George Q. Cannon has given himself up it has created the impression that they would abandon it; and he said they would do no such thing. I said it was the impression that it was to be done at the coming conference.

Q. Has that conference passed now? A. Yes, sir.

Q. Have you ever attended the semi-annual conferences of the Mormon Church? A. Yes, sir.

Q. In years past? A. Yes, sir.

Q. How often have you attended it? A. I used to attend them twice a year up to the time I left the Church.

Q. Examine section 43 of the Book of Doctrine and Covenants and tell us whether or not that is accepted by the Mormon Church—that on page 177—is that accepted as a doctrine and revelation for the government of the Church? A. Yes, sir.

Q. The whole book of Doctrine and Covenants was here offered in evidence. Received.

Q. You may state what the family relations of your father were, whether he was a polygamist or not? A. Yes, sir, he was a polygamist.

Q. You say polygamy was taught to the members of the Church while you were a member? A. Yes, sir, it was taught openly in all the meetings.

Q. Has any system of rewards been taught or punishments for its observance or non-observance? A. There was a system of rewards for its observance.

Q. What was that reward? A. It was taught that no one could get the full bliss of reward in heaven unless he entered into that relation of plural marriage and observed that doctrine.

Q. Have you heard the doctrine of celestial marriage taught? A. Yes, sir.

Q. Have you heard that repudiated by members of the Church? A. I don't know that I have; the talk I had with Taylor was in relation to celestial and plural marriage.

Q. Do you know the form of permits that are given in order to go through the Endowment House to go through this marriage relation? A. They are generally issued by the Bishop of the Ward and are not directed to anybody, and they are taken to the Temple.

Q. Have you got one of them? A. No, sir.

Q. Did you have one when you went through the Endowment House? A. No, sir; I went through under the guidance of Daniel H. Wells. Did not get any permission.

Q. Have you ever seen them? A. No, sir.

Q. Motion to strike out all testimony in regard to permits. Struck out.

Q. Were there any temporal offers of offices and so on promised to those who would enter this relation of polygamy or plural or celestial marriages? A. I don't know that any promises were made to the people to induce them to enter into polygamy as regards offices, but they were all given to the polygamists, I know, and after they were deprived of the right to hold office by the Edmunds bill, their sons got them.

Cross-examination by Rawlins.

Q. You mean to say that they always got the offices? A. Yes, sir; about nine out of ten they did.

Q. Do you mean to stick to that proposition? A. Yes, sir; that is about right.

Q. You really mean nine out of ten? A. Yes, sir.

Q. How long has that been the case? A. Ever since the Edmunds oath that they got the offices for their sons.

Q. Did your father ever have any office? A. No, sir, he did not want any.

Q. He was a polygamist? A. Yes, sir.

Q. Are there nine out of ten of the Church officers who are polygamists? A. I believe they are all of them.

Q. Do you testify to your belief or knowledge? A. I testify to my belief.

Q. Do you know that you cannot testify to your belief? A. You asked me my belief; at least I understood it so. I don't know that they are.

Q. Having reference to your knowledge do you mean to say that nine out of ten of the Church officers are polygamists? A. Yes, sir, or they were at the time this Edmunds bill was passed.

Q. Have you any knowledge that Haight or Parkinson are polygamists? A. No, sir.

Q. They are Presidents of Stakes; what proportion of these men do you know to be in polygamy? A. The whole Church officers.

Q. I mean the highest officers and offices? A. Yes, sir, it is an accepted theory that they are.

Q. I understand you first to say that all the officers were polygamists; then you said nine out of ten, now state with reference to your knowledge and not your belief? A. I was talking about the political offices in the counties.

Q. I mean the Church offices? A. I don't know anything about that.

Q. You understand there is no law in the Church depriving a man or rather debaring a man from holding office in the Church because he is a polygamist? A. Yes, sir.

Q. In reference to political offices you mean to say nine out of ten are polygamists? A. I don't know anything about that.

Q. Do you mean to say that within the last ten years one half or one third the political offices were held by polygamists? A. I mean to say that Parkinson here is the only Church officer I know who is not a polygamist.

Q. You do not wish to deny his testimony given here? A. I did not hear his testimony.

Q. You don't know much about it really? A. I know more about it than I want to.

Q. How long have you lived in Idaho? A. About eleven years.

Q. Oneida County had for a long time a majority of Mormon voters? A. Yes, sir.

Q. They had the control, the Mormons did? A. Yes, sir.

Q. During that time when they had a majority can you name a single polygamist who was an officer? A. Yes, sir.

Q. Who was it? A. W. F. Fisher, the assessor and collector.

Q. How do you know it? A. It was common report.

Q. Can you name any other person who was a polygamist? A. Yes, sir.

Q. Who? Sol Hale.

Q. What office did he have? A. He was a county commissioner.

Q. Is there anybody else? A. Yes, sir, Bishop Williams was another; he was a county commissioner too.

Q. Was there anybody else? A. Bishop Stewart was under sheriff of the county.

Q. How long did he hold that office? A. I don't know; it is an appointive office.

Q. Do you know or remember how many offices there were in the county? A. I think there are 13.

Q. In your talk with Redford in relation to registering, that was in regard to taking the oath? A. Yes, sir.

Q. Did he say that he was teaching persons to commit polygamy or bigamy? A. No, sir, he simply said he could not take the oath.

Q. Did he say that the Mormon Church was preaching that doctrine? A. He said, I believe in it as belonging to such an association.

Q. He is a Presiding Elder and not a Bishop? A. I understood he was a Presiding Elder, and we call him Bishop up there.

Q. You were a candidate for an office at one time? A. Yes, sir.

Q. For what office? A. For member of the legislature.

Q. You were a candidate for that office before the republican convention? A. Yes, sir.

Q. The convention of the anti-Mormon party? A. I was elected on the democratic ticket.

Q. I mean in these last three weeks are you a candidate for any office. Were you named for an office? A. Yes, sir.

Q. For what office? A. For the office of sheriff.

Q. In what party? A. In the anti-Mormon party.

Q. You are such candidate now? A. Yes, sir.

Q. Did you have that in mind during the last three or four weeks? A. Yes, sir.

Q. And did when you talked with Taylor? A. No, sir; I don't think that I had my mind made up at all then.

Q. Did you when you talked with Redford? A. No, sir.

Q. You did not? A. When I talked with Redford and also at the time I talked with Apostle Taylor the primaries had not taken place.

Q. Do you think your election would depend upon the fact that the Mormons would vote or not to your judgment? A. I don't know about that.

Q. Do you think if they voted it would affect your election? A. I don't know that it would, or would not.

Q. Have you any idea that it would, as a candidate of the anti-Mormon party in this county? A. I don't think the Mormons would vote for me.

T. J. BRANDON,

Being duly sworn testifies as follows for the Intervener:

Q. Where do you reside? A. I live at Rexburg.

Q. Are there many Mormons up there? A. Yes, sir, quite a few.

Q. What Stake is that? A. It is the Bannock Stake I believe.

Q. What ward do you live in? A. I do not live in town, I live outside of the city.

Q. Do you know who is the Bishop of the ward where you live? A. Thos. E. Ricks is reported to be president of that Stake.

Q. Do you know who the local ward Bishop is? A. I could not say as to that.

Q. Have you ever been a member of the Mormon Church? A. I will have to explain that; I was born in the Church but never was a member; I was baptized when I was eight years old.

Q. You were raised in a Mormon family? A. Yes, sir.

Q. How long since you attended any of their churches or public meetings? A. Last April I think was the last time.

Q. And did you attend frequently before that time during your life? A. Yes, sir.

Q. Have you ever heard the doctrine of plural marriage and celestial marriage discussed in meetings and in public places? A. I have heard it preached, not discussed particularly.

Q. You have heard it preached and talked by the people? A. Yes, sir.

Q. Objected to as a leading question. Overruled.

Q. In the preaching you have heard in the Mormon Church upon that subject, has it been in favor of or against polygamy? A. It was in favor of polygamy.

Q. What is your first recollection about having heard this matter preached, about how long ago? A. As far back as I can recollect.

Q. How long ago would that be? A. Well, I may say about ten years.

Q. You have heard it preached about ten years ago? A. Yes, sir.

Q. And how recently have you heard it preached? A. I could not say as to that because I have not attended church since last April.

Q. Which was the last time? A. It was last April I think.

Q. You heard it preached then? A. Yes, sir.

Q. What was said about it then, was the teaching in favor of or against polygamy? A. It was in favor of it and not against it.

Q. Can you repeat the substance of

what was said on that occasion? A. Not verbatim I suppose.

Q. Give the substance of it? A. They were preaching about the persecutions, they were receiving at the hands of the Gentiles, and advised the brethren and sisters not to get weak in the faith and that they would not give up plural and celestial marriage.

Q. Was there anything said about the ultimate triumph of that teaching? A. They said if they were tried and convicted they would go to the penitentiary.

Q. You did not understand me; what was said about the ultimate triumph of that cause, if anything at all was said upon that subject? A. I did not make any definite statement of what was said.

Q. Was there any difference between what you heard last April and the teachings you heard ten years ago? Objected because the witness has not yet stated what he heard ten years ago. Overruled and exceptions taken.

A. No, sir, there was no difference as near as I could remember.

Q. Where did you hear this preaching? A. It was 12 miles north of Salt Lake City.

Q. Have you heard this matter talked about by Mormons privately during the last year? A. Not by Mormons particularly, but I have heard Mormons and outsiders discuss the subject.

Q. What Mormons have you heard speak about it in particular, if you remember any? A. I had a conversation with Alva Nichols.

Q. What position does he occupy? A. He is an Elder in the Church, I think.

Q. Where does he live? A. In Brigham County.

Q. When was it that you had a conversation with him? A. It was about two months ago.

Q. What was the purport of that conversation? A. I think it came up in relation to this test oath; he said he could not take the oath and that he could not register because he had preached sermons on polygamy within a year and was a polygamist himself.

Q. He could not take the oath himself because he had taught it within a year? A. Yes, sir.

Q. Have you heard any conversation or had any with any other person in regard to it? A. No, sir, not in this part of the country.

Cross examination by Rawlins.

Q. Is Alva Nichols a young or an old man? A. He is a young man.

Q. Do you know whether he is an Elder of the Mormon Church or not? A. He is reputed to be one and he is a member of the Mormon Church and claims to be one.

Q. Where does he live? A. He lives in Burton ward, as it is called.

Q. Where is that? A. It is in Rexburg precinct.

Q. Does he hold any position in the Church? A. He is a teacher I believe.

Q. Do you know that? A. Only what I have heard everybody say.

Q. Everybody? A. Yes, sir, everybody; it is generally known he is a Teacher.

Q. Where did you have this conversation with him? A. At my place.

Q. Does he visit? A. Yes, sir.

Q. How often does he visit you? A. Well, I don't know about that; we are not particularly on the visit; when he is out there in that country after cattle he generally comes to my house.

Q. How often does he stop there? A. He has been there some five or six times during the last three months.

Q. Which of these times was it you had this conversation? A. I think it was during his last time.

Q. You are a brother-in-law of Dye? A. Yes, sir.

Q. How far does he live from you? A. About twelve miles.

Q. You and Dye and Nichols are quite friendly with one another? A. Yes, we are usually.

Q. And visit one another quite often? A. Sometimes.

Q. He makes it a point and comes to visit a few times every five or six months? A. He comes in whenever he comes in riding for stock.

Q. How often does he visit Dye? A. I don't know that he ever does.

Q. Have you been looking up evidence on these questions affecting the members of the Mormon Church? A. Yes, sir.

Q. Have you ever made it a point to get into conversation with them and bring them out on the subject? A. No, sir, it is none of my business whatever.

Q. Did Nichols advise you to go into polygamy? A. No, sir.

Q. Did he say to you that you ought to practice it? A. No, sir.

Q. Was he advocating the Mormon doctrine at all to you? A. Not to me particularly, he was talking about it.

Q. Was he proclaiming his faith to you? A. He said he believed in the doctrines of the Mormon Church.

Q. To what extent? A. He did not make any objections to any of them.

Q. Was he talking friendly to you upon the subject? A. Yes, sir.

Q. Did he intimate to you that he believed about the same as you had believed about the doctrines of the Mormon Church, that he was right and that the Mormon Church was right? A. He thought the Church was right and that I was wrong.

Q. How old is he? A. I should judge he was about 35 years old.

Q. Did you ever hear him preach in public? A. Yes, sir.

Q. When? A. Ever since I was nine years old.

Q. Where have you heard him preach? A. I have heard him at Brigham City, Utah.

Q. Have you heard him preach since then? A. No, sir.

Q. All that you know particularly is the friendly talk you had? A. It is all I know particularly.

Q. How long have you been in Idaho? A. I have been here three years last spring.

Q. Have you been out of Idaho any portion of that time? A. I have been out once or twice.

Q. When were you out the first time? A. Last summer a year ago, this summer or spring rather.

Q. When were you out again? A. I was out again this last spring.

Q. How long were you out? I was out a month.

Q. Where were you during that time? A. In Salt Lake City.

Q. What time did you go, what month? A. It was in the latter part of December, I think.

Q. You were out about a month? A. Yes, sir.

Q. What time did you return to Idaho? A. I don't know exactly.

Q. Think about? A. I think it was in April.

Q. You went out in December and came back in April, and were gone about a month? A. I left in the latter part of December and came back in the first part of April.

Q. Why do you say you were out about a month? A. I don't want to be positive about it.

Q. Do you have any doubt that you were out more than a month? A. I am not positive.

Q. Where did you go? A. I went to Centerville; I went to see my folks.

Q. Did you remain there all winter? A. Yes, sir.

Q. How did you go, on the train, railroad or by team? A. I went on the train.

Q. What is your business? A. I am a rancher.

Q. You remained down there all winter did the latter part of April? A. Yes, sir.

Q. You are certain of that? A. Yes, sir.

Q. Did you attend services at Church there? A. Yes, sir.

Q. When? A. Some time in April.

Q. At what place? A. At the Ward meeting-house.

Q. In what town? A. Centerville.

Q. Who was present and preached, do you recollect? A. There was a man by the name of N. J. Porter, J. W. Woolley and George O. Chase and others.

Q. Did they all preach? A. I think so.

Q. Do you recollect about it? A. I don't recollect positively whether they did or not.

Q. Did you attend services more than once? A. Yes, sir.

Q. How many times? A. Twice, I think.

Q. Who preached the second time? A. I don't remember now, who did preach.

Q. What did Porter say? A. He said they would never give up plural or celestial marriage.

Q. Is that all he said? A. No, sir.

Q. What else did he say? A. I could not preach you any sermons.

Q. Can you give anything else he said. What was his language as near as you can recollect; he did not simply get up and say they would not give up polygamy and sit down again? A. No, sir, he said they ought to do their duty and be prepared to meet their reward, which was to be given hereafter.

Q. Did he say if they did not do their duty they would not be able to meet their reward? Yes, sir.

Q. What reward was that? A. The reward offered them.

Q. What reward did he speak of? A. I am not good enough Mormon to know any such meanings or such things as those.

Q. It does not require a Mormon to testify to what he heard. I want to know what you heard. A. He was telling the difference between celestial and plural marriages.

Q. What did he say was the distinction? A. I don't remember it.

Q. Give us your idea; he was pointing out the difference between the two; tell us what was said? A. I don't think I could do it.

Q. Can you give us the substance of what he said about it? A. No, sir.

Q. He said there was a difference? A. Yes, sir.

Q. You cannot give the difference? A. No, sir; and I cannot give it either.

Q. You don't know the difference. Is that the reason you cannot give it? A. Yes, sir.

Q. You cannot testify because you do not know the difference, and do not remember what he said about it? A. I cannot testify as to the language he used.

Q. I am asking you as to the substance of what he said, and not what you know? A. I don't remember what he said; he went on to explain the glory they would attain if they would enter into this relation of plural marriage.

Q. He said they would have a high glory or something to that effect? A. Yes, sir.

Q. Then there was a distinction between the celestial law and plural marriage or polygamy? A. That is not the way I understood it.

Q. Is that what he said in substance? A. I don't think it is.

Q. He was making a distinction between celestial and plural marriage, and it was necessary to obey the law to attain the highest salvation; what did he say about the other matter, if you recollect?