DESERET EVENING NEWS: SATURDAY, FEBRUARY 11, 1905.

Tayler-On that subject?

I said my mother died in 1895. She

Senator Smoot-You mean for the

Senator Smoot-If a majority votes

25

whom

would

Senator Smoot-He can do it now, Senator Overman-To whom woo

ose revelations come? Senator Smoot-I think any good

aan could receive a revelation, but obody but the President of the Church

nobody but the President of the Church, could receive a revelation that would bind the Church, nor would the Church be be bound by any revelation until it had been presented to the Church and ac-cepted and adopted by the conference. Senator Overman—You believe, then, that if God should make a revelation to Joseph Smith, and that was submit-ted to the Church in conference and accepted by the Church, it would be the law of the Church, it would be the law of the Church. Senator Overman—You think the laws of God age superior to the laws of man? Senator Smoot—I think the laws of superior. I do, Mr. Sanates. Senator Overman—You think the laws of God, as revealed to Josepf. Senator Overman—You think the laws of God, as revealed to Josepf.

ith and accepted by the Church ald be binding upon the member

the Church superior to the laws of

enator Smoot-I think it would be

holing upon Joseph Smith. Senator Overman-Well? Senator Smoot-And I think if a

evelation were given to me, and I new it was from God, that that law f God would be more binding upon me,

estibly, than a law of the land, and would have to do what God told me,

Senator Overman-1 speak of a law-Senator Smoot-But I want to say

this, Mr. Senator. I would want to know, and to know positively, that it was a revelation from God.

Senator Overman-I was not speak.

Senator Smoot-And then I would

senator smoot—And then I would further state this, that if it conflicted with the law of my country in which I lived, I would go to some other country where it would not conflict.

Senator Overnano-I was not speak-ling of a revelation to you. I was speaking of a revelation that comes to the President of the Church, is submitted by the President to the conference, and accepted by the conference, is that binding up-on the members of the Church general-y, and is it superior to the law of the land?

nator Smoot-As a rule of the

Senator Smoot-As a rule of the Church, but not blading upon any mem-ber of the Church who does not want to follow it. Free agency in our Church is a heritage God has given, and not only in our Church, but given to every-body. That God camot take that free agency away from ms. If He could, He could not judge me when I died and weit to the bar of justice, because-senator Overman-Theo If there was a commandment given by God to the Church and accepted by the Church, any member of the Church has a right to violate that command? Senator Smoot-They have. Senator Beveridge-I direct your at-tention, Senator, to the last portion of Senator Overman's question prior to the last one, which was whether or not any revealion that might be given through any of the processes you mention could, under any circumstances, be superior to the law of the last?

under any circumstances, be superior to the law of the land? That is the question I should like to have you di-

Senator Smoot-I should like-Senator Smoot-I should like-Senator Hoveridge-I suggest that you have the last part of Senator Over-man's question read.

Senator Smoot-I will ask the report-

"Senator Overman-I was not speak-ing of a revelation to you. I was speaking of a revelation that comes to the President of the Church, is sub-mitted by the President to the confer-

mitted by the President to the confer-ence, and accepted by the conference. Is that binding upon the members of the Church generally, and is it superior to the law of the land?" Senator Beveridge—I should be glad to have you direct your answer to the last part of the question. Senator Smoot—I do not believe it is encoder to the law of the land.

Senator Senator at the land. Senator Overman—Then if you your-self got a revelation from heaven. I un-derstand you would regard that as su-

perfor to the law of the land, and would

have to submit to it or leave the coun

elation from God to me direct, and if I believed that it was from God I would

I believed that it was from God I would consider it compulsory on me to obey it; and, as I stated, Senator, if I lived in this country and that command of God was against the laws of my coun-try I would move to some other coun-try wher I could obey the law. Senator Overman-Do you believe

those revelations are ever given by God

Senator Smoot-Well, I have heard men so testify, but I could not say post-

Senator Overman-What is your be-

Senator Smot-I believe that God could do such a thing. Senator Overman-Do you believe He

has done it and that He will do it again

Senator Smoot-I rather think that God did it in former days, and I feel that He can do it now, Senator Overman-That is all. Senator Dubois-If the President of

the Church received a revelation from God and submitted it to the conference,

and they sustained it, and you, for in-stance, did not see fit to obey it, how would that affect you as regards your

would that affect you as regards your relation to the Church? Senator Smoot-I hardly think it would affect me. I remember now au instance in our Church of a revelation being received for the establishment of the United Order. I know that Brig-hum Young went from one end of the state to the other and preached the new order, and instructed the people to or-ganize and follow out that revelation. He went from St. George to the north, and I know that it was never adhered to a followed out by the people, and is virtually a dead letter today.

to or followed out by the people, and is virtually a dead letter today. Senator Dubols—Do you mean to have me infer from that that if the Lord gave a revelation to the President, which was submitted to the Church and they sustained it, a member of the Mor-mon Church could disregard that and maintain his fellowship and standing in the Church?

the Church? Senator Smoot -Oh, yes: I understand so. Take the law of tithing. It is a law of the Church, and I know there are have below to the balone to the

ow of the Church, and I know there are many, many people who belong to the 'hurch today who do not obey it, and hey are in fellowship, Senator. We try a teach the principles as revealed, and

a try to have man live fives of honor ad uprightness and honesty, and that

our duty and that is required of us. Senator Dubois-Let us be clear about

this. Under those circumstances you could refuse to obey such revelation which had been sustained by the

Senator Dubois-And as an Apostic you dould go out among your people and take that position, and the people could refuse to aboy it also and retain

their standing? Senator Smoot-I would not want () go as far as I infer your question would lead-that is, I would not want to say that a man could go from one and of the Church to the other and make a special point of preaching against a certain destrine of the Church and he in full followship. I would not want you to understand, Senator, that I mean that, because I think that would be not only mobellef in it, but it would be not only mobellef in it, but it would be not only mobellef in it, but it would be not only debe out of harmony. Senator Overnan-I think you said yesterday that you wout on a mission to London or to England. When was

London or to England. When was

that? Senator Smoot-I left this country on Der. 3, 1990. Senator Overman-Werg you an Apostle then? Senator Smoot-No; I was not.

Senator Overman-You were sent or

Senator Smoot-I could.

their standing?

a mission?

Senator Overman-Do

o individuals?

tively.

in time?

Senator Smoot-That would be a rev-

The reporter read as follows:

r to read it.

Mr. Tayler-Did you ever hear that

Senator Smoot-I think she bore him

Mr. Tayler-You know this Latter-

Senator Smoot-Yes, sir; I know of it. Mr. Tayler-Prepared by Mr. Jensen, Senator Smoot-I know of it. Mr. Tayler-This is as correct as works of this kind ordinarily are, is it

Senator Smoot-I have not examined

t. I could not say. Mr. Tayler—I mean the book itself,

Senator Smoot-I would not want to be bound by the book. Mr. Tayler-Of course not. Does it

Mr. Tayler-Of course not. Does it have your blography in it? Mr. Worthington-It says he became an Apostle in 1898, and in that respect is just two years out of the way, Senator Smoot-I think it does. If

that is the one, it does not give the name of my mother right, nor does it give the date of my appointment as an

ostle right. fr. Tayler-Otherwise is it right?

Senator Smoot-I think so, on the

Mr. Tayler-Now, I notice in this book

When 22 years of age he was united in marriage for time and termity to Al-sina E. Wilkens, who became the moth-er of six children---"

Naming them. Senator Smoot-They may have died.

Mr. Tayler-I only asked if she had

hem? Senator Smoot—I do not know, Mr, Tayler—Then it goes on to say: "At 31 he received in marriage for lime and eternity Flora Robinson." You are still of the opinion that the

Fou are sum of the opinion that the first wife went to the asylum before he married the second wife? Senator Smoot—I so understood it. Mr. Tuyler—That is, at the age of 31, f that be the correct age when he mar-

ried his second wife, he was the father of six children by his first wife? Senator Smoot-Of course I do not know. All I know is this: I know two girls of George H. Brimball's first wife, and they are the only children I know

nd they are the only children I know

Senator Smoot-They live in Provo.

Mr. Tayler-Did they live in his fami-

Senator Smoot-I do not know where

they lived. Mr. Worthington—That book has been discredited by its own author, and the evidence here is that the Church does not recognize it as correct. Mr. Jenson said he picked up his informa-

ion wherever he could get it, and in a ew cases he got it from the persona

few cases he got it from the persons whose biography he was giving. Mr. Tayler-You will admit that it seems to be advertised in this book that he had two wives. Mr. Worthington-I have not looked at the book, and so far as I am con-cerned, ff I was on the committee, I would not care what was stated in that book, unless there was evidence as to what the fact was, because it is simply hearsay of the worst kind. Mr. Tayler-Mr. Worthington seems to be incredulous. Are you satisfied that the world is able to know that George Brinhall has two wives?

Jeorge Brimhall has two wives? Senator Smoot-I think George Brim-

Mr. Tayler-Yes; from that book

alone. Coupled with the fact of George Brimhal's testimony, is it not fair to assume that the book is right in that,

Senator Smoot-1 believe his testimo-

Mr. Worthington-Do you mean that,

oupled with his testimony, the book is

ight generally? Senutor Smoot-I do not mean the

whole book. I mean that he has two

Mr. Worthington-The words were

ok would be taken as true. Evidently

ent to the insane asylum in 1883 and

eady answered. Is there anything else,

Mr. Tayler-How long did he act as resident of the Church before his ap-

pintment was sustained by the con

Senator Smoot—Not very long. Mr. Tayler—Whatever the interval vas, between that time and the regu-

ir meeting of the people semi-annual

ne month only, as I remember it.

Senator Smoot-I think it was about

Senator Overman-Did you vote to ustain him at the October conference,

Senator Smoot-1 did. Mr. Tayler-And you have voted to ustain him ever since then?

Senator Smoot-Whenever I have been there, on the same ground that I

Mr. Tayler-That there was no rea-

on, according to your view, why a nan should not be elevated to a Church

manifesto to plural wives, and con-tinued in that habit or relation? Senator Smoot-I forget whether I said continued in their relation, But I suppose it would be the same. Mr. Tayler-The same thing?

Senator Smoot-Yes. Mr. Tayler-The laws governing the

Thurch organization and the religious principles for which the Church stands

have remained unchanged since the leath of Joseph Smith, have they not,

except in respect to the suspension of

Mr. Tayler-Now, what has not?

Senator Smoot-I cannot call to mind ny right now, other than the ques-

Mr. Tayler-How ould any rule or principle declared, for instance, in the book of Doctrine and Covenants be re-voked or rescinded or suspended other-

vise than by nots of the Church or by

wise than by note of the Charlen of by a new revelation? Senator Smoot—It could only be sus-pended by the vote of the members of the Church at a conference. Mr. Tayler—Could it be suspended

serely by a vote of them? Senator Smoot-That is, you mean

it was presented to the people and

Mr. Tayler-Yes. Senator Smoot-I think if the peo-ple voted against an article of faith at a general conference, that would revoke it, or suspend it. Senator Overman-Senator Smoot, do you believe that the Church of Jesus

thrist of Latter-day Saints has re-eived and does receive revelations

Senator Smoot-I believe they can re-eive revelations from God. I think

that if God gave revelations in the early days, God certainly can give reve-

Senator Overman-And you believe He did in the early days?

Senator Overman-And that He will or can do it now?

Smoot-I think the great bulk

the polygamy revelution

of them have.

hey voted on 117 Mr. Tayler-Yes.

rom flod?

ations today.

Senator Smoot-I do.

flice, who was married before

tated yesterday.

fter he had given his testimony here'

Senator Smoot-He was

Senator Smoot-They did

witness did not understand it.

nator Pettus-This talk between

Worthington-From that book

all has two wives.

Mr

the persons

Mr. Tayler-Where do they live?

that the article on George H. Brimhall

Saints Biographical Encyclo-

she hore him any

pos Mr.

do not know

they lived. Mr. Wo

Senator Smoot --- If it was a federal of-

ce, I would not vote for Mr. Brimhall. Mr. Tayler-If it was a federal office? Senator Smoot-Yes. But if it were

t local office there that he was running or, perhaps I would. Mr. Tayler-What distinction

you make between a federal and a state office?

Senator Smoot-I think that the con-

ditions there, especially in some com-munities, are such that they would not

bject to him so much as they would if e were appointed or elected to-

Mr. Tayler-Certainly. Senator Smoot-To a federal position. Mr. Tayler-So it is a question of lo-al opinion that would control you in

Mr. Tayler-And it is not a question

Senator Smoot-Well, not altogether,

would not like to say that I would ote against a man like George Brim-all. There are polygamists I would

vote for under any consideration. Ir. Tayler-You will understand that

am not undertaking to get you to dis-inguish between the virtues of two lifferent polygamists?

Mr. Tayler-But I am only under-taking to apply the rule which you laid

down as covering your conduct and opointion in the case of Apostic Pen-

Senator Smoot-Generally speaking-

would be more likely to apply the rule of non-interference on account of a man's polygamous living in a case where he was to be chosen for a state office or an office in the state than if

was a federal position that was to be

Senator Smoot-I think I could say

lation to George H. Brimhall. I hardly

Mr. Tayler-I have rather left Brim

all for the moment. I am now speak-

there are a great many polygamists I would not vote for for such an office, but I would vote for a man like George

Mr. Tayler-Would you for a federal

H. Brimhall for a state office. Mr. Tayler—For a state office? Senator Smoot—For a state office

Senator Smoot-No: I would not.

Benator Smool-No. I would not. Mr. Tayler-The law which George H. Brimhall is violating is not a federal law at all, but a state law. Senator Smool-I am aware of it. Mr. Tayler-So that it is not because

this violation of law that you would ithhold from or give support to him? hat has nothing to do with 11? Senator Smoot--I do not think that eorge Brimhall is holding out a wife here in a flaunting manner. I do not

there in a flaunting manner. I do not think very many people know that he has more than one.

Mr. Tayler-Is he not violating the

aw, Senator Smoot—Technically, yes, Mr. Tayler—Technically? Is he having children by his plural wife? Senator Smoot—Yes: he is,

Mr. Tayler-And that is a technical lolation of the law, according to your

Senator Smoot-Under the circum-

Mr. Taylor-Under the circumstances?

Senator Smoot-Yes. The Chairman-What do you mean by

senator Smoot-1 mean that George

H. Brimhall has a wife, and she has been in the insane asylum for twenty some odd years, and I mean that before

this investigation I suppose there was hardly a student in the institution who knew that he was a polygamist. I know

that when it comes right down to it he

really intended to break any law of this

The Chairman-You say it is a tech-

nical violation of the law?

Senator Smoot-I told you before that

Mr. Tayler-Now, why? Senator Smoot-You asked me in

Tayler-Then you state that you

Tayler-It is a question Mr. Worthington-Let him finish his

Senator Smoot-Partially.

Senator Smoot-Yes.

Mr.

Mr.

filled '

ng about-

haw!

lew of it'

stances,

country.

entence

at matter?

it staris. That is as I under-Tayler-Then this record that I

read to you is not correct? ator Smoot-Not as I understand Mr. Tayler-Not as you understand

senator Smoot-Not as I understand

Overman-Was there any

why you should get leave of ab-ather than resign? for Smoot-I did not think it ary to resign, Senator, ary to resign, -Is there any rea-

mator Overman enator Smoot-Nothing. I did not

there was any reason why I Worthington-If you retain your

as an Apostie, you will some the ordinary course, become of the Church? I do not know.

Worthington-You stand in the non-You stand in the

-And the testimony CARS OT

have always that they has been ted up. That is the reason

uestion. do not see any rearesign. It does not being a good oitizen resign. as in any way, shape h performing my du.

my ability. n-I thought, persome reason why you to the Apostleship-

nator Overman-Rather than to re-

Chairman-Where do you stand line of succession to the Presi-

nator Smoot-Three Apostles have inted since I was appointed. *

bairman-Do you mean you are sixth of Smoot-That would be the

Dubois-You are the ninth. or Smoet-Oh, no. Senstor, s the Presidency, and the two take their place.

hairman-In order that the may understand the matter. you a question. Suppose,

templated becoming contemplated becoming a r the senate, the First ad refused their consent I run for the office in the refusal, what action, if

efusal, what action, Church have taken? -1 do not know that ld have taken any action What is your judgunder the government

Smoot-My opinion is that I ave been out of harmony and have broken the rule that had

Chairman-What would that ulted in t-Oh, I could not say.

Chairman-What is your judg-bout it-if you had persisted in n deflance of the Church? Smoot-I would not like to opinion. There is no case

the rec Chairman-Do you think you have been promoted in the h or deposed?

ator Smoot-I do not think so. e had been some charge le against me.

Chairman-I say, would you have a promoted for that violation or id you have been deposed? smoot-I do not think, either,

Chairman-What is 'that' sator Smoot-I do not think either promoted or deposed. Chairman-Then you think no at-

would have been paid to it? nator Smoot-There may have been. id not say.

you because you are an Apostle, not be-cause you are a senator, or because you are an ordinary individual. Senator Smoot--I will state this, that as far as my knowledge is concerned, I have never whitten a letter to him. I do not know where he is, any further than what was said there, that they though the was in Canada he Chairman-What is your judgnoot-In my judgement I

judge from the answer that he re-ceived that he had asked them to come. The Chairman-1 did not know but that you had seen that letter. ld have had to explain some way, be Chairman—And if it was not exthought he was in Canada, Mr. Tayler-Do you feel deeply this charge that he was said to have taken two plural wives? Senator Smoot-I do not approve of it satisfactorily, then what? or Smoot-Then perhaps they y any manner of means. Mr. Tayler-Well, now, is that your answer to my question? Senator Smoot-Well, I could not say Ashington City when he was here. Mr. Tayler—Telgraphed to whom? Sepator Smoot—I think he tele Senator Smoot-I think he tele-graphed to Salt Lake City, to Seev, Georga F, Gibbs-now, this is as I remember it, but I do not know that it is true-to locate, if possible, Cowley how deeply. Tayler-I did not ask you how Mr. deeply you felt, but if you felt it deep-Senator Smoot-I can say "yes Mr. Tayler-You say that, however, with considerable hesitationd Taylor. The Chairman-Then the president did not know at that time where two Senator Smoot-Not at all. Mr. Tayler-Both as to the time his Apostles were? of his Apostles were? Senator Smoot—I do not think he did. I think his testimony here shows that Mathias F. Cowley was taking a trip through the missions. and the manner? Senator Smoot-I do not think so Mr. Tayler. Mr. Chairman-Is it usual for the Apostles to go where they please with-out direction of the Church, and leave Mr. Mr. when they please? Senator Smoot-I do not think so, Mr. our cross-examination be much longusual, Mr. Chairman. The Chairman-Do you not know Mr. Tayler-I will not be able to get Senator, that that is not the practise, and that it is not permissible? Senator Smoot-I think the proper through today. Mr. Worthington-Mr. Chairman uggest an adjournment at this hour, the senator has been on the stand a ong time, and you know he is not in thing for an Apostle to do would be, it he has not been excused to let them now where he is. The Chairman-Do you know whether senator Smoot-I have had a very ad clase of indigestion ever since hristmas. However, I am perfectly illing to go until 5 o'clock if you inthis Apostle is in Canada, having been excused? Senator Smoot-I do not know about upon lt. The Chairman-Or is he there on a The alst upon it if you are not w mission? Senator Smoot-I can stand it all Senator Smoot-I do not know that. I know he has a great many business The Chairman-It is not a question of interests there. The Chairman-You do not know whether he is there on a mission or by permission of the Church? Senator Smoot-I do not think he has been called on a mission remain on the stand any longer if it The Chairman-How long has he been conveniences you. Senator Smoot-Whatever you decide there' Senator Smoot-That I do not know Senator Smoot-Whatever you decide will be satisfactory to me. Mr. Worthington-What would you prefer if it was left to you-to take an adjournment now or to run along? The Chairman-The committee gen-erally sits until 5 o'clock. Perhaps we might run along for five or 10 minutes The Chairman-Has he been there 10 years or 10 months? Senator Smoot-He has been in Canada-that is, off and on-for a long time; a good many years. The Chairman-What is the date of

Mr. Tayler-You then started an inquiry? Senator Smoot-I did not. I asked for an inquiry an inquiry. Mr. Tayler—Who did start it? Senator Smoot—I think the President of the Church started it. ot know.

Tayler-Do you know that he started it? Senator Smoot-Yes; I know that he

started it.

started it. Mr. Tayler--Where is Taylor? Senator Smoot-Oh, I do not know, but I think he is in Canada. Mr. Tayler--What do you mean Sena-tor, when you say you do not know? Do you mean you have never asked? Senator Smoot-No. I have heard a report that he is in Canada and I have heard a senart that he is in Savio.

report that he is in Canada and i have heard a report that he is in Mexico. Mr. Tayler—You are an Apostle, and is that the kind of information you gen-erally have about the whereabouts of

the members of the quorum of Twelve? Senator Smoot-That is the only report I ever got.

Mr. Tayler-And with these charges you made no inquiry about it? Senator Smoot-I inquired and asked

that that be done. Mr. Tayler-About where he was, 1 Where did you ask about where

he was? Senator Smoot-The first time I asked

I was told they thought he was in Canada Mr. Tayler-Where did you ask?

Senator Smoot-I asked at that meetins

Mr. Tayler-The meeting of the Apostles?

Senator Smoot-The meeting of the Apostles.

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

Senator Smoot—That was the time he question was brought up. Mr. Tayler—I understand you to say that once you heard he was in Canada and that again you heard that he was

in Mexico. Senator Smoot-From other parties. Mr. Tayler-From other parties? Senator Smoot-Yes. Mr. Tayler-You never inquired but

art, Tayler-Tou never inquired but once at an Apostle's meeting Senator Smoot-Yes, and I think they said that he was in Canada. - Mr. Taiyer-Then after that you bend to meet Musica

Senator Smoot-Nothing at all. Mr. Tayler-It was not worth con-sidering in view of the official infor-mation you had?

Senator Smoot-I do not think so. I think he is in Canada. Mr. Tayler-Then after that you

it it that the proper authority in Salt Lake knows right where John W. Tay. lor is

enator Smoot-I do not know as to that

that. Mr. Tayler—They may not know the house or town he is in tonight, but they know as much about him as they know about the whereabouts of any Anothe who is not be the state of any Apostle who is not in their visible

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

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

Senator Smoot-Well I do not know as to) that. Mr. Tayler-That is to say, do the authoritles there remain in ignorance

the whereabouts of the Apostles? Can it be that they are in doubt as to whether an Apostle is in Canada, or

South Africa or Russia? Senator Smoot-I think they ought to know where they are.

Mr, Tayler-You are an Apostle. I ask you because you are an Apostle, not be,

Mr. Worthington-Senator, you Mr. Tayler-Do you know what effort of mean that no other quorum epose an Apostle, but that no o has been made to procure his state-ment? Senator Smoot-The details of it I do uorum can depose a member of that uorum, whatever it may be? Senator Simoot—That is it. Mr. Tayler-Have you made no in-Again

uiry about it? Senator Smoot-I have asked if a nevement had been made, and was told there had been. Mr. Tayler-What movement?

"at all about the senatorship in 1900" "Senator Smool-About the senatorship in 1900" "Senator Smool-About the senator-ship? Oh, I had a talk with him just in the office one day." Senator Smoot—That is, an investiga-ion of John W. Taylor. Mr. Tayler—And did you inquire how

I wish to correct that, Mr. Chairman, by stating that I had talked with President Snow on more than one ocwhere it was being conducted? Senator Smoot-I knew that President

M. Lyman was given that mission. Ir. Tayler-Do you know whether effort was made to have John W. Mr usion, Senator Smoot—On that subject. The Chairman—If there is any other portion of your testimony that you desire to correct, you have that right, Senator Smoot—There is another Taylor come and report for himself. Senator Smoot-I think there has been. I know there was, when Presi-dent Smith left here and went home, a telegran, sent; and how I know this point

telegram was sent is that it was sent back to Chicago to Mr. Gibbs, and from Mr. Gibbs it went back to Mr. Gibbs of Sail Lake City, and then it was sent here to ms. It was not dedied in 1894. I thought she died the year after my father died, but it was the year before my father died. The Chairman-If it should occur to liverod in Canada.

Mr. Worthington-Mr. Gibbs is the you that there are other correction secretary of the Presidency? you desire to make, you understand you desire to make, you understand you have the right to do so. Securior Smoot-Yes, sir. Thank you. Mr. Tayler-Speaking about the ac-tion of the quorum of Twelve, the quo-

Secretary of the Presidency? Senator Smoot-And not only that, but I know it because from letters written from John W. Taylor, and I read them to the chairman of this com-mittee-from him and Cowley. I know that the President of the Church did that much rum of Twelve must always be unand mous? Senator Smoot-No: 1 do not under-

that much Mr. Tayler-Where was Taylor's let-stand so, Mr. Tayler, Mr. Tayler-Is it not that they must ter from?

ter from? Senator Smoot-1 think it was from Canada, was it not, Mr. Chairman? The Chairman-I do not remember. Mr. Worthington-1t was from some why. the deside the stepht

place in Canada. That is right. to a Mr. Tayler-Where was Cowley's let-

deposing of a member? Mr, Tayler—Oh, no; but with respect to any purpose they design to carry out. They all units as fully as a jury would. Is not that the law of the otherwise. ter from?

ter from? Senator Smoot-From some place in Iowa was it not, Mr. Chairman. The Chairmann-I have no recollection of the place. Mr. Tayler-Of course he can vote as

of the place, Senator Smoot--I think it was. I read it to you, and I think he was in Icwa it to you, and I think he was in Icwa somewhere. Mr. Tayler-In Iowa, did you say?

er is it not.

which you refer?

these Apostles'

Mr. Tayler—In Iowa, did you say? Senator Smoot—Yes, in Iowa, where the wrote that letter. Mr. Tayler—Did he say he would not Mr. Tayler—Did he say he would not

 Mr. Taiyer—Then after that you
 come?
 senator Smoot—I would rather have
 them?

 heard he was in Mexico?
 Senator Smoot—I heard it reported
 the leiters themselves produced.
 them?

 Mr. Tayler—Did you attach any importance to that report?
 Mr. Tayler—It am only trying to get
 the leiters themselves produced.
 Mr. Tayler—It is not that the law of

 Mr. Tayler—It was not worth con Senator Smoot—I do not want to put
 Mr. Tayler—It was not worth con Mr. Tayler—It was not worth con

 Mr. Tayler—It was not worth con Mr. Tayler—No.
 Mr. Tayler—It was not worth con

 Mr. Tayler—It was not worth con Mr. Tayler—No.
 Mr. Tayler—It was not worth con

Mr. Tayler-1 may later on call your attention to places where that is ra-Mr. Tayler-No.« Senator Smoot-But in substance they were, that they did not think this was a question of religion at all, and was a more matter of investigating somerred to. When was it that your attention was

first called to the claim or charge or rumor that President Benjamin Cluff, of Brigham Young University, had a more matter of investigating some thing that they had no concern in, and that they did not feel that it was prop-er to come. Now, I do not know that that is the substance of them, but I know of those letters, and I read them narried another and a plural wife since he manifesto? Senator Smoot-In 1902, I think, was to the chairman, and perhaps I did wrong in doing so. They were sent to me, and I did not want anything con-

all agree

he first time I heard it, in the Provo commercial and Savings Bank, from Mr. Jesse Knight. Tayler-You were then a trustee caled, and I read them to the chair-

man of this committee. Mr. Tayler-That is the substance of what President Smith said in his letthe institution'

Senator Smoot-I was. Mr. Tayler-And you were a member f what committee? Senator Smoot-I was a member of

Senator Smoot—Perhaps it is, Mr. Tayler—Was not President Smith's letter based upon the letters to ne executive committee.

Mr. Tayler-How many members ere there of the executive committee? Senator Smoot-I think there were

Senator Smoot-I forget about Mr. Mr. Worthington-We ought to have Mr. Tayler-And you were also at those letters, instead of having the witness' vague recollection of them. The Chalrman-You do not know what was in President Smith's let-

hat time an Apostle? Senator Smoot—Yes: I was. Mr. Tayler—What steps did you take o find out if that was true? Senator Smoot-Mr. Knight told me

that he was going to inquire about it, and that he did inquire of Mr. Cluff about it, and I do not know that I took any particular steps, Mr. Tayler, other then only more related here vesterday Senator Smoot-No; I know there s a letter in the record. Mr. Tayler-It is printed. Senator Smoot-I believe it was writan what was related here yesterday

Senator Smoot-I believe it was writ-ien to you, Mr. Chairman, and I be-lieve you had it printed in the record. That is as I understand it. The Chairman-You do not know the contents of the letter that he wrote to at the meeting. Mr. Tayler—You said that Mr. Cluff gave a reply to Mr. Knight that you in-terpreted as being evasive?

that people live there, I suppose in the town itself, who did not know it. He has not taken any more wives since the manifesto, and he lived with his second wife before, and I do not think Senator Smoot—I so considered it. Mr. Tayler—Did you learn who was Senator Smoot-No; but I would he reputed new wife' Senator Smoot-I

Senator Smoot-I heard from Mr. Knight that it was the daughter of eorge Reynolds. Tayler-Did you inquire of Mr.

ave taken action against me. The Chairman-What kind of action? Menator Smoot-1 perhaps would have

Chairman-What would that reter Smoot-Oh, I could not say

What the judgment would be I can not iator Overman-Can an Apostle be

of harmony and still be an Apostle? nator Smoot-Moses Thatcher was ears and years.

Chairman-I will not press the or, although I would be glad if could make it clear to the comhat is all. yler-Moses Thatcher was de-

Has any other Apostle been de-in 50 years? Smoot-I cannot call

I do not know of one the 50 years. ayler-Now, Senator-

Van Cott-Let me suggest Car-

non, enator Smoot-Oh, yes; Mr. Carring-twas deposed. I should like to have record show that I forgot about r. Van Cott-What about Lyman?

ator Smoot-Yes: that is right. Worthington-The present Apos-S father

nator Smoot-The present Apostle's Ir. Tayler-When?

mater Smoot-In Utah. Ir. Tayler-For what? Senator Smoot-Apostasy. Mr. Tayler-Oh. When W

was that? nator Smoot-The Lyman case? . Tayler-Yes

tor Tayler-Had he left, the

senator Smoot-No; he had not left Taylor-But he was-

Senator Smoot-He was deposed for doctrines contrary

faith and bellef of the Church, I Mr. Tayler-Do you think that that

depose an Apostle who was preachagainst the faith and belief of the

enator Smoot-I suppose it would, t was to such an extent that they ught that he was wrong. I could

Mr. Tayler-That he was not true to Senator Smoot-And I want to say

ere may have been some other rea-ens. I do not know. I did not even smember the two names, not having

ining upon it. Ir. Tayler-Now, Senator, you said it a report came to the ears the Apostles that one of them, two of them - John W. two of them - John W. F and M. E. Cowley-had taken eral wives since the manifesto? Mr. Van Cott-I beg pardon. He did

Tayler-That the report had come

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

Mr. Taylor -- I thought he did. Senator Smoot -- Not as to Mr. Cowley. Mr. Taylor -- Did you have any rumor or report respecting any except

Senator Smoot-From the evidence

Mr. Tayler-And not as to Cowley? Senator Smoot-Not as to Cowley. Mr. Tayler-I did not intend to put in name that had not been mentioned

by you. When was it that you took ap that subject? Senator Smoot-I could not say the

ay, but it was perhaps a month or ver before the October conference; omewhere near a month. Mr. Taylor-And it was near the Oc-

Senator Smoot-Yes.

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

The Chairman-He has been there over since this investigation started? Senator Smoot-I think so. The Chairman-You do not know whether he is on a mission, but you

think not?

Senater Smoot-I do not think he is. The Chairman-Do the Apostles make report to the Church as to their work and the harvest they are gathering in the fields

Senator Smoot-No: 1 do not. The Chairman-That is not the practise of the Apostles?

Senator Smoot-It is not the requireent. Senator Overman-Do you know

whether he has leave of absence or not? Senator Smoot-I do not know that. Senator Overman-If he was attending to his own business, would he not have to have leave of absence? Senator Smoot-I think so, unless he

did it of his own free will and accord. I think he ought to have one. Senator Overman-Without leave of absence, can an Apostle look after other

matters than those of the Church? Senator Smoot-Oh, my, yes: I can go into any business I want to that would

not take me away from Salt Lake City -or Utah. Well, I do not mean Salt Lake City-outside of Utah----

Senator Smoot-I say, Senator, I do not know about him.
 Senator Dubois-You can go into any business except politics; is that it?
 Senator Smoot-No; I say there are businesses that take you away for months and months at a time. You would have to get consent to go into business in that way.

Senator Smoot-No, sir: I have not a fact. I think it was a telegram, and George Reynolds

Senator Smoot-No; I did not. Mr. Tayler-Of course you know ot only a telegram but a letter. I be-eve President Smith telegraphed from

George Reynolds? Senator Smoot-I meet him once in a while, but not very often. I know him. Mr. Tayler-His office is in the Tem-

Senator Smoot-No. sir

Mr. Tayler-Where is it? Senator Smoot-It is in the building djoining the office of the President of he Church, one block east of the Tem-

Mr. Worthington-You and the wit-ess are both referring to the Temple Salt Lake now?

Mr. Tayler-Surely. Senator Smoot-Yes.

Chairman-Is there anything Mr. Tayler-I am referring, of ourse, to the place where the Apostles and the First Presidency are in the Worthington-Mr. Tayler, will habit of meeting. So that, except as you have stated, the subject was not

Senator Smoot-As far as I know. Mr. Tayler-I mean so far as you mow

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

facts? Senator Smoot-He told me, Mr. Chairman, that he had spoken to Mr. Cluff about it, and that Mr. Cluff gave what he considered an evasive answer, and that he thought there must be some fruth in it. Chairman-The Chair will not hat. Perhaps I could, thought senis to me like it would be. The Chairman-Do you think it yould be an extenuating circumstance? ome truth in it.

The Chairman-There' must be some ruth in it

nator Smoot-Yes, sir,

anding it. Senator Overman-I think we had The Chairman-Did you follow it up etter adjourn. The senator has been in the stand a long time. The Chairman—We do not want you

The Chairman—Did you follow it up after that to ascertain? Senator Smoot—I reported here that that was the beginning, I think, of the removal of Mr. Cluff, or the change of Mr. Cluff as president of the faculty of Brigham Young university. The Chairman—Did you make fur-there heavier?

her inquiry?

her inquiry? Senator Smoot-I said no; I did not. Mr. Tayler-He remained president or a year or two after that? Senator Smoot-A year, I think; a

little over. Mr. Tayler-Then he was succeeded Mr. Worthington-Senator, what is

v Brimhall? Senator Smoot-George H. Brimhall. Mr. Worthington-He testified Mr. Tayler-I know. Let me take this witness now. Senator Knox-I should like to ask a Mr. Tayler-He also was a polyga-nist, living with his plural wife? Senator Smoot-Yes. He had two He had two

Mr. Worthington-Senator, what is your preference about the matter? Senator Smoot-Of course I am a lit-tle tired, but whatever the chairman says will be satisfactory to me. Mr. Tayler-I think we might as well adjourn, Mr. Chairman. The Chairman-The committee will stand endowmed until the colored to dves, as I stated yesterday. Mr. Tayler—He has now, has he not? Senator Smoot—Yes. I do not think

the is dead. I think she is still in the Mr. Worthington-The first wife, you Thereupon (at 4 o'clock and 30 min-tes p. m.) the committee adjourned antil tomorrow, Saturiay, Jan. 2J, 1905,

Senator Smoot-Yes.

tand adjourned until 10 o'clock to

orrow morning.

at 10 o'clock a. m.

al for the respon

Senator Smoot-Yes, Mr. Tayler-You were not present at the meeting at which he was elected? Senator Smoot-No; I was not. Mr. Tayler-But if you had been there. I understood you to say, you would have voted for him? Senator Smoot-I think I would. Mr. Tayler-You considered him the best may there not, of course, because Washington, D. C. Jan. 21, 1905. The committee met at 10 o'clock a. m. Present-Senators Burrows (chair-man) Foraker, Beverldge, Dillingham, Knox, Pettus, Dubois, Balley and Over-man; also Robert W. Tayler, counsel for the protestants, and A. S. Worth-ington and Waldemar Van Cott, coun-sel for the resondent.

Mr. Tayler-You considered him the best man there, not, of course, because he was a polygamist, but for other rea-sons, for the place? Senator Smoot-I think he was the best man, qualified for the place. Mr. Tayler-Do you consider the head of Brigham Young university what you would call a Church place? Senator Smoot-I rather think it would be.

The Chairman-Mr. Tayler, will you Senator Smoot-J should like to an-wer the question that you asked me. I did not finish.

Reed Smoot, having been previously

duly sworn, was examined, and testi-fied as follows: Senator Smoot-Mr. Chairman, before

Mould be. Mr. Tayler—And the rule which you laid down as controlling your conduct in such a case, for instance, as Apostle Penrose's election, would apply to the case of a man who was to be elected president of a Church university? Senator Smoot—I think the same rule might apply. Of course the condi-tions may be different. Mr. Tayler—I mean, other things be-ing the same: that is to say, you would net yote for George Brimhall for rocarding I should like to make a cor-ection in my testimony of yesterday a relation to the mode of procedure of the Apostles' quorum in trying a member of the Apostles.

had been there, and I also remember of general talk that George Brimhall's wife was there; and not only that, but ing the same: that is to say, you would not vote for George Brimhall for a civil political position, but you would vote for him for president of the Brigin my life, and in conversation they told me she had been insane for many ham Young university? years.

with the testimony of Brimhall here ind that book, the statement in the Senator Smoot-I think, Mr. Chair man, I could even say it is a violation of the spirit of the law. The Chairman-Is it not only a viola-

ause Brimhall contradicted the state-nent in the book. He says his wife ion of the spirit of the law, but of the 1a.w' Senator Smoot-And the letter of the

he marired his second wife in 1885. The statement in the book is inconsistent aw. The Chairman-To answer the quesith that testimony. The Chairman-The witness has al-

tion directly, it is violating the letter of the law? Senator Smoot-It is, with those ex-

Mr. Tayler-Senator, while you were an Apostle, Joseph F. Smith was made President? tenuating circumstances. The Chairman-Do you think it is an extenuating circumstance. In a case where a man marries another woman and has children by her, that his legal

senator Smoot-No; I hardly think that in the asylum? Senator Smoot-No; I hardly think that in the first place, The Chalrman-Have you any doubt about it? Would you think it an exten-

Senator Smoot-He was. Mr. Tayler-You voted for him? Senator Smoot-I did. Mr. Tayler-Was he the unanimous choice of the Apostles? Senator Smoot-I think he was. Mr. Tayler-They presented him to the conference of the Church? Senator Smoot-They did. uating circumstance to take advantage of the insanity of your lawful wife and marry another woman and have interourse with her and raise her without securing a divorce from the other one?

Senator Smoot-At the time when he narried the other wife there was no harried the other wife there was no-hurch law against it, and I suppose he bok her thinking it was all right. The Chairman-Do you think that is n extenuating circumstance-because he legal wife is insane? Senator Smoot-Mr, Senator, I do not now that I could ent it as because

now that I could put it as broad as hat. Perhaps I could, though. It

ok his second wife, was the first wife

Senator Smoot-Yes. Mr. Worthington-She had been there

Mr. Van Cott—And a man could not get a divorce in Utah at that time on account of the Insanity of his wife? Senator Smoot—As I understood the

Mr. Tayler-How do you know his

Arst wife was in an asylum when he married his second wife? Senator Smoot-I was a member of

he asylum board, not at that time, but

prestion. When you say it would be in extenuating effectmentance, do you mean in all cases it would be an ex-

tenuating circumstance, or only in the case of a polygamist who had married

Senator Smoot-Oh, before the mani-

Senator Knox-You confine your an-swer, then, to polygamists who had married before the manifesto? Senator Smoot-Before the manifesto. Senator Knox-I did not quite under-

stand, as your answer was so general. Senator Smoot-For a man to marry

nother wife under those circumstance

today I would consider was polygamy, just the same as----

Mr. Worthington-The question as to how you know that the first wife was

n the insane asylum when he married

Senator Smoot-Yes. I heard it stat-ed when I was at the asylum that sho

I have seen her many times in the asy um, and hers is one of the most piti-

able cases of insanity that I ever knew

Senator Knox-That is all. I wanted

w. Senator, do you not

the asylum?

e two years.

rw, he could not,

before the manifesto?

Mr. Tayler-No

the second one?

ftor