## DESERET EVENING NEWS: SATURDAY, FEBRUARY 11, 1905.

Senator Smoot-I knew he had been a

olygamist, and I knew that one of his vives died. I never knew anything

about his family and I thought he had had two wives and, one dying, he only had the one; but it proved that he had,

before the manifesto, three wives in-

The Chairman-Do you know what

Senator Smoot-I have never heard it

The Chairman-It never came to your

knowledge what his reputation was in

Senator Smoot-I never heard it men-

The Chairman. Tunderstood you to say you would have voted for him had you known him to be a polygamist. Senator Smoot-Under the circum-stances, that he was married before the

The Clairman-Then the fact, if it

were true, that he was living in poly-gamous cohabitation would have made no difference with your vote? Senator Smoot-Well, I knew nothing

The Caairman-Suppose it to be true that he was, and you had known he

as living in polygamous cohabitation 'nce the manifesto; you would have thi supported him?

Senator Smoot-In a Church position.

The Chairman-I beg your pardon. Senator Smoot-In a Church position.

Church position. Senator Smoot-This was a Church

The Chairman-So that would not

ava deterred you from voting for him? Senator Smoot-I hardly think so. The Chairman-I understood you to

y, in your direct examination, I be

eve, but I want to be clear about It-Senator Smoot-Yes. The Chairman-That there is some

investigation being conducted now in regard to Mr. Cowley?

-nator Smoot-1 have understood so.

The Chairman-Did I understand you

Sepator Smoot-I say I understand so.

The Chairman-Do you know by

Senator Smoot-As I understood it, it as to be investigated by President

Lyman. I am not, of course, positive of that, but that is as I understand it. The Chairman—That was as you un-

Senator Smoot-Yes, The Chairman-Do you know whether the investigation has been entered up-

Senator Smoot-Well, Mr. Chairman,

say that, as I understand it, it has. The Chairman—And have you any

Senator Smoot-Only from what I

The Chairman-Have you made any nquiry to ascertain whether Mr. Cow-

ey is now being investigated and what

teps are being taken? Senator Smoot-Not since I left home. The Chairman-1 understand you.

nator, to state that you do not teach

Senator Smoot-I do. The Chairman-Do you preach

The Chairman-You do not know why

Senator Smoot-Or why I should not.

t is not a tenet now of the faith—that s, what I mean to say is, it has been aspended, and I think it would not be

oper for me to bring it up, because in not preached, for or against.

TI+ Chairman-So, while it is literal-

polygamy, you have not taught or

teaching and preaching have you at any time denounced polygamous co-

enator Smoot-No: I have not in a

Chairman-Senator, in your

y true that you do not teach o

reached against it?

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bablution?

Tho

senator Smoot - I people. public gathering of people. The Chairman-Why do you not? Senator Smoot-Well, Mr. Chairm I do not know why I should.

Chairman-Or advise it? You

Smoot-I never have in a

Chairman,

preach

knowledge about it, as a matter of

tave heard people say.

Senator Smoot-I do not.

teach and preach sometimes?

Chairman-Well, this was a

general reputation was at that time

stead of two.

in that regard?

that particular?

HIL ALLO.

The

position.

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derstood it?

duced'

met?

olygamy?

Senator

against polygamy?

Th

tior ed, Mr. Chairman.

3 to that, of course,

you made it to God?

body else?

perhaps so.

from God!

ever was?

Senator

Mr.

milion

mportant.

of me

of you.

Mr.

d that method?

Senator Smoot-Because that is the

impression I had at the time, that I hade that yow with my Heavenly

Father. Mr. Tayler-I am not dealing with

this in any even suggestively sacre-ligious way, Senator, but I want to

which this thing occurred. You not understand, do you, that God

the process, mental or moral, by

vealed himself to you at the time that you took this obligation? Senator Smoot-No; I do not.

Mr. Tayler-You do not know that God required that obligation, do you?

Senator Smoot-I do not. Mr. Tayler-Or that He called for it

Senator Smoot-He may have by in

Senator Smoot-He may have by hr-stituting the endowment through His Prophet, Joseph Smith, Jr. Mr. Tayler-When did God Institute there endowments, Senator? Senator Smoot-I understood it was

through the Prophet, Joseph Smith, Ir. Mr. Tayler-But have we not got all the law of the Church bound up in the

overs of these books? Senator Smoot-As to the doctrine,

Mr. Tayler-Then, are there other revelations, not promulgated? Senator Smoot-Not that I know of.

Mr. Tayler. Mr. Tayler.—Well, what do you say about this endowment ceremony? Do you understand that that proceeded

Senator Smoot-I have heard it so

Mr. Tayler-So tayler Senator Smoot-Yes. Mr. Tayler-Has it been approved v the Church in conference? Senator Smoot-That I can not say. Mr. Tayler-Do you understand that

Senator Smoot-Well, they were started in the early days of the Church. I do not know, Mr. Tayler. Mr. Tayler-Is it not your under-standing, Senator, that the obligation of secrecy, by whatever name you describe it, is a mere voluntary offer made by the neceson who takes it?

Senator Smoot-I did not so under-stand it. I understood, as I stated, that it was an obligation that I made

to my Heavenly Father to keep the endowment secret.

want to be certain about, Senator, is whether or how the duty was laid

upph anybody to make any such obli-

ation to God. Senator Smoot-I think the person

takes the obligation upon almself. Mr. Tayler-Yes; exactly. But wheth-er God demanded that or not is quite

nator Smoot-He never demanded

Mr. Tayler-He had not demanded it

fyou. If the endowment ceremony proceeded from God, did it proceed from a direct revelation from Him or because one of His mouthpleces order-

Senator Smoot-I can not say whether

Mr. Tayler-So that when you say ou made that obligation with God

it is, after all, only that it was in your mind that you were promising God you would not reveal it?

Senator Smoot-It was in my mind and I believed that that was proper to do, and I promised.

Mr. Thyler-Why did you believe God would be unwilling that you should reveal that?

Senator Smoot-I thought that was an

schator Smoot--I thought that was an entirely religious ordinance, and I thought that was the mode and the rule and the law of the Church and ac-cepted it as such. Mr. Tayler-Did you fear persecution if it should be known? Senator Smoot-Ob no: not at all

Senator Smoot-Oh, no; not at all.

there be for secrecy in a religious yow of worship to Almighty God if there

vas no fear of persecution? Senator Smoot-It is an ordinance

that deals entirely with things spirit-

Senator Smoot-And I do not know that it would be necessary is reveal

t, nor wise, nor prudent. Mr. Tayler-What harm could result

Senator Smoot-I do not think there

Senator Smoot-Not anything that I

know if you agree, as to the meaning of this manifesto, with the President

of your Church, who testified in 1891.

when the question of Church property

vas involved, at a hearing before Judge

reading from, Mr. Chairman? The Chairman--Page 22, Mr. Worth-

manifesto applies to cohabitation of

men and women in plural marriage where it had already existed?

A .-- I cannot say whether is does or

"Q .-- It does not in terms say so, does

A .- No; I think, however, the effect

Do you agree with the President of

Senator Smoot-I remember the Pres-

them as the manifesto was, and ac-cepted by them. I believe that was

with him in that interpretation?

Chairman-Then you do not agree

Chairman-He has stated what

Senator Smoot-I can not tell what s interpretation may be.

his interpretation is: "The effect of it is so. I don't see how the effect of it

Senator Smoot-That was his inter-

The Chahrman-Do you agree with his

Senator Smoot-No; my interpretation is that it could not be binding upon the

people until it was presented the same

The Chairman-Is it a question of be-

Senator Smoot-The manifesto itself,

ing presented by the terms of the man-

Mr. Chairman, does not state that it

includes polygamous cohabitation. The Chairman-Then you do not agree with Mr. Smith in his interpretation?

Smoot-Why, I car

The Chairman-Another thing: Mr.

Mr. Worthington-Might I remark

there, Mr. Chairman, that Mr. Smith,

when he gave that testimony, as I un-derstand, was not President. Mr. Wood-

The Chairman-He was not President

when he gave it? Mr. Worthington-Not when he gave

that testimony. He was a counselor then. He was not president. But Mr. Woodruff, who was President, testified.

and his testimony, or what purports to be his testimony, appears on page 21. The Chairman-It does not affect my

was then the President.

is interpretation.

an be otherwise.

nterpretation?

s the manifesto.

festo ltself?

Senator

his interpretation may

Th

pretation

ington-Joseph Smith's testimony,

. Loofbourow? . Worthington-What page are you

-Do you understand that the

rom revealing the method of

Mr. Tayler-Exactly

Tayler-Then what reason would

was a direct revelation or not.

Tayler-Exactly, Now, what I

made by the person who takes it

Smoot-Well, they

were

taught. Mr. Tayler-So taught?

way, either upon you or any-

Mr. Worthington-Now, on this ques-tion of the authority of the Church do you not know it is true that on the very matter of polygamy members of the Church have publicly and openly announced that they did not believe in the principle of polygamy?

Senator Smoot-Yes; I know there have been members of the Church who

do It. Mr. Worthington-Did you hear Pres. ident Smith testify that they had said that to him?

Senator Smoot-I did. Mr. Worthington-Did you ever here of anybody being disciplined or inter-fered with for that promulgation? Senator Smoot-I never have. Mr. Worthington-I think you test.

Mr. Worthington-1 think you testi, fied that when the missionaries are out in the performance of their duties they have the Doctrine and Covenants with

them, sepator Smoot--Yes; I testfled so. Mr. Worthington--Do they not also have all the standard books of the Church that they are supposed to have Senator Smoot--They have them all. Mr. Worthington--They have the B. ble, the King James translation, the Doctrine and Covenants, the Book of Mormon, and the Pearl of Great Prices Senator Smoot--They do. Mr. Worthington--The Book of Mor-mon contains a paragraph which pro-

Mr. Worthington-The Book of Mer-mon contains a paragraph which pro-hibits polygamy, I belleve? Senator Smoot-I so construe it. Mr. Worthington-And the Bible has certain passages which relate to a men having more than one wife? Benator Smoot-Yes, sir. Mr. Worthington-They have them all?

Senator Smoot-They have them all,

Mr. Worthington--Now, in the ords, nary performance of the work of a mis-sionary in your Church, does he hand the Doctrine and Covenants to people

with whom he is talking, so that they have the book? Senator Smoot-They do not.

Mr. Worthington-And it is so what the other books, is it? Senator Smoot-Unless they ask to

Senator Smoot-Chiess they as to purchase them, or something like that. Mr. Worthington-You do not take this volume of the Doctrine and Core-this volume of the Doctrine and Core-

nants, which contains general informa-tion about celestial marriage and pa-

lygamy, and distribute that around among the people whom you want to

Senator Smoot-I do not think they

o, Mr. Worthington-I want to give you

Mr. Worthington - 1 which is here you a chance, if you have made an error, to correct it, with reference to Joseph M. Tanner. I think you said that ur-M. Tanner. I think you said that ur-

in command of the Sunday schools of the Church. Is that true? Senator Smoot-Mr. Tayler asked me

senator smoot—att. Tayler asked ms what position he held, as I remember, and I said he was general superinten-dent of Sunday schools; but I was mis-taken in that. He is the second as-

sistant general superintendent of Sun-

Mr. Worthington-in reference to this printed pamphlet that has been put in

the record here, of instructions which have been given to teachers in the schools of the Church, let me ask year

whether you have been present when any of the teachers have been lecturing

of the children on the subjects, or any of them, contained in that pamphet? Senator Smoot—Are you speaking of

Mr. Worthington-Yes. Senator Smoot-No: I never was pris-

Mr. Worthington-Mr. Tayler read a

few from the list of the persons whose biographical sketches are to be given to the children. I will take them up

in their order, and ask you about they The first one is President Smith, H happens to be the head of the Church

Mr. Worthington-The next ese is

Mr. Worthington-The next is Anthon I. Lund. He is the second councile

Senator Smoot-He is the second councilor to the President.

cis M. Lyman, who is the president of the quorum of Apostles?

Mr. Worthington-The next in order

Mr. Worthington-And so of Grant and Taylor, Merrill and Cowley?

Senator Smoot-Yes. Mr. Worthington-The next is Abra-

Senator Smoot-Yes. Mr. Worthington-The next is Rul-

Mr. Worthington-Then yoursel??

Senator Smoot-Yes. Mr. Worthington-Then Hyrum M. Smith, who was a witness here?

Mr. Worthington-So that this book

Senator Smoot-I should think w

Senator Smoot-Yes. Mr. Worthington-We have all head of John. He is the next in order h the general officers of the Church. The it takes up those who had been pres-dents of the Church. It takes up George Q. Cannon, Brigham Young and Lorenzo Snow. Who is Karl G. May-ser, who is mentioned next? Senator Smoot-He used to be the head of the Church schools. Mr. Worthington-Is he a polygamin or not?

Senator Smoot-He was a polygamist

Mr. Worthington-Is he living now? Senator Smoot-No; he is dead, The Chairman-Who is the next? Mr. Worthington-The next is Elder Franklin D. Richards, Elder Georg

Goddard, Elder George Reynolds, Elder

Joseph M. Tanner, Mrs. Zina D. Yound

Mr. Worthington-She was not a po-

Tayler-That is all we could ex-

lygamist, I suppose? Senator Smoot-I do not know. Mr. Tayler-Ask if she was a po-

Mr. Tayler-That is all we could ex-pect her to be. Mr. Worthington-Now, as to this matter of the Moses Thatcher case. Mr. Tayler called your attention to some extracts from that record. I will ask your attention to one or two which

ask your attention to one or two which he overlooked. I will ask you whether

or not, in accepting the decision difference of the High Council, parts of which decision Mr. Tayler read, he did not accompany it with this statement:

"In accepting it as defined by the council I need violate none of the en-gagements heretofore entered [1] under the

rent

under the requirements of pledges respecting the political pendence of the citizen who real untraumaned as contemplated in

untrammeled as contemplated in guarantees of the State constitute

Did he not accept it with that qui fication or statement of how he under stood 11?

Senator Smoot-I think so. Mr. Tayler-What page are you ready

Mr. Tayler-triat 1998 ing from? Mr. Worthington-Page 572. And then did not the High Caucil Recept his acceptance in these words. "We hereby accept the foregoing je-ter from Moses Thatcher and his sit-dorsement of the decision of the High Council \* \* as a satisfactory con-pliance with that decision?

pliance with that decision? Senator Smoot-If you suggest it #

that, of course it is so, hat the upset Mr. Worthingtou-So that the upset

tained and the High Council agreed that the rule did not in any degree in-terfere with the political independence

was that Moses Thatcher man

-is that a woman's name? Senator Smoot-Yes.

ygamous wife. Mr. Van Cott-She was.

Worthington-The next is Parti-

instead of picking out the polygamists take the head officers of the Church in the order of their official positions

ham O. Woodruff, who has did since

the pamphlet was issued, and place was filled by Mr. Penrose?

nator Smoot-Yes.

Senator Smoot-Yes.

arch John Smith? Senator Smoot-Yes

Smoot-Yes.

tle, next to Lyman, is he not?

Worthington-The next is Fran-

He is the senior Apos-

and whose

He is first coun-

John R. Winder. He is first cllor, is he not, to the President?

der President Smith he is the pr

convert, do you?

day schools.

the religion classes?

does he? Senator Smoot-Yes.

to the President?

Mr. Worthingto

is George Teasdale?

Senator Smoot-Yes.

Senator Smoot-Yes.

Mr.

Mr.

ger Clawson?

from that.

Mr.

Pr not?

about

If the

they

Senator

Henry Smith.

Senator Smoot-I did.

question. I simply wanted to know of

the Senator whether he agreed with that interpretation, and I understand

Mr. Woodruff, who received the man-Mr. woodruit, who received the man-ifesto, testified as follows: "Q.-Did you intend to confine this declaration (the manifesto) solely to the forming of new relations by eatering

"A .- I don't know that I understand

declaration and advice to the Church solely to the forming of new marriages,

without reference to those that were existing-plural marriages?

tion was to obey the law myself-all the laws of the land-on that subject, and

expecting the Church would do the

Senator Smoot-I agree with that as

The Chairman-Yes; is it yours? Senator Smoot-Not from the wording

The Chairman-Well, either in word-ing or the spirit, is that your interpre-

Senator Smoot-I do not know as to

senator Smoot-I do not know as to the spirit, I am sure, what he thought. The Chairman-What do you think? Senator Smoot-I can not say. At I can say is this, judging from the rule of the Church. The Chairman-Then, independent of

The Chairman-Then, independent of

Senator Smoot-Any further than just

that, you have no construction to put upon this manifesto?

what the manifesto says itself. The Chairman-From that you do not

think it prohibits polygamous cohab-itation, do you?

The Chairman-What is that?

to itself. I regard it that way. The Chairman-That is all.

Senator Smoot-It did not in the man-

Senator Smoot-The manifesto o'd

The Chairman+And you so regard it

Senator Smoot-Taking the manifes-

Mr. Tayler-Excuse me. I lost a memorandum, which I have found, and

there is just one question I want to ask. I think inquiry was made of you Sen-ator, about the filling of vacancies in

Senator Smoot-In the Aposties' quor-

Mr. Tayler-In the quorum of Twelve,

Senator Smoot-Merely by the non-ination by the President of some mer-ber for that quorum and voted upon

Apostles can fill that vacancy instead of the President?

Senator Smoot-There never have een since I have been there. Mr. Tayler-I did not ask that. I am

Senator Smoot-Well, I do not so un-

Smith testifying with reference to this very thing. "They have the power if they choose to do it-7".

Mr. Worthington-What page is that,

fr. "ayler" Mr. Tayler-Page 92. (Reading): "But

Ar, Tayler-Page 5. (Reading). But I do not think they would do it?" Senator Smoot-Well, I have no knowledge as to whether they could or whether they could not. This I can tes-

fy to, that they have not done it while

have been there. Mr. Tayler.-They never have. The

Fresident makes the nomination and

he remaining Apostles confirm, ap-

Mr. Tayler-But you are not prepared to say that the President is in error, or

are you prepared to say he is right in saying that the remaining Apostles themselves can fill a vacancy in their

Senator Smoot-I do not think they

can, because the practice has been dif-ferent from that since I have been in

when he says that? Senator Smoot-Well, for all I know he is. I would not want to say he was not, because all I know is that the prac-tice is contrary to that. Mr. Tayler-This was the question of Senator Balley, after one of senator

lect a man over the protest of the

To which he replied: "I presume they could; but I do not

"But they have the power?" asked Senator Bailey; and Mr. Smith answer-

to de it; but I do not think they would

Senator Smoot-I do not know how it

could be done, unless a solid vote of the quorum would be equal to the vote of the Presidency, and then there would

Mr. Tayler-Yes. The Chairman-I am sorry. Senator, o trouble you, but I wanted to ask an-

Is there any law in the State of Utah

prohibiting polygamous cohabitation? Senator Smoot-There is. The Chairman-There is such a law

Senator Smoot-There is. The Chairman-Then the President of

your Church is violating the law of the state?

Senator Smoot-He has so testified

The Chairman-And whether he is vi-

plating the divine law or not, under this manifesto, you have not made up your

Senator Smoot-He stated that he

was, himself, under his interpretation. The Chairman-I am asking about

your own interpretation. You are not

Senator Smoot-No; I am not clear

The Chairman-That is what I under-

Mr. Worthington-Senator, in reply to a question by Mr. Tayler, after he had quoted what John Henry Smith

had quoted what John Henry Sinth says, you said, adopting his language, that you believed in obeying the law because it is strong. Did you mean just that—that you believed in obeying the law simply because you had to and

could not help yourself? Senator Smoot-No; of course I obey the law because I think it is right.

Mr. Worthington-I knew you did not

Senator Smoot-I perhaps answered quickly, as I do in some of my an-swers, without consideration.

Mr. Worthington-You do not always see the little shades of meaning that Brother Tayler uses.

in reference to this instrument that has been called the political manifesto, Lave you any knowledge, by reputation or otherwise, that anybody has ever asked consent to run for any office and

over refused since that rule was adopt.

Senator Smoot-I do not know of any-

Mr. Worthington-You were asked something by Senator Dubois, I have forgotten what the question was, but it was, as I understood it, an infimation

that this rule would not apply to any afficial of the Church who asked for

leave, unless it was to go into politics. Did you so understand it? Senator Smoot-No; I understand that it applies to those officials to whom

should apply, no matter whether it politics or business or anything that

uld take them away from their la-

Mr. Worthington-Whether it is poli-

tics, fusiness, or what it is? Senator Smoot-No matter what it is.

Worthington-Is that all, Mr.

They have the power if they choose

Anator Balley, after one or two senterces I do not need to read: "It is a question of power. If Apostles choose to do so could apostles choose to do so could

Tayler-Then you mean to say

Senator Smdot-Or disapprove.

Mr. Tayler-Or disapprove it

Sonator Smoot-Yes, sir.

Tayler-Do you recall President

peaking about the power.

And how did you say the vacancy

Tayler-Is it not a fact that

Smoot-There never have

T lost

Senator Smoot-I remember that The Chairman-Do you agree with

A .-- The intention of the proclema-

-Did you intend to confine your

he does not

new marriages?

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Tayler?

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That is all.

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when he says that Senator Smoot-V

they would.

Tayler-Yes.

question.

the quorum

of the manifesto.

do

You

Senator Bailey-Senator Smoot, you made one answer that I think you made would want to revise on reflection In reply to a question by Senator Over-man as to the extent that the Church is interested in these industrial enterprises you said that it did not own as much money as many United States senators have.

Senator Smoot-Let me

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Senator Smoot-Let me-Senator Bailey-That implies, I think, rathe, a reflection. The charge here, in its widest scope, is that the Mor-mon Church controls the politics and industries of Utah. The ownership of the Mormon Church 'n these various industries might be entirely pertinent to an inquiry of that kind. But there is no charge that any senator is con-trolling either the politics or the industries or the religion of a state

bardly think that was a very apt reply Senator Smoot-Mr. Chairman, I wish it distinctly understood that I had no intention whatever to cast a shadow of a doubt on a single senator. Senator Balley-I am not one of the senators who would take any offense at that, and I think some of them are under the senators.

a little richer than is necessary. Senator Smoot-I shall ask then that that part of the answer be stricken out. The Chairman-If there be no objection, that will be done. Senator Overman-Inasmuch as my

colleague has intervened, I will ask you this question: Have not these questions been asked other witnessesmean the same questions that I have been asking you? Senator Smoot—I would be only too

pleased to answer any questions you might possibly ask. Senator Overman-Possibly If

Senator from Illinois had attended of tener, he would have seen that these questions have gone in.

Senator Hopkins-I have attended of-ten enough to keep track of the legitimate issues before the committee

Mr. Worthington-You could do that without coming very often. The Chatrman-In your Church econ-

The Chairman and your charter econ-omy is there any method by which the President can be deposed? Senator Smoot—Yes; there is. The Chairman—What? Senator Smoot—If he commits any

unchristianlike act, or in any way, shape, or form does anything that would unit him for that place, he can be tried just the same as any member of the Church.

The Chairman-And if found guilty Senator Smoot—And if found guilty, e can be removed from the Church. The Chairman—And from his Presi-

Senator Smoot-And from his Presi-

dency. The Chairman-You heard the testl-mony here, I believe, of Joseph F.

Senator Smoot-I did. The Chairman-In which he testified

that he was living in defiance of the law of the land? Senator Smoot-I did.

The Chairman-Did, you also hear him state that he was living contrary to the divine law?

to the divine law? Senator Smoot--I heard him testify, and make his qualifications. The Chairman--That he is living in defluice of the divine command. Has the Church proceeded against him for the violation of these laws? Senator Smoot--They have not. The Chairman--No steps have been taken to try him for the offense of

taken to try him for the offense of polygamous cohabitation?

Senator Smoot-No, sir. The Chairman-I understood you to say this morning that it is the province the Apostles to counsel and advise

the President? Senator Smoot-When asked by him The Chairman-Only when request-

Senator Smoot-Yes.

The Chairman-You are not, then, at liberty to advise him unless requested? Senator Smoot-I do not think he would object to it at all if I did. The Chairman-Are you at liberty

to advise him unless requested? Senator Smoot-I do not think Presi-dent Smith would object if I did. I do not know that I have any special righ but I do not think he would object to H

The Chairman-I think my question was very plain. You have the right to advise him, even if he does not re-

your position as an Apostle? Senator Smoot--I have not. The Chairman-Have you your connection with the evered Mormon 'hurch? Senator Smoot-I have not.

The Chairman-And you intend to reain your relationship and your apos-olic position and sustain the President crimes?

Mr. Wrothington-I object to that-that he intends to sustain the President in his crimes. the

The Chairman=I will modify the question. I will ask the witness whethhe intended to sustain Mr. Smith in

commission of this crime? nator Smoot-I do not sustain any Senator nan in the commission of crime The Chairman-You sustained him in ving in polygamous cohabitation?

Senator Smoot-I have not said that. The Chairman-Did you not sustain im in October last?

Senator Smoot-I sustained him as

President of the Church. The Chairman-And you have made

to protest to him personally? Senator Smoot—It is not my place as in officer of the law nor within my place as a citizen of Provo. That is where I live. It is not my place to make any complaint to the officers of the law against President Joseph F

smith The Chairman-Against the head of

the Church? the Church? Senator Smoot-Against Joseph F. Smith or John Henry Smith: I do not care whether he is the head of the Church or a man living there. The Chairman-Then you think that

your relation as an Apostle does not impose upon you any duty to make complaint against the head of the

hurch for any offense ? Senator Smoot—I do not think it

ould be my duty. The Chairman-What was the composition of the Legislature which electd you. I mean as between Mormons

and the Gentiles? Senator Smoot-I should say, roughly

speaking, there was a third of the Re-publican part of the Legislature who were Gentiles and two-thirds Mormons. The Chairman-How many members

The Chairman-How many members of the Legislature were there? Senator Smoot-There were 63 in all, but they were not all Republicans. The Chairman-I mean the total membership of your Legislature, in the house and senate.

Senator Smoot-Sixty-three; 18 in the enate and 45 in the house. Senator Overman-Some of the Dem-

crats were Mormons? Senator Smoot-Oh, yes

Senator Overman-And they did not ote for you? Senator Smoot-Oh, not a Democrat. Senator Overman-The Democratic Mormons voted for the Democratic cau-

us nominee?

Senator Smoot-Yes. Mr. Worthington-Was their nomi-nee a Gentile or a Mormon? It was Joy, Wells-

Smoot-Oh, no; the Demoratic nominee was Joseph L. Rawlins, o succeed himself.

Senator Overman-He was a non-Mormon?

Senator Smoot-A non-Mormon. Senator Overman-A Gentile, and the Democratic Mormons voted for him? Senator Smoot-Every one of them. The Chairman-I understand you to

ay that a polygamous pestmaster has been removed. At whose suggestion

was It' Senator Smoot-I could not say as to

The Chairman-What was his name? Senator Smoot-John C. Graham, of

TOYO. The Chairman-When was he re-

oved? Senator Smoot-Four years and a half ago, maybe. The Chairman-Do you know for

what cause he was removed? Senator Smoot-Because he was

lygamist The Chairman-Who asked his reioval

Senator Smoot-I can not say. I do ot kno

The Chairman-I suppose the records

The Chairman-1 suppose the records of the office will show, Senator Balley-Senator Smoot, do you know Mr. Eph Homer?

Senator Smoot-I know him, Senator Bailey-Do you know where resides ator Smoot-He resides in Provo. Senator Balley—In Utah county? Senator Smoot—In Utah county. Senator Balley—State of Utah? Senator Smoot-State of Utah Senator Balley-Do you know wheth-er he holds any political position or not? Senator Smoot-He is county chair nan of the Republican party of Utah ounty Senator Balley-Is Utah county also the county in which you reside? Echator Smoot-If is. Senator Balley-And Mr. Homer is chairman of the Republican committee or your home county? Senator Smoot-For my home coun-Senator Balley-Have you ever political circular issued and circulated through that county a day or two fore the last election signed by Eph. Homer? Eph. Homer? Senator Smoot--I heard that he sent out one, Mr. Senator, but I knew noth-ing of it when it was printed, and I did not know of it until I returned from Salt Lake. It was a day or two, I think, before the election. Senator Balley--Have you seen a copy Senator Bailey-Have you seen a copy of that circular since the election Senator Smoot-I believe I had my at-Senator Bailey-Is it not a fact that his chairman of a county committee, a olitical organization, issued a circular pontical organization, issued a circular attack upon a candidate for Congress from Utah based upon that candidate's testimony before this committee? Senator Smoot—I was very sorry to learn it, but I understood that he did. Senator Bailey-You regard that as holly improper, do you not? Senator Smoot-Wholly improper, and f I had had anything to do with it I ertainly would not have advised it or illowed it if I could have helped it.

Senator Smoot-Yes; he asked me if I could. We were out in front of the bank there, talking; and he asked me if a certain statement was true, and I told him that it was in the testimony and he could come in, and I showed him the testimony.

Senator Bailey-You would not re-gard it as a proper thing to use the testimony of a witness, delivered before this committee under the committee's subpoena, as an argument against him, while the committee was still pursuing s investigation, would you? Senator Smoot-1 would not.

Senator Bailey-That is all I want to Mr. Worthington-Mr. Tayler, are you

Mr. Tayler-I have a question I wish

to ask The Chairman-It is now 12 o'clock, nd we will have to take a recess until

half-past 1. Thereupon (at 12 o'clock meridian) the

ommittee took a recess until 1:30 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess. The Chairman-Senator, will you re-

the stand? Reed Smoot, having been previously was examined and testified as

Worthington-Mr. Tayler, have Mr you had an opportunity to look at this ermon

Tayler-Yes. Mr. Mr. Worthington-Do you care to put that in with this affidavit?

Mr. Tayler-Yes. Worthington-Without subpoena-

ig the witness Tayler-Yes: that is all right, Worthington-Very wall Mr. Mr. orthington-Very well. 1 will do that later.

The Chairman-Senator, I want to ask one or two questions, that I may be more thoroughly informed. Are you

he more thoroughly informed. Are you at liberty to resign your Apostotate? Senator Smoot-I am. The Crastran-At any time? Senator Smoot-At any time? The Charman-You are not under tay restraint from any authority by which you are not, at any time? You and straint from any authority by a at any time leaden?

Scrate: Smeet-At any time. The Cheliman-And is there trything n the rules of practice of your Church which would deber you from severing your connection with the organisation?

Senator Smeet None whatever. The Chairman-With the Church it-

elfi Senator Smoot-None whatever, The Chairman-You speak of

Senator smoot-Noie whatever, The Chairman-You speak of the time when you took the endowments. I am not clear whether you stated if you were present at other times. Senator Smoot-I never have been,

Ir. Chairman. The Chairman—You have never been

present at any time since? Senator Smoot—Never. The Chairman—And you have not offi-

lated in any way in conferring the en-lowments at any time? Senator Smoot-I never officiated in

ty way, The Chairman-1 think you said to

the committee that you were surprised when you heard the President of the Church testify as he testified before this committee? Senator Smoot-As to the number of children that he had.

The Chairman-Yes. You were sur-

Senator Smoot-I was surprised as to

Senator Smoot--I was surprised as to the number of children that he had since the mailfesto. The Chairman--Then you were, of course, surprised to learn that he was living in polygamous cohabitation? Senator Smoot--Well, I did not know that he was, and I had no reason to believe that he was

believe that he was. The Chairman-Of course. Then you were surprised when he testified that he had had 11 children since the manifes-

The Chairman-And that surprise still ontinues, I suppose? Senator Smoot-No, sir; I know it

ow; or I think I know it, from what

The Chairman-From what he testi-

Senator Smoot-From what he testi-

Senator Smoot-That is a question

which it is hard to answer yes or no and I do not want to-The Chairman-After you heard Pres ident Smith testify here that he was living in violation of the laws of the state and of the law of God did you

see him in the committee room and elsewhere? Senator Smoot-I did.

The Chairman-How long was he

here Senator Smoot-Here in Washington,

do you mean? The Chairman-Yes. I am not partle

ular about it-two or three days? Senator Smoot-Two or three days. The Chairman-You saw him fre-

quently?

Senator Smoot-Not frequently, 1

saw him, though. The Chairmun-Did you make any protest to him about his manner of

living?

enator Smoot—I did not. he Chairman—You have visited Utah since?

Senator Smoot-I have The Chairman-You have seen him at

Balt Lake since?

Senator Smoot-I have. The Chairman-Have you protested

ngainst his living in polygamous co habitation? Senator Smoot-I have not.

The Chairman-Have you in any way sought to bring him to trial for those offenses?

Senator Smoot-I have not,

The Chairman-Do you intend to? Senator Smoot-I do not.

The Chairman-Do you remember how many children he said had been born to him since 1890?

Senator Smoot-I think he said 11. The Chairman-And by all of his five

wives? Senator Smoot-That 1 and not positive of.

The Chairman-Now, with the full knowledge of these facts, testified to by him, you sustained him in October

nat: Senator Smoot-I did. If that is all you desire to ask, Mr. Chairman, I should like to say this: The manifesto as it was voted upon by the people had no reference to unlaw-ful cohabitation. Two years after that there was an interpretation put upon it by President Woodruff, and it was his advice and counsel to the people to adhe was going to do it, and he advised all of the other people to do it. The question of unlawful cohabita-

tion has never been presented and sus-tained by the people, and voted upon at a general conference, and I take it for granted that perhaps some of the members of the Church have felt that it was not binding upon them for that

But, Mr. Chairman, there is another reason that I stated in my testimony the first day that has a great deal of bearing upon this subject, and it is this: That after the manifesto was is. sued, from that time until statchood, and from statchood until this hearing. there was a disposition among all classes of people there to tolerate the old conditions, thinking that that was the best and the easiest and the quick-est way to have that condition solved and I believe today that it will be solved by the people of Utah just as quick as death will remove them.

as death will remove them. The Chairman-You not only did not reprimand President Smith for his con-duct, but you sustained him in October

last in a public assembly Senator Smoot-When 1 Senator Smoot-When he was pre-sented to be voted upon as President of the Church I voted for him as such. The Chairman-Have you indicated to him directly or indirectly that his con-

duct is displeasing to you? Senator Smoot-I have not. The Chairman-Have you resigned | at his request?

Senator Bailey-I assume that y yould rebuke such a method as that Senator Smoot-Certainly

Senator Silloy-During the canvass of your state, did you yourself carry with you a copy of the testimony which had been taken in this proceeding; Senator Simot-I did not.

Senator Balley-You never exhibited that testimony to anybody for the purose of prejudicing any voter against ny candidate who had given testimony fore this committee?

Senator Smoot-The only person I er showed the testimony to, or the ook to, was Wells McBride, I think, of Provo, and he asked me a question. I think it was based upon n statement that had been made by Mr. Roberts, although I am not sure as to that, in a speech at Lehi: something that was said about Mr. Powers, and he wanted e know what that testimony was, and showed him just exactly what was in

the testimony Senator Balley-Who was Mr. Pow-

Senator Smoot-Mr, Powers was run-

sing for Congress, Senator Balley—He was a nominee for 'ongress'

Senator Smoot-He was a nominee for 'ongress.

Senator Balley-He was also a wit-less who had testified before this com-

Senator Smoot-He was, Senator Bailey-You only pointed out the testimony of this witness, a candi-date, when you were specially interro-gated about it?

Senator Smoot — When they asked me. Some question came up, and he said, 'Have you the testimony to show," and showed him that testimony, as I told

ou. Senator Bailey-And you showed it to nly one man'

Senator Smoot-All that I can call to mind now.

itor Balley-And showed it to him

The Chairman--You regard him, I suppose, a truthful man? Senator Smoot--I do. The Chairman-Did you make known

fled?

Senator Smoot-Yes, sir

our surprise to him? Senator Smoot-I did not. The Chairman-Neither then nor at

ny time since, have you? Senator Smoot-Neither then nor at

The Chairman-Do you know a man by the name of A. L. Morris, who at one time was of the firm of Morris &

West, in Salt Lake City? Senator Smoot-I cannot place him, Mr. Chairman.

The Chairman-Maybe I can refresh your recollection. Did you at any time know of a firm by the name of Morris & West, stock brokers?

Senator Smoot-I do not call it to nind The Chairman-Senator, have you at

any time lived in Salt Lake City? Senator Smoot-1 was in Salt Lake City in 1862, and lived there until I was 0 years old. The Chairman-Have you since you

The Chairman-Have you and the you were married? Senator Smoot-I have not. The Chairman-You have uot lived there since you have married? Senator Smoot-I have not. The Chairman-Have you had any the Chairman-Have you had any The Chairman-Have you had any residence there for any length of time? Senator Smoot-1 have not. I have stopped there with my wife's mother over night on a number of occasions. The Chairman-Oh, yes. And where did she live at that time? Senator Smoot-216 east First South

Senator Smoot-216 east First South

atreet. atreet, The Chairman-I wanted to Inquire about it. I think you said before the October conference there was a meeting of the officials of the Church, Did I un-derstand you correctly-that the Presi-dent and Apostles had a meeting and that there was some discussion about come matters? ma matters?

Worthington-Prior to the 1904 conference, you mean.

The Chairman--Yes; some prelimin-

The Chairman-res, some prendin-ary meeting of the officials. Senator Smoot-Why, we had meet-ings right along. Mr. Chairman. I can-not call to mind what you have refernce to Chairman-I had reference to

your testimony in chief in which you said there was a meeting of the Presilent and the Apostles a few days before the conference

Senator Smoot-At the time Mr. Penrose was nominated? The Chairman-Possibly,

Senator Smoot-Yes; I remember it. The Chairman-What I want to in-uire about, is whether at that time you

known to Mr. Smith and those present your surprise to learn that the President was living in polygamous co-Senator Smoot-I did not.

The Chairman-You did not say any-thing to him about it? Was anything aid about it by anyone Serator Smoot-Not that I remember. The Chairman-Mr, Penrose was pro-posed, as I understood you to say, at

Senator Smoot-By the President of

the Church. The Chairman-To fill the vacancy in the Apostolate?

Senator Smoot-Yes. The Chairman-Was Mr. Penrose a polygamist at that time?

ator Smoot-He was a polygamist.

that is all Mr. Wo He had been married before the manitexto The Chairman-Yes; I understand. Senator Smoot-But of course, as

said, you know, Senater, at the time I did not know it. But it would have made no difference to me, as I said before.

The Chairman-That is as I under-stand; but at the time you did not know he was a polygamist?

senator Smoot-I have not. The Chairman-And do I understand in times when people were not perseyou to say you do not reprobate that practice and preach against it publicly? uted for their beliefs?

Senator Smoot-I have not ouid be any special harm, Mr. Tay-The Chairman-There is some uncer-aincy about the manifesto, as to its ler, in revealing it, but I think it is an ordinance of the Church, as I have stated, that they believe should be kept treaming, I believe: that is, whether it prohibits polygamous cohabitation or simply the taking of plural wives. Senator Smoot—Well, the wording of sacred and secret. Mr. Tayler-So that having taken

the obligation with God, you would not manifesto prohibits plural marreveal it, would you? inges.

Senator Smoot-I do not feel like it The Chairman-There is some doubt would be proper for me to do so, Mr. Tayler-Well, would you reveal among the authorities as to the point whether 't prohibits polygamous co-habitation?

Senator Smoot-No; I do not think I Senator Smoot-I cannot speak for would. he author'ties. I have heard it spoken Mr. Tayler-Nothing could induce you to reveal that which, under the obli-gation you made to God, you said you would not reveal? Is that right? among the people. The Chairman-The people then have

doubt about that? Senator Smoot-Some of them, senator smoot—Not anything that I could think of now. Mr. Tayler—That is what I meant, of course. That is all. The Chairman—Senator, I wish to

The Chairman-To whom was this soalled revelation made? Senator Smoot-You mean the mani-

The Chairman-Yes.

Senator Smoot-To Wilford Woodruff, i I understand it. The Chairman-Do you know how he

Interpreted 11? Senator Smoot-He Interpreted it that

meant unlawful cohabitation as well s polygamous marriages. The Chairman-And at the time he received this revelation he was Presi-

lent of the Church? Senator Smoot-He was.

The Chairman-Is it your understand. ng that he abstained from polygamous

ohabitation after that? Senatof Smoot—It has been so stat-d by the people there. The Chairman—Well, is that your not iderstanding?

Smoot-I understand it so. of it is so. I don't see how the effect of it can be otherwise." The Chairman alle was the President of the Church at the time this revelu-tion was made to him, I suppose? the Church in that interpretation of Senator Smoot-That is as I stated. The Chairman-I will ask you this: Was Mr. Woodruff, at the time this

ident of the Church making that interevelation was received, reputed to be a polygamist? pretation of it, but I do not agree that every member of the Church could be bound by that until it was presented to mator Smoot-I think he was.

Chairman-These revelation. God-take, for instance, the The nanifesto-are they made to the nead f the Church usually? Senator Smoot-I think the manifesto

was an inspiration from the Lord to Wilford Woodruff, the head of the Thurch. The Chairman-Are these revelation.

hade as the result of an invocation or

an appeal from the mortal to be ad-vised in relation to a certain course of conduct, or do they come as a sur-

Senator Smoot-I understand that

the Lord for light,

this inspiration as to the manifesto came to President Woodruff by his

The Chairman- Do you know wheth-r the President of the Church has ap-

ealed to the Lord for another mani-

esto to interpret that, so that there would be no doubt about it?

Senator Smoot-I do not, The Chairman-The Lord might be

appealed to, I suppose, to clear that mestion up, could He not, Senator, rom a proper source?

fenator Smoot-Oh, I guess anybody

en made that you know of. I think

Worthington-Mr. Tayler, have

you had

ould appeal to the Lord. The Chairman-No such appeal has

you anything further to ask Senator

Senator, you said that you declined reveal what occurred in the endow-

taken an obligation or made a vow or given a promise to God not to do so?

Mr. Tayler-How do you know that

Mr. Tayler-Yes; just a question

nent proceedings because

Smoot-I did.

Menators

what his statement says, I think,